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# North Somerset Council

## ITEM 11

### REPORT TO THE PLANNING AND REGULATORY COMMITTEE

**DATE OF MEETING: 9 NOVEMBER 2016**

**SUBJECT OF REPORT: PLANNING APPLICATION 16/P/0032/O**  
**Outline application for the demolition of all existing buildings and redevelopment of vacant garden centre (A1) to provide 32 new dwellings (C3) and 900m<sup>2</sup> of office space (B1). New access arrangements off Clevedon Road and Church Lane - all other matters reserved for subsequent approval at Tickenham Garden Centre, Clevedon Road/ Church Lane, Tickenham, BS21 6SD**

**TOWN OR PARISH: TICKENHAM**

**OFFICER/MEMBER PRESENTING: HEAD OF DEVELOPMENT MANAGEMENT**

**KEY DECISION: NO**

### RECOMMENDATIONS

- 1) That the application be refused for the reasons recommended in the officer's report to the Planning and Regulatory Committee on 12<sup>th</sup> October
- 2) Should the Committee be minded to approve the application the approval is subject to the section 106 obligations and conditions as specified in this report and appendix 1, together with any additional conditions or amendments required as a result of further information or clarification and agreed with the Chairman, Vice-Chairman and ward member

### 1. SUMMARY OF REPORT

The application was considered by the Committee at its October meeting where it was resolved that the application should be approved. As the Committee resolution was contrary to the officers' recommendation, the application was held over to the

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next meeting in accordance with the provisions of the Scheme of Delegation, to enable the issues raised to be considered and recommended planning conditions to be proposed before the Committee confirmed the decision.

**2. POLICY**

As set in the report to the Planning and Regulatory Committee report of 12<sup>th</sup> October attached as Appendix 2.

**3. DETAILS**

**The application**

The application is in outline form for the demolition of the existing buildings and the construction of 32 dwellings and 900m<sup>2</sup> of office space (class B1). Means of access is included with the outline application and all other matters to include appearance, landscaping, layout and scale are held for a subsequent reserved matters application.

The application was amended with a reduction in the number of residential units from 41 to 32. The red line of the application site has also been amended to incorporate a parcel of land adjoining the south west of the site which is within the ownership of the applicant. This has been accompanied with an updated landscape masterplan that shows the land to be used as additional landscaped open space and to accommodate an equipped play area. It is not proposed to use the extended site for residential development.

The application proposes the demolition of the existing buildings, the removal of hardstanding and the redevelopment of the site for a mixed residential and employment use. The main access to the site is to be relocated to the north of its current position to enhance visibility at its junction with the B3130 Clevedon Road and to facilitate the creation of two bus laybys within the main carriageway. The existing Church Lane access will be replaced with a driveway to serve 4no dwellings.

**Planning issues**

At its October meeting, the Committee considered that the development constituted development of previously developed land which did not have a greater impact on the openness of the Green Belt and the purposes of including land in it than the previous garden centre use. In particular, it noted that in addition to the vacant buildings, the site contained extensive areas of prominent hardstanding which had previously been used for outside sales areas and hardstanding. The proposed development would be an improvement in the appearance of the site.

Redevelopment of a brownfield site, together with the provision of some on site employment provision, was considered to be a sustainable approach at a time when the council is under pressure to provide additional housing sites.

These issues were addressed in the officers' report to the October Committee which is attached as appendix 2

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A matter relating to the alignment of the B3130 Clevedon Road was also raised. As this is an existing constraint and it is considered the proposed development has no significant material impact to highways safety, there are no policy grounds on which require the developer to undertake further work to address the matter. Further to this, the applicant's land ownership is not broad enough to realistically be able to deliver a scheme without having to rely on third party land. For these reasons it would be unreasonable to impose this requirement.

As the Committee resolution was contrary to the officers' recommendation, the application was held over to the November meeting in accordance with the provisions of the Scheme of Delegation, to enable the issues raised to be considered and conditions and section 106 requirements to be clarified before the Committee confirms its decision.

### Section 106 obligations

In terms of meeting local infrastructure requirements, the NPPF (paragraphs 203-206) makes clear that planning obligations should only be sought where they:

- Are necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The detailed requirements for planning obligations are set out in Policy CF/1 of the North Somerset Replacement Local Plan, policies CS9, CS10, CS16, CS25, CS26, and CS27 of the Core Strategy and policy DM71 of the Sites and Policies Plan. These are further supported by the North Somerset Core Strategy Infrastructure Delivery Plan, which forms part of the evidence base for the Core Strategy. The scope of the S106 requirements are set out below and any planning permission granted should be subject to them being secured.

### Affordable Housing

Policy CS16 of the Core Strategy follows Government Policy and sets out the Council's policy on Affordable Housing and says the trigger for on-site provision are schemes of 10 or more dwellings. There is no upper limit on affordable housing provision, but 30% of the total housing number provided as 'affordable housing' is the normal requirement. Policy CS30 of the Core Strategy reaffirms a target of 30%. The Vacant Building Credit (VBC) has been introduced by the Government to aid the redevelopment of brownfield sites by offering developers a financial credit based on the existing gross internal floor area of the vacant buildings on the development site. It would appear that the criteria of the VBC can be applied to this site. As the proposed residential scheme has a GIA of 4,015sqm this is less than the 4,562sqm therefore the affordable housing requirement is nil.

### Education

Policy CS25 of the Core Strategy sets out the Council's policy on education provision and seeks to ensure adequate school provision is made to meet demands of new development. A sum of £159,600 is sought towards primary school transport, £39,900 towards secondary school transport, £12,240 towards SEND provision, and £1,500 towards youth provision. The total of £213,240 has been agreed with the developer.

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### Public open space and built sports facilities

Policy CS27 of the Core Strategy deals with sport, recreation and community facilities. To meet the obligations relating to this site a LEAP with a minimum area of 600m<sup>2</sup> is sought. If this is to be conveyed to the Council a commuted 15 year maintenance sum £30,038 is also sought. The developers has indicated that a LEAP can be provided on the 'Water Meadow' section of the site which would be maintained by a management company. Negotiations are continuing on this matter and in principle the offer from the developer may be acceptable. An off-site contribution of £30,000 is sought to be spent on the Village Field to increase capacity of play equipment and games area.

