



**Town and Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004**

**Section 78 Appeal by Persimmon Homes Severn Valley**

## **Land at Rectory Farm (North), Yatton**

**Five Year Housing Land Supply Proof of Evidence**

**Nicholas Martin Paterson-Neild BA (Hons), MPhil, MRTPI**

**APPENDICES**

**LPA: 23/P/0664/OUT**  
APP/D0121/W/24/3343144

## Appendices

Appendix	Title	Date
1	High Court Decision: University of Bristol v North Somerset Council Case No: (CO/5259/2012) Neutral Citation Number: [2013] EWHC 231 (Admin)	March 2013
2	Decision notice site 4/715 - Land at Weston Rugby Club, Drove Road, Weston-super-Mare LPA ref: 21/P/3368/OUT	14th November 2022
3	Planning Officer Committee Report site 4/715 - Land at Weston Rugby Club, Drove Road, Weston-super-Mare LPA ref: 21/P/3368/OUT	
4	Weston Rugby Club - Weston Mercury Article	November 2023
5	Letter from Persimmon Homes	2 <sup>nd</sup> September 2024
6	Consultee correspondence from Natural England, Ecology Officer, Highways Officer, Tree Officer and LLFA – Land to North of Hanham Way, Nailsea, LPA ref: 23/P/2322/OUT	various



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# APPENDIX 1

**High Court Decision: University of Bristol v North Somerset Council  
Case No: (CO/5259/2012)  
Neutral Citation Number: [2013] EWHC 231 (Admin)**





Neutral Citation Number: [2013] EWHC 231 (Admin)

Case No: CO/5259/2012

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 7 March 2013

**Before :**

**HER HONOUR JUDGE ALICE ROBINSON**  
**SITTING AS A DEPUTY HIGH COURT JUDGE**

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**Between :**

**UNIVERSITY OF BRISTOL**  
**- and -**  
**NORTH SOMERSET COUNCIL**

**Claimant**

**Defendant**

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**Ian Dove QC** instructed by **Veale Wasborough Vizards** for the **Claimant**  
**Suzanne Ornsby QC** and **Mark Westmoreland Smith** (instructed by **the Head of Legal Services**) for the **Defendant**

Hearing dates: 14th February 2013

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**APPROVED ADDENDUM JUDGMENT**

**Her Honour Judge Alice Robinson sitting as a Deputy High Court Judge :**

1. On 14<sup>th</sup> February I handed down judgment in this case and heard oral submissions supplemented by Skeleton Arguments, as to the nature of the relief that should be granted. In my judgment I held that in his appraisal of the Council's housing requirement figure of 14,000 in Policy CS13 of the Core Strategy the Inspector failed to give adequate or intelligible reasons for his conclusion that the figure made sufficient allowance for latent demand i.e. demand unrelated to the creation of new jobs. In consequence the adoption of Policy CS13 of the Core Strategy in reliance on the Inspector's recommendation was unlawful.
2. This is an addendum to my judgment setting out my decision on the issue as to the appropriate relief to be granted. Phrases defined in my judgment have the same meaning in this addendum.
3. The court's powers are set out in s.113 of the 2004 Act:

“(7) The High Court may –

(a) quash the relevant document;

(b) remit the relevant document to a person or body with a function relating to its preparation, publication, adoption or approval.

(7A) If the High Court remits the relevant document under subsection 7 b) it may give directions as to the action to be taken in relation to the document.

(7B Directions under subsection (7A) may in particular –

(a) require the relevant document to be treated generally or for specified purposes) as not having been approved or adopted;

(b) require specified steps in the process that has resulted in the approval or adoption of the relevant document to be treated (generally or for specified purposes) as having been taken or as not having been taken;

c require action to be taken by a person or body with a function relating to the preparation, publication, adoption or approval of the document (whether or not the person or body to which the document is remitted);

(d) require action to be taken by one person or body to depend on what action has been taken by another person or body.

(7C) The High Court's powers under subsections 7) and 7A) are exercisable in relation to the relevant document –

(a) wholly or in part;

b generally or as it affects the property of the applicant.”

4. There is an issue between the parties as to whether the power to quash and the power to remit in s.113(7) are alternatives or whether they may be exercised together. Mr Dove submitted that they are alternatives. The effect of quashing is that the quashed part of the development plan ceases to exist and the local planning authority have to bring forward proposals from scratch to vary the plan to replace the quashed policies. The effect of remitting is that the part of the plan which is remitted goes back to an earlier stage in the process in accordance with the directions given pursuant to subsections 7B) and (7C). The two are completely different outcomes. Miss Ornsby did not disagree as to the effect which quashing part of the plan would have but was concerned that, if it was remitted to an earlier stage without simultaneous quashing, the remitted part would still be an adopted document.
5. When s.113 of the 2004 was first enacted it provided as follows:

“(7)The High Court may quash the relevant document—

  - (a) wholly or in part;
  - b generally or as it affects the property of the applicant.”
6. Concern was frequently expressed about the lack of flexibility in the provision because, as is common ground, quashing had the effect that the local planning authority had to recommence the plan making process (in respect of the part quashed) from the beginning, see e.g. *South Northamptonshire DC v Charles Church Developments Ltd* [2000] PLCR 46, a decision on the predecessor provision in s.287 of the Town and Country Planning Act 1990. The amendments to s.113 which include the power to remit were made by s.185 of the Planning Act 2008 the Explanatory Notes to which indicate that the amendments were intended to expand the courts powers by providing an alternative remedy, see paragraph 295.
7. In my judgment the amendments to s.113 make it clear that, instead of quashing the plan (or part), the court may remit it to an earlier stage in the process with appropriate directions. If the plan were quashed, it would no longer be possible to remit it to an earlier stage because the plan would no longer exist. For example, it would not be possible to direct that the plan be treated as having been submitted for public examination because there would be no plan to examine. In this example, subsection 7B makes clear that, if remitted, the court may direct that the plan be treated as not adopted and require the public examination to take place again. In effect, the court may direct that the plan be remitted to any earlier stage in the process prior to adoption with a direction that the statutory steps be retaken from that point.
8. The main dispute between the parties centres on whether policies should be quashed or remitted and as to which policies the court order should apply. Mr Dove submitted that the relevant policies should be quashed on grounds which I consider fall under two main heads. First, the ground on which I held that the Core Strategy was unlawful removed the foundation stone of its housing requirement which had a consequential impact on a great many policies. This was not a technical breach of procedure but rather a complete failure of the legal process such that it was appropriate for the Council to go back to the start. Secondly, to simply remit for an Inspector to go

through the examination process again would give rise to serious practical problems as a result of the lapse of time since the Inspector reported in March 2012. The policy context has changed with a new National Planning Policy Framework which requires a Strategic Housing Market Area Assessment to be carried out, further population projections will have been published, the duty to co-operate in s.33A of the 2004 Act as amended would apply to preparation of the Core Strategy now and the BANES Inspector's preliminary conclusions are now available identifying serious flaws in the Council's methodology. Examination of the Core Strategy could not be undertaken without the Council doing a great deal of further work with the result that the Inspector would likely recommend withdrawal of the plan, as the BANES Inspector had, or the examination would have to be suspended pending further work which would be a piecemeal approach. In either case the objectors would be put to further unnecessary expense compared to the position if the policies were quashed. The Council should produce a Core Strategy from scratch based on the up to date position.

