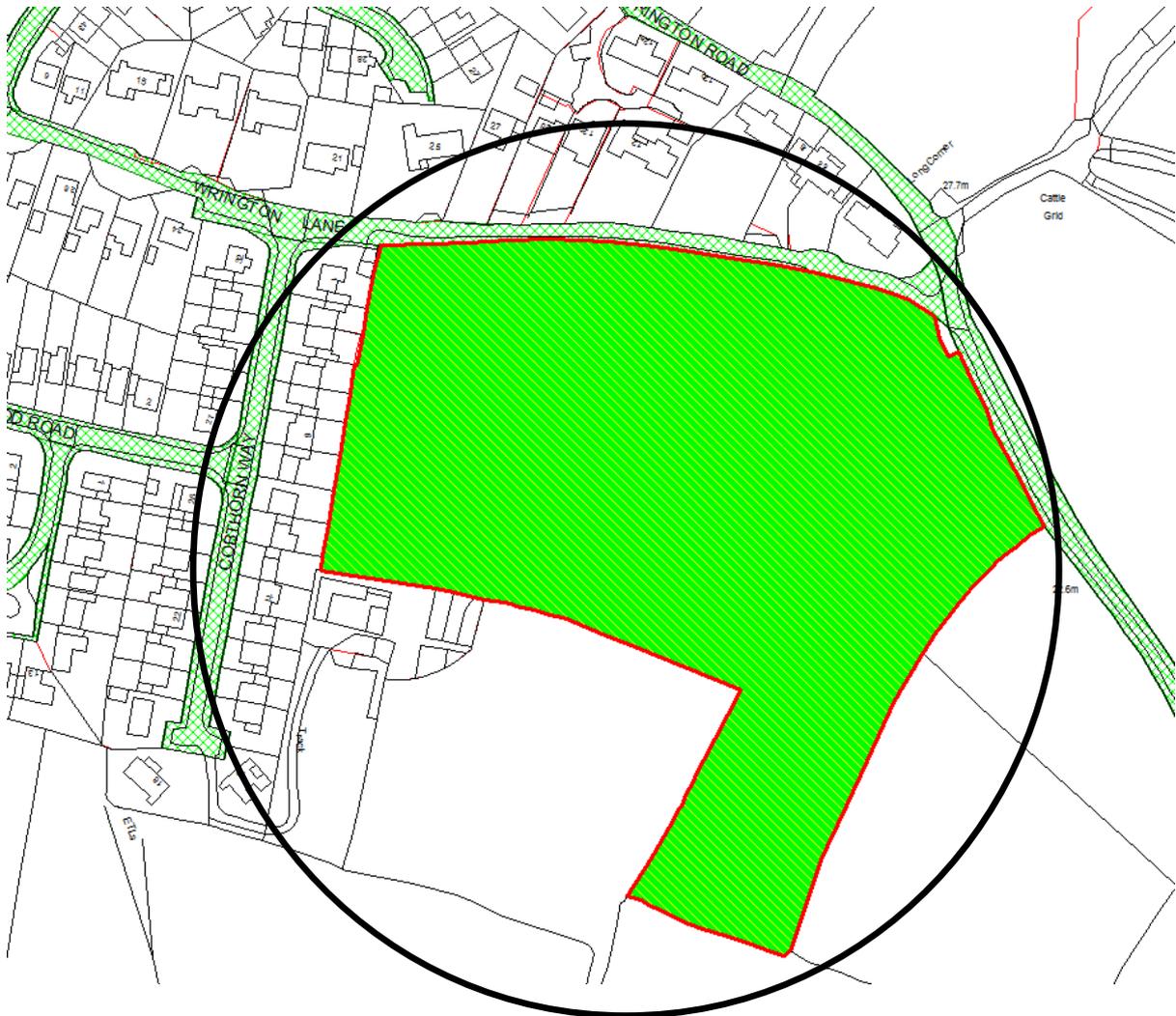


SECTION 1

APPLICATION NO: 16/P/1521/O	CASE OFFICER: Andrew Stevenson
APPLICANT: Gladman Developments Ltd	Extended expiry date:
PARISH/WARD: Congresbury/Congresbury and Puxton	TARGET DATE: 06 September 2016
WARD COUNCILLOR(S): Cllr T C Leimdorfer	
SITE ADDRESS: Land off Wrington Lane, Congresbury	

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. 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



SECTION 1

7. **Section 1 :16/P/1521/O Outline planning application for the erection of up to 50 residential dwellings (including up to 30% affordable housing), structural planting and landscaping, informal public open space, surface water attenuation, vehicular access point from Wrington Lane and associated ancillary works. All matters reserved with the exception of the main site access point at Land off Wrington Lane, Congresbury**

REFERRED BY COUNCILLOR LEIMDORFER

Summary of recommendation

It is recommended that, subject to the completion of a legal agreement, the application be **APPROVED** subject to a S106 agreement and conditions. The full recommendation is set out at the end of this report.

Background

This application has been submitted as a duplicate to application 15/P/2828/O which is subject to an appeal against non-determination. The appeal is due to be heard at a public inquiry commencing on 28 March 2017 and is the subject of a separate report elsewhere on this agenda.

This duplicate application has allowed the applicant to continue to negotiate with the Council to seek to resolve the outstanding objections to the application. In this regard the applicant has now submitted an updated plan for both applications showing the provision of a continuous footway along Wrington Lane from the site entrance to the junction with Kent Road.

The additional plan now submitted indicates the provision of a continuous footway along Wrington Lane from the junction of Kent Road to the site entrance. This is similar to the footway scheme originally considered with the approved application at Cobthorn Way (ref 15/P/0519/O).

The ability to provide a continuous footway was a matter for discussion for the Cobthorn Way proposal. These included the construction of a footway to the front of 15, 17 and 19 Wrington Lane which had been agreed with the Highway Authority. However, the proposal led to an objection from the owners of 17 Wrington Lane and the objection asserted ownership of the land necessary for the construction of the footway. The proposal was not progressed as a subsequent reduction in the number of units did not require it. Two sections of 'virtual' footway formed by carriageway markings to denote the footway were considered sufficient for the reduced scheme. The footway scheme now proposed is of a higher standard than that proposed for the Cobthorn Way application, incorporating footways constructed for the purpose and also includes a 5.5m passing place at the western end.

The applicant has provided a legal opinion to substantiate their view that the highway works can be implemented. Officers have sought our own legal advice on various

SECTION 1

aspects of this and subject to final views on consider that there are unlikely to be grounds for disputing the appellant's view.

The Site

The application site comprises a field of 3.4 ha currently in agricultural use for grazing. The site is located to the north-east of Congresbury, immediately adjacent to the settlement boundary and is bound by existing residential development along Cobthorn Way to the west and Wrington Lane to the north. To the east and west of the site are agricultural fields forming part of the wider pastoral landscape typical of the area.

The site is situated on partially elevated land sloping up from 14.5m AOD on its southern boundary to 26m on the northern boundary. To the south of the site the level of the land falls towards the Congresbury Yeo.

A public footpath runs on a north/south axis across the application site and to the east of the area proposed to be developed as shown on the indicative site plan.

The Application

This is an outline application for a residential development comprising up to 50 dwellings including up to 30% affordable housing. All matters are reserved except for details of the main site access which will come from Wrington Lane into the north-west corner of the site. The development framework shows a total of 1.79 ha for residential development with a mix of dwellings and house types ranging from 2 to 5 bed units. The remainder of the site area totaling 1.63 ha would comprise open space.

The overall approach of the application is to locate development within the western half of the site, with the route of the public footpath separating the proposed housing area from the open space to the east. The landscape features of hedges and trees will be retained and supplemented with additional planting to screen views between the site and the existing properties along Cobthorn Way.

