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7. **Section 2: 16/P/2051/O Outline planning application for the erection of 3no. dwellings with new access onto Churchill Green. Matters of appearance, landscaping layout and scale reserved for subsequent approval at land to the north west of Lyncombe Farm, Churchill Green, Churchill, Winscombe, BS25 5QH**

REFERRED BY COUNCILLOR WELLS

Summary of recommendation

It is recommended that the application be **APPROVED** subject to the submission of acceptable ecological surveys for the protected species of reptiles and subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site is located to the west of Churchill, on the south side of Churchill Green. Adjoining the site to the west are farm buildings and to the north Churchill Academy school. The site is part of a former horticultural nursery that is vacant and derelict. A hedgerow separates and forms the northern boundary of the site and Churchill Green.

The site has a frontage of approximately 100m to Churchill Green and a depth of approximately 30 metres and 0.3 hectares in area. It forms part of a larger area of land owned by the applicant which has a frontage of approximately 230 metres to Churchill Green and a depth of approximately 100 metres.

The Application

Outline permission with all matters reserved for subsequent approval except for vehicular access is sought for:

- the erection of three detached dwellings with separate garages
- a new shared vehicular access is proposed from Churchill Green

An indicative layout plan has been submitted and the applicant has submitted a preliminary ecological survey.

Relevant Planning History

| Year | Reference | Proposal | Decision |
|-------------|------------------|--|----------------------------|
| 2009 | 08/P/1437/O | Outline application for demolition of existing buildings and erection of 120 holiday lodges etc. | Refusal – Appeal dismissed |

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1974 1496/74

Residential development

Refused

Policy Framework

The Development Plan

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

The following policies are particularly relevant to this proposal:

| Policy Ref | Policy heading |
|-------------------|--|
| CS4 | Nature Conservation |
| CS10 | Transport and movement |
| CS11 | Parking |
| CS12 | Achieving high quality design and place making |
| CS14 | Distribution of new housing |
| CS32 | Service villages |
| CS33 | Smaller settlements and countryside |

* 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 has taken place and the Inspector's report has been received. The policies are due to be considered for adoption by full Council on 10 January 2017.

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

The following policies are particularly relevant to this proposal:

| Policy | Policy heading |
|---------------|---|
| DM8 | Nature Conservation |
| DM10 | Landscape |
| DM24 | Safety, traffic and provision of infrastructure etc associated with development |
| DM28 | Parking standards |

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|------|---|
| DM29 | Car parks |
| DM32 | High quality design and place making |
| DM37 | Residential Development in existing residential areas |

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

| Section No | Section heading |
|------------|--|
| 6 | Delivering a wide choice of high quality homes |
| 7 | Requiring good design |
| 11 | Conserving and enhancing the natural environment |

The Sites and Policies Plan Part 2: Site Allocations Plan

The publication version was approved in October for a further round of consultation before submission to the Secretary of State in early 2017.

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)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

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

Third Parties: 5 letters of objection have been received. The principal planning points made are as follows:

- The proposal represents a residential development outside the village boundary in open countryside, which is contrary to the local plan
- No exceptions to this policy apply here and the reasons in the 2009 appeal decision apply to this proposal

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- If this development is permitted it will set a precedent and will open up the possibility of the whole former nursery site being developed for housing, and this is a 6.02 acre site
- Area already suffers traffic congestion. Cars park opposite this development and the access is too close to main school entrance, which already has traffic problems.
- Road is becoming dangerous and there is concern that there is lack of access for emergency vehicles at these peak times
- Trees and hedging screen out the polytunnels and hardcore, so adding houses would not improve the street scene
- Such development would adversely affect a beautiful North Somerset village and take away the pleasant rural street scene
- Need for additional housing is not required, as already catered for in the Langford development

Churchill Parish Council: “The Council supports application 16/P/2051/O, the applicant having stated that the proposed dwellings are for family use only, and note that the applicant is willing to agree to a covenant to prevent further development on the land.”