9. Miss Ornsby submitted that the relevant policies should be remitted to the Inspector for valid reasons to be given, the only stage at which any illegality occurred. The only policies sought to be quashed on ground 2 of the challenge were CS6 and CS13 and the other policies are not dependent on the overall housing figure. Information could be updated as part of the examination process which is iterative and if the Inspector considered modifications were required to make the plan sound he could invite the Council to conduct a Strategic Environmental Assessment ("SEA") of them and further consultation and, if necessary, re-open the examination. The housing numbers would only go up not down and it would be more appropriate for the Council to bring forward proposals to vary the Core Strategy to make further provision for housing than to quash or remit other policies which were in the process of being implemented. By way of example, she referred to Policy CS30 which makes provision for housing in Weston Villages as a result of which Supplementary Planning Guidance has been adopted and development is underway. The BANES Inspector did not require the plan to go back to the beginning and it remains submitted for examination but suspended pending the further work being undertaken.
10. Putting on one side which policies are affected for a moment, the ground on which this challenge succeeded relates to the reasons given by the Inspector in his report on the examination of the Core Strategy. The University did not pursue an argument that the Inspector's decision was irrational, therefore it would have been open to him in principle to accept the Council's housing figure of 14,000 dwellings. In those circumstances I consider the starting point is that the examination of the relevant policies should be reconsidered. It was only at this stage that any illegality occurred and the illegality could be remedied by going through the examination process again. I note that in her Skeleton Argument paragraph 25 Miss Ornsby sought to have the policies remitted for consideration by the same Inspector. However, after hearing Mr Dove's submissions that this would be unheard of she did not pursue the point orally, rightly in my view.
11. In my judgment the authorities relied upon by Mr Dove do not assist. They all relate to the previous position under s.20 prior to its amendment by the Planning Act 2008 when the plan or policies could only be quashed. That gave rise to consideration of the exercise of the court's discretion whether or not to refuse relief. To remit the



relevant policies pursuant to s.113(7)(b) as opposed to quashing them pursuant to s.113(7)(a) does not amount to withholding relief in any way nor is it unconventional. Rather it involves the grant of relief in a manner for which express provision is made.

12. The passage of time may well require the Council to up date its evidence and, potentially, to invite the Inspector to recommend modifications to policies. That may require an SEA and further consultation. However, this is a not an unusual procedure and although it will extend the process I consider that the delays and expense to objectors and the Council will be less than if the process has to go back to the start. Further, it is by no means a foregone conclusion that the Inspector would take the same view as that of the BANES Inspector or that the Council would agree that the Core Strategy should be withdrawn. In any event, decisions as to how best to progress the Core Strategy are for the Council. To quash the relevant policies would pre-determine further decisions of the Council and an Inspector about the Core Strategy which are matters of planning judgment for them and not the court.
13. Further, for the reasons set out below I consider that a number of policies should be remitted on the grounds that any increase in the total housing provision figure may result in the need for alterations to other policies. On the other hand, on a re-examination the Inspector may accept the Council's housing figure or any recommended increase may not exceed the available housing land supply. Even if further housing provision will need to be made it is most unlikely to affect all the policies remitted. If the policies were all quashed there would be a very considerable delay in the adoption of housing policies which in themselves are perfectly lawful simply because of the possibility they may need a consequential amendment that can be accommodated through the examination process. That would leave the Council with an undesirable and unnecessary housing policy lacuna for a considerable period of time.
14. As to the policies affected, Miss Ornsby conceded that CS6 and CS13 should be remitted.
15. CS16 is the affordable housing policy and Miss Ornsby submitted that because the level of housing need could never in practice be met an increase in total housing provision would not result in an increase in the level of affordable housing sought on individual sites. I did not understand Mr Dove to dispute this and although his Skeleton Argument paragraph 12 states that policy CS13 is intimately related to Policy CS16, he did not substantiate that submission by explaining how any alteration to housing provision could possibly affect Policy CS16. Further, to remit this policy would leave the Council without an adopted policy requiring affordable housing which in my judgment would give rise to unnecessary uncertainty in the provision of an important area of housing need.
16. The remaining policies around which argument centred are CS14 Distribution of new housing , CS19 (Strategic gaps), CS28 (Weston-super-Mare , CS30 Weston Villages , CS31 Clevedon, Nailsea and Portishead , CS32 Service Villages) and CS33 (Infill villages, smaller settlements and countryside . For the following reasons I consider that all of these policies should be remitted for examination as well. The main purpose of the examination of the Core Strategy is to determine whether the plan is sound, see s. 20(5) of the 2004 Act. If on reconsideration of policy CS13 the Inspector concluded that the housing provision figure was inadequate and further

provision for housing should be made beyond the available supply of land then in order to be sound the Core Strategy would need to make such provision. That would inevitably require amendment to policy CS14 and some at least of the policies which flow from it (CS28 and CS30-33) which make provision for specific housing numbers. While policy CS33 is more of a development control policy it has the potential to change e.g. by the removal of one of the infill villages from the list if it is considered further development should take place there. It would not be appropriate for the court to prejudge which of those policies should be amended or in what manner, that would be a matter for the Council and the Inspector.

17. Contrary to the submissions of Miss Ornsby, I do not consider that the issue of soundness could be addressed by the Council inviting the Inspector to recommend modifications to the plan by way of supplementary policies. Firstly, s.20(5)(b) states that the purpose of the examination is “to determine in respect of the development plan document... whether it is sound.” This refers to the whole plan not just particular policies. While s.20(5) does not deal with a situation in which some policies of the plan are remitted for re-examination following a successful challenge, it would be entirely contrary to the purpose of the legislation if an Inspector were restricted to considering only the soundness of the policies remitted. If those policies were themselves sound, but the plan as a whole comprising those policies and the policies already adopted was not sound, the plan would not be sound.
18. Secondly, supplementary policies would affect the adopted policies. By way of hypothetical example only, if the Inspector considered that further provision of 2,000 dwellings was required (over and above existing supply which the Council proposed should be met through the provision of a further 1,000 dwellings each in Weston-super-Mare and Portishead, the calculations in adopted policies CS14, CS 28 and CS31 would need amending. Supplementary policies would have to be brought forward with additional housing numbers resulting in different figures from the adopted policies. Further, it may be considered that the existing distribution of housing proposed in these policies should be altered as well. In addition, any amendments may have a knock on effect on other policies. If such amendments were dealt with by supplementary policies any reader of the plan would have to look at two policies instead of one in respect of each issue or location and the two policies would be inconsistent with each other. No such plan could conceivably be described as sound.
19. Further, the suggestion by Miss Ornsby that the need to amend other housing policies could be dealt with after any further recommendations by an Inspector on re-examination by the parties returning to court for an order remitting further policies is wholly impractical. No provision is made for such an exercise in s.113 and it would involve the court retaining a continuing supervisory role which would be quite inappropriate. This is apart from the considerable further delay and expense which would be caused.
20. While it is regrettable that the policies remitted will no longer have the force of adopted policy until the further examination has been concluded and the policies re-adopted, this is the inevitable outcome of the fact that the unlawfulness of the previous examination relates to the total housing provision figure which itself feeds into a great many other policies. If on re-examination the housing provision figure increases, this has the potential to affect the other housing policies as well. While it is

unlikely that all the policies would be affected, it is not possible at this stage to predict which would be. However, it will be apparent to any reader of my judgment and this addendum that there is nothing unlawful per se about the policies remitted other than CS13 and that any potential change in housing numbers will be an increase rather than a decrease. The policies can still be accorded appropriate weight in any decision making and housing can be brought forward through the development control process.

21. Further, it is not inevitable that there will be extensive further delay in re-adopting the policies. The time taken to undertake any further work will be in the Council's hands. The Core Strategy as a whole was submitted for examination on 8 July 2011 and the Inspector reported on 15 March 2012. Re-examination of the housing policies in the light of the court's judgment should take considerably less time.
22. I note that in her Skeleton Argument Miss Ornsby draws attention to the fact that some of the policies make provision for employment development. However, she did not submit that individual policies should be partitioned and that only those parts of the policies dealing with housing should be remitted.
23. Finally, in my judgment policy CS19 should be remitted for the same reason as policy CS6. If provision for further housing has to be made consideration may need to be given to whether to locate housing in a strategic gap in which case it may not be appropriate to designate a particular strategic gap in CS19 as currently worded.
24. In conclusion the following policies will be remitted to the Planning Inspectorate for re-examination: CS6, CS13, CS14, CS19, CS28, CS30-33 with a direction that they are to be treated as not having been recommended for adoption or adopted. In the light of the fact that the Council may have to carry out further work on its housing figures in the light of the lapse of time I do not consider it would be appropriate to restrict the examination to the question of whether the figure of 14,000 dwellings in CS13 makes adequate provision for latent demand.
25. In the light of this addendum the parties are invited to draw up an appropriate order for disposal of the proceedings.