The proposed vehicle access will comprise a priority junction from Wrington Lane with the existing footpath on Wrington Lane extended into the site. To provide the vehicle access a length of hedgerow will be removed, with new gateway landscaping to be planted including a new native hedgerow and trees.

Relevant Planning History

Year	Reference	Proposal	Decision
2017	15/P/2828/O	Outline planning application for the erection of up to 50 residential dwellings (including up to 30%	Appeal lodged against non-determination.

SECTION 1

affordable housing), structural planting and landscaping, informal public open space, surface water attenuation, vehicular access point from Wrington Lane and associated ancillary works

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Congresbury.
- Within Aerodrome safeguarded zone.
- Within Bat habitats.

The Development Plan

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

The Core Strategy was originally adopted in April 2012. Following a successful High Court challenge the housing requirement and a number of other affected policies were remitted to the Planning Inspectorate for re-examination. The new housing requirement (Policy CS13) was re-adopted in September 2015. The Core Strategy was fully adopted on 10th January 2017.

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS32	Service Villages
CS34	Infrastructure delivery and Development Contributions

The Sites and Policies Plan Part 1: Development Management Policies

SECTION 1

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM19	Green infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

North Somerset Replacement Local Plan

H/7 Residential development within settlement boundaries*

*saved policy in respect of the definition of settlement boundaries

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
1	Building a strong, competitive economy
3	Supporting a prosperous rural economy
4	Promoting sustainable transport
5	Supporting high quality communications infrastructure
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

SECTION 1

Supplementary Planning Documents (SPD)

- 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)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Affordable Housing SPD (adopted November 2013)
- 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: 70 letters of objection have been received. The principal planning points made are as follows:

- The site is outside the village boundary
- The Transport Assessment is flawed
- Lack of consideration and sensitivity to the community
- The proposal is not a sustainable form of development
- Increase in traffic and congestion
- Lack of employment opportunities
- Flood risk
- Adverse effect on ecology and risk to wildlife
- Unsuitable location for housing
- Loss of agricultural land
- Extra pressure on local infrastructure amenities
- The proposed development is not community led
- There is no economic benefit

SECTION 1

- The application is in contravention of North Somerset Council Core Strategy Policy Statement CS14 and CS32
- Lack of local school places
- Increase in noise pollution
- Archaeology interest at the site
- Loss of green fields
- Inappropriate access to the site
- Harmful impact to Cobthorn Rare Breeds Trust
- The site is remote from village services
- Inadequate pedestrian access
- There are more suitable brownfield sites.

Further comments made in response to the submission of the additional footway plan are as follows:

- Disputes over landownership are unresolved
- The late submission of amendments limit the consultation period and ability for neighbours to comment
- The removal of hedgerows, trees and greenspace to accommodate the footway affects the character and results in a loss of natural habitat
- Provision of the footway does not overcome pedestrian safety concerns
- There has been no contact between the developer and affected residents

Congresbury Parish Council: “Congresbury Parish Council objects to the this development according to the following issues

This development does not adhere to the following:

- Principles of sustainability development as outlined in the National Planning Policy Framework (NPPF). The applicant does not adhere to the principles of a sustainable development as outlined in paragraph 7 of the NPPFⁱ.
- North Somerset Core Strategy – This development is against the policies and principles set out in North Somerset Core Strategy. The development does not have the support of the local population, will not provide any long term job opportunities and will not protect the character of the community. The development will not help to achieve the Councils Vision and six aims based on the views of local people and government priorities set out within the Core Strategy.
- Congresbury Parish Council planning policy - The development is outside the settlement boundary so contravenes policies set out in section 5 of Congresbury

SECTION 1

Parish Council planning policy. Section 5 states ‘The overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, so it may be enjoyed by all’. Paragraph 5.2 states that in order to protect the character of the village, residential development should not be permitted outside the settlement boundary.

The development also would have the following issues:

- The development goes against local opinion. The agent has not provided any evidence of a majority of Congresbury residents supporting this development outside the village boundary.
- The development could increase the risk of accidents on the A370 and via the access road of Wrington Lane. The access to the site is limited and there could be an increase risk to new and existing residents with a higher volume of traffic using Wrington Lane and also joining the main A370.
- The development would have an adverse effect on the local landscape. The appeal site is not protected by any formal landscape or other designations; however the proposed development is next to a Site of Special Scientific Interest which would have a significant adverse effect upon it and the surrounding aspect.”
 - The site is not part of the North Somerset Sites Allocation Plan
 - As the proposal is for more than 25 units, this is contrary to CS32 and must be brought forward through the development plan
 - The site is highly visible, the development will cause significant impacts on services and infrastructure, the area is susceptible to flooding, and there will be significant cumulative highways impacts contrary to CS32
 - The provision of a footway does not address all highways matters set out in the earlier statement of case
 - The HRA has not been made available

A full copy of the Parish Council objection is contained at Appendix 1 of this report.

Natural England: Based on the information received and the Habitats Regulation Assessment, Natural England concurs with the view that significant effects are unlikely to occur alone or in combination.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development, (2) transport and access considerations, (3) landscape character impact, (4) flood risk and drainage, (5) ecology, (6) archaeology, (7) impact on living conditions of

SECTION 1

neighbouring residential occupiers, (8) other environmental matters and (9) planning obligations.

Issue 1: The principle of development

Housing requirement

Section 38 (6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is consolidated in paragraphs 11 and 196 of the NPPF. The relevant parts of the development plan for the site comprise the adopted policies within the Core Strategy and the Sites and Policies Plan Part 1, and the saved policies of the North Somerset Replacement Local Plan 2007. Following a legal challenge to the Core Strategy regarding the housing numbers, Policy CS13 (scale of new housing) was remitted back to the Planning Inspectorate for re-examination, along with 8 other remitted policies. On 18 September 2015 the Secretary of State confirmed that he had reviewed the Core Strategy Inspector's conclusions and was satisfied that the recommended housing requirement of 20,985 dwellings over the period 2006-2026 was appropriate. The approval of the new housing requirement means that Policy CS13 is now an adopted as part of the development plan.

Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements plus an additional buffer of 5% moved forward from later in the plan period to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

With the Core Strategy housing requirement fixed at 20,985, it was the Council's position that based on the April 2016 annual assessment a 5 year supply (plus 5%) could be demonstrated. This position was tested at recent public inquiries into appeals in respect of proposed housing developments at Sandford (15/P/0583/O) and Banwell (15/P/0248/O). At both these appeals the Inspectors did not agree with the Council's position and concluded the evidence presented at the inquiries did not support the Council's ability to demonstrate a 5 year supply of housing. In the Sandford case the Inspector did not quantify the numerical scale of the shortfall, however, in the Banwell decision the Inspector concluded that the Council could only demonstrate a 4.2 year supply using a 20% buffer.

It is a requirement of the NPPF that LPAs ensure that at all times there is a five year supply of deliverable housing sites. The Banwell and Sandford appeals tested the Councils evidence on this and the Inspectors found that the Council had a shortfall. NPPF paragraph 49 makes clear that "relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites". As a consequence, paragraph 14 of the NPPF is engaged. This states that where the development plan policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

SECTION 1

By virtue of the Town & Country Planning Act, planning applications have to be determined in accordance with the development plan unless “material considerations indicate otherwise”. The NPPF in general and a shortfall in housing supply in particular are examples of such material considerations. Therefore whilst the Core Strategy is newly adopted and now has full development plan status, the “relevant policies for the supply of housing” do not have the same weight as would otherwise be the case if the 5 year supply was in place.

The Site Allocations Plan identifies how the Council intends to meet the Core Strategy housing requirement, including 5 year supply, and identifies proposed new housing allocations at Weston-super-Mare, the three towns and at some key service villages. The fact that a site is not allocated does not indicate that it is unsuitable. An assessment must be made in the context of paragraphs 14 and 49 of the NPPF where the presumption is in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A boost to housing supply would be such a benefit.

