

SECTION 2

6. **Section 2: 16/P/2490/O** Outline application for the demolition of existing buildings associated with former B8 open storage and the erection of 5 no. detached dwellings with garages including details of access and layout - all other matters reserved for subsequent approval at Withydale Farm, Weston Road, Congresbury, BS49 5ED

DEPARTURE FROM DEVELOPMENT PLAN POLICIES

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

This irregularly shaped site of approx. 0.4Ha is situated on the south side of Weston Road (A370) immediately to the west of its junction with the Old Weston Road and some 900m to the west of Congresbury village.

The site is surfaced and has a history of commercial activity with some mobile home storage currently occurring on the land. There are mature hedgerows to the site boundaries.

The Application

An outline application with access and layout not reserved for;

- 5 no 2 storey, 4 bedroomed, detached dwellings
- Access via existing entrance to Old Weston Road
- Ground levels raised to 6.65M AoD
- Hedgerows surrounding site to be retained and augmented as necessary
- 2.8m high acoustic fence proposed to Weston Road to reduce noise for residents.

Relevant Planning History

Year	Reference	Proposal	Decision
1989	2907/89	Parking for articulated lorries and new vehicular entrance and turning area	Approved

SECTION 2

Policy Framework

The site is affected by the following constraints:

- Outside settlement boundaries
- Within Floodzone 2

The Development Plan

North Somerset Core Strategy (NSCS) (adopted 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	Transportation and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS33	Smaller settlements and countryside
CS34	Infrastructure delivery and Development Contributions

North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

None of the saved policies are particularly relevant to this proposal:

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

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making

SECTION 2

DM34	Housing type and mix
DM71	Development contributions, Community Infrastructure Levy and viability

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)

Consultations

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

Environment Agency

Provided that the LPA are satisfied that the requirements of the sequential test are met the Agency raises no objection to the development subject to the imposition of conditions to set ground floor levels at 6.65m AOD and ensure that associated garden levels are not raised. Suggest that the applicants prepare an emergency evacuation plan and submit this to the LPA for approval.

SECTION 2

North Somerset IDB

No objection subject to the imposition of conditions requiring details of foul and surface water drainage systems to be submitted for approval and specifying that any building works be kept at least 9m from any watercourse.

Environmental Protection:

The site is subjected to high levels of noise pollution arising from its location next to the A370 Main Road. However a satisfactory noise environment for resident can be achieved by the use of upgraded double glazing/mechanical extraction to habitable rooms and the erection of a 2.8m high acoustic fence to the boundary with the main road. A condition would be required to secure the erection of the fence and for the submission of soundproofing measures for the dwellings.

Contamination of the site is likely to have occurred as a result of the previous use. Conditions are required to survey the site for pollutants and proposed mitigation measures if such pollution is found.

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

- Area is at flood risk
- Other land in the District would be more suitable for development
- Overlooking of adjoining riding arena
- Area is used by Bats
- No mains sewer in area

Congresbury Parish Council: “Congresbury Parish Council Planning Committee recommends approval with the conditions that;

- i) that flood measures are robust and that there is no risk that neighbouring properties would be adversely affected;
- ii) Trees and hedgerows are preserved as far as possible to retain the landscape qualities; and
- iii) that there is no urban type lighting to preserve the rural aspects.”

Principal Planning Issues

The principal planning issues in this case are (1) the principle of residential development in this location, (2) impact on the character and appearance of the area, (3) highways safety and parking, (4) environmental protection issues, (5) drainage issues, (6) ecological issues, (7) setting of listed buildings.

Issue 1: The principle of residential development in this location

Policy CS33 of the Core Strategy seeks to strictly control development in order to protect the character of the rural area and prevent unsustainable development. The

SECTION 2

site comprises previously developed land which lies approximately 1.2km west of the village centre and 900 metres from the settlement boundary. Policy CS33 also restricts new residential development to replacement dwellings, residential subdivisions, residential conversions of buildings where alternative economic uses are not appropriate or dwellings for essential rural workers. The proposal does not fall into any of these categories, so normally would not be acceptable in principle. However, it should also be recognised that as the site is previously developed land a suitable redevelopment would not necessarily impact adversely on the rural character of the area.

The policy on residential development on housing outside the settlement boundary must also be read in conjunction with the current progress on the Council's 5 year housing supply, housing distribution and recent appeal decisions. The last tested position was about 4.2 years supply based on a 20% buffer. The Council's direction of travel is positive, with sites coming forward through a series of permissions that have not relied solely on allocated sites. In addition, the Sites Allocation Plan has been finalised for submission for examination and the flexibility introduced through the Core Strategy will enable further sustainable sites of an appropriate scale to come forward. This is expected to significantly boost supply. In the meantime the Council must continue to respond positively to the delivery of new housing.

In terms of sustainability, Congresbury (as a service village) has been accepted as being a sustainable location. There is a pavement leading into Congresbury and there is a bus stop in the vicinity of the site. Given that the development results in the reuse of previously developed land it is considered that proposal therefore is sufficiently sustainable.