## APPENDIX 2

**Decision notice site 4/715 - Land at Weston Rugby Club, Drove Road,  
Weston-super-Mare LPA ref: 21/P/3368/OUT**



## NOTICE OF DECISION

Town And Country Planning Act 1990



Dan Yeates  
Savills  
Embassy House  
Queens Avenue  
Bristol  
BS8 1SB

Application Number: 21/P/3368/OUT

Category: Outline Application

**Application No:** 21/P/3368/OUT  
**Applicant:** Trustees Of Weston-super-Mare RFC And Atlas HIVE Weston L...  
**Site:** Land At Weston Rugby Club,Drove Road, Weston-super-Mare,  
**Description:** Hybrid application comprising an Outline planning application, with all matters reserved, aside from access, for demolition and mixed-use redevelopment comprising residential dwellings (Class C3), and flexible Class E uses along with associated infrastructure and works, including landscaping, servicing, parking and new accesses. Full planning application for the development (and associated demolition) for Block A comprising offices (Class E), medical services (Class E), including a new GP surgery, and Block F comprising a clubhouse (Class E) and changing facilities, along with associated infrastructure and works including landscaping, servicing, parking, new accesses, and a new access road

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **GRANTS OUTLINE PLANNING PERMISSION** for the above development in accordance with the plans and particulars received and subject to the following conditions:

- 1 The fully detailed development hereby permitted (in the area as shown on drawing no. 1802-ASH-XX-00-DR-A-90114 PL1 (shown as blue hatched)) and shall begin before the expiration 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 shall be carried out in accordance with parameters contained within drawing no 1802-URB-XX-00-DR-LA-XX-101C NS & 1802-ASH-XX-00-DR-A-90151 PL1 (Context sections) and the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 3 Approval of the details of the appearance, landscape, layout and scale (herein after called the 'reserved matters'), within the area of the site shown (in white) on drawing no. 1802-ASH-XX-00-DR-A-90114 PL1, shall be obtained from the Local Planning

Authority in writing before any development is commenced.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 4 The first application for the approval of Reserved Matters shall be submitted to the Local Planning Authority within three years from the date of this permission. All subsequent Reserved Matters shall be submitted to the Local Planning Authority no later than ten years from the date of this permission.

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

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans and documents and those to be approved under the conditions attached to this consent unless otherwise agreed in writing by the Local Planning Authority.

CLUBHOUSE (BLOCK F)

1802F-ASH-XX-00-DR-A-90100	EXISTING LOCATION PLAN	PL1
1802F-ASH-XX-00-DR-A-90101	LOCATION PLAN	PL1
1802F-ASH-XX-00-DR-A-90110	EXISTING SITE PLAN	PL1
1802F-ASH-XX-00-DR-A-90111	SITE PLAN	PL1
1802F-ASH-XX-00-PL-A-20101	GROUND FLOOR PLAN	PL2
1802F-ASH-XX-01-PL-A-20111	FIRST FLOOR PLAN	PL2
1802F-ASH-XX-02-PL-A-27121	ROOF PLAN	PL2
1802F-ASH-XX-ZZ-DR-A-20202	SECTIONS	PL2
1802F-ASH-XX-ZZ-EL-A-20303	EAST AND WEST ELEVATIONS	PL2
1802F-ASH-XX-ZZ-EL-A-20304	NORTH AND SOUTH ELEVATIONS	PL2
1802F-ASH-XX-ZZ-DR-A-90141	EXISTING CONTEXT ELEVATIONS	PL1
1802F-ASH-XX-ZZ-DR-A-90151	CONTEXT SECTIONS	PL1
1802F-ASH-XX-ZZ-VS-A-20095	3D VISUALISATIONS	PL1
1802F-ASH-XX-ZZ-RP-A-00004	DESIGN AND ACCESS STATEMENT	PL1
1802A-ASH-XX-00-DR-A-20101	LEVEL 0 - GENERAL ARRANGEMENT PLAN	PL2
1802A-ASH-XX-01-DR-A-20111	LEVEL 1 - GENERAL ARRANGEMENT PLAN	PL2
1802A-ASH-XX-02-DR-A-20121	LEVEL 2 - GENERAL ARRANGEMENT PLAN	PL2
1802A-ASH-XX-03-DR-A-20131	LEVEL 3 - GENERAL ARRANGEMENT PLAN	PL2
1802A-ASH-XX-04-DR-A-20141	LEVEL 4 - GENERAL ARRANGEMENT PLAN	PL2
1802A-ASH-XX-05-DR-A-20151	LEVEL 5 - GENERAL ARRANGEMENT PLAN	PL2
1802A-ASH-XX-RF-DR-A-27161	ROOF LEVEL - Plan	PL2
1802A-ASH-XX-ZZ-DR-A-20211	GENERAL ARRANGEMENT SECTIONS	PL2
1802A-ASH-XX-ZZ-DR-A-20310	GENERAL ARRANGEMENT ELEVATIONS - SOUTH & WEST	PL2
1802A-ASH-XX-ZZ-DR-A-20320	GENERAL ARRANGEMENT ELEVATIONS - NORTH & EAST	PL2
1802A-ASH-XX-ZZ-DR-A-90100	EXISTING SITE LOCATION PLAN / BLOCK PLAN (MASTERPLAN)	PL2

1802A-ASH-XX-ZZ-DR-A-90101 PROPOSED SITE LOCATION PLAN / BLOCK PLAN (MASTERPLAN) PL2  
 1802A-ASH-XX-ZZ-DR-A-90110 EXISTING SITE LAYOUT PLAN (BLOCK A) PL2  
 1802A-ASH-XX-ZZ-DR-A-90111 PROPOSED SITE LAYOUT PLAN (BLOCK A) PL2  
 1802A-ASH-XX-ZZ-DR-A-90141 EXISTING SITE SECTIONS PL1  
 1802A-ASH-XX-ZZ-DR-A-90151 PROPOSED SITE SECTIONS PL1  
 1802A-ASH-XX-ZZ-VS-A-20091 3D VISUALISATION VIEWS PL1  
 1802A-ASH-XX-ZZ-VS-A-20092 3D VISUALISATION VIEWS 2 PL1  
 1802-ASH-XX-ZZ-RP-A-10001 DESIGN AND ACCESS STATEMENT PL1  
 1802-ASH-XX-ZZ-DR-A-90180 VISIBILITY SPLAYS AT PROPOSED JUNCTIONS PL1

SITE LAYOUT PLAN (DETAILED AREAS WITHIN SITE PLAN)

1802F-ASH-XX-DR-A-90114 PROPOSED SITE LAYOUT PLAN (BLOCKS A & F) PL1

BLOCK A

1802A-ASH-XX-ZZ-DR-A-90111 PROPOSED SITE LAYOUT PLAN (BLOCK A) PL2

LANDSCAPE (DETAILED AND SITE WIDE)

1802-URB-XX-00-DR-LA-XX-101 LANDSCAPE MASTERPLAN (PROPOSED SITE LAYOUT PLAN) C  
 1802-URB-XX-00-DR-LA-XX-102 HARDWORKS PLAN B  
 1802-URB-XX-00-DR-LA-XX-103 SOFTWORKS PLAN B  
 1802-URB-XX-00-DR-LA-XX-104 TREE REMOVAL & RETENTION PLAN B  
 1802-URB-XX-00-DR-LA-XX-105 EXISTING SITE LAYOUT PLAN B  
 1802-URB-XX-00-RP-LA-XX-002 MATERIALS PALETTE A

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

- 6 Prior to the commencement of development, a construction and development works phasing programme including the provision of site infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The phasing programme shall divide the development into phases and identify the phased order by which the development will be undertaken in respect of the commencement of development of the phases. Development shall be carried out in accordance with the approved phasing programme, unless agreed in writing with the Local Planning Authority.