For reasons set out in the report it is considered that the impacts on the character and setting of the village are not so significant that they outweigh the benefits of the new housing. Furthermore, the NPPF is clear that proposals should seek to optimise the potential for a site to accommodate development. The proposed density is less than that of surrounding areas and the illustrative layout demonstrates how the form of development can integrate with the adjacent residential areas and the transition to the adjacent countryside.

Sustainability

National policy supports a sustainable approach to development in the rural areas with the emphasis being on supporting services, employment and facilities in larger villages. In the planning system substantial benefit is attached to housing supply by the Government, however this does not override all other considerations. As set out in the NPPF, where the adverse impacts of a proposal “significantly and demonstrably” outweigh the benefits, then planning permission should be refused. The Government’s view of sustainable development is set out in the NPPF. Sustainable development has many strands, but its core dimensions fall into 3 broad limbs - economic, social and environmental. This outline application therefore should be assessed against each of these dimensions.

The Core Strategy identifies Congresbury as a service village. For service villages the strategy is for them to provide a service function beyond the immediate locality and become a focal point for local housing need, services and community facilities. In terms of general principles, it is noted that the intention of Policy CS32 is for larger villages to become more self-contained in terms of supporting services, employment and facilities. At the settlement level it was accepted by the parties on the Brinsea Road appeal that Congresbury is a sustainable settlement that benefits from a range of existing services and facilities and the Inspector concurred with this view. Whilst there have been representations from neighbours disputing the extent of services, facilities and employment opportunities, it remains that in accordance with national guidance Congresbury is considered to be a sustainable settlement. This underpins its designation as a service village in the Core Strategy.

SECTION 1

Each case must be examined on its individual merits, and in this case specific assessment of the accessibility is necessary. The main village centre facilities are located where they could be within walking and cycling distance from the application site and these include Broad Street where there are a range of shops, St Andrews primary school, leisure facilities, and a Tesco Express convenience store on the A370. From the centre point of the site some of these facilities are marginally beyond the preferred maximum for journeys on foot as defined by the Chartered Institute of Highways and Transportation and in the Manual for Streets. This issue was tested at the recent Wentwood Drive, Bleadon (ref 15/P/0983/O) and A368 Sandford (ref 15/P/0583/O) appeals. In both cases, the Inspectors granted planning permission despite limitations on the ease and attractiveness of walking opportunities to key facilities.

Congresbury Primary School is located approximately 1.8km from the site. There is no secondary school in the village; the nearest is Churchill Academy some 3.7km from the site. The village contains several meeting places and other facilities including a doctors' surgery and pharmacy and the site location is not considered to be an excessive distance from the centre of the village. The most direct walking routes from the site towards the village centre, transport links along the A370 corridor and the Tesco Express convenience store are via Wrington Lane.

The applicant has submitted an additional plan showing the provision of a continuous footway along this route and a willingness to accept a 'Grampian' condition to secure delivery of the footway. These works would improve the connectivity of the site and ease of access to services and facilities by means other than by the private car.

The NPPF indicates that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. In this respect, there is a regular Weston to Bristol bus service using the A370 which operates at frequencies deemed to be good for a rural area. The site is approximately 600m from the nearest bus stop on the A370 and the nearest rail station at Yatton is 2.8 km (1.7 miles) from the site. The existence of these public transport options gives a choice of travel modes which may be sufficiently attractive to encourage use. This accords with the NPPF (paragraphs 34 & 35) which seeks to ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In balancing sustainable transport modes the NPPF recognises that different measures will be required in different communities and opportunities to maximise sustainable transport options will vary from urban to rural locations. Paragraph 32 advises that decisions should take account of whether opportunities have been taken up to reduce the need for major transport infrastructure, and it also advises that safe and suitable access to the site should be achieved. Access to the bus services would be via the Wrington Lane route. To overcome the previous concerns with regard to pedestrian access along this route, the applicant is now proposing the provision of a continuous footway along Wrington Lane. Under the assumption that these works can be delivered, this means that the site is within reasonable walking distance of facilities, and the provision of a new footway to the benefit of pedestrian safety is a material consideration in the assessment of the application.

SECTION 1

With regard to employment opportunities, although new residents are likely to travel beyond the immediate settlement, there is nevertheless a significant employment base in the wider area and it is possible that these can be reached through means other than the private car. Taken in the round, this means Congresbury at a settlement level has a reasonable degree of sustainability.

Taking into account the environmental sustainability of the village, it is noted that the application site is bounded on two sides by existing residential development. The manner in which the indicative master plan has been designed with the proposed housing terminating at the route of the footpath crossing the site indicates that it is possible to develop this site as an extension to this part of the village and not seriously harm the rural character and setting of the village. This is explained in further detail in issue 3 of this report. It is also considered that it would not have an unacceptable impact on wildlife or flood risk, subject to meeting conditions securing appropriate mitigation measures as explained in more detail at issues 4 and 5 of this report.

From an economic and social perspective, the site is evidently available and a development of up to 50 houses will make a positive contribution to the 5-year housing land supply. The inclusion of affordable housing, together with construction jobs and increased spending from a rising population provide economic and social benefits, albeit that these are more generic and would apply wherever house building takes place. The presence and availability of existing services contributes towards its sustainability as does the accessibility to surrounding settlements with a more diverse range of activity even though these are more likely to be accessed by private car. The additional population that would accrue from the proposed development would also assist in some degree to supporting the viability of local shops, businesses and community activities although in the wider context this carries only limited weight in favour of the development.

In terms of the social dimension, the village is an active community with many activities and several community meeting places. Over the course of time it is likely that future residents will progressively integrate with and add to the support for organisations that contribute to a cohesive and strong community. The delivery of up to 50 dwellings with 30% affordable housing is deemed to be a benefit in line with the NPPF objective of boosting significantly the supply of housing.

It is accepted in the Core Strategy that some development is appropriate at service villages particularly where it addresses local objectives and contributes to improvements in overall sustainability. Although this is not a site which has been brought forward through the plan-led system and draft SAP, this does not mean it is unsuitable per se. In the absence of a five year housing land supply, policy CS32 for the control of housing cannot be considered to be up to date and significant weight is given to the delivery of new housing. Whether this is an appropriate location for development however, will depend on an assessment of the individual merits of the application site.

SECTION 1

As the remitted policies within the Core Strategy are now adopted there is a conflict with Policy CS32 in terms of scale of development. Policy CS32 allows for flexibility in housing delivery adjacent to settlement boundaries where proposals are of an appropriate scale. Consequently, larger sites such as this should be brought forward through the plan making process. Nevertheless, in circumstances where the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing land, as is currently the case in North Somerset, through paragraphs 14 and 49 of the NPPF sites will come forward in advance of the plan making process to address the housing shortfall. Under national planning policy guidance the delivery of market and affordable housing is considered to be a significant benefit.

Issue 2: Transport and access considerations

Wrington Lane is a residential street providing a link from Kent Road in the west to Wrington Road in the east. It has priority junctions with Wrington Mead and Cobthorn Way. To the west between Cobthorn Way and Kent Road there are two narrow sections without footway where opposing vehicles are unable to pass and informal shuttle working is necessary. Where there are footways, principally either side of the junction with Wrington Mead, they are generally on one side only and of substandard width. The lane is subject to a 30mph speed limit, but due to the nature of the road, actual speeds are significantly lower. East of its junction with Cobthorn Way, the lane narrows to around 2.9 metres in width and provides access to 5 dwellings.

This outline application is for a residential development of 50 dwellings. The proposal includes a single point of vehicular access from Wrington Lane, west of its junction with Cobthorn Way, and a change of priorities to bring the highway directly into the development. A new priority junction with the eastern section of Wrington Lane is proposed.