Issue 2: Impact on the character and appearance of area

The proposal would not unacceptably harm the characteristics of the existing building or the character of its surroundings. The development site is a former HGV yard and there is continuing evidence of commercial uses with some mobile homes stored on the land (see 1989 permission in the 'History' section above). The site is also well screened from the A370 main road by mature hedgerows which could be retained under the proposed landscape conditions. The erection of 5 detached dwellings on this brown field site would therefore not unacceptably harm the character of the surroundings.

In this respect, the proposal complies with policy CS12 of the Core Strategy, and policies DM32 and DM38 of the Sites and Policies Plan (Part 1).

Issue 3: Highway Safety and parking

Policy DM24 of the Sites and Policies Plan Part 1 states that development will be permitted provided it would not prejudice highway safety or inhibit necessary access for emergency, public transport, service or waste collection vehicles.

Plans show the modified access will be provided on to Old Weston Road. The access has around 70m visibility to the south east on Old Weston Road. Visibility to

SECTION 2

the north is restricted, but is only approximately 14m from the give way junction with Weston Road where visibility of 160m is achievable. The shared drive is approximately 4.8m wide with space for two vehicles to pass and facility for vehicles to turn and this is satisfactory.

While the visibility and proximity of the access to the junction of Old Weston Road and Weston Road is not ideal, the use of the access will not be significantly intensified and the proposal is considered an improvement to the extant B8 storage and distribution use due the reduction in HGV trips.

In respect of the proposed parking arrangements, residential car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development. They specify 3 parking spaces for a property with 4 bedrooms. Furthermore, Policy CS11 of the Adopted Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces.

Whilst some of the garages proposed are below the minimum size required in the Council's Parking SPD sufficient external parking is proposed to cater for the dwellings needs. The agent has been asked to submit an amended plan to shown the garage to serve Plot 5 increased in size so that the scheme can comply with the Council's Parking Standards SPD and the Committee will be updated on this. The development will be acceptable on this basis, complying with policies CS11 of the Core Strategy, DM24 of the Sites and Policies Plan Part 1 and the Council's Parking Standards SPD.

Issue 4: Environmental Protection Issues

Policy CS3 of the Core Strategy specifies that development that would result in air, water or other environmental pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other control regimes, or by measures included in the proposals, by the imposition of planning conditions or through a planning obligation.

The planning application site is located adjacent to the busy A370, noise from which could have a detrimental impact on any future residents. The agent has submitted a noise assessment that demonstrates that a satisfactory noise environment can be achieved for residents through the use of upgraded double glazing, mechanical ventilation to the first floor rooms and the erection of a 2.8m high fence to the road frontage (behind the existing hedgerow to reduce its visual impact).

The site has potential to have been affected by ground contamination arising from its previous use. However this issue can be addressed by the imposition of conditions requiring surveys to identify any contamination and remediate it if necessary.

The development will comply with policy CS3 on this basis.

SECTION 2

Issue 5: Drainage Issues

Policy CS3 of the Core strategy specifies that Development in zones 2 and 3 of the Environment Agency Flood Map will only be permitted where it is demonstrated that it complies with the sequential test set out in the national Planning Policy Framework and associated technical guidance and, where applicable, the Exception Test.

The site is located within Flood zone 2. However in view of the acceptability of development in principle as set out in Issue 1 above and the stance taken by the Environment Agency, it is considered that the development is acceptable in these terms also. Conditions are suggested to ensure that the finished floor levels of the dwellings are set at an appropriate level and that evacuation plans are agreed. Informatives will also be added to any decision notice advising on flood proofing measures. The development will comply with Policy CS3 on this basis.

Issue 6: Ecological Issues

Policy CS4 of the Core Strategy and DM8 of the Sites and Policies Plan Part 1 state that new development should be designed to maximise benefits to biodiversity incorporating, safeguarding and enhancing natural habitats.

The application is accompanied by an ecological assessment. This concludes that the site has little value as a habitat for protected species. The only species of note to be identified on site were some common species of Bat that were using the hedgerows for foraging, although the potential for birds using these features was also noted. The assessment advocated the installation of bird and Bat boxes on the dwellings and the avoidance of urban lighting schemes in order to safeguard and enhance habitats on and around the site. These matters can be secured by condition. The development will comply with policies CS4 and DM8 on this basis.

Issue 7: Setting of Listed Building

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

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon biodiversity.

The Crime and Disorder Act 1998

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

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the

SECTION 2

determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

Conclusion

The development would not harm the character and appearance of the area and therefore complies with policy CS12 of the Core Strategy, and policies DM32 and DM38 of the Sites and Policies Plan (Part 1).

A satisfactory means of access can be provided and acceptable parking can be installed; thus complying with policies CS11, DM24 and the Council's parking Standards SPD.