### Highways and transport

The applicant proposes to install a series of additional traffic management measures, road safety and pedestrian safety improvements set out in the Transport Assessment. There is also a requirement to seek a contribution of £4,200 (£120 per dwelling) towards Travel Information Packs, public transport taster tickets and cycle vouchers. This has been agreed with the developer.

### Informal open space

The developers has indicated that the obligation for provision of public open space can be provided on the 'Water Meadow' section of the site. This would be maintained by a management company. Negotiations are continuing on this matter and in principle the offer from the developer may be acceptable.

### Libraries

A request for £6,408 to increase library provision in the area has been agreed with the developer.

## **4. CONSULTATION**

Details of the initial consultation responses are in the committee report in appendix 2.

## **5. FINANCIAL IMPLICATIONS**

The Council is at risk of an award of costs against it in any future appeal proceedings, if it cannot justify its decision on the basis of development plan policy or other material considerations.

## **6. EQUALITY IMPLICATIONS**

Equality issues are taken into account in all planning decisions.

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**7. CORPORATE IMPLICATIONS**

As set out in the previous Committee report.

**8. OPTIONS CONSIDERED**

Planning applications can either be approved or refused.

**AUTHOR**

Richard Kent Head of Development Management

**BACKGROUND PAPERS**

Planning and Regulatory Committee report, update sheets and draft minutes

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## APPENDIX 1-Proposed planning conditions

### Conditions

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, in writing before any development is commenced.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and in accordance with Policy H/7 of the North Somerset Replacement Local Plan.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The reserved matters submitted in accordance with condition 1 shall include a detailed design and access statement and shall include details and plans showing

The arrangement of the plots and their buildings

- The arrangements for car parking
- Building heights and massing
- Ground levels
- Materials palette
- Details of the retained and proposed landscaping

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and in accordance with Policy DM32 of the Sites and Policies Plan Part 1

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5. The materials to be used in the development hereby permitted shall accord with the approved plans. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

Reason: To ensure the development maintains the character of the surrounding area and in accordance with Policy CS12 of the North Somerset Core Strategy and DM32 of the Sites and Policies Plan Part 1.

**Surface water drainage**

- 6 No development shall be commenced until details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance ( 5 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
  - Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - Flood water exceedance routes, both on and off site; The drainage system must be designed so that, unless an area is designated to flood as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event and that at 1 in 100 year rainfall event no flooding occurs to any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. Any flows resulting from rainfall in excess of a 1 in 100 year rainfall event should be managed in conveyance routes that minimise the risks to people and property both on and off site.
  - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Such works shall be carried out in accordance with the approved details.

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Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015) and policy CS/3 of the North Somerset Core Strategy, and that such systems are implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development.

**Ecology**

- 7 Prior to the commencement of development, a site wide lighting strategy in lux shall be submitted to the local planning authority in writing. This shall illustrate the lighting levels in lux with details of light intensity and the hours of lighting operation, details of the type and location of the proposed lighting, and existing lux levels affecting the site, the proposed lux levels and lighting contour plan. This lighting scheme shall be implemented and adhered to during the construction and operational phases.

Reason: To comply with the Conservation of Habitats and Species (Amendment) Regulations 2012, Wildlife and Countryside Act 1981 (as amended) and Natural Environment and Rural Communities Act 2006 and in accordance with Policy CS4 of the Core Strategy.

**Tree protection**

- 8 No development shall take place until a plan and method statement identifying measures to protect all trees to be retained has been submitted to and approved, in writing, by the Local Planning Authority. The method statement shall include proposed tree protection measures during site preparation (including clearance and demolition work), construction and landscaping operations (including any changes to ground levels). The plan shall identify which trees are to be retained, and where these are to be integrated into the subsequent landscaping of the site. Thereafter the site clearance works and development shall be undertaken in accordance with the approved details.

Reason: To ensure the appropriate protection of trees that are to be retained and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy

- 9 No development shall commence until a plan showing the location and design of tree protection fencing has been submitted and agreed in writing by the Local Planning Authority and the agreed tree protection has been erected around existing trees to be retained. Unless

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otherwise specified the fencing shall be as shown in Figure 2 of BS5837:2005 Trees in Relation to Construction - Recommendations and shall be erected to achieve root protection areas in accordance with BS5837: 2005 root protection area calculations and the location of the fencing will be informed by the recommendations of BS5837:2005. This fencing shall remain in place during site works. The Local Planning Authority is to be advised prior to development commencing of the fact that the tree/hedge protection measures as required are in place and available for inspection.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and DM32 of the Sites and Policies Plan Part 1

**Landscaping**

10. Prior to the occupation of the first dwelling, the 'Water Meadow' are shall be laid out in accordance with the approved landscape masterplan drawing 1849/01/A. This will contain the LEAP, Woodland Area, Neighbourhood Open Space and Conservation Site.

Reason: Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy DM32 of the Sites and Policies Plan Part 1.

11. All works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy DM32 of the Sites and Policies Plan Part 1

12. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy DM32 of the Sites and Policies Plan Part 1.

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13. No development shall commence until details of the boundary treatment have been submitted to, and approved, in writing, by the Local Planning Authority. These details shall include works to be carried out around the perimeter site, and details of the boundary treatment between the approved dwellings. The dwellings hereby approved shall not be occupied until the approved boundary treatment has been fully implemented and thereafter permanently retained.

Reason: In the interests of the visual appearance of the site and to protect the living conditions of occupiers of adjoining properties and in accordance with Policy CS12 of the North Somerset Core Strategy and DM32 of the Sites and Policies Plan Part 1.

**Parking and highways**

14. The dwellings shall not be occupied until the parking areas have been laid out in accordance with the approved plans and shall be made from a permeable material and shall be retained permanently and not be used except for the parking of vehicles in connection with the dwellings hereby approved.