Principal Planning Issues

The principal planning issues in this case are (1) principle of development of dwellings on this site (2) design, layout and character (3) the formation of access to the site and highway considerations, (4) impacts on living conditions of future occupiers, (5) impact upon protected species, and (6) impact upon setting of a listed building.

Issue 1: Principle of development of dwellings on this site

The site is outside the Churchill settlement boundary. Churchill is defined in policy CS32 of the Core Strategy as a ‘Service village’, and the revised policy CS32 allows for development adjoining the settlement boundaries of Service Villages. However, this site is separated from the settlement boundary by other properties, so it falls within the area covered by policy CS33 of the Core Strategy which restricts new residential development elsewhere to replacement dwellings, residential sub-divisions, residential conversions of buildings where alternative economic uses are not appropriate or dwellings for essential rural workers. The proposal for new dwellings on this site does not fall into any of these categories, so normally would not be acceptable.

However, the policy on residential development outside the settlement boundary must be read in conjunction with the current progress of the Core Strategy, the Council’s 5 year housing supply, housing distribution and recent appeal

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decisions. In such circumstances where the local planning authority cannot demonstrate a 5 year housing supply, the council's policies for the supply of housing cannot be considered up to date. It should be noted however that where the policies are consistent with NPPF policy objectives for delivering sustainable development they can be accorded more weight.

In paragraph 55 of the NPPF it states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of the rural community. Local planning authorities are advised to avoid new isolated homes in the countryside unless there are special circumstances. The site is not isolated, and is close to other properties and a school, and not far from the settlement boundary.

Two recent appeals have concluded that the Council does not have a 5 year supply. The absence of a five year supply means that NPPF paragraph 49 is triggered. This states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

The consequence of this is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole.

Sustainable development is assessed in relation to social, economic and environmental dimensions. In terms of the social dimension, significant weight is accorded to the provision of housing. Although the proposal is only for 3 houses, it would still make a contribution towards meeting housing needs. The site is within reasonable walking and cycling distance of village facilities and bus stops. The construction of 3 houses would make a small contribution to the local economy both in terms of construction and spend by future occupants whilst the redevelopment of land currently occupied by derelict buildings means that the environmental impact of the development would not be significant.

Issue 2: Design, layout and character

Policies CS12 and DM32 require a high standard of design that is in keeping with the character of the area in all new development. Policy CS5 of the Core Strategy and policy DM10 of the Sites and Policies Plan (Part 1) require that new development does not harm landscape character and Policy DM37 of the Sites and Policies Plan (Part 1) sets criteria for new residential development, which should not adversely affect the character of the area.

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The current proposal is in outline only, with all matters except access reserved for future determination. However, the illustrative layout plan shows three uniformly sized dwellings and would be considered acceptable.

The site is part of a subdivided agricultural holding, which was used for horticulture. The site has derelict horticultural buildings and structures on the land, so it has no landscape merit. Although the site is currently screened by a substantial roadside boundary hedgerow, it is in a poor state, and as such there would be no loss of landscape quality. Although beyond Lyncombe Farm, the south side of Churchill Green has the character of a country lane with boundary hedgerows and trees. On the north side of the road is the fenced boundary of Churchill Academy. The proposed development would create a new access on the east side of the site, so there would be some loss of hedgerow and reduction in the height of hedgerow to provide visibility at the new junction. However, as the site would be close to existing dwellings and a farm where there is no continuous hedgerow and because it is opposite the school, this would not be unduly harmful to the character of the area.

Regarding the impact of development on the character of the landscape, the housing appeal in Sandford was allowed because it was considered that there would be no significant impact upon the character of the landscape in that location. It is considered that there are no strong grounds to refuse this current application on landscape impact grounds, given the dilapidated state of the site. Whilst the removal of hedgerow and trees to facilitate access would alter the appearance of the site frontage this would not be so harmful as to warrant refusal of the application.