The site levels where Wrington Lane is to be realigned into the site are higher than the eastern narrow section of Wrington Lane that is to be retained. The developer has prepared a drawing which indicates how the access road could be constructed to take account of the level differences. The plan provides details of the embankments that would be required to form the access road into the site. This demonstrates that it is feasible to construct the access road with only modest embankment works needed to address the issue of level differences. These works will not require the loss of any additional hedgerow other than that which has previously been identified.

An additional plan has been submitted which indicates the provision of a continuous footway along Wrington Lane from the junction of Kent Road to the site entrance. This is similar to the footway scheme originally considered with the approved application at Cobthorn Way (ref 15/P/0519/O).

The ability to provide a continuous footway was a matter for discussion for the Cobthorn Way proposal. These included the construction of a footway to the front of 15, 17 and 19 Wrington Lane which had been agreed with the Highway Authority. However, the proposal led to an objection from the owners of 17 Wrington Lane and the objection asserted ownership of the land necessary for the construction of the footway. The proposal was not progressed as a subsequent reduction in the number

SECTION 1

of units did not require it. Two sections of 'virtual' footway formed by carriageway markings to denote the footway were considered sufficient for the reduced scheme. The footway scheme now proposed is of a higher standard than that proposed with the Cobthorn Way scheme, incorporating footways constructed for the purpose and also includes a 5.5m passing place at the western end.

The applicant has provided a legal opinion to substantiate their view that the highway works can be implemented. Officers have sought our own legal advice on various aspects of this and consider that there are unlikely to be grounds for disputing the appellant's view.

The Council will need confirmation of the applicant's ability to implement such a footway improvement and require that these works are carried out in full before the commencement of the proposed residential development. On this matter, following legal advice there would appear to be a reasonable prospect that the matter could be addressed via a 'Grampian' style planning condition. This would provide sufficient mitigation to the development and removes the previously held concern over pedestrian safety along Wrington Lane.

The developer has predicted the likely vehicular trip generation of the development in the morning (AM) and evening (PM) using a combination of the industry recognised standard TRICS database, and survey data recorded on Cobthorn Way. Having reviewed the data it is considered that the proposed trip generations are robust. The development is predicted to generate 36 trips in the AM peak, and 31 trips in the PM peak. Traffic has been distributed and assigned on the network using 2011 census travel to work data. This methodology is accepted.

The design of the proposed access has been subject to a Stage 1 Road Safety Audit (RSA). The RSA indicates only one problem relating to the forward visibility of westbound vehicles departing the site, and the potential for shunt type collisions as a consequence. This issue can be dealt with at the detailed design stage as the land which the splays cross is in the applicant's ownership. Wrington Lane currently floods near the proposed access point during heavy rainfall. A flood risk assessment has been provided in support of the application, together with details of a scheme of surface water drainage to address the issue by directing surface water into gullies around the site. Highways and drainage officers confirm this can be dealt with at the detailed design stage.

The applicant has also completed junction assessment using the industry recognised modelling package PICADY. The following junctions have been assessed:

- Site Access
- Wrington Lane/Cobthorn Way
- Kent Road/Wrington Lane
- A370/Kent Road

SECTION 1

The modelling indicates that, with committed and proposed development traffic added, all junctions will operate within their theoretical capacity and there will be no significant queuing or delay if the application is approved.

The NPPF (paragraph 32) requires account to be taken of whether safe and suitable access to the site can be achieved for all people. In this respect, Wrington Lane provides a link between Kent Road to the west and Wrington Road to the east. The road is narrow with some sections being single track and unable to accommodate 2-way traffic. A 30 mph speed limit applies between Kent Road and a point approximately 30m to the east of Cobthorn Way (at the approximate location of the proposed access). The speed limit then becomes derestricted for the remainder of its length eastwards to its junction with Wrington Road. There is currently no continuous footway along Wrington Lane; only short sections where there are footways along one side.

It is necessary to consider whether the proposed highways improvement scheme will have suitable capacity and be safe to serve the additional traffic predicted from the development proposed by this application, and whether the development would have a severe cumulative impact on Wrington Lane under the terms of NPPF.

There are two elements to this; first, the impact of an increased number of pedestrians using Wrington Lane; and second the impact of further additional traffic on Wrington Lane. Whilst the two are clearly linked, it is important to draw some distinction between them.

Pedestrians

The footway scheme proposed by the applicant in support of the development proposes a continuous footway of between 1.2m and 1.5m from Kent Road to the Gladman site. This is a higher standard than envisaged in previous Cobthorn Way scheme. "Inclusive Mobility" the DfT guide for best practice on access to pedestrian infrastructure shows that 2 pedestrians can walk side by side, or in opposing directions, on a footway of 1.2m in width, and a wheelchair user and ambulant pedestrian can be accommodated in a width of 1.5m. Pedestrian flows on Wrington Lane from both developments and existing residents are relatively modest and on this basis pedestrian conflict is likely to be low and the proposed pedestrian route is considered to be acceptable.

The proposed footway is of sufficient standard to offer a reasonable alternative to short journeys by private car and safely accommodate pedestrian movements along this route. The intention of the developer to provide a continuous footway along Wrington Lane would provide sufficient mitigation to the development. With low volumes of traffic along Wrington Lane and low vehicle speeds, which are likely to be reduced further with the proposed priority workings, the highways improvement works are capable of accommodating the level of traffic emanating from both the Cobthorn Way and this development site, and create a pedestrian environment that would not be intimidating and thus would encourage use for short trips to local services and public transport links. This is an improvement over the existing arrangement where sections of footway are absent.

SECTION 1

Surveys were undertaken on Thursday 12 – Saturday 14 May 2016 to determine the base level of pedestrians using Wrington Lane. This indicated that flows were slightly higher on the weekend, however the weekday peaks were the busiest recorded times with 15 two way pedestrians recorded during the Thursday PM peak.

Using the TRICS database the applicant has completed a multimodal trip assessment to determine the likely number of pedestrians that this proposal and the consented development at Cobthorn Way would generate during the peak periods. It is recognised that there are multiple route choices from this development which includes Wrington Lane to Kent Road, but also an alternative route of Cobthorn Way to Weetwood Road and Southlands Way. The alternative route is slightly more tortuous than Wrington Lane, and the applicant has assumed a 50% split between the two routes. In reality it is likely that the route along Wrington Lane will be perceived as more convenient by residents of the application site and result in a higher percentage of people using this route than considered within the assessment.

The applicant's work concluded that the two developments will generate an additional 26 pedestrian trips in the AM peak, and 14 pedestrian trips in the PM peak. Assuming a 50% split between the two alternative pedestrian routes, combined with the survey data there is estimated to be 21 pedestrians using Wrington Lane in the AM peak, and 22 in the PM peak. Again, it is likely that the actual number using Wrington Lane will be higher than assessed by the applicant due to the convenience of the route along Wrington Lane. To quantify the impact of this the applicant considered average walk speeds against the distance pedestrians are required to walk in the carriageway along Wrington Road.

Assuming an average walking speed of 80 metres per minute, the distance required to walk from the development site to Kent Road is approximately 250 metres, which would take approximately 3 minutes to walk. During this time it is predicted that they would pass 2 other pedestrians, and 7 cars in the morning peak, and 8 cars in the evening peak. It concluded that the proposed scheme can accommodate this low volume of pedestrian numbers.

Vehicular Flows

Introducing “give way” priorities such as those proposed with the improvement schemes agreed as part of the Cobthorn Way application reduces the capacity of links. The applicant has provided assessment of the impact of their development on these pinch points. Using data from the this application and the Cobthorn Way application, it is predicted that the total two way vehicular flow will be 132 in the morning peak and 155 in the evening peak. On this basis it is considered that the priority workings have sufficient capacity to serve both this development and the consented development at Cobthorn Way.