Reason: So the development is delivered in a timely manner in accordance with Policies CS26 and CS27 of the Core Strategy and DM68 and DM69 of the Sites and Policies Plan Part 1

- 7 No residential development hereby approved shall commence until a scheme has been submitted to, and approved in writing, by the Local Planning Authority for a specified number of accessible dwellings in accordance with Accessible Housing Needs SPD April 2018. These shall be designed in such a way that they are accessible and sufficient to meet the needs of occupants with differing needs, including disabled people, as well as to allow adaptation to meet the changing needs of the occupants over time and to meet the standards contained in the Building

Regulations 2010, Approved Document Part M 'Access to and use of dwellings': M4(2) 'Accessible and adaptable dwellings'. The development shall be constructed in accordance with the approved details.

Reason: In the interests of promoting good design and sustainable construction and in accordance with policy DM42 of the Sites and Policies Plan Part 1 and the council's 'Creating sustainable buildings and places' Supplementary Planning Document

- 8 The dwellings hereby approved shall be built in accordance with the Nationally Described Space Standards (NDSS), unless shown not to be practicable and viable.

Reason: The NDSS is the appropriate space development standard for new and market housing and 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

- 9 The surface water drainage works (relevant to the phase or sub-phase) are to be implemented in accordance with Drainage Flood Risk Assessment & Drainage Strategy (ref 1802-XX-XX-RP-C-98001-Version 4 prepared by JUBB Consulting Engineers Ltd and dated June 2022). The measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

- 10 Prior to each relevant phase (or sub-phase) of development details of the implementation, maintenance and management of the approved sustainable drainage scheme shall be submitted and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:
- a) a timetable for its implementation and maintenance during construction and handover; and
  - b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies). The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before



the hand over to a management company to prevent flooding downstream of the system.

- 11 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: Flood Risk Assessment & Drainage Strategy (ref 1802-XX-XX-RP-C-98001-Version 4 prepared by JUBB Consulting Engineers Ltd and dated . September 2021June 2022 FRA) and the mitigation measures it details: Particularly:
- o Finished Floor Levels (FFLs) to be set no lower than 6.4m AOD for the residential development (as shown in section 9.1.3 of the FRA).
  - o FFLs to be set at least 150mm above the existing ground levels for the doctor's surgery and commercial development (as shown in section 9.1.4 of the FRA).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

- 12 No phase or sub-phase of residential development hereby approved shall commence until a scheme for protecting the proposed dwellings from noise from road traffic noise has been submitted to and approved, in writing, by the Local Planning Authority. None of the dwellings in the relevant of sub-phase shall be occupied until all works that form part of the scheme have been completed. The approved noise protection scheme shall thereafter be permanently retained and maintained in accordance with the approved details.

Reason: In the interests of residential amenity and in accordance with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

- 13 The rating level of all external permanent building plant either singly or in combination, shall not exceed background noise levels at the nearest noise sensitive properties, when assessed in accordance with BS4142:2014 + A1:2019.

Reason: In the interests of residential amenity and in accordance with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

- 14 No development (phase or sub-phase) hereby approved shall commence 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, 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 the interests of residential amenity and in accordance with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

- 15 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

- 16 No development shall take place on each phase of development (including Phase 0) until a Construction Management Plan for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period of the associated phase of development. The plan shall provide for:
- a) Parking of vehicles of site operatives and visitors;
  - b) Routes for construction traffic;
  - c) Hours of operation;
  - d) Method of prevention of mud being carried onto the highway;
  - e) Pedestrian and cyclist protection;
  - f) Proposed temporary traffic restrictions;
  - g) Arrangements for turning vehicles;
  - h) Safe access being maintained to existing development/earlier phases of development;
  - i) Retention of public rights of way across the site (or temporary measures relating to the public right of way);
  - j) The use of plant and machinery;
  - k) Wheel washing and vehicle wash-down and disposal of resultant dirty water;
  - l) Management of oils/chemicals and materials;
  - m) The use and routing of heavy plant and vehicles;
  - n) The location and form of work and storage areas and compounds;
  - o) The control and removal of spoil and wastes.

Reason: In the interests of safe operation of the highway in the lead up to development, and during the demolition and construction phase of the development.

- 17 Each phase of the development shall be carried out in accordance with the approved tree protection measures specified in the approved Arboricultural Impact Assessment reference Tyler Grange AIA 13366\_R01a\_Arboricultural Impact Assessment\_MB\_CW\_23092021

Reason: To ensure that features of ecological and landscape importance are maintained and in accordance with Policy DM9 of the Sites and Policies Plan Part 1

- 18 Trees, hedges and plants shown in the landscaping scheme to be retained or planted

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

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and policy DM9 of the North Somerset Sites and Policies Plan Part 1.

- 19 No development (phase or sub-phase) hereby approved shall commence until a Construction Environmental management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. This shall include details of the method of works and precautionary working measures to avoid or mitigate potential impacts on designated sites, habitat, and notable species. Measures to protected ecological features and trees during the construction phase shall also be detailed. Works shall be implemented in strict accordance with the approved methodology.

Reason: To ensure the retained habitats and species are not adversely impacted by the proposed works in accordance with the Wildlife and Countryside Act 1981 (as amended); Wild Mammals Protection Act (1996) and policy CS4 of the Core Strategy policy CS4 and policy DM8 of the Site and Policies Plan Part

- 20 No relevant part of the development (phase or sub-phase) and the associated relevant works shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i. A survey of the site showing all existing landscape features. This shall include
- ii. Details of all landscaping to be removed, retained and new proposals.
- iii. All hard and soft structural landscape areas including drainage features;
- iv. Pedestrian accesses, car parks and circulation areas;
- v. Existing and proposed finished ground levels;
- vi. Means of enclosure and boundary treatments;
- vii. Public open spaces;
- viii. Dog waste bins where required by the local planning authority; and
- ix. Proposed and existing functional services above and below ground (e.g. Drainage power, communication cables, pipelines etc. indicating lines, manholes, supports etc.);
- x. Details or land within public and private ownership.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and in accordance with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan Part 1

- 21 The soft landscape works referred to in the previous condition shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme including phasing (where appropriate).

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.

- 22 Following approval of a hard and soft landscaping details as part of the reserved matters submission, and prior to the occupation of each phase of development, no development shall commence until a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, has been submitted to and approved by the Local Planning Authority. The Landscape Ecological Management Plan shall be implemented and retained in full accordance with the timescales set out in the approved LEMP.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with policy CS4 of the Core Strategy and Site and policy DM8 of the Sites and Policies Plan Part 1.

- 23 Development proposed by any Reserved Matters application shall not be commenced until (1) existing and proposed external ground levels and (2) the finished site slab levels, floor levels and ridge levels of all buildings relative to fixed datum points have been submitted to and approved in writing by the Local Planning Authority for the proposed dwellings covered by the relevant Reserved Matters. The development shall be constructed in accordance with these approved details, unless otherwise authorised in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

- 24 No relevant construction above DPC level for each phase of development shall be carried out until samples of the relevant construction for external elevational and surface materials (brick, windows, doors and entrance details, roof finishes) 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 12 and paragraph 127 of the National Planning Policy Framework.

- 25 The development hereby approved shall not be brought into use until Electric Vehicle charging Infrastructure has been provided in accordance with the North Somerset Parking Standards SPD.

Reason: To proactively support the wider transition towards a low carbon future through the use of renewable and low carbon energy in accordance with policy CS1 of the North Somerset Core Strategy and policy DM2 of the North Somerset Site and policies Plan Part 1.

- 26 No part of the development shall be occupied until the visibility splays shown on the approved plans for the relevant phase (or sub-phase) have been provided with no

obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be retained and maintained free of obstruction in perpetuity.

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

- 27 The dwellings hereby approved shall not be occupied until measures to reduce the predicted energy demand and CO2 emissions by 15% above that required to comply with Part L Building Regulations have been installed. Such measures shall be applied at the date of construction through micro renewable or low carbon technologies, unless, for reasons of viability and/or deliverability, a different standard is agreed. These must be 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: To proactively support the wider transition towards a low carbon future through the use of renewable and low carbon energy in accordance with policy CS1 of the North Somerset Core Strategy and policy DM2 of the North Somerset Site and policies Plan Part 1.