Therefore, it is considered that the development would be in keeping with the character of the area and would not harm the rural character of this part of Churchill, and is in accordance with policies CS5 and CS12 of the North Somerset Core Strategy, and policies DM10, DM32 and DM37 of the Sites and Policies Plan (Part 1).

Issue 3: The formation of access to the site and highway considerations

The position of the vehicular access from the site has been shown on the plans and this forms part of the outline planning application. It is shown as a shared access for the three properties. The access is acceptable in principle but an increase in width to 3.7m and the lowering and management of the hedgerow to obtain visibility at the junction would be required. This could be dealt with in detail at reserved matters stage and controlled through conditions.

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Issue 4: Impact upon the living conditions of future occupiers

The site would be close to Lyncombe Farm which is a working farm. Although the proposal is at outline stage, plans have been submitted to indicate a proposed layout for the three dwellings. The initial plan indicated a dwelling on the east side of the site that would be close to the boundary with the farm, and close to an agricultural building and tank. However, as this was considered unacceptable given the close proximity of the dwelling to a farm building and tank, with potential for disturbance from farm activities, the layout plan has been amended. The revised plan now indicates that the dwelling could be separated from the farm building and tank by a domestic garage so increasing the distance of the main house from the boundary with the farm. This new layout indicates that any potential disturbance from farm activities that could affect the living conditions of future occupants, can be overcome. Although the layout is reserved for subsequent approval at reserved matters stage, it is considered that a linear layout of the dwellings is the most appropriate layout for dwellings on this site. This is because it would be in keeping with the character of the area. Therefore, the revised layout, even though it is only indicative, is considered acceptable, as it demonstrates that siting away from the farm can be achieved on this site. However, issues of overbearing impact or overlooking can only be assessed at reserved matters stage.

Therefore, the principle of the proposal is considered to comply with policy CS3 of the Core Strategy and policy DM32 of the Sites and Policies Plan (Part 1).

Issue 5: Impact upon Protected Species

The proposal would result in loss of hedgerow, and clearing of structures such as old dilapidated greenhouses on the site. As the site has lain vacant for a number of years and it is in a rural location, there is potential for habitats of protected species to have developed on the site. As a result, a Preliminary Ecological Survey has been submitted. Whilst it is considered that it is unlikely that the site would provide a habitat for protected species such as great crested newts, badgers, bat or dormice, it is considered that the site has good potential habitat for protected reptiles. It is therefore necessary that a further ecological survey is submitted by the applicant. This survey can only be undertaken during the reptile active season which extends from April to October. Ecology surveys should be undertaken before a planning application is determined because they cannot be dealt with by conditions. Therefore, in order to satisfy the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act, it is recommended that whilst the principle of the development can be decided at this Committee, this is subject to the satisfactory results of the surveys being submitted prior to any final decision being made. If this recommendation is acceptable, then the proposal is in accordance with policy CS4 of the North Somerset Core Strategy, policy DM8

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of the Sites and Policies Plan (Part 1) and the Council's Biodiversity and Trees SPD.

Issue 6: Impact on setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development may have a material detrimental impact upon biodiversity as dealt with in Issue 5 above.

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

It is concluded that as an outline application, the main consideration is the principle of development. The site is outside the settlement boundary and is in a location that would not normally be considered acceptable under the adopted residential planning policy in the Local Plan, unless material considerations indicate otherwise.

It is considered that in this case material considerations indicates otherwise because of the derelict nature of the site and the lack of a 5 year housing land supply. As there are derelict buildings on the site, the development would not adversely affect the landscape character of the area and there are no strong grounds to refuse the application which would outweigh the weight given to the provision of housing.

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RECOMMENDATION: Subject to the submission of the results of satisfactory ecological surveys demonstrating no overriding adverse impacts on the protected species of reptiles the application be **APPROVED** subject to the following conditions together with any additional or amended conditions as may be required in consultation with the Chairman, and Vice Chairman.