Reason: To ensure that the dwellings are served by an access and by parking areas built to the satisfaction of the Local Planning Authority and in accordance with Policy CS11 of the North Somerset Core Strategy and Policy DM24 of the Sites and Policies Plan Part 1

15. The development shall not commence until a construction traffic management plan has been submitted to, and approved in writing by the Local Planning Authority. The plan shall include details of the number and frequency of construction vehicle movements, construction operation hours, construction vehicle routes to and from the site, construction delivery hours, and car parking for contractors. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate the impact of construction traffic during the construction phase and in the interests of highways safety and the living conditions of neighbours in accordance with Policies CS10 of the Core Strategy and DM24 of the Sites and Policies Plan Part 1.

16. No development shall commence until a plan showing the extent of the adoption of highway into the site has been submitted to, and approved in writing by the Local Planning Authority. No construction shall be commenced until plans widths and sections have been submitted to

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and approved, in writing, by the Local Planning Authority for this purpose.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with Policies CS10 of the Core Strategy and DM24 of the Sites and Policies Plan Part 1

17. Prior to the commencement of development, a scheme for the proposed highways works in the vicinity of the site shall be submitted to, at approved in writing by the local planning authority. The scheme shall include:
- Provision of new northbound bus stop with 2m wide footway and 1m wide highway verge
  - Widening of the B3130 to allow provision of new southbound bus stop with associated drop kerb crossover, kerb build out of 1.8m and raised kerbs.
  - Stopping-up the existing access and creation of a 1m wide highway verge

These works shall be completed prior to the occupation of the development in accordance with a timetable to be agreed by the local planning authority in writing as part of the scheme

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with Policies CS10 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

18. The means of access to the site shall be constructed in accordance with the approved plans ref HTP 150 05D Site Access arrangement with B3130.

Reason: In the interests of highways safety and in accordance with policies CS10 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

**Sustainability**

19. Prior to commencement of development details of renewable energy measures to generate 10% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low carbon technologies shall be submitted to and agreed in writing by the local planning authority and once approved shall be installed in accordance with the approved details during the course of development and the dwelling shall not be occupied until such

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measures are fully functional and the measures shall be retained and maintained permanently unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the energy reduction measures are in accordance with Policy CS2 of the North Somerset Core Strategy and Policy GDP/3 of the North Somerset Replacement Local Plan.

20. No development shall take place until a plan providing appropriate space and facilities for the separate storage and collection of waste for re-use and recycling to include the location of a collection points has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before the use hereby permitted commences and thereafter shall be made permanently available for the use for the storage and collection and waste for re-use and recycling only for the occupiers of the building.

Reason: The Local Planning Authority wishes to encourage sustainable recycling initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

**Scale of development**

21. The gross floor area of buildings to be provided for office use (class B1) and residential use (class C3), as shown on the masterplan drawing reference 3142\_PA\_022B, shall not exceed the figures specified below unless alternative quantities are first agreed in writing by the local planning authority:

900sqm for the office development

4015sqm for the residential development, which shall be limited to no more than 32 dwellings.

Reason: To avoid an overdevelopment of the site which would be likely to result in a form of development that is out of keeping with the character and appearance of the site and surrounding area in accordance with Policy CS32 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

22. The proposed dwellings shall not exceed a height equivalent to two stories.

Reason: To avoid an overdevelopment of the site which would be likely to result in a form of development that is out of keeping with the character and appearance of the site and surrounding area in

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accordance with Policy CS32 of the Core Strategy, DM10 and DM32 of the Sites and Policies Plan Part 1.

**Approved plans**

23. The development hereby permitted shall be carried out in accordance with the following approved plans: TO BE INSERTED

Reason: For the avoidance of doubt and in the interest of proper planning.

24. No dwelling shall be occupied until the 900m<sup>2</sup> B1 employment building has been constructed and is ready for occupation.

Reason: In order to ensure that one of the key elements of the sustainability of this proposed development is delivered and the opportunity for take up of the unit(s) is maximised in the interests of sustainability and employment creation in accordance with Core Strategy policies CS 20, Development management policies Sites and Policies Plan Part 1 Policy DM54 and the National Planning Policy Framework.

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# APPENDIX 2 Report to October Committee

<b>APPLICATION NO:</b> 16/P/0032/O	<b>CASE OFFICER:</b> Andrew Stevenson
<b>APPLICANT:</b> ZAFT PTC Ltd	<b>Extended expiry date:</b> 15 July 2016
<b>PARISH/WARD:</b> Tickenham/Gordano Valley <b>WARD COUNCILLOR(S):</b> Cllr N C Ashton	<b>TARGET DATE:</b> 10 March 2016
<b>SITE ADDRESS:</b> Tickenham Garden Centre, Clevedon Road/ Church Lane, Tickenham, BS21 6SD	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk). This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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12. **Section 1: 16/P/0032/O Outline application for the demolition of all existing buildings and redevelopment of vacant garden centre (A1) to provide 32 new dwellings (C3) and 900m<sup>2</sup> of office space (B1). New access arrangements off Clevedon Road and Church Lane - all other matters reserved for subsequent approval at Tickenham Garden Centre, Clevedon Road/ Church Lane, Tickenham, BS21 6SD**

**REFERRED BY COUNCILLOR ASHTON**

**Summary of recommendation**

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

**The Site**

The application site comprises a former garden centre located between Tickenham and Nailsea. The site is located at the eastern end of Tickenham which is a ribbon development along the B3130 Clevedon Road.

The site is situated in the open countryside outside of any settlement boundary and is within the Green Belt.

The site measures 1.97 hectares and includes 3no large glasshouses and a retail building together with areas of hardstanding. The buildings cover a total footprint of 4,562sqm of which the majority comprise the glasshouses which occupying the southern portion of the site. The main site access is from the B3130 Clevedon Road to the east adjacent to the Tickenham Forge building, with a secondary site access from Church Road to the south. The site is relatively flat and surrounded predominantly by agricultural land, and forms part of the wider North Somerset Landscape Character Area A3: Kenn and Tickenham Moors.