- 28 The development 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 plans and details to be submitted to and approved by the local planning authority prior to work commencing on site. 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 shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority

- 29 No dwelling shall be occupied until details of an electric car club scheme, including a contract which shall be entered into by the developer and an approved car club provider, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the following and shall be fully implemented in strict accordance with the approved details:
- o The allocation of one car club parking space;
  - o The provision of one electric vehicle;
  - o Provision of car club membership for all eligible residents of the development for a minimum of three years
  - o Promotion of the scheme
  - o A phasing scheme for implementation.

Reason: To help address the shortfall in parking provision and to promote sustainable travel in accordance with policies DM24 and DM28 of the North Somerset Council Sites and Policies Plan Part 1

- 30 No boundary walls, gates, fences or other means of enclosure and boundary treatment shall be erected unless details including the location, height, appearance and materials of such enclosures have been submitted to and approved in writing by the Local Planning Authority. The boundary enclosures shall be erected in strict accordance with the approved details and maintained and / or replaced if necessary at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan Part 1

- 31 The proposed development shall not be brought into use until a scheme for off-site highways works to promote active travel options has been submitted to and approved by the Local Planning Authority. This scheme shall comprise A) zebra crossings on nearby junctions on Sunnyside Road North / Hildesheim Bridge B) zebra crossings on Sunnyside Road- as close to Station Approach (south of station) as appropriate, and another near southernmost pedestrian exit. C) Consideration of additional signage and marking for pedestrian and cycle routes towards the station and the town centre, and D) a stage 1 Road Safety Audit to be carried out for the proposed works once initial design agreed with the Local Highway Authority. The approved works up to a capped budget of £35,000 are to be provided by the applicant and to be delivered through a S278 agreement.

Reason: To ensure that the development is served by a satisfactory means of access for both vehicle and pedestrians in the interests of highway and pedestrian safety and in accordance with policies CS10 and CS12 of the North Somerset Council Core Strategy and policies DM24 and DM32 of the North Somerset Council Sites and Policies Plan Part 1.

- 32 The proposed buildings and uses shall not be brought into use until a Travel Plan in accordance with the principles set out in North Somerset Council's Travel Plans-SPD November 2010 (or latest adopted version) for the relevant building has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full and a report detailing how this has been undertaken shall be submitted to, and approved by the Local Planning Authority

Reason: To ensure a travel plan is fully implemented in accordance with policy CS10 of the North Somerset Council Core Strategy and policy DM26 of the North Somerset Council Sites and Policies Plan Part 1 and the North Somerset Travel Plans SPD November 2010.

- 33 The proposed development, and subsequent residential phases approved by any Reserved Matters application, shall not be brought into use until the parking spaces for the relevant phase (including temporary parking spaces for Phase 1 until phase 2 is delivered) have been provided and be available for use in accordance with the Transport Assessment (version 4 November 2021). Thereafter, on completion of the development (all phases) the approved parking spaces shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

- 34 The proposed development, and subsequent residential phases approved by any Reserved Matters application, shall not be brought into use until the cycle parking spaces associated with the relevant phase have been provided and be available for use in accordance with the North Somerset Parking Standards SPD. Thereafter the approved cycle parking spaces shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Council Core Strategy, policy DM 28 of the North Somerset Council Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD

- 35 Prior to the first occupation of the surgery hereby approved, an interim surgery travel plan to address the transport needs of users of the surgery arising from the relocation of the surgery over a 5 year period shall be submitted to, and approved in writing by the Local Planning Authority. This shall include, but not be limited to
- o benchmark travel data including current and anticipated trip generation by all modes of transport likely to be associated with the development surgery use;
  - o relevant information about existing travel habits in the surrounding area;
  - o proposals to support the need for travel to and from the site via all modes of transport; and
  - o engagement with local volunteer driver services to support patient transport requirements.

The interim travel plan shall be implemented upon commencement of the occupation.  
Reason: To help address the shortfall in parking provision and to promote sustainable travel in accordance with policies DM24 and DM28 of the North Somerset Council Sites and Policies Plan Part 1

- 36 Prior to approval of the reserved matters of each residential phase, a strategy shall be submitted to and approved in writing by the local planning authority, to explore and secure funding options for the provision of grant-funded affordable housing at the site where viable. This will include, but not be restricted to, the Homes England Affordable Homes Programme and any other current or future public funding sources. In the event that grants are available to the developer for affordable housing (as defined in the NPPF), the developer shall submit an updated viability report addendum or other written evidence demonstrating whether it is viable to deliver affordable housing on site. Subject to being viable, the approved strategy shall be implemented at each stage and shall include a timetable for the delivery of grant funded affordable housing.

Reason: In order to monitor and review opportunities to deliver affordable housing on site in accordance with policy CS16 of the Cor Strategy and the adopted Affordable Housing and Development Contributions SPDs

**Advice Notes:**

- 1 Works in the highway: The works within the highway in association with this development will require the developer to enter into a section 278 Agreement under the Highways Act 1980). The developer is advised to make early contact with the highways officer (Mr W Hole 01934 426707) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the council's inspection charges.
- 2 Electric vehicle charging provision: In line with the government's Clean Growth Strategy, and pledge to ban the sale of new petrol and diesel cars by 2030, it is essential that a suitable level of Electric Vehicle (EV) charging provision be provided at new development. The National Planning Policy Framework was updated in 2018 to ensure that new developments 'be designed to enable charging of other ultra-low emission vehicles in safe, accessible and convenient locations'. On this basis, and in line with the Council's declaration of a Climate Emergency in 2019 and ambition to become Carbon Neutral by 2030, the Highway Authority would expect the applicant to install passive Electric Vehicle charging infrastructure at the site. This should take the form of cabling and Residual Current Device (RCD) sufficient to enable the subsequent installation of 7kW 32amp Office for Low Emission Vehicles (OLEV) compliant wall or ground mounted charge point. By providing such infrastructure at the build stage, costly and invasive works can be avoided should residents wish to install a charge point in the future.
- 3 Positive and proactive statement: In dealing with the application we have worked with the applicant in a positive and proactive manner and have implemented the requirement in section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, by publishing local planning guidance on the council's website, offering pre-application written advice and publishing statutory consultee and neighbour comments on the council's website.

**For advice about how to comply with the conditions above visit [www.n-somerset.gov.uk/planningconditions](http://www.n-somerset.gov.uk/planningconditions)**

Date: 14 November 2022  
Signed: Richard Kent  
Head of Development Management

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) on our website at [www.n-somerset.gov.uk/contactplanning](http://www.n-somerset.gov.uk/contactplanning) if you require further information on this decision.

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE**



## NOTES RELATING TO A DECISION TO GRANT PLANNING PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY. Make sure everyone has a copy that needs it, including your builder or contractor.

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### Scope of this decision notice

This decision notice grants planning permission only. It should not be taken to imply that the scheme meets the requirements of any other agency that may be involved. Please make sure that you have obtained all the approvals you need before starting work. If you are in any doubt you should obtain professional advice.

### Building Regulations

Before you start construction work you need to obtain separate approval under Building Regulations. You can contact the team on 01275 884550 or submit your application on our [website](#).

### Conditions

This approval is subject to conditions. They are an integral part of the decision and are important because they describe how the council requires you to carry out the approved work or operate the premises. It is your responsibility to comply fully with them.

Please pay particular attention to those conditions that have to be met before work commences. There is a fee for requests for written confirmation that conditions have been complied with. Details of these fees can be found on our website at [www.n-somerset.gov.uk/planningconditions](http://www.n-somerset.gov.uk/planningconditions). When sending us information please include the decision reference number and relevant condition number. Depending on the complexity of the issues involved it can take up to 12 weeks for conditions to be discharged. It is therefore important that you submit any required details to us early.

Applications to discharge planning conditions received from 1st January 2021 will be made available on our website for public inspection. This includes the name, address and contact details of the applicant and their agent. When applying to discharge a planning condition, you should consider very carefully what information about yourself and others you send us. If you do not want information or documents in your application to be shown on our website, please contact us directly when you make your submission so that we can consider your request. The default position is however to make the information public and an exception to this will not normally be agreed.