A satisfactory noise environment for residents can be created and any pollution can be remediated through the use of conditions, thus satisfying policy CS3. Whilst the development would be located in Flood zone 2 satisfactory arrangements for flood proofing and evacuation can be secured through conditions, thus satisfying policy CS3.

The site has a low value for protected species and its potential for ecological enhancement can be secured through the use of appropriate conditions, thus satisfying policy CS4.

In the light of the continuing need to boost the Council's housing supply it is considered that the proposal to redevelop this previously developed site is acceptable.

RECOMMENDATION: Subject to the receipt of an amended parking plan the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions:-

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

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

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

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

SECTION 2

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

Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 and in accordance with Policies DM32 of the Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

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

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

5. No work shall be commenced until samples of the materials to be used in the development have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

6. Finished floor levels shall not be less than 6.65 AOD.

Reason: To reduce the risk of flooding and in accordance with paragraph 17 and section 10 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012), and policy CS/3 of the North Somerset Core Strategy

7. The dwellings hereby approved shall not be occupied until measures to generate 10% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies have been installed on site and are fully operational in accordance with 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

SECTION 2

with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

8. The dwellings shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.

Reason: The local planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

9. No dwelling shall be occupied until the roads shown on submitted plans, including footpaths and turning spaces, where applicable, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.

Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites and Policies Plan Part 1.

10. No development shall be commenced until foul and surface water drainage details together with a programme of implementation have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to ensure adequate drainage provision and in accordance with paragraph 17 and section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

11. Details of any external illumination shall be submitted to and approved, in writing, by the Local Planning Authority before the dwellings are occupied. No means of external illumination shall be installed other than in accordance with the approved details.

Reason: In the interests of Biodiversity and the appearance of the area and in accordance with paragraph 125 of the National Planning Policy Framework and policies CS3 & CS4 of the North Somerset Core Strategy.

13. No development shall take place until an assessment of the nature and extent of contamination on site has been submitted to and approved in

SECTION 2

writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.

Reason: In order to ensure that the land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

14. Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that the land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

15. The remediation scheme, if required, shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

SECTION 2

Reason: In order to ensure that the land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

16. No development shall be commenced until an acoustic fence along the boundary of the site, including details of its height, length and materials have been submitted to and approved in writing by the Local Planning Authority. The approved acoustic fence shall be erected before any of the dwellings hereby approved are occupied, and the acoustic fence shall be maintained in accordance with the approved specifications at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the future residents are adequately shielded from road noise in order to comply with policy CS3 of the Core Strategy.

17. No development shall commence until a scheme for the soundproofing of the dwellings has been submitted to and approved in writing by the Local Planning Authority. All measures shall achieve compliance with BS8233:2014 Guidance on sound insulation and noise reduction for buildings. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To ensure that the future residents are adequately shielded from road noise in order to comply with policy CS3 of the Core Strategy.

18. No development shall take place until details of a landscaping scheme for the site have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy Dm32 of the Sites and Policies Plan Part 1.

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

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

20. 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

SECTION 2

removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

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

Reason: To ensure the protection of trees during the development process in the interests of the character and biodiversity of the area and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order amending or revoking and re-enacting that Order, no gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected or constructed on any boundaries of the site, or elsewhere within the site.

Reason: The Local Planning Authority wish to retain control over the matters referred to in the interests of the character of the area and in accordance with policy DM32 of the Sites and Policies Plan Part 1 and policies CS5 and CS12 of the North Somerset Core Strategy.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending or revoking and re-enacting that Order, no garages shall be erected, other than those expressly authorised by this permission.

Reason: The Local Planning Authority wish to retain control over the erection of garages in order to maintain the integrity and appearance of this development and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

24. Prior to the occupation of the first dwelling on the development hereby approved a Flood Warning Evacuation Plan shall be submitted to and approved in writing by the local planning authority. This plan shall

SECTION 2

address the matters required pursuant to National Planning Policy Guidance on Development and Flood Risk. Thereafter the Flood Warning Evacuation plan shall be fully implemented.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, and policy CS/3 of the North Somerset Core Strategy.

25. No development shall take place, including any works of demolition, 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. a restriction on deliveries between peak hours 0800h - 0900h and 1700h - 1800h.
 - ix. Details of a signage strategy to alert drivers on the A370 of the possibility of site traffic in this location.
 - x. The route for access by HGV vehicles shall be via junction 21 of the M5 to the west.

Reason: In order to preserve the living conditions of nearby residents and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

SECTION 2

26. No materials shall be imported onto the site other than topsoil, subsoil, non-polluting hardcore and aggregates.

Reason: To prevent the pollution of adjoining land, watercourses and water resources in accordance with Policy CS3 of the Core Strategy.

27. During the landfill phase of the development, no operations or activities shall take place on the site on Sundays, on public holidays, nor outside the following hours on other days:

Mondays to Fridays: 0800h - 1800h, Saturdays: 0800h - 1300h.

In the interests of the living conditions of neighbours and in order to comply with policy DM32 of the Sites and Policies Plan Part 1.