1. Approval of the details of the layout, scale, appearance of the buildings and the 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 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

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 development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

5. The development shall be designed and all works shall be carried out in strict accordance with the recommendations to be set out in the report of the six refugia surveys for the protected species of reptiles. Once the advice is received any mitigation measures shall be incorporated into the development as approved and shall be maintained permanently.

Reason: To ensure that any protected species of reptiles that are found on the site, are safeguarded if necessary during the development

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phase and once complete if required habitats retained or mitigation measures are implemented in accordance with policy CS4 of the North Somerset Core Strategy, policy DM8 of the North Somerset Sites and Policies Plan - Part 1 and North Somerset Council's Biodiversity and Trees SPD.

6. All the derelict horticultural buildings and structures on the application site shall be taken down and all materials shall be completely removed from the application site.

Reason: To ensure that the appearance of the site is improved and that the debris is not placed on any other part of the land, and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan – Part 1.

7. The details submitted under condition 1 of this permission shall include the external walling and roofing materials to be used in the building works for the dwellings and garages hereby permitted. Once these details are approved the development shall be carried out in strict accordance 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 works maintain the rural character of the surrounding area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan – Part 1.

8. The full details of the site access, its size, surfacing and visibility splays shall be submitted with the reserve matters application. Once approved the access and visibility splays shall be retained permanently in accordance with the approved plans.

Reason: To ensure highway safety in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan – Part 1.

9. The details submitted under condition 1 of this permission shall include plans showing the shared road, driveways and parking areas for the dwellings and details of surfacing. The shared road, driveways and approved parking areas shall be properly consolidated and surfaced in accordance with the approved details before the dwellings are occupied and shall thereafter be permanently retained and shall not be

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used except for the parking of vehicles in connection with the dwellings hereby permitted.

Reason: To ensure that the dwellings are served by a suitable shared road, driveways and parking areas in order to preserve highway safety and in accordance with paragraph 39 of the National Planning Policy Framework, policies CS10 and CS11 of the North Somerset Core Strategy and policies DM24 and DM28 of the North Somerset Sites and Policies Plan – Part 1.

10. The details submitted under condition 1 of this permission shall include plans of landscaping and boundary treatments for the development and once approved all works should be carried out in accordance with the approved plans during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with policy CS5 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan – Part 1.

11. Trees and hedges 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 as far as possible that the landscaping scheme is fully effective and retains the rural character of the development and area in accordance with policy CS5 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan.

12. The details submitted under condition 1 of this permission shall include plans showing details of foul and surface water drainage together with a programme of implementation for the three dwellings. Such works shall be carried out in accordance with the approved details, prior to the occupation of the dwellings.

Reason: To ensure that the dwellings are served by a satisfactory system of foul and surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, and policy CS/3 of the North Somerset Core Strategy.

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13. The details submitted under condition 1 of this permission shall include plans showing until 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. Once approved the dwellings hereby permitted shall not be occupied until such measures have been installed on site and are fully operational in accordance with those details. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the dwellings in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

14. The details submitted under condition 1 of this permission shall include plans showing a scheme for providing space and facilities for the storage and collection of domestic waste. Once approved the dwelling shall not be occupied until the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning authority wishes to encourage sustainable waste collection 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, any windows shown on the detailed plans submitted at Reserved Matters Stage to be obscure glazed shall be glazed permanently with glazing that provides a degree of obscuration no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited textured glass range as defined in publication "Pilkington Textured Glass Range" (published January 2010). This window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with Policy DM37 of the North Somerset

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Sites and Policies Plan and the North Somerset Residential Design Guide SPD - Section 1: Protecting living conditions of neighbours.

16. The garages hereby permitted shall not be used except for private and domestic purposes and shall at no times be used for any commercial or business purposes whatsoever.

Reason: In the interests of the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy.