

**SECTION 1 – ITEM 7**

<b>Application No:</b>	19/P/2662/RM	<b>Target date:</b>	27.01.2020
<b>Case officer:</b>	Emma Schofield	<b>Extended date:</b>	20.02.2020
<b>Parish/Ward:</b>	Banwell Banwell And Winscombe	<b>Ward Councillors:</b>	Councillor Karin Haverson Councillor Ann Harley
<b>Applicant:</b>	Taylor Wimpey		
<b>Proposal:</b>	Submission of reserved matters of access, appearance, landscaping, layout and scale for the erection of 88no. dwellings with associated works pursuant to outline planning permission 16/P/2744/OT2 (outline planning application with Environmental Statement with all matters reserved for subsequent approval for a residential development of up to 250 dwellings and associated infrastructure)		
<b>Site address:</b>	Mead Fields, Parklands Phase 3B Land south of Churchland Way, Wolverhill Road, Banwell, Weston-super-Mare		

**REFERRED BY COUNCILLOR HARLEY**

**Summary of recommendation**

It is recommended that subject to the receipt of amended plans and the satisfactory resolution of the highways issues that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**The Site**

The application site comprises a strip of land the west of the M5 and to the north and east of the existing development at Locking Parklands. It comprises part of the site covered by the outline planning permission 16/P/2744/OT2 which was for 250 dwellings. There are a group of existing dwellings to the north, including Wolverhill Manor, which are accessed via Summer Lane. The site comprises former agricultural land. Development is currently under construction on the adjacent site to the west, which has outline permission for a mixed-use development including 1150 dwellings (application 12/P/1266/OT2) and the development is collectively known as 'Mead Fields'.

**The Application**

This is a reserved matters application for the approval of details of access, appearance, landscaping, layout and scale for the erection of 88 dwellings with associated works pursuant to outline planning permission 16/P/2744/OT2 (outline permission with all matters reserved for a residential development of up to 250 dwellings and associated infrastructure).

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The proposal is for 75 open market dwellings, which would comprise a mix of 3 and 4 bed dwellings and 13 affordable dwellings, which would comprise a mix of 2, 3 and 4 bed dwellings. All the dwellings would be two storey and would be predominantly detached or semi-detached, with one small terrace of three dwellings in the northernmost block.

The proposal includes access roads, including the long access road to the east of the development, and an area of public open space in the centre.

### **Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
2019	18/P/4723/RM	Reserved matters for the construction of a noise bund pursuant to outline application 16/P/2744/OT2 on adjacent site to the east	Approved
2019	18/P/5209/RM	Reserved matters for the erection of 136 dwellings pursuant to application 12/P/1266/OT2 on adjacent site to the west	Approved
2019	19/P/1357/MMA	Minor material amendment to application 17/P/5586/RM to replace some house types on adjacent site to northwest	Approved
2019	19/P/0898/NMA	Non material amendment to application 17/P/5586/RM to replace some house types on adjacent site to northwest	Refused
2018	17/P/5586/RM	Reserved matters for the erection of 223 dwellings pursuant to application 12/P/1266/OT2 on adjacent site to northwest	Approved
2017	16/P/2744/OT2	Outline permission (with accompanying EIA) for a residential development of up to 250 dwellings and associated infrastructure	Approved subject to S106
2015	12/P/1266/OT2	Outline permission (with accompanying EIA) for mixed use development including 1150 residential dwellings on adjacent site to west	Approved subject to S106

### **Policy Framework**

The site is affected by the following constraints:

- Inside settlement boundary of Weston-super-Mare
- Greater Horseshoe Bat habitat
- Within Junction 21 Enterprise area
- Allocated site for new residential development (Parklands Village)

## The Development Plan

### North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
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
CS9	Green infrastructure
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
CS28	Weston super Mare
CS30	Weston villages
CS34	Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM6	Archaeology
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
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
DM42	Accessible and adaptable housing and housing space standards
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
SA1	Allocated residential sites (10 or more units)

**Other material policy guidance**

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
2	Achieving Sustainable Development
5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	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)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Weston Villages SPD (adopted June 2012)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

**Consultations**

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

**Third Parties:** One letter of objection has been received. The principal planning points made are as follows:

- The development because of its location will have a negative impact on the Mendip AONB. It does not appear that any measures have been taken to reduce or mitigate the impact of the development on the AONB.
- Design standard of the houses and layout is very low.
- Concerns about lighting and energy use

**Banwell Parish Council:** "...object to this application for the following reason: whilst the requisite number of car parking is available it does not take into account visitor car-parking spaces. If this was allowed to go through, then there would be similar problems that other estates in the area suffer from."

**Other Comments Received:**

Environment Agency

The Environment Agency's interests were covered at the outline stage, and we have no further comments to make.

Natural England

The outline application decision notice sets out a number of conditions to be discharged prior to reserved matters - some of these are relevant to the HRA findings, including the need for a CEMP and LEMP and lighting details - ideally with clear LUX plans that demonstrate dark corridors. This is necessary to ensure the interests of horseshoe bats will be protected, particularly in terms of maintaining suitable bat habitat connectivity to the wider landscape network.

As the competent authority, the council will need to decide whether further HRA/AA is warranted for this reserved matters application, given the consent has been granted - the North Somerset & Mendip Bats SAC Guidance will provide the council with a sound basis to consider the reserved matters application.

Notwithstanding the above, the 2016 bat surveys detected relatively low numbers of HS bats on the application site and as long as the wide green corridor has been retained/enhanced along the M5 boundary and Grumblepill Rhyne, as per the ecological constraints plan, and it is certain that these features will not be affected by an increase in lighting, the development is not expected to result in adverse effects on the integrity of the Bats SAC.

North Somerset Levels Internal Drainage Board

The Board objects to the proposals due to a lack of information on:

1. Calculations to demonstrate that the onsite network has been designed such that no properties flood for a 1 in 100-year event plus 40% climate change.
2. Details of the impermeable area and how this relates to the allocation of storage in the respective strategic flood solutions.
3. Details of overland flow routes/exceedance management, especially as this is adjacent to the noise bund, the site is raised and third-party properties may be impacted.

4. Details of how water quality will be addressed. The receiving rhynes are part of the overall biodiversity provision for the development area and poor water quality could impact on the aquatic environment and therefore the bat corridor.

5. There are no details of the future management and maintenance of the system.

#### Police Designing Out Crime Officer

No objections subject to the following design comments:

- The garden wall for plots 517 and 510 will benefit from the continuation of planting at the base of the wall as a buffer zone between screen wall and the public footpath.
- Hedge is shown between parking for plot 519 & 520 and the footpath running along the public open space – new hedge growth could offer potential cut through to front of houses and to public open space, newly planted hedging should be reinforced until established to prevent use as a desire line through the hedging.
- Public open space shown with hedging growing to a height of 60-80cm this should be well -maintained to offer good levels of natural surveillance over the public open space (reinforced newly planted hedging as above)
- Small parking courtyard 436, 437, 438 & 439 very close to public open space and public footpath requires public to travel through the parking area. These parking spaces require better overlooking from dwellings or reorganising to prevent non-residents travelling through parking courtyard.
- No lighting details are supplied – Street lighting for adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS5489-1:2013.
- Open spaces should have features to prevent unauthorised vehicle access.
- Each property should have its own secure cycle storage. This could be incorporated within the garage or within robust shed in rear garden fitted with ground anchor.

#### Principal Planning Issues

The principal planning issues in this case are (1) principle of development, (2) impact upon the character and appearance of the area, (3) impact upon the living conditions of neighbouring residents, (4) housing mix, (5) space standards, (6) parking and highway safety, (7) flooding and drainage, (8) ecology, (9) trees and landscaping, (10) sustainable design and (11) archaeology.

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

The site falls within the settlement boundary of Weston-super-Mare and is an allocated site for housing within the Site Allocations Plan Part 2. Outline permission (16/P/2744/OT2) was granted on the site in October 2017 for a residential development of up to 250 dwellings with all matters reserved, which was subject to a S106 agreement. The principle of residential development on this site has therefore been established.

#### **Issue 2: Character and appearance**

The Weston Villages Supplementary Planning Document and Policy CS30 seek to ensure that the development of Weston Villages is high quality and locally distinctive to Weston enhancing the existing character and qualities that contribute to the town's identity. Policy

CS30 states that this should include a comprehensive approach to place-making including all the elements that make up an area including land uses, parking, movement and green spaces.

The proposed layout would comply with the approved masterplan and design code submitted under conditions 5 and 6 on the outline consent. The site lies within the 'South Eastern Fringe' character area of the approved design code and the applicant has submitted a statement which demonstrates that the proposal would comply with the design requirements of this document. Amended plans have been received to improve the overall design and address most of the crime prevention suggestions. The design of the public open space has been improved and the areas of parking have been broken up with landscaping. The proposal is therefore considered to comply with Policy CS30 and the Weston Villages SPD.

Concerns have been raised by third parties about the impact upon the AONB, which is located some distance to the south of the site on the opposite side of the A371. However, the principle of the development of the site for housing has already been established under the outline permission and the impact upon the surrounding landscape was addressed and considered at this stage. The design of the proposed housing would be in-keeping with the other reserved matters that have been approved on the adjacent sites (Phase 1 Meadfields and Phase 3a Meadfields) and would not have a harmful impact upon the character of the surrounding area. A noise bund has been approved to the east of the site, adjacent to the motorway which would largely screen the site to the east.

The proposal is therefore considered to comply with Policies CS30 and CS12 of the North Somerset Council Core Strategy 2017 and policy DM32 of the North Somerset Sites and Policies Plan Part 1 2016 and the Weston Villages Supplementary Planning Document 2012.

### **Issue 3: Impact upon the living conditions of neighbouring residents**

The nearest neighbouring properties are to the north and northeast at Westhay Farm, Manor Farm, Meliden and Wolvershill Manor. The proposed development would be some 40m from the nearest of these properties and as such it is considered that the proposal would have no harmful impact upon the living conditions of these properties. In respect of adjoining occupiers, the proposal complies with policy DM32 of the Sites and Policies Plan (Part 1) and the Residential Design Guide SPD.

In terms of occupiers of the proposed development, the proposal is considered to comply with the Residential Design Guide SPD in terms of back to back and back to side distances. Condition 8 of the outline permission requires that no dwellings be occupied until an acoustic bund to mitigate motorway noise has been completed adjacent to the eastern and southern boundaries of the site and condition 9 requires noise mitigation measures to be approved. Permission has recently been granted for the bund (application 18/P/4723/RM).

The proposed development complies with the relevant tests contained within the Residential Design Guide (Section 1: Protecting living conditions of neighbours) and would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policies DM32 of the Sites and Policies Plan (Part 1).

#### **Issue 4: Housing mix and affordable housing**

The proposal includes a mix of housing types comprising 2, 3- and 4-bedroom dwellings. A total of 88 units are proposed of which 13 (15%) would be affordable units. 1x3 bed wheelchair unit will be constructed and this is welcomed.

The S106 attached to the outline consent requires 15% affordable housing with at least 70% affordable rented tenure and 30% shared ownership. Amended plans have been received to amend the tenure mix to ensure that 30% shared ownership (4 units) and 70% affordable rent (9 units) is proposed. The S106 also requires all the affordable housing units to comply with the Nationally Described Space Standards. Amended plans have been received which demonstrate that the affordable housing would comply with these standards.

The proposal would comply with the S106 approved at outline stage and is therefore considered acceptable in terms of policy CS16 of the Core Strategy and the Weston Villages SPD.

#### **Issue 5: Space Standards and accessible and adaptable housing**

Policy DM42 states that where practical and viable, the Council expects all new building market and affordable housing (across all tenure) to comply with the DCLG's Technical Housing standards – nationally described space standard.

Amended plans have been received which demonstrate that all the dwellings would comply with these standards. The applicant has also confirmed that a minimum of 15 units (17%) of the scheme will be designed to meet the Building Regulations M4(2) standard in line with the Council's Accessible Housing Needs Supplementary Planning Document. A condition is recommended to ensure that this is implemented.

The proposal therefore complies with Policy DM42 of the Sites and Policies Plan Part 1.

#### **Issue 6: Parking and highway considerations**

The North Somerset Parking Standards require 2 spaces per unit for 2- and 3-bedroom dwellings and 3 spaces per unit for 4 bedroom dwellings. No visitor spaces are required for dwellings. The proposal would therefore comply with the Council's parking standards in terms of vehicle parking. Concerns have nevertheless been raised by Banwell Parish Council about the lack of visitor parking spaces and parking problems on nearby similar estates. To address the Parish Council's concerns amended plans have submitted which increase the number of visitor parking spaces, with 12 spaces added adjacent to the area of public open space.

In terms of cycle parking, the submitted refuse plan show that this would be provided for each of the dwellings including those properties which don't have garages. A condition is recommended to ensure that the details of the cycle storage/sheds are submitted and approved.

In terms of highway safety, the Council's Highways Officer has requested that the road along the eastern boundary of the site be increased in width from 5m wide to 5.5m wide to allow for satisfactory access for refuse and emergency vehicles if there are parked cars

along this road. The proposal would accord with the approved design code which allows for this road to be anywhere between 4.8m wide and 5.5m wide but amendments to address the highway officers' concerns are currently being negotiated with the applicant.

The proposal would therefore comply with the Council's Parking Standards SPD and subject to the receipt of amended plans would comply with Policies DM24 and DM28 of the Sites and Policies Plan Part 1.

### **Issue 7: Ecology**

The outline application was accompanied by an Environmental Statement, a Phase 1 habitats assessment as well as protected species surveys. This identified habitats on and adjacent to the site that have potential to support legally protected species including bats, dormice, reptiles, wild birds, badger, otter, water vole as well as section 41 species. The Council's ecologist considered that there was no evidence of adverse impacts on biodiversity provided conditions were imposed to safeguard specific areas of interest. These conditions were applied to the outline permission.

Natural England have raised concerns about the existence of pre-commencement conditions on the outline permission which will need to be discharged before development can commence on this reserved matters phase. A separate condition discharge application has now been submitted for the ecology surveys and ecological mitigation which is currently under consideration (condition 18/P/408/RDC). Natural England have also raised concerns that no lighting details are included. This can be controlled by Condition 24 of the outline permission which requires these details to be submitted prior to the commencement of development. Natural England have also queried the number of bat and bird boxes. Amended plans have submitted to increase the number of boxes.

A Habitats Regulations Assessment (HRA) was submitted with the outline application which concluded that subject to conditions the proposals for housing would have no likely significant effect on the North Somerset and Mendip Bats SAC. A further HRA is not considered to be required for this application as it would accord with the outline permission. The proposals would comply with the approved ecological constraints and mitigation plan and allow space for the long wide green corridor to be retained and enhanced adjacent to the M5 to the east of the proposed application site. Most of the proposed ecological mitigation lies outside of the application site and will be dealt with under a separate discharge of condition application.

In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

### **Issue 8: Flood risk and drainage**

Policy CS3 of the Core Strategy and Policy DM1 of the Sites and Policies Plan Part 1 require that the impact of new development on flooding and drainage is fully taken into account.

Condition 11 of the outline consent (16/P/2744/OT2) requires that the development shall not commence until the extension of the River Banwell Strategic Flood Attenuation

scheme (providing approximately 22,300m<sup>3</sup> minimum excavated volume) has been completed in accordance with planning permission 14/P/2206/F2 and requires details of discharge rates and volumes, works required on or off site to discharge surface water without causing flooding, flood water exceedance routes, a management and maintenance plan including sustainable drainage and pollution control schemes and an impermeable area analysis.

A variation to the extension of the River Barnwell Strategic Flood Attenuation scheme is being sought by the developer which would need to be dealt with as a variation of condition on the outline application. As far as this application is concerned, further drainage information is required. The North Somerset Levels Internal Drainage Board objects to the application on the grounds of a lack of similar information. Additional drainage information has now been submitted and the Internal Drainage Board has been reconsulted. An update will be provided to the committee. However, it should be noted that drainage details can also be controlled by conditions 11,12,13,14 and 15 on the outline permission 16/P/2744/OT2.

### **Issue 9: Trees and landscaping**

There are no existing trees on the application site and the proposal would comply with the approved design code (approved under condition 5 and 6 of the outline consent 16/P/2744/OT2) in term of landscaping and planting. An area of open space is proposed in the centre of the site and linear tree planting is proposed along the contours in the back gardens of the dwellings.

The proposal would therefore comply with Policies DM9 and DM32 of the Sites and Policies Plan Part 1.

### **Issue 10: Sustainable design**

Policy CS2 of the Core Strategy requires that 15% of the energy requirements for the development should be provided by renewable resources.

The application has not qualified how dwellings will comply with conditions on the outline consent which require the inclusion of micro-renewable technologies to self-generate some of the on-going energy requirements for the dwellings. However, this is controlled by condition 36 of the outline permission and would be dealt with through a condition discharge application.

### **Issue 11: Archaeology**

Policy DM6 of the Sites and Policies Plan Part 1 requires that archaeological interests be fully taken into account when determining planning applications.

Condition 42 of outline application 16/P/2744/OT2 requires an archaeological mitigation strategy to be submitted and approved. A Written Scheme of Investigation (WSI) has been submitted to discharge the outline condition, and most of the areas within this proposed development have been subject to archaeological investigations outlined in the WSI. However, the northern-most section of this pre-app area is yet to be evaluated. The agent has confirmed that this work has now been undertaken and the details will be controlled by the outline condition.

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

The proposed development will not have a material detrimental impact upon bio-diversity subject to compliance with the pre-commencement conditions and Habitats Regulations Assessment on the outline application.

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

The outline application 16/P/2744/OT2 which established the principle of housing on this site was the subject of a comprehensive Environmental Impact Assessment. It is not necessary to carry out a further EIA for this application.

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

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

### **Local Financial Considerations**

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

### **Conclusion**

The principle of residential development on this site has been established under the outline application 16/P/2744/OT2, which granted permission for up to 250 dwellings. This reserved matters application would comply with the approved design code and following the receipt of amended plans, is considered to comply with the outline conditions and S106 and other policy requirements.

The proposal is therefore considered to comply with the requirements of North Somerset Core Strategy Policy CS30 (Weston Villages), the North Somerset Sites and Policies Plan Part 1 and the Weston Villages SPD as well as the Council's Parking Standards SPD.

**RECOMMENDATION:** Subject to the receipt of amended plans and the satisfactory resolution of the highway issues **APPROVE** (for the reasons stated in the report above) subject to the following conditions: -

1. 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.

2. A minimum of 15 of the dwellings (17%) hereby approved shall constructed to comply with the requirements of The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings.

Reason: To ensure that sufficient accessible housing is provided in accordance with Policy DM42 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies and the North Somerset Accessible Housing Needs Supplementary Planning Document April 2018.

3. Prior to the occupation of the development, details of the proposed cycle parking for each of the dwellings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that secure cycle parking is provided for each of the dwellings in accordance with the North Somerset Council Parking Standards SPD.