### Appeals

If you are aggrieved by our decision to impose any of the conditions, then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If you want to appeal against our decision then you must do so within 6 months [12 weeks if this is a decision to refuse planning permission for a shopfront proposal or a minor commercial application] of the date of this notice .

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In

practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Prepare for floods**

If the scheme to which this approval relates is at risk of flooding you should prepare a flood plan to help keep people safe and protect your property. You can find out if your property is at risk of flooding and how to prepare a flood plan on the [Government's website](#). You should also sign up for [flood warnings](#).

### **Works which affect a Public Highway**

Any works/events carried out by or for a developer which affects the public highway in any way must be co-ordinated in accordance with the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 to minimize disruption to users. Developers are required to inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Developers are also required to liaise/seek permission of North Somerset Council's Street Works Section (01934 888802 or [streetworks@n-somerset.gov.uk](mailto:streetworks@n-somerset.gov.uk)) at least one month in advance of the works and this must be in line with the requirements of the NRSWA 1991 and TMA 2004. The developer must endeavor to ensure that undertaker connections/supplies are coordinated to take place whenever possible at the same times using the same traffic management. It should be noted that where road closures or formal restrictions are required to undertake works, a minimum of three months' notice will be required.

### **Public Rights of Way**

The grant of planning permission does not entitle developers to interfere or obstruct any public right of way (PROW). The obstruction of a PROW is an offence. If required an application can be made to North Somerset Council to divert the PROW and should be made well ahead of any development.

It is also an offence to drive a mechanically propelled vehicle without lawful authority on any PROW. The grant of planning permission should not be treated as a grant of lawful authority. Please contact the PROW Team for further advice on 01934 888802.

### **Changes to Plans:**

Should you wish to change your plans for any reason, including the need to meet the requirements of other legislation (for example Building Regulations) it is important that you notify us (i.e. 'the planners') before carrying on with work. Amendments to your approved plans may require a fresh application and could even prove to be unacceptable. Details of how to seek formal approval of amendments to a planning approval can be found on our [website](#) or by visiting the planning portal.

### **Enforcement:**

The council has powers to enforce compliance with planning permission and there are penalties for failure to comply. In cases where terms and conditions of planning permission are not adhered to and the Council finds it necessary to take enforcement action, it almost invariably results in delay and additional expense to the applicant. In extreme cases, it can mean that newly erected buildings have to be demolished.

If the applicant was the Local Authority and the application was made under regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) then this permission enures only for the benefit of the Local Authority and such other person as was specified in the application.

### **Street Naming**

When you receive consent for the building of new a development(s)/property or creating additional flats/units within an existing dwelling, for reasons of public safety and for the allocation of an official postal address, please contact the Street Naming and Property Numbering Section, Town Hall,

Weston-super-Mare, BS23 1UJ; Tel: 01275 888761; email: [strnames@n-somerset.gov.uk](mailto:strnames@n-somerset.gov.uk). Learn more on our [website](#).

**Access to further information**

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk).

## APPENDIX 3

**Planning Officer Committee Report site 4/715 - Land at Weston Rugby Club, Drove Road, Weston-super-Mare LPA ref: 21/P/3368/OUT**



## DELEGATED REPORT

<b>Application No:</b>	21/P/3368/OUT	<b>Target date:</b>	07.04.2022
<b>Case officer:</b>	Andrew Stevenson	<b>Extended date:</b>	14.11.2022
<b>Proposal:</b>	Hybrid application comprising an Outline planning application, with all matters reserved, aside from access, for demolition and mixed-use redevelopment comprising residential dwellings (Class C3), and flexible Class E uses along with associated infrastructure and works, including landscaping, servicing, parking and new accesses. Full planning application for the development (and associated demolition) for Block A comprising offices (Class E), medical services (Class E), including a new GP surgery, and Block F comprising a clubhouse (Class E) and changing facilities, along with associated infrastructure and works including landscaping, servicing, parking, new accesses, and a new access road		
<b>Site address:</b>	Land At Weston Rugby Club, Drove Road, Weston-super-Mare,		

## SUMMARY OF MAIN ISSUES AND RECOMMENDATION

### Planning History/Background – most recent applications

The site has been subject to a number of planning applications in the past, primarily related to its operation as a sports ground and concern flood lighting and the car park.

### Policy Framework

The site is affected by the following constraints:

### 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	<a href="#">Addressing climate change and carbon reduction</a>
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
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
CS20	Supporting a successful economy
CS27	Sport, recreation and community facilities
CS28	Weston super Mare
CS29	Weston super Mare Town Centre
CS34	Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM9	Trees
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM34	Housing type and mix
DM36	Residential densities
DM37	Residential development in existing residential areas
DM47	Proposals for economic development within towns and defined settlements
DM68	Protection of sporting, cultural and community facilities
DM69	Location of sporting, cultural and community facilities
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>
SA9	Town centre regeneration area
SA10	Main approaches to Weston town centre

**Other material policy guidance**

## National Planning Policy Framework (NPPF) (2021)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
5	Delivering a sufficient supply of homes
6	Building a strong, competitive economy
7	Ensuring vitality of town centres
8	Promoting healthy and safe communities
11	Making effective use of land
12	Achieving well designed places

## 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 2021)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Solar Photovoltaic (PV) Arrays SPD (adopted November 2013)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- Employment led delivery Weston-super-Mare SPD (adopted November 2014)

## Consultation summary

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

## Weston-super-Mare Town Council

The Town Council are not opposed to the principal of housing development on the site. However do oppose 1) the volume of residential units 2) the mix of residential units, where there is a lack of affordable housing provision 3) insufficient parking provisions for the multiple uses (sport/residential/medical) 4) Public transport provisions need to be further identified by the local authority prior to planning permission.

## Neighbours' views

38 letters of objection plus petition with 130 signatories have been received. The principal planning points made are as follows:

- Contrary to local planning policies
- Increase in traffic movement and congestion in the area
- Concern over height and design of the new buildings
- Overly dominant in the gateway area
- Out of keeping with Victorian character of the town
- Loss of light and visual amenity to adjacent properties

- Overdevelopment of the site
- Insufficient parking
- Highway safety concerns
- Railway separates the site from the town centre
- Insufficient public transport
- Lack of affordable housing
- Disadvantages users of the current medical facilities at Graham Road
- Loss of recreation ground
- Loss of mature trees on site
- Environmental concerns with impact of new 5 storey buildings

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

- Provision of much needed new medical facilities
- Significantly improve sports facilities in the town
- Welcome regeneration of the town
- Development of a brownfield site
- Design will improve the character and appearance of the area
- Meets housing needs
- Close to service, facilities and public transport
- New commercial development creating jobs and opportunities
- Cleaner and safer green spaces for community uses

#### **Other Comments Received:**

##### Environment Agency

Provided the Local Planning Authority is satisfied the requirements of the Sequential Test under the NPPF are met, the Environment Agency would have no objection, in principle, to the proposed development.

##### Sport England

Sport England does not wish to raise an objection to this application



## **Planning assessment**

### **Principle of development**

Section 38 (6) of the Planning and Compulsory Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Core Strategy and policy CS13 requires sufficient developable land to deliver a minimum of 20,985 dwellings between 2006 and 2026. Policy CS14 sets out the distribution of the housing requirement across the settlement hierarchy. This prioritises new housing development at Weston-super-Mare followed by the other towns and then service villages.

The principle of new mixed use and residential development within the Weston-super-Mare settlement boundary is generally acceptable.

The site is located off Sunnyside Road with access to the A370 at Hildesheim Bridge and is situated within the Gateway Area of Weston-super-Mare Town Centre. The site is previously developed land with an active sporting use with the rugby pitch and associated club facilities. The site is a short distance outside the eastern edge of the Weston-super-Mare Town Centre SPD area and within the gateway area identified under policy CS29

### **Residential uses**

Core Strategy Policies CS28 and CS29 support the regeneration of a range of key sites to include residential, retail, employment, and leisure opportunities. In terms of new housing, within the Weston town centre area the Core Strategy is supportive of residential development as a component of delivering a vibrant, viable dynamic town centre.