The capacity assessment relates to the characteristics of the local road network as proposed, assuming that the footway improvement are constructed. Using a number of guidance documents of highway capacity, officers have assessed that Wrington Lane has theoretical capacity to accommodate at least 400 vehicles per hour whilst other sources suggest significantly greater capacity than that. The maximum flows on Wrington Lane with both the Cobthorn Way and this development are predicted to be 155 vehicles in the PM peak hour, less than 40% of the assessed capacity.

SECTION 1

It is acknowledged that the increase of traffic will have a perceptible impact on the nature of this route. Nevertheless, the modelling indicates that in combination with the committed and proposed development the priority working along Wrington Lane and the junctions will operate within capacity and there will be no significant queuing or delay if the application is approved. The provision of a continuous footway enhances pedestrian safety along this route and thus there is no highways objection to the proposal.

Issue 3: Landscape and character impact

The application site is an undeveloped field which adjoins the defined settlement boundary of the village. The land slopes upwards from the south towards Wrington Lane which forms the upper boundary of the site. Beyond this to the north are a number of detached dwellings located between Wrington Road and Wrington Lane. The line of dwellings along Cobthorn Way forming the west boundary of the site clearly demarcate the edge of the village in this direction. Planning policies CS5 and CS12 of the Core Strategy and DM10 of the North Somerset Sites and Policies Plan Part 1 aim to minimise the dispersal of dwellings outside existing settlements and to protect the character of the countryside. The site is not situated within either a statutory or local landscape designation. Although close to the North Somerset Green Belt, the site does not form part of this designation and the protection that is afforded to it. The village Character Statement published in 1998, contains useful principles which are still understood to be broadly representative of local aims and aspirations.

The site forms part of the “J2: River Yeo Rolling Valley Farmland Landscape Character Area” as prescribed in the North Somerset Landscape Character Assessment SPD. This landscape character is described as moderate and the overall condition as good. The Landscape Strategy is to conserve the peaceful, rural nature of the landscape and strengthen areas of weaker character. In this respect the illustrative master plan layout has been designed to ensure that it retains and enhances perimeter hedges and trees and provides adequate buffers around them, whilst also retaining a substantial area of open space to the east, minimising encroachment into open countryside and retaining views out from the public right of way.

It is considered that the site and surroundings accord with the character assessment for the area. The landscape character of the application site is essentially the same as that of the Cobthorn Way site a short distance to the south west. There are some differences however in the topography, field size and site boundaries, with this site being more elevated. Although there is residential development to two sides, there is slightly less urban influence from the existing residential properties along Wrington Road to the north as a result of the lower density of development and separation with the hedgerows enclosing Wrington Lane.

A Landscape Visual Appraisal has been submitted with the application that considers the potential impact the development might have on both the landscape character and visual amenity of the site and surrounding area in terms of sensitivity, the nature and extent of the changes to views and the resulting overall visual effect. The LVA

SECTION 1

concludes that whilst there would be some landscape and visual effects at the outset of development (year 1) these would diminish over time as the green infrastructure becomes established and matures. Any adverse effects would be localized and limited in their extent and the proposed development would not give rise to any unacceptable landscape and visual harm.

The proposed development would extend the village edge into the countryside and result in the loss of an attractive green field. Whilst it is clear that the replacement of an undeveloped field with residential properties will have an impact on the landscape, there is no strong reason to dispute the findings of the LVA that this impact would be no more than moderate when completed. The site is close to the existing dwellings along Cobthorn Way and Wrigton Road and it is considered the development would mostly be seen in the context of these residential properties. The extent of encroachment into the countryside is not excessive in terms of scale and wider context, and the scheme offers opportunities for stronger landscape planting than currently exists to filter views of the settlement edge. Large amounts of undeveloped countryside would remain to the south and east of the site, and in longer views of the rising landform and hillside to the north. In this context, the proposed development would not appear uncharacteristic despite extending the built form of the village to the east.

The site area on the edge of the village is not a significant part of the overall character of the landscape and thus would not result in a serious deterioration in the landscape setting. The quality of the pastoral landscape is weakened by the presence of the hard features and limited screening of the settlement edge especially to the west. Whilst the open landscape to the east of this part of Congresbury is attractive and seen as an asset by local people, the application site is not uncommon to the village edge, nor does it contain unique features to merit its preservation.

At paragraph 109 the NPPF states that the planning system should seek to protect and enhance valued landscapes, and at paragraph 123 to protect areas of tranquillity, prized for their recreational and amenity value. As the site is not within a statutory or local landscape designation neither paragraphs 109 or 123 apply strongly in this context. Core Strategy Policy CS5 seeks to protect and enhance the character, distinctiveness, diversity and quality of landscapes however, for the reasons set out above, it is considered that the loss of part of this undesignated landscape does not outweigh the benefits of additional housing land supply.

The site is reasonably well contained to the north and west, both by existing dwellings and tall hedges, such that there are few views in from the local road network. A break in the west end of the hedge following Wrigton Lane does afford a good view across the site and this forms the proposed access point which therefore minimises potential hedgerow loss, retaining the character of the lane beyond. Careful landscaping of the new access point is possible, as a green space has been included to the south of it, effectively framing a view into the new housing site. Buffer planting will assist the integration of the proposals in wider views and this will be particularly important to the south and east, notably from the footpath crossing the site.

SECTION 1

On the illustrative master plan the development is shown to be contained on land to the west of the footpath crossing the site. The LVA states that there will be minimal change to the topography of the site, with some levelling of the raised mound in the centre of the site and creation of a drainage basin on a southern part of the site. This is important as development on the mound would be unacceptable because it would accentuate the prominence of the site in the landscape. The application is in outline form so exact details of these works and impact to land levels have not been provided. If necessary finished levels for the site and heights of the buildings can be secured by appropriately worded conditions.

It would also need to be specified that no development should be located outside the area shown as the 'proposed residential area' on the Development Framework plan. Final house numbers will be dictated by layout and landscape considerations but with a maximum quantum of 50 dwellings. This would need to be reflected in a condition if permission were to be granted. Key elements that would be considered at reserved matters include: the relationship with existing adjacent development, particularly distances and screening of properties along Cobthorn Way; treatment of edges; entrance to the site, and the establishment of a native hedges and strengthening of retained hedges, which will also benefit ecology. Other matters will include improvements to elements of the illustrated layout to secure a more sensitive treatment, the range of building typologies and orientations, varying setbacks, roof heights, spacing, gables, dormers etc. to ensure an interesting informal townscape/roofscape appropriate to edge of village development.

The proposed development is considered not to have any material impact on the character of the village and is not likely to result in any off site works e.g. to increase the capacity of the A370/High Street junction. The proposal itself is some distance from the Conservation Area and any listed buildings and therefore will not damage its heritage value.

It is considered that although the proposed development will change the character and appearance of the area as well as some views across the site, this change is not so significant in itself to outweigh the benefits of providing the additional housing. With careful consideration of the layout and extent of the development together with sympathetic landscaping, the proposed development is capable of integrating well into the existing edge of the settlement and enhancing its setting.

Issue 4: Flood risk and drainage

The site falls within Flood Zone 1 which has low probability of flooding. The submitted drainage strategy seeks to manage surface water to maintain a green field run-off rate to ensure that flood risk is not exacerbated elsewhere as a result of the proposed development. As ground conditions do not favour percolation, a gravity surface water drainage system is proposed which will connect surface water drainage into the existing watercourse system to the south east of the site. To accommodate surface water flows up to a 1 in 100 year plus climate change event an attenuation pond is proposed towards the south east of the site. The position of this is indicated on the illustrative plan.