The applicant has advised that the site has been vacant since December 2011 and had formerly been used for the growing, storage and sale of plants, retail, and associated car parking. The planning history indicates an authorised use as a garden centre with restricted A1 uses, which together with the presence of a number of buildings makes this previously developed (brownfield) land.

**The Application**

The application is in outline form for the demolition of the existing buildings and the construction of 32 dwellings and 900m<sup>2</sup> of office space (class B1). Means of access is included with the outline application and all other matters to include appearance, landscaping, layout and scale are held for a subsequent reserved matters application.

The application has been amended with a reduction in the number of residential units from 41 to 32. The amendment does not reduce the overall scale of development as the scheme has been adjusted to include larger units. The red line

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of the application site has also been amended to incorporate a parcel of land adjoining the south west of the site which is within the ownership of the applicant. This has been accompanied with an updated landscape masterplan that shows the land to be used as additional landscaped open space and to accommodate an equipped play area. It is not proposed to use the extended site for residential development.

The application proposes the demolition of the existing buildings, the removal of hardstanding and the redevelopment of the site for a mixed residential and employment use. The design concept submitted with the design and access statement and planning statement shows the development to be dispersed across the full extent of the site, with the office accommodation to be contained within a purpose built building located nearest to Clevedon Road. The residential element would comprise buildings of 1.5 and 2 storeys in height to reflect the local vernacular. The main access to the site is to be relocated to the north of its current position to enhance visibility at its junction with the B3130 Clevedon Road and to facilitate the creation of two bus laybys within the main carriageway. The existing Church Lane access will be replaced with a driveway to serve 4no dwellings. It is proposed to create a new internal site road and the provision of parking spaces and garages in accordance with the North Somerset Parking Standards SPD.

A new hard and soft landscaping plan to include indigenous planting is proposed, which is intended to screen and soften views of the development.

### **Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
1993	2241/91	Change of use of site from retail horticultural use to use as a garden centre, erection of pergola and farm shop, alterations to existing access arrangements	Approved

### **Policy Framework**

The site is affected by the following constraints:

- Within the Green Belt
- Outside any settlement boundary

### **The Development Plan**

North Somerset Core Strategy (NSCS) (adopted April 2012)\*

The following policies are particularly relevant to this proposal:

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<b>Policy Ref</b>	<b>Policy heading</b>
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS33	Smaller settlements and countryside
CS34	Infrastructure delivery and Development Contributions

*\* Core Strategy - High Court Challenge*

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination of the other remitted policies is currently taking place.

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM8	Nature Conservation
DM10	Landscape
DM12	Development within the Green Belt
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM34	Housing type and mix
DM45	The conversion and re-use of rural buildings to residential use
DM48	Broadband
DM54	Employment development on previously developed land in the countryside
DM70	Development infrastructure

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DM71 Development contributions, Community Infrastructure Levy and viability

### Other material policy guidance

#### National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
3	Supporting a prosperous rural economy
4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
9	Protecting Green Belt Land
10	Meeting the challenge of climate change, flooding and coastal change

#### Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)
- Development contributions SPD (adopted January 2016)

### Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

**Third Parties:** 16 letters of objection have been received. The principal planning points made are as follows:

- Harmful impact to the Green Belt and contrary to paragraph 89 of the NPPF
- Urban form of development and out of keeping with rural location
- Would result in a permanent loss of openness to the Green Belt. Scale and design of proposal encroaches into the Green Belt
- Visual impact far greater than existing glasshouses
- Overdevelopment of site
- Would create an isolated new settlement
- Unsustainable development with no access to services, facilities or amenities

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- Location of the site means occupiers would be wholly dependent on the private car
- No footpath or cycle connections on busy and dangerous section of road
- Outside the Tickenham settlement boundary
- New housing should be directed to existing settlements
- Highways safety concerns with traffic speeds and blind bends
- Proposed highways improvement inadequate to serve the development
- Position of the proposed bus stops are unsafe
- No affordable housing provision
- No community engagement
- Loss of privacy and amenity to neighbouring properties
- Development will overload existing drainage systems
- Proposal would set an unwelcome precedent

3 letters of support have been received. The principal planning points made are as follows:

- Re-use of a vacant site that would otherwise decline
- Brownfield site suitable for redevelopment
- Provides new housing
- Houses will be available to first time buyers

**Tickenham Parish Council:**

“Access proposals to/from Clevedon Road (B3130) require significant improvement and are inappropriate for the number of dwellings proposed: the B3130 is already a difficult and busy road; if the application is approved, extensive road widening would be possible from land within the planning application and opportunity should be taken to implement this, incorporating smoothing of the bend at Old Lane. Church Lane has a weight limit and a weak bridge with a 3 ton limit: the traffic report makes no mention of the bridge; no turning area for delivery lorries is proposed. It is proposed to retain the stone wall along Church Lane (1.2m high) but no visibility splays are shown for properties fronting onto the lane. From the information supplied, access to the existing forge is less than clear. The number of accidents quoted in the Transport Assessment is fewer than those reported to and recorded by the Parish Council: during the period 09.02.12 to 14.01.16. Six accidents were reported at the junctions of the B3130 with Church Lane and with Old Lane; four of these were recorded during the period 08.01.15 to 14.01.16, two of which resulted in injury and required the attendance of all emergency services: it appears that the number of accidents has increased in the recent past. A bus stop is shown with no lay-by: this is unacceptable on a busy narrow road and would cause traffic delays. There are no safe walkways from the site to the school or the Village Hall which form the centre of activity in the village; there are no proposals to link on-site footpaths into the existing footpath network it is suggested that if the application is approved an all-weather footpath/cycleway be provided from the development along the river bank to the western side of Mill Lane to link with the B3130. The record of traffic movements is confusing and the manual recordings do not match the automated recordings.

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The site is attractively laid out. Affordable housing is welcomed. A culvert is shown as running under proposed offices: for easier access, this could easily be diverted to follow the proposed road layout. The surrounding area is prone to flooding: the disposal of surface water over a wider area needs to be very carefully considered.

Following the submission of amended plans reducing the number of units to 31 and changes made to the access and highways proposals, further comments have been received from Tickenham Parish Council

“Access and Highway: The Council considered that the proposed highway works for pedestrian, cycle and vehicular access remained totally inadequate. It was noted that it was proposed to widen the carriageway to the standard 7m width but pedestrian and cycle access, particularly to the centre of the village had not been addressed. It was also noted that there were two access/egress points on to Church Lane shown on the drawings but the supporting documentation mentioned only one. Concerns were also expressed about the positioning of the proposed bus stops.

Site and Density: Council noted that the density had been reduced from 41 dwellings to 32: however, this appeared to have been achieved by reducing the number of smaller, more affordable units and increasing the size of others.

- (i) The Council has carefully reviewed the amendments and found that they do not significantly address previously expressed concerns, particularly with regard to highways proposals where the needs of pedestrians, cyclists and vehicles have not been adequately addressed.
- (ii) Further to the Council’s previous suggestion that an all-weather footpath/ cycleway be provided from the development, along the river bank, to link with the B3130 (point 7 in the previous submission) it was further recommended that such a path should link with footpath T22 or T24.
- (iii) The Council asks that a footpath be provided on the eastern side of the B3130 from the site entrance to Old Lane: this would provide pedestrian access to the leisure area of Cadbury Camp and walks towards Tickenham.
- (iv) Any bus stops should be in lay-bys to avoid traffic congestion. Furthermore, it was suggested that the bus stop proposed on the eastern side of the B3130 might be located near the entrance to Old Lane, where the necessary land might be available.
- (v) The number of small, more affordable units appears to have been reduced: the Council recommends that the number of such dwellings as shown on the original proposal be maintained.
- (vi) Attention is drawn to the error in supporting documentation which refers to one access/egress on to Church Lane, but with two shown on the drawings. As previously submitted, the Council recommends that visibility splays be provided.

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- (vii) Should this outline application be approved, the Council requests that it is consulted on any further plans submitted in accordance with any conditions which might be applied.

### **Principal Planning Issues**

The principal planning issues in this case are (1) Principle of development, (2) Landscape character impact, (3) Highways considerations, (4) Flood risk, (5) Ecology, (6) Impact to neighbours, and (7) planning obligations.

### **Issue 1: Principle of development**

The site is located in the green belt and outside any defined settlement boundary. The established use of the site and the presence of existing buildings mean for the purposes of establishing the principle of development it also comprises previously developed land (PDL).

### **Development in the countryside**

Core Strategy policy CS33 provides an overarching approach to development in rural areas and restricts residential development outside settlement boundaries to replacement dwellings, residential subdivisions, conversions (where economic use is not appropriate) and dwellings for essential rural works. The proposal does not comply with this policy. Whilst the NPPF does set out an exception for new development regarding redevelopment of Previously Developed Land this does not specify a use. Residential use in the countryside is contrary to the locational strategy and should not be supported unless there are very special circumstances.

It is considered that the proposal is contrary to CS33 where this seeks to prevent unsustainable development. The policy does allow for residential conversion of buildings where alternative economic use is inappropriate, and it is accepted through previous marketing efforts that an alternative restricted A1 use for the site or buildings is unlikely to be forthcoming. Nevertheless the existing glasshouse structures are themselves not suitable for residential conversion so the proposal fails this policy test.

### **Green Belt**

The site is within the Green Belt where section 9 (paragraphs 87-89) of the NPPF and Policy DM12 of the Sites and Policies Plan part 1 apply. Paragraph 89 of the NPPF permits the redevelopment of Previously Developed Land in the Green Belt provided that the proposals would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development.

This is further expanded upon with Policy DM12 which states that redevelopment proposals on previously developed sites in the Green Belt is not inappropriate provided it would not have a greater impact on the openness of the Green belt and the purpose of including land within it. Redevelopment should

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- Not extend beyond the footprint of the existing buildings unless the proposal by virtue of its height or location on the site would have an equal or lesser impact on the Green Belt than the existing buildings; and
- result in environmental improvements on rundown or derelict sites; and
- be sustainable in terms of being well related to existing settlements, and having safe and convenient pedestrian and cycle access to services, amenities and a bus or rail service.

In terms of the test of whether there is a greater impact on the openness of the Green Belt and the purpose of including land within it, set out in paragraph 89 and DM12 it is noted that the existing buildings have a footprint of 4562m<sup>2</sup> whilst the proposal (site block plan 3142\_P022 B) would generate a footprint of 4915m<sup>2</sup> - divided between 4015m<sup>2</sup> of C3 residential development and 900m<sup>2</sup> of B1 office space. This represents an increase in the footprint of the developed area of 353m<sup>2</sup>. It also extends the developed area within the site. This is contrary to paragraph 89 of the NPPF and policy DM12.

The design rationale put forward with the illustrative masterplan is to demolish the existing buildings which occupy the southern portion of the site, and disperse the proposed built form across the whole of the site. Currently the northern half of the site is laid to hardstanding having previously been used for car parking and storage areas ancillary to the use of the glasshouses and retail unit on the southern portion of the site. Consequently more than half of the site contained within the red line remains open and undeveloped in terms of buildings and structures. The dispersal approach to the proposed development would substantially extend the built form across the site and far beyond the footprint of the existing buildings, resulting in significant additional visual impacts and harm the openness of the green belt contrary to the tests of paragraph 89 and DM12.

It is noted that the characteristics of the glasshouses mean they are prominent and visually intrusive by virtue of their size, bulk, and reflective surface, and that as a vacant site there are opportunities for environmental improvements. It can be argued these carry weight in favour of the proposal, however these do not outweigh the significant concerns that arise from the substantially increased massing, scale, height, bulk and grain that arise from the proposed development. Whilst the site is PDL this does not imply that all of the site is suitable for development as there are certain areas – particularly the northern section and the areas fronting Clevedon Road, which are currently unoccupied by buildings and very open. The proposed layout increases the area given over to development in particular on the site's northern boundary and this materially affects the openness of the Green Belt.

By virtue of the extent of the harmful impact to the openness of the Green Belt, this holds significant weight against the proposal. Paragraph 88 of the NPPF reinforces the importance of protection of the Green Belt and states that when considering any planning application, local planning authorities should ensure that substantial weight is given in the decision process to any harm to the Green Belt.

Sustainability

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Paragraph 55 of the NPPF makes clear that housing should be considered in the context of sustainable development. In rural areas new housing should be located where it will enhance or maintain the vitality of rural communities and should avoid isolated new homes in the countryside. The NPPF sets out examples of circumstances where this would not apply and the proposal does not fall within one of these categories. The residential element of the proposal is not regarded as sustainable development.

Policy DM12 reflects the NPPF and sets out the requirement that development of previously developed land must also be sustainable in terms of being well related to existing settlements, and having safe and convenient pedestrian and cycle access to services, amenities and a bus or rail service.

The site is more than 1.2km from the centre of Tickenham and 2km from the centre of Nailsea. Tickenham has relatively few functions and services which is reflected in its status in the locational hierarchy and is not considered a sustainable location for further residential development of this scale. Nailsea is a higher order settlement with a wider range of services and functions which could serve the proposed development. Nevertheless, there are no safe cycling or walking routes that link to Nailsea and when coupled with the distance these act as a significant barrier to use by prospective residents.

As a result the development would be entirely reliant on private car journeys. By means of mitigation and to offer transport options the applicant is proposing the provision of additional bus stops adjacent to the development site on Clevedon Road. However, it is considered that these would be wholly insufficient to adequately overcome concerns regarding the isolated nature of the site and serve the needs of the residents.

Policy DM12 is explicit that proposals for complete redevelopment on PDL in the Green Belt must have safe and convenient pedestrian and cycle access to services, amenities and a choice of travel options. This reiterates paragraph 29 of the NPPF which promotes sustainable transport and to give people a real choice about how they travel. This policy test cannot be met by the application site. It is considered that the necessity for a good range of transport options and access to services and facilities is proportionally greater with the scale of development whereby the day to day needs of an additional 32 households must be met. The location of the application site and absence of any realistic travel option other than private car compounds the fact that this is an unsustainable form of development. The applicant has suggested that the proposed dwellings could accommodate 'down-sizers' that in turn could free up existing housing in Tickenham or other settlements. Nevertheless, this carries little weight in the assessment of the application as there is no way of controlling this through the planning system, and irrespective of the social dimension, the need to access a broad range of services such as healthcare, retail, community facilities or transport options remain.

In assessing the site, the complete absence of walking and cycling routes coupled to the distance from Nailsea and dangerous and intimidating nature of the immediate section of Clevedon road act as a substantial disincentive to any other means of

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travel than the private car. There are no community services or facilities provided within the site or the adjacent area site and for these reasons the proposed development is deemed to be unsustainable in accordance with the guidance of the NPPF as a whole and the policies of the Development Plan.

Tickenham is specifically excluded from the list of infill villages set out in Policy CS33 due to the absence of services and amenities. It does not provide a service role and residents must travel to larger settlements for most services. The supporting text for Policy CS33 indicates that by smaller settlements where there are no residential boundaries, new housing will be strictly controlled. Moreover, the site is isolated from Tickenham and from Nailsea, with no pedestrian or cycle links thus further demonstrating the unsuitability of the form of development proposed.

### Employment uses

Together with the residential development, the application proposes 900m<sup>2</sup> of B1 office accommodation. Section 3 of the NPPF and CS33 support employment uses in rural areas both through conversion of existing buildings and new buildings. Notwithstanding the harmful impact to the openness of the Green Belt explained above, the site has an established employment use, albeit one that is currently vacant. The principle of the proposed B1 office space is generally supported where the accommodation forms an attractive, well designed flexible space and the provision of superfast broadband can be achieved.

### **Issue 2: Landscape character impact**

This site lies at the east end of the A3: Kenn and Tickenham Moors landscape character area. The lack of settlement within the area leads to a strong sense of ruralness and remoteness. The landscape character is considered to be strong and in condition good and the Landscape Strategy is *to conserve the remote, rural, pastoral character of the landscape* and amongst other objectives to ensure *careful control and screening of ribbon development along the B3130*.

It is noted that the site is a locally prominent large former garden centre comprising a number of linked glasshouses, with external sales area, car park and stock yard to the north of the site. There are smaller glasshouses and an outbuilding to the east and Tickenham Forge (not part of application site), at the site entrance. There is an undeveloped open grassed frontage to the west of the B3130 Clevedon Road which is bordered by a low stone wall, giving views across the site and its car park to the glasshouses. There are also good longer distance views towards Tickenham Hill to the north across the undeveloped and largely unplanted land.

Currently the north boundary of the site is well screened by strong native trees and hedges, and their retention in the landscape masterplan is welcomed. Trees to the west of the main glasshouses appear to be a densely planted row of Poplar, a common windbreak tree, and may not be suitable for retention in close proximity to new dwellings due to the risk of root damage to the properties. The landscape masterplan indicates these are to be replaced. The southern boundary and exit onto Church Lane are defined by a further stone wall, but there are only a few mainly

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evergreen shrubs, around the exit, so views of the site, dominated by the glasshouses, are largely uninterrupted.

The proposed development of 32 dwellings and new employment space encroaches well beyond the existing built footprint, to cover all but the open site frontage bordering the Clevedon Road. The proposal is considered an over development of the site with some elements will be very visible. Key views into the site, particularly from the B3130 Clevedon Road are likely to appear fairly urban in this rural location. It is considered that the impact of the scale, bulk, massing and location of the dwellings would be significant in the wider setting and exacerbated by the setting out of domestic curtilages, garages, outbuilding and associated paraphernalia and activity. As such the proposal would have an adverse impact upon local landscape character, contrary to the NS Landscape Character Assessment objectives and policy CS12 of the Core Strategy. The impact of the dispersal strategy across the site rather than a focus on the developed area comprising the glasshouses also relates to the harmful impact on the openness of the green belt contrary to NPPF paragraph 89 and policy DM12 of the Sites and Policies Plan Part 1.

Whilst there may be some landscape benefit in the removal of the redundant glasshouses, particularly given their prominent and reflective appearance and the negative effect of a vacant site, because of the scale, extent, and spread of the proposed development area this does not outweigh the policy objections set out above.

Consideration has been given to the wider landscape impact that will accrue from the National Grid Hinkley C connection project and the installation of high voltage 'T'-pylons in proximity to the site. The proposed route of these from Clevedon Road to Tickenham Ridge passes to the south on a line marginally closer to the site than the existing overhead power lines which are to be removed. This will not have a significant visual effect either to or from the application site. A second existing overhead line is also to be removed and this will be replaced by new underground cables in close vicinity to the north of the site. Aside from the construction phases this will have no landscape impact as the cables will be underground.

### **Issue 3: Highways considerations**

The site is accessed via the B3130 Clevedon Road which is a 'B' Class Highway which serves as the link between Nailsea and Clevedon. In proximity to the proposed site access the road is relatively narrow, with two 90 degree bends approximately 100 metres in either direction from the existing site access. This section of the B3130 is subject to a 60mph speed limit, is unlit and has no facilities for pedestrians. Church Lane is a narrow rural route which joins the B3130 via a priority junction to the east, and Washing Pound Lane to the west. Again this route has no facilities for pedestrians and cyclists, and in some places is only wide enough for a single vehicle. Washing Pound Lane joins the Causeway, which provides an alternative route into the west end of Nailsea but is rural in its nature with no pedestrian or cyclist facilities.

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### Access

The development is proposed to be served by two accesses; one from Church Lane which will serve four properties, with the remaining development served by a new access on the B3130. The access from the B3130 will replace the existing access to the Forge which will be stopped up. The proposed access is located just north of the current access for the Forge. The applicant is proposing two new bus stops on the B3130 in close proximity to the site access. On the eastern side of the carriageway this includes a new build out to incorporate the bus stop, as well as a dropped crossing with tactile paving.

Highways have assessed the visibility requirements at the new site access to the B3130 and have confirmed that the proposed visibility conforms to Manual for Streets and is accepted in this instance. The proposed access has been subject to a Stage 1 Road Safety Audit which raised a number of concerns, however these have been addressed with the revised site access plans submitted.

### Trip generation

The residential element of the development is predicted to generate 37 trips in the morning peak, and 32 trips in the evening peak. The employment element is predicted to generate 21 trips in the morning, and 12 trips in the evening peak.

It is recognised that the site has an extant planning permission as a garden centre, which would have a traffic generation linked to it. The applicant has not considered this within their assessment, so whilst the development is predicted to generate a total of 58 trips in the morning and 44 trips in the evening peak, the net increase of traffic from the site is likely to be lower. It is considered that the traffic generation from the site will not have a significant impact to the highways network.

### Pedestrian and cycle accessibility

The development is located in an isolated rural location, with the centre of Tickenham over 1.2km away, and the centre of Nailsea over 2km away. The Institute of Highways and Transportation (IHT) document 'Guidelines for providing for journey on foot' provides a list of suggested acceptable walking distances. For town centres the preferred maximum is 800 metres and for schools/commuting is 2000 metres. The nearest primary school from the development is Tickenham Primary School, which is approximately 1200 metres from the site; however there is no safe off-road footway provision to get to the school. The closest secondary school is Nailsea, but this is approximately 2500metres from the proposed development, and far exceeds the recommended distances within the IHT guidelines.

Notwithstanding the above there are concerns that given the nature of the B3130, and the surrounding road network, when combined with the distance this will represent a barrier to sustainable travel. Should residents wish to travel by this means it should be borne in mind that the B3130 is not lit in sections and has no provisions for pedestrians. Therefore any pedestrian movements on the highway

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network will constitute a risk to road safety. Given the lack of safe off-road facilities for both pedestrian and cyclists, it is considered that the proposal conflicts with Policy DM24 of the Sites and Policies Plan Part 1.

### **Issue 4: Flood risk**

Policy CS3 of the Core Strategy seeks to ensure that new development does not create problems in terms of flood risk. The site lies within Flood Zone 1, although as a small central portion is located within Flood Zone 2 a flood risk assessment has been produced. This concludes that the site is appropriate for residential and commercial development as set out in the NPPG table 3 and that the development would reduce the impermeable area by approximately 50%, and subject to the implementation of an appropriate sustainable urban drainage system would reduce the volume and intensity of surface water run-off and would not increase the risk of flooding elsewhere.

It is stated that the site has no history of flooding, however there has been flooding of the B3130 Clevedon Road with the source of flooding being overland flow from Little Valley. This flows past the site entrance and an existing culvert that crosses the site collects some of this flow and discharges into an open ditch and the Land Yeo. As the existing route passes under proposed new buildings this would not be an acceptable arrangement. It is therefore proposed to construct a new surface water drain passing under the new access road which would collect all of the overspill from the highways drainage and the site run off and would enable the retention of suitable maintenance buffers to either side. This amendment to the surface water drainage strategy has overcome the initial drainage objection, and subject to conditions relating to the design and delivery of a sustainable drainage system the proposal accords with Policy CS3 of the Core Strategy.

### **Issue 5: Ecology**

Policy CS4 of the Core Strategy seeks to maintain and enhance biodiversity and resist development that would have a detrimental impact on ecology. The site is located in a designated bat habitat area as identified on the Proposals Map.

An ecological appraisal has been undertaken in order to assess the impact of the proposal on biodiversity. This has involved a desk based assessment and site surveys and subsequent bat and reptile surveys which found that there is no evidence of roosting bats, reptiles or other European protected species being present on site. Limited bat activity in relation to foraging and commuting was recorded although the surrounding habitat is considered suitable for foraging and feeding bats.

Given the brownfield nature of the site and absence of protected wildlife it is considered that the proposed development could, subject to a number of mitigation measures, be implemented without significant adverse biodiversity or ecological impact in accordance with Policy CS4 of the Core Strategy.