Policy CS29 sets out parameters for development in the town centre Gateway Area where these should:

- Be of high quality design that will enhance the visual image and emphasise the importance of the gateway to the town centre
- Minimise the generation of car trips by concentrating uses around the train station and improving public transport infrastructure
- Strengthen connection to the town centre through new and improved pedestrian and cycle routes

Within the town centre area, CS29 recognises that due to the costs of developing a number of sites, within a mixed-use scheme such as this, residential uses may act as enabling development to ensure the viability of development. The policy also acknowledges that some flexibility may be needed to ensure delivery of financially viable, sustainable mixed-use schemes on sites within the town centre.

The site is outside the Weston Town Centre regeneration SPD area therefore with the proposed quantum of development the provisions of Core Strategy Policy CS16 Affordable Housing apply, and affordable housing provision would be expected. CS16 does include a proviso that the capacity of a site to deliver a level of affordable housing will be determined by individual site viability analysis. This issue is expanded upon in subsequent sections of this report

Although the rugby club is not an allocated site in the Site Allocation Plan, as a key sustainable location, and in accordance with policy CS29, there is no objection in principle. The site is identified through the Sunnyside Road Masterplan as having capacity for development. The Masterplan sets out a quantum of development for the rugby club site

roughly in line with the proposals. It is noted that the proposed repositioning of the current rugby club facilities from west to the east side of the site was not envisaged with the Masterplan, however this both opens up additional development land fronting Sunnyside Road and offers greater opportunity for shared use of facilities between the rugby club and users of the recreational ground. Accordingly, this modification in the site development strategy can be supported.

Additionally, the Sunnyside Road Masterplan looks to safeguard the location for a new future primary school on land to the north of the recreation ground and this has been accounted for in the proposals.

### **Redevelopment of the rugby club facilities**

Policy DM68 seeks to protect sporting, cultural and community facilities. The rugby club provides opportunities for sport and recreation and development of such sites for other purposes is only permitted where the partial development of the site will secure the retention and improvement of the remainder of the site for community use. The proposals retain the rugby pitch in its current location and the redevelopment proposals are considered to be clear and coherent in their approach, ensuring a far better sporting and community provision in terms of quantity and quality. It is essential that this is delivered in a timely manner through the planning process and can be secured through an appropriate planning condition to control the phasing of development.

The proposed development will provide significantly upgraded facilities for the rugby club and the local community through a new club house, grandstand, and community changing rooms which will support the long term futures of the club and recreation ground.

Sport England have been consulted and have raised no objection to the scheme noting that the proposals do not lead to the loss of land that has been used as a playing field. The rugby club have worked with the RFU to achieve a compliant design of the changing rooms and clubhouse to ensure the North Somerset Playing Pitch Strategy action plan is delivered within this development.

### **Relocation of existing central area health facilities**

Policy CS26 supports programmes and strategies which increase and improve health services. This is supported by Policy DM69 which states that proposals for sporting, cultural or community facilities within settlement boundaries will be permitted where it is well related to the community it is intended to serve, the site is located within a sustainable location and accessible by a choice of transport modes, the proposal is of a design and layout that would include features to facilitate combining other community needs and would not prejudice the living conditions of neighbouring occupiers

The relocation of the surgery from Graham Road to this site ensures health facilities remain in the central area of Weston in a sustainable and accessible location. At this point in time the Graham Road site is better served by public transport routes, however in the round, there is still a good level of public transport access to new location at the rugby club site. The site is located approximately 5-10 minute walk from the main town centre, and within 5 minutes of the train station and a number of bus services. A travel time impact assessment has been submitted that shows there would be an 8% reduction in the total volume of patients who are within a 15 minute walk of the practice, however, when considering those within a 20 minute walk, the percentage of patients affected is minimal. Moreover, as redevelopment of other key sites around the edge of the town centre come

forward it is expected that that the rugby club site will be relatively centrally located in terms of patient catchment areas.

The existing Graham Road surgery is no longer able to accommodate the functional requirements of the users and to meet modern standards including those within the equality act. The provision of a new, purpose-built medical centre weighs in favour of the proposals.

## **Commercial units**

Within the mixed-use development, Block A will include office accommodation on the upper floors above the health facilities which fall within Use Class E – commercial, business and services. The ground floor of block B also include Class E commercial units. The applicant has advised that the commercial units in Block A are to be occupied by an allied health care provider.

Policies CS20 and DM47 are supportive of economic development within the settlement boundaries, and the focus for employment development will be at Weston-super-Mare primarily through town centre and gateway regeneration. Policy DM47 sets out the criteria to ensure economic development is located in sustainable locations that minimise impacts on residential areas and are compatible with the strategic approach to deliver an improved balance between homes and jobs.

The redevelopment of the rugby club site has come forward as a mixed-use scheme so meets the aim of providing new employment opportunities. The objectives of the site masterplan address this and facilitate a coherent approach to the differing land uses. The delivery of Block A in the first phase of development is welcomed as this will bring new employment opportunities forward in a timely manner. As set out elsewhere in this report, the location of the site with good public transport links and proximity to the town centre is considered to be suitable for this scale of economic development.

Within the site, as the design has evolved the relationship between the commercial and residential blocks has been carefully considered to minimise any potential conflict. The wider Sunnyside Road area includes a number of commercial and industrial uses, particularly towards the station and A370, and by bringing in new development, the proposals will enhance this offer. There are residential properties to the south, however these are a further distance away and any commercial activity will be focused around Block A. With regard to residential amenity the impact of the scale, massing and design of the proposed blocks is considered to be acceptable in this context.

## **Phasing**

The first phase of the development, for which full details are provided comprises Block A which will contain the new health centre and pharmacy on the ground and first floor, and office accommodation above. The upper floors are to be occupied by a health provider.

Phase 1 also includes Block B, the new RFC clubhouse and public changing rooms and associated parking spaces.

Phase 2 is in outline form and comprises three blocks of residential development to the west and south of the pitch. Proposed Blocks C and D replace the existing RFC facilities as these transfer to the eastern side of the site under phase 1.

This phasing strategy ensures the new rugby club and medical facilities are in place prior to the residential development coming forward and will be controlled by condition.

## **Design considerations**

This application is submitted in hybrid form, with all matters reserved except access for the outline element, and full details provided for the access road, Block A and parking/external areas. Detailed matters regarding design and layout of the majority of the site will be considered within subsequent Reserved Matters submissions

The site is within the Weston Gateway area where policies CS28 and CS29 provide a positive framework for the redevelopment of sites to make a more efficient use of land and where the emphasis is on the regeneration of a range of sites to stimulate investment to include residential, retail, employment and leisure opportunities. The Sunnyside Road Masterplan provides further focus for this as a key gateway site with potential to support the towns regeneration in addition to reinvigorating an underused parcel of land resources, deliver a new primary school site, improved recreation facilities, and improved gateway.

In terms of design, guidance is also set out in the following key policies: CS12 Achieving high quality design and placemaking, DM32 High quality design and placemaking, DM36 Residential densities, and DM42 Accessible and adaptable housing and housing space standards.

The Sunnyside Road Masterplan identifies this site as suitable for high density residential development to include suitable open space and green infrastructure to create a high-quality setting to the development along the town centre approach. The development scale varying between 4 and 5 storeys and comprising a housing mix of 1 and 2 bed apartments aligns with this approach.

The scheme was presented to the Design Review Panel in September 2021. At the DRP session it was commented that the proposals were positive and well judged, with a good overall arrangement that would help establish its own distinct character area and set a standard and strong precedent for next phases of the Town Centre and Gateway Area regeneration. It was considered that the proposals were in scale with the surrounding infrastructure and adjacent industrial and office buildings. Recommendations from the DRP in terms of articulation, detailing and materials have been carried through to application proposals.

The detailed plans for Block A have been provided as part of this application, alongside details on the associated landscaping, parking and access works. The design rationale to create a building with a strong civic presence was identified by the DRP as a positive aspect of the scheme and will inform the appearance of other residential blocks to come forward under phase 2 of the development. The parameter plans submitted for the outline element of the proposals show how this can be achieved.