SECTION 1

The drainage strategy submitted by the applicant has been reviewed by the Council's Flood Risk Management team and is considered sound. The drainage strategy demonstrate that flows are directed across the site towards the attenuation pond located in the south east corner, with outfall from the pond at green field rates along existing routes to the river Yeo. Planning conditions can be imposed requiring the submission and approval of the design, implementation and management of a sustainable drainage scheme, and for evidence of agreement of the point of discharge for surface water with a third party or Wessex Water. In its consultation response, Wessex Water have not objected but advise surface water flows will not be allowed to connect to foul water systems. Such an arrangement is not being proposed in the surface water drainage strategy.

Flood risk at the site entrance has been considered in response to concerns over unconstrained surface water flows along Wrington Lane. The surface water flow route is from the eastern part of Wrington Lane down to the junction with Cobthorn Way and beyond. The creation of the site access in the location indicated will mean that this flow route will enter the application site, although, as the site slopes up from this point, the impact is likely to be limited to the access point only. The proposals include realigning Wrington Lane into the application site with the eastern section of Wrington Lane forming a 'T' junction with it. All these road works would need highway drainage to accommodate these flows and the developer would be responsible for intercepting them in a properly designed system of highway drainage.

With regard to foul drainage, a connection from the development can be made to Wessex Water infrastructure at a public sewer located along Wrington Lane. There is also a possible alternative connection to the north of the site at Wrington Road although this is not likely to be the preferred option for the development. Wessex Water has not raised any concerns regarding the ability of its infrastructure to accept flows from the proposed development but has specified that it is monitoring service levels in the downstream catchment which could be affected by development in the Congresbury area. Under its statutory duties Wessex Water will be able to take any necessary steps to maintain service levels. Given that there is a statutory duty to do so it would be inappropriate to prevent this development from proceeding on the grounds of sewage capacity as this is controlled through other legislation.

The overall principal of the flooding and drainage design is acceptable, subject to suitable conditions being applied.

Issue 5: Ecology

The application site is within close proximity to the North Somerset and Mendip Bats SAC of which Kings Wood, a short distance to the north, is a component part. Policies CS4 of the Core Strategy, and DM8 of the Sites and Policies Plan Part 1 seek to protect priority habitats and development that could directly or indirectly harm protected species will not be permitted unless the harm can be avoided or mitigated.

The proposal is subject to a Habitats Regulation Assessment which has now been completed.

SECTION 1

The impact on protected species and bats has been assessed in the submitted extended phase 1 ecological appraisal, development framework plan and bat mitigation principles briefing note. These have informed the HRA screening assessment which has been produced in consultation with the applicant's ecological consultants, the Council's ecologists and Natural England. The HRA concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard to measures built into the proposal that seek to avoid potential impacts.

Avoidance measures contained within the mitigation strategy will include

- Securing the long term grazing regime and management of the ecological corridor and bat habitat and to secure this via a S106 agreement.
- Submission of a site lighting plan with details of low/no UV lighting mitigation during the finalisation of the site Masterplan
- Submission and implementation of a Construction Environmental Management Plan (CEMP) to include restrictions during the construction phase on the retained bat habitats
- Submission and implementation of a Landscape Ecological Management Plan (LEMP) to secure long term favourable management of site habitats, to include to include long term grazing and all measures detailed in the Bat key principles and measures briefing note

On the basis of this information Natural England concur with the view that no significant effects to bat flight corridors or foraging grounds are likely to occur.

The HRA demonstrates that the development proposals will not result in any direct impacts to the North Somerset and Mendip Bats SAC sites. This takes into account an in-combination assessment with cumulative development within 5km of the site. The application site is considered to be sufficiently separated from the nearest components of the SAC by roads and existing development. With regard to indirect impact, the proposals will retain a significant amount of grassland in the east of the site which will be subject to an appropriate long-term grazing regime designed to maximize the value of the site for foraging Horseshoe bats. The proposals will also provide linkages for commuting bats in the form of new native woodland planting, forming a north-south corridor leading from the SAC roost sites (King's Wood & Urchin Wood), immediately to adjoining habitats to the south and east. The lighting scheme for the proposed development will ensure that light levels along the north-east and eastern boundaries will be low especially adjacent to areas of public open space.

The western part of the site is not of particular value to foraging and commuting horseshoe bat species. Existing development is present towards the north-west, west and south-west of the site, and hence the proposal to develop in the western part of the site will avoid the disruption, isolation or fragmentation of habitats that support commuting and foraging activities of horseshoe bats.

SECTION 1

The information for other species is considered to be sufficient and there should not be any adverse impacts, although appropriate avoidance and mitigation measures would need to be secured through conditions.

Issue 6: Archaeology

The application has been submitted with an Archeological Desk Based Assessment that indicated that the potential for the site to contain previously unrecorded prehistoric and Roman evidence was considered to be moderate. However, following an evaluation of the site at Cobthorn Way where archaeological records were found, a further geophysical survey report has been produced. The more recent report across the majority of the site detected responses related to former field boundaries, agriculture and drainage, and an area archaeological activity potentially relating to kilns/furnaces that surrounds the limestone outcrop. Given the results of the recent trenching and survey work to the south at Cobthorn Way, any archaeological assets present are unlikely to be of national significance. As a non-designated heritage asset, in accordance with paragraph 135 of the NPPF, this should be weighed against the general planning balance.

As such a condition can be applied requiring an archaeological written scheme of investigation to assess the significance of the archaeological deposits and for a mitigation scheme to be agreed. This may have subsequent implications for the layout of the site and this matter can be discussed at reserved matters stage.

Issue 7: Impact on living conditions of neighbouring residential occupiers

The application site is adjacent to existing residential dwellings along Cobthorn Way to the west. A row of dwellings are also situated to the north, separated from the site by Wrington Lane. An illustrative layout has been provided which shows the extent of the proposed area to be developed.

As layout, design and landscaping are reserved matters, the final layout of the site has not yet been established. In terms of neighbour impact the position and orientation of dwellings will need to take account the location of neighbouring dwellings and position of windows in facing elevations to ensure there is no loss of privacy, outlook or unacceptably dominant appearance. The properties along Cobthorn Way are of a two-storey scale with a rear outlook over the application site. In general these properties have relatively short rear gardens and only limited natural screening and vegetation at the boundary. Given the proposed density of development, 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.

SECTION 1

The Landscape Visual Appraisal indicates that there will be some levelling of the site although the extent of these works is described as marginal. Currently the land is higher than the properties along Wrington Lane thus it would be appropriate to establish height parameters including cross sections of the site, comparative floor levels and ridge heights. The application is in outline form so exact details of these works and impact to land levels have not been provided, however details relating to the finished levels for the site and heights of the buildings can be secured by appropriately worded conditions. A landscape buffer zone between the existing and proposed properties should ensure there is no unacceptable overbearing or dominating impact in the relationship between properties across and adjacent to the site.

The scale of the development could 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 8: Other environmental matters

The representations received have been numerous and varied in their content. These issues and other relevant issues associated with the development proposal have been given careful consideration.

The objection with regard to impact to the nearby rare breeds trust farm has been taken into account, however no definitive evidence has been provided to demonstrate how the development would prejudice the viability of this operation. The proposed residential area shown on the applicant's Development Framework would lie to the north of the farm and would not significantly impact on the enclosures which lie predominantly to the south. Boundary fencing and/or planting could be provided at the detailed design stage to provide screening and security. The farm lies close to existing houses in Cobthorn Way and there is no evidence that it adversely impacts on the living conditions of those residents through noise or smell.

If permission were granted, conditions would be imposed to protect and mitigate the risk to the future residents of the development from contamination, pollution, noise, flooding and lighting concerns. Relevant conditions would also be imposed to secure the delivery of 15% on site renewables.

All other matters raised have been taken into account, but none is of such significance so as to outweigh the considerations that led the recommendation below.

Issue 9: Planning 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

SECTION 1

- 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 Policies CS9, CS10, CS16, CS25, CS26, CS27 and CS34 of the Core Strategy and policies DM70 and 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.

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 30% affordable housing requirement at nil public subsidy equates to 15 units for this development

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 development of up to 50 homes would need to contribute to early years (0-4), primary (5-11), secondary (11-16), special education needs and post 16 education through a financial contribution. A sum of £255,835 is sought from the applicant. This comprises £88,375 towards the provision of additional pre-school places and associated infrastructure, £10,000 towards reinstating and equipping classrooms at St Andrews Primary School, £133,000 towards home to school transport to Churchill Academy, £21,760 towards the provision of Special Educational Needs provision at St Andrews School, and £2,700 towards youth provision.

Public open space and built sports facilities

Policy CS27 of the Core Strategy deals with sport, recreation and community facilities. On this basis, the development must provide on-site provision of a play area comprising a minimum of 600 sqm, with at least 6 pieces of play equipment, with accompanying commuted sum sought of £30,870 in total to cover a 15yr period. Off-site contributions of £30,857 to increase capacity at existing built sport and leisure facilities in Congresbury, and an off-site contribution of £16,490 towards playing pitches are also sought.

Informal public open space to a minimum ratio of 15sqm per dwelling together with a supervision fee and commuted sum to cover management over a 15 year period is sought.

Highways and transport

The applicant is proposing a series of traffic management measures, road safety and pedestrian safety improvements set out in the Transport Assessment in order to

SECTION 1

seek to resolve the highway safety objections. The Committee will be updated on these proposals. A S106 agreement would need to make provision for the future adoption and maintenance of any flood, drainage, and highways infrastructure to be detailed with the reserved matters. This could include highways drainage works associated with the realignment of Wrington Lane at the entrance to the site in order to address surface water flows and to facilitate safe access to the site. There is also a requirement to seek a contribution of £6,000 (£120 per dwelling) towards Travel Information Packs, public transport taster tickets and cycle vouchers.

The applicants have indicated they are minded to accept the above terms. S106 contributions will be subject to detailed drafting negotiation, agreement of phased payments where appropriate, evidence of proper expenditure and suitable claw-back clause if the money is not spent within a reasonable period of signing the S106.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity subject to the implementation and compliance of the conditions recommended.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder subject to the receipt of satisfactory plans. The proposed development of this site for residential development, if it were to be approved, will need careful consideration to design out crime from an early stage to create a safe sustainable development and this will form part of a reserved matters application, rather than this outline stage.

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 in this report, continue to be the matters that carry greatest weight in the determination of this application

Conclusion

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. Against this, paragraphs 14 and 49 of the NPPF dictate that relevant policies for the supply of housing are not considered

SECTION 1

up to date where the local planning authority cannot demonstrate a 5 year supply of deliverable housing land.

Congresbury is a Service Village and has a reasonable range of services, facilities and transport links that serve the settlement. The location of the site in relation to these elements is in a number of instances beyond the preferred maximum set out for walking distances in the Manual for Streets, however the extent of this is not so significant to constitute a reason to refuse the application. Principal walking and cycling route to access services and facilities including transport links, and nearest shop involves the use of Wrington Lane. This is currently substandard in terms of pedestrian access, however the applicant has proposed the provision of a continuous footway, which when delivered in advance of residential development, will provide sufficient mitigation to overcome previous safety objections. With highways improvements, the cumulative impact of development at Cobthorn Way and Wrington Lane would not result in unacceptable conflicts between pedestrians and vehicles to the detriment of highway safety. With a deliverable scheme to mitigate this impact the site is considered to be an appropriate location for the scale of development proposed with regard to accessibility to local services and facilities by means other than by the private car.

There are a number of environmental impacts of the development, through the change in the rural character of the application site, the loss of agricultural land, reduction in habitat favourable to wildlife and complexity in dealing with surface water discharge from the site. Nevertheless, none of these reasons is so adverse or insurmountable to outweigh the benefits of the additional housing on these issues.

Policies contained within the NPPF do not offer blanket protection for all parts of the countryside regardless of the quality, but rely on an assessment of the harm and benefit. This recognises the fact that green field land releases beyond settlement boundaries are required in order to meet housing need. In this instance, as the development would not have a significantly adverse landscape impact, greater weight is attached to housing delivery.

The, surface water drainage and flood risk considerations can be addressed through conditions and at the detailed design stage. The impacts on ecology are capable of being mitigated. These are taken into account in the planning balance.

RECOMMENDATION: Subject to the completion of a legal agreement securing (a) the provision of on-site affordable housing (b) financial contributions towards education provision (c) the provision of a LEAP, on site informal open space with accompanying commuted sum, (d) financial contributions to increase existing built sports and leisure facilities, (e) provision for the adoption and maintenance of any flood, drainage and highways infrastructure , (f) financial contribution towards travel packs, (g) securing of an appropriate maintenance and management regime to support ecology, that the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman:

SECTION 1

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of 3 years from the date of this permission.

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

2. The development hereby permitted shall be begun either before the expiry of three years from the date of this permission, or before the expiry of two years from the date of approval of the last of the reserved matters to approved, whichever is the later.

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

3. Approval of the details of the design and external appearance of the building(s), the landscaping of the site, and the layout, (hereinafter called the reserved matters shall be submitted to and approved in writing by the Local Planning Authority.

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 (as amended

4. No more than 50 dwellings shall, be erected on the application site and the development shall be restricted to the area shown on the Development Framework Plan 6587-L-02H.

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.

5. Prior to the commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses such as formal and informal open space and infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme

Reason: In the interests of securing a layout and built form that is sympathetic to the character of the village; retains existing features and where possible enhances the village and its relationship to its

SECTION 1

surroundings in the interest of permeability and ecology in accordance with policies CS2, CS3 and CS12 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1

- 6 The means of access to the site shall be constructed in accordance with the approved Proposed Site Access Arrangement Plans contained within the AHA TA Supplementary Report 1465/4 dated January 2017, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1.

- 7 The dwellings shall not be occupied until sight lines have been provided at the junction between the site entrance, Cobthorn Way and Wrington Lane have been provided in accordance with the approved plans 1465/01C.

Reason: In the interests of road safety and in accordance with Policy CS10 of the North Somerset Core Strategy and DM24 of the Sites and Policies Plan Part 1

- 8 Prior to any/all works commencing on the development site, the Wrington Lane improvement scheme shown on drawing 1465/10B comprising the construction of a continuous footway, priority road markings and associated carriageway works on Wrington Lane shall be constructed in full, and in accordance with detailed engineering drawings submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and road safety and in accordance with Policy CS10 of the North Somerset Core Strategy and DM24 of the Sites and Policies Plan Part 1

- 9 No dwelling shall be occupied until the relevant number of parking spaces for each respective dwelling, which shall be compliant with the North Somerset Parking Standards 2013, have been constructed in accordance with the approved plans.

Reason: To ensure that each dwelling has the necessary on-site parking provision and in accordance with the North Somerset Parking Standard SPD.

- 10 No dwelling shall be occupied until a travel plan based on the Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a travel plan coordinator, who shall be in place until 5 years after

SECTION 1

the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the approval of the Local Planning Authority at intervals no longer than 18 months. The measures contained within the approved plan and any approved modification shall be carried out in full.

Reason: To promote patterns of sustainable travel and in accordance with Policy DM26 of the Sites and Policies Plan Part 1.

- 11 The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy to demonstrate that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policies DM9, DM10 and DM32 of the Sites and Policies Plan Part 1

- 12 All works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following completion of the dwellings.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policies DM9, DM10 and DM32 of the Sites and Policies Plan Part 1

- 13 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 in accordance with DM9 and DM10 of the Sites and Policies Plan Part 1 Publication Version 2015

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy DM9 and DM10 of the Sites and Policies Plan Part 1

- 14 The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the foul and surface water drainage scheme have been submitted to the LPA, and approved in writing by the LPA. Those details shall include:

SECTION 1

- a. Evidence of agreement on the point of discharge of surface water with either third party land owners or Wessex Water as appropriate.
- b. 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 to all structures (4 metres minimum), the detailed methods employed to delay and control surface water on site or passing through the site and discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and surface waters;
- c. 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);
- d. Flood water exceedance routes, both on and off site;
- e. 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.

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.

- 15 The drainage system required by condition 14 shall not be constructed until the pre-construction requirements set out below have either been; submitted to and accepted by the Local Planning Authority, or adhered to as stipulated within the requirement.

The method statement shall include:

Schedule of works;

- details of construction of all SuDS components;
- cross sections of the attenuation pond construction, side slopes should be designed to allow for safe maintenance by machine;
- management of any temporary works that will affect the approved system and mitigation for:
 - pollution/sediment loading,
 - potential damage to SuDS during construction,
 - flooding and damage up or down stream.

SECTION 1

- o increase discharge to downstream systems

Reason: To ensure that the SuDS are adequately planned, and that the development is served by an adequate and approved means of drainage to comply with policy CS3 of the Core Strategy.

- 16 The drainage system should be designed to ensure that the site access remains flood free up to the 1 in 30 year return period with an allowance for climate change.

Reason: To ensure safe movement on and off of the site via the primary access for vehicles, cyclist and pedestrians in accordance with Policy DM32 of the Sites and Policies Plan Part 1.

- 17 No dwelling shall be occupied until a scheme to show an interception and reduction of the flood flows along Wrington Lane at the site entrance, along with details and timescales for implementation, have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure safe movement on and off of the site via the primary access for vehicles, cyclist and pedestrians in accordance with Policy DM32 of the Sites and Policies Plan Part 1.

- 18 Details of the external lighting, including temporary/construction and permanent lighting, shall be provided at the Reserved Matters stage including:

- i. Details of the type and location of the proposed lighting;
- ii. Existing lux levels affecting the site
- iii. The predicted lux levels; and
- iv. Lighting contour plans

This scheme shall ensure that light levels do not exceed 1 lux on features important to bats – foraging habitat and flight lines, in particular the northeast and eastern boundary hedgerows and areas of open space. Details shall be submitted to, and approved in writing, by the Local Planning Authority. Any external lighting shall be installed and operated in accordance with the approved details and shall not be varied without agreement in writing from the Local Planning Authority.

Reason: To reduce the potential for light pollution in accordance with the Habitats and Species Regulations and ensure the survival of rare or protected species in accordance with Policies DM8, DM9 and DM10 of the Sites and Policies Plan Part 1 and Policy CS4: Nature Conservation of the Core Strategy

SECTION 1

- 19 Prior to the commencement of development, a Landscape Ecological Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall cover a ten year period and include measures for establishment, enhancement and management of habitats within the site, including planting schedules and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule for habitats and species, including bat monitoring post completion.

The LEMP must also detail the measures for the protection and enhancement of biodiversity, including those specifically for the benefit of European Protected Species, within the site, including a cattle grazing management scheme for the ecological corridor.

Reason: To ensure the retained habitats and species are not adversely impacted by the proposed works and in accordance with Policy CS4 of the Core Strategy.

- 20 Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. This shall include mitigation measures required to protect legally protected species and their retained habitats from injury or damage and include information for construction workforce; timings of site clearance; details of appropriate fencing for buffer areas to protect retained on site habitats; overnight ramps placed within open trenches and daily checks of excavations for trapped wildlife; pre-commencement surveys for species that are dynamic in distribution (e.g. badger); a walk over check by ecologist immediately prior to vegetation and other site clearance activities. The approved plan shall be implemented and adhered to during the vegetation clearance and construction phases.

Reason: To ensure the retain habitats and species are not adversely impacted by the proposed works and in accordance with Policy CS4 of the Core Strategy.

- 21 No development shall commence until a tree and hedgerow retention plan identifying all existing trees and hedgerows to be retained has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that features of ecological and landscape importance are maintained and in accordance with Policy DM32 of the Sites and Policies Plan Part 1

- 22 No development shall commence until a full updated arboricultural report including a tree protection plan and relevant method statements for retaining and cutting through hedgerows, and providing root protection zones has been submitted to, and approved in writing by the

SECTION 1

Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details. For the duration of the development works existing trees and hedgerows which are to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified, in writing, by the Local Planning Authority. The Authority shall be informed at least seven days before works start on site so that barrier position can be established. Within the protection area there shall be no excavation, tipping or stacking, nor compaction of the ground by any means.

Reason: To ensure that no excavation, tipping, storage of materials or other activity takes place in proximity to retained trees and hedgerows to ensure that features of ecological and landscape importance are maintained and in accordance with Policy CS9 of the Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1

- 23 No site clearance, preparatory work or development shall take place until a schedule for arboricultural supervision of the installation and required adjustments of the protective fencing has been approved in writing by the tree officer. The scheduled inspections shall be carried out as described and approved, and a written report(s) submitted to the tree officer.

Reason: To ensure the appropriate retention and protection of suitable trees for applications which involve complex tree issues in accordance with policies CS4 and CS9 of the adopted North Somerset Core Strategy and the adopted supplementary planning document Biodiversity and Trees.

- 24 No development shall take place until an archaeological Written Scheme Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording a the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To make provision for a programme of archaeological mitigation so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policy DM6: Archaeology of the North Somerset

SECTION 1

Sites and Policies Plan, CS5 of the Core Strategy and Policy ECH/6 – Archaeology of the North Somerset Replacement Local Plan.

- 25 No development shall take place until a cross section plan showing the finished floor levels, eaves and ridge heights of the proposed dwellings within the site where these are adjacent to existing properties between numbers 1 and 10 Cobthorn Way, and where these are adjacent to Cobthorn Farm, have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To establish the relationship between the proposed dwellings and the neighbouring properties and in the interests of the living conditions of occupiers of each dwelling in accordance with the Residential Design Guide SPD and Policy DM32 of the Sites and Policies Plan Part 1

- 26 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. measures to control noise from works on the site.

Reason: In order to preserve the living conditions of nearby residents as required by Policy CS3 of the North Somerset Core Strategy

- 27 No works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas and any other related infrastructure to be constructed either on or off site. These shall include, all brick, stone, colour of render, roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. The sample panel(s) shall be submitted to and approved, in writing, by the local planning authority. Construction shall be only in accordance with the approved sample panel in terms of

SECTION 1

colour of brick, mortar mix, jointing and means of laying. The development shall be carried out in the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in accordance with policy DM32 of the Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

- 28 No development shall commence until details of the proposed boundary treatment along the frontage with Wrington Lane to include cross section plans and proposed height and material of any built boundary treatment, have been submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plans.

Reason: In the interests of the visual appearance of the development in the wider streetscene, and in accordance with Policy DM32 of the Sites and Policies Plan Part 1

- 29 The dwellings hereby approved shall not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. 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 building in accordance with policy DM32 of the Sites and Policies Plan Part 1 and Policies CS1 and CS2 of the North Somerset Core Strategy

- 30 The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans. 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.

- 31 The development hereby permitted shall, unless otherwise subsequently agreed by the Local Planning Authority in writing, be

SECTION 1

carried out in accordance with the following supporting documents and approved plans:

Drawings

Site location plan 6587-L-01

Development Framework Plan 6587-L-02H

Proposed site entrance and footway plan 1465/10B

Reports

Planning statement

Design and access statement

Landscape visual appraisal

Transport Assessment and supplementary TA

Ecological report

Arboricultural report

Phase 1 environmental report

Flood risk assessment

Air quality report

Noise impact assessment

Desk Based archaeological assessment

Heritage statement

Foul drainage analysis

Sustainability statement

Utilities statement

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