### **Issue 6: Impact to neighbouring residents**

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The application site is adjacent to existing residential dwellings along Church Lane. The proposal is in outline with all matters other than access reserved for later determination. The illustrative layout provides an indication of how the site could be laid out and from this there is no reason to suppose that the proposed dwellings could not be developed whilst maintaining acceptable levels of privacy and amenity for surrounding residents and those in the new development. Details of the layout, size and design of the buildings will be the subject of a subsequent reserved matters application. The relationship between any individual plot and the neighbouring properties would be expected to accord or exceed the requirements of the North Somerset Residential Design Guide SPD.

Existing properties will currently enjoy a relatively expansive outlook over the application site, however loss of such a view is not a matter that can be given weight in the assessment of the application.

The scale of the development would inevitably have an impact on the living conditions of neighbours during the construction period. The impacts of construction are not a reason to refuse planning permission but a construction management plan will be required to agree methods to reduce adverse impacts, for example controls of construction hours and construction traffic routes.

**Issue 7: Planning obligations**

The NPPF (paragraphs 203-206) state planning obligations should only be sought where they:

- Are necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The scope of the S106 requirements that would be required in relation to this development include contributions towards built sports and leisure, open space, education, libraries, public rights of way and sustainable travel. The draft heads of terms have been broadly agreed with the applicant and will be assessed in further detail should members be minded to approve the application.

Policy CS16 of the Core Strategy follows Government Policy and sets out the Council's policy on Affordable Housing and says the trigger for on-site provision are schemes of 10 or more dwellings with Policy CS30 of the Core Strategy reaffirming a target of 30%. The applicant is seeking to use the vacant building credit (VBC) which removes the requirement to provide on-site or financial contributions towards affordable housing. Because the buildings are not used solely for agricultural purposes and are genuinely vacant it appears that the VBC is applicable in these circumstances. Providing the gross internal area of the vacant buildings is consistent with the proposed quantum of development then no affordable housing contributions can be sought. Should members be minded to approve the application this matter will be assessed in further detail.

**Natural Environment and Rural Communities (NERC) Act 2006**

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The proposed development will not have a material detrimental impact upon bio-diversity.

### **The Crime and Disorder Act 1998**

The proposed development will not have a material detrimental impact upon crime and disorder.

### **Local Financial Considerations**

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

### **Conclusion and planning balance**

The application site is located in the Green Belt and outside of any settlement boundary. It is agreed that the site comprises previously developed land, where in principle redevelopment is acceptable subject to a number of criteria including that the development must have no greater impact to the openness of the Green Belt, result in environmental improvements, and be sustainable with safe and convenient pedestrian and cycle access to services and facilities.

It is considered that the proposal would significantly harm to the openness of the Green Belt as a result of the proposed development substantially extending the built form across the site. The proposal would represent a highly prominent and urban form of development which would have both a significant visual impact and detract from the rural landscape character of the area. The NPPF directs that significant weight must be attached to development that by definition, is harmful to the Green Belt. The application is therefore contrary to paragraphs 87-89 of the NPPF and policy DM12 of the Sites and Policies Plan Part 1.

The development of 32 new dwellings in this isolated and disconnected location would constitute an unsustainable form of development. The absence of walking and cycling routes coupled to the distance from Tickenham and Nailsea and the dangerous and intimidating nature of the immediate section of Clevedon road act as a substantial disincentive to any other means of travel than the private car. There are no community services or facilities provided within the site or the adjacent area site and the day to day need of the residents could not be met in this location. The application is therefore contrary to paragraphs 14, 29 and 55 of the NPPF, policy DM12 of the Sites and Policies Plan Part 1, and Policy CS33 of the Core Strategy.

The harm to the openness of the Green Belt, the detrimental impact to the landscape character, and the unsustainable form of development are material considerations which carry substantial weight against the application.

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It is noted that the proposal would encompass the re-use of previously developed land, provide an opportunity to achieve environmental improvements to a run-down and vacant site with the removal of the large redundant glasshouses, provides additional workspace, and contributes to the housing supply. These carry some weight in favour of the application but do not outweigh the significant in principle objection to the application as set out above. In addition the absence of any affordable housing mean that the social benefits that arise from new housing are further reduced.

**RECOMMENDATION: REFUSE** for the following reasons:

1. The proposed development of 32 dwellings and 900m<sup>2</sup> of B1 office space would extend beyond the footprint of the existing buildings and into open and undeveloped areas of the site. The quantum of development is greater than that of the existing buildings and the masterplan shows that to accommodate this scale of development the built form would be substantially extended across the site. This will have a material impact to the openness of the Green Belt and the reasons for including land within it, and this harm is not outweighed by other considerations. The application is therefore contrary to the NPPF paragraph 89 and Policy DM12 of the Sites and Policies Plan part 1.
2. The proposed development of 32 dwellings and new employment space is considered an over development of the site and by virtue of its scale and prominence will appear as an urban form of development in this rural location. It is considered that the impact of the scale, bulk, massing and location of the dwellings would be significant in the wider setting and would have an adverse impact upon local landscape character, contrary to the NS Landscape Character Assessment objectives and policy CS12 of the Core Strategy and policy DM12 of the Sites and Policies Plan Part 1.
3. The site is in an unsustainable rural location that would generate demand for local services and employment opportunities on a scale that cannot be met without prejudice to other policies in the Development Plan. There are no community services or facilities provided within the site or the adjacent area and in the absence of any pedestrian or cycle routes and distances to higher order settlements services and facilities to meet the needs of future residents, are not readily accessible from the site by means other than the private car. The development is located in an unsustainable location, and is therefore prejudicial to the requirements of NPPF paragraphs 14, 29 and 55, Policy CS33 of the Core Strategy and Policy DM12 of the Sites and Policies Plan Part 1.
4. The absence of any pedestrian facilities on the highway network around the development site and the dangerous and intimidating nature of the immediate section of the B3130 Clevedon Road will lead to an increase of conflict between non-motorised users and vehicles

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along the B3130 Clevedon Road and act as a substantial disincentive to any other means of travel than the private car contrary to Policy DM24 of the Sites and Policies Plan Part 1.