Focusing on Block A it is considered that the five-storey massing will set a precedent and compliment the future masterplan of Station Gateway which will consist of blocks of between 4 and 6 storeys. This will also set a pattern for the residential blocks surrounding the rugby pitch to follow.

The base material for the external elevations is brickwork, which is appropriate for the scale of the building and the setting. Contemporary detailing has been included at

openings on the facades and in the use of colour in window panels and at the main entrance.

The new rugby clubhouse and facilities are of a contemporary design and with the inclusion of a new grandstand are clearly indicative of the proposed use. The new rugby clubhouse steps down to the scale of residential dwellings to the south and provides an appropriate transition between the site and the recreation ground. The opening up of the rugby clubhouse to the edge of the recreation ground makes this a much more visible sporting facility and an attractive mixed use urban development. In addition, the later phases of residential development will introduce natural surveillance to the edges of the recreation ground improving the perception of safety and making the stewardship of the park much easier.

A Landscape Visual Impact Assessment and Townscape study have been provided which demonstrate the scale and massing of the new development will sit comfortably in its context and the proposed design and appearance will create a distinctive new character area.

### **Housing mix, tenure and type**

The developer is proposing to deliver 0% affordable housing and nil S106 contributions. This position has been justified by the viability appraisal provided and reflects its status as a constrained site with a requirement to provide new club facilities in order to enable development at the site to proceed and deliver the associated community and regeneration benefits.

On the basis of the detailed evidence submitted it is accepted that policy compliant 30% without grant affordable housing provision cannot be delivered without the development becoming unviable. This bears out the Council's own work previously undertaken in this area that nil grant affordable housing is not going to be feasible. On the basis of previous viability assessments, a condition has been agreed that the developer works with NSC with a view to exploring options to secure with grant units.

### **Landscaping**

A Landscape Masterplan has been submitted with the application. This demonstrates the approach to incorporating new green infrastructure within the proposed development. The scheme includes new soft landscaping within the residential streetscape and public open spaces, including a number of key enhancements to biodiversity and wildlife, with new planting and multi-functional green spaces. The Landscape Masterplan has taken account of comments made at the Design Review Panel intended to enhance the landscaping of the site.

A survey of the trees within the site boundary has also been undertaken and an Arboricultural Impact Assessment has been provided as part of the application. This confirms that a number of trees are present at the site but none of these are subject to TPOs. The proposals have sought to maximise tree retention where possible and appropriate. The moderate value trees within the adjacent recreational grounds, and the young to semi-mature landscape planted trees within the site, will be retained. The removal of existing Category B trees and Category C trees are considered to be a moderate short-term arboricultural impact that is localised to the site.

Significant new tree planting has been incorporated into the site-wide landscaping, which will reinstate and expand upon tree canopy cover across the site. New medium-sized trees are proposed to be planted across the development site, together with smaller species trees. This will enhance the green infrastructure and associated visual amenity. The strategy includes planting of larger / specimen trees positioned to show the main entrances into the site and contribute to an improved sense of arrival. By comparison, this replaces the current arrangement which is dominated by hardstanding. Ornamental planting will be used around the perimeter of the medical centre as a natural barrier to aid privacy of ground floor consulting rooms and soften the appearance from the public realm. Within the site there will be a series of small community gardens, rain gardens to support drainage and biodiversity, and community growing space. Boulevard tree planting is proposed along Sunnyside Road which will reaffirm the street hierarchy, aid legibility, and provide a softer, more attractive frontage along this route.

It is therefore considered that, in relation to landscape and green infrastructure, the proposed development is in accordance with policies CS4, CS9 and DM8 and DM9, as well as the requirements set out in the NPPF.

## **Highways matters**

Policies CS32 of the Core Strategy and DM24 of the Sites and Policies Plan provide the framework where development will only be permitted if it would not prejudice highway safety and the site can be readily integrated with public transport, cycleway and footpath links. Development giving rise to a significant number of travel movements will only be refused on transport grounds if it is likely to have severe residual cumulative impact on traffic congestion or on the character of the surrounding area.

The highway matters to be assessed with this application comprise the location of the proposed access and impact of this to the wider highway network, road safety and accessibility considerations. In support of the application a Transport Assessment has been submitted which provides information on trip generation from the planned development, site access arrangements, and accessibility to local services facilities and job opportunities by pedestrian, cycle and public transport options. This concludes that the development site can be suitably and safely accessed by all users and will not have a material impact on the operation of the local highway network.

## Access

Vehicular access into the site will be via a new simple junction off Sunnyside Road. This will consolidate the existing multiple points of access to the site from Sunnyside Road to a reconfigured access to serve the proposed development.

Block A, B and the replacement club house building would be primarily accessed via a proposed access located to the east side of Sunnyside Road North, directly opposite Station Approach. It is also proposed to have a secondary point of exit to the northeast of Block A, at the location of the existing access to the playing fields. The proposed access to the car parks serving Block C and D would be located at a similar location to the existing access serving the current club house. The proposed access to Block E would be located approximately 70m further south.

The proposed accesses are to be 6m wide. This would enable two vehicles to pass one another and be considered acceptable. The exception to this would be the existing access

to the north east of the site which would serve as secondary access to blocks A and B and would serve as an exit-only arrangement.

Revised visibility splays have been submitted following discussion with the Highways team. It has now been agreed that a suitable level of visibility, in line with the standards set out in Manual for Streets can be achieved at the proposed access points.

### Trip generation

The applicant has used the nationally recognised TRICS database to predict the likely number of trips from the various elements of the proposed development. Whilst there has been some disagreement to the methodology employed in the assessment, on balance it is accepted that the trip rates and trip generation presented in the TA are reasonable and provide a good indication of the trip generation of the proposed development.

An assessment has been provided with regard to traffic distribution and capacity of junctions within the vicinity of the site. It is considered that traffic flows resulting from the development would not be significant nor severe in terms of the likely impacts.

### Sustainable travel

The site is located within 1km walking distance of the town centre via Sunnyside Road North, Hildesheim Bridge and Station Road. It is noted, however, that pedestrian crossing facilities to the town centre are limited. There are no signalised crossing points at either the Sunnyside Road/Hildesheim Bridge junction or at the Station Road/Francis Fox Road roundabout and, as such, pedestrians from the site will be reliant on basic dropped kerb crossings at these busy crossing points to access the town centre

The proposed development will result in an increase in both pedestrian and vehicular traffic on Sunnyside Road North. A number of pedestrian improvements have been agreed that will promote active travel options. This includes improvements to the pedestrian crossing at the junction between Sunnyside Road North and Hildesheim Bridge, including the delivery of a Parallel Crossing and tactile paving. In addition, a zebra crossing can provided on Sunnyside Road North, located immediately south of Station Approach in order to deliver an attractive pedestrian route from the site to Weston Railway Station. A crossing is also to be provided at the southernmost point of the site frontage (where the proposed footway terminates) in order to connect pedestrians to the existing footway network on the west side of Sunnyside Road North. This is required to mitigate the sites reliance on private vehicles, particularly in line with the shortfall in available vehicles parking both on and off site, to promote active and sustainable modes of travel from the site, as well as providing safe crossing points for pedestrians and cyclists generated by the proposed development.

These measures will be secured by condition.

### Parking

Local parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of parking spaces for all uses including residential development, commercial uses and Doctors and medical surgeries. Furthermore, Policy DM24 of the Sites and Policies Plan states that development proposals should meet the council's standards for parking.

The site's location, within close proximity of extensive local services, facilities and accessible sustainable travel choices is an opportunity that allows for a reduction of between 40% and 65% in parking numbers in line with the Parking Needs Assessment. To achieve the greater discount of 65% the applicant has worked with the Council to agree a range of mitigation measures including cycle parking and active travel provision, pedestrian improvements, car club contributions, residential and commercial travel plans and shared parking arrangements.

For the residential element of the development a total of 106 vehicle parking spaces are proposed. Although this is below the adopted parking standards, when allowing for a reduction on provision of 65%, this would equate to a requirement of 101 spaces. Data indicates that average car ownership is low in the area (0.6 vehicles per unit) and the residential scheme will comprise 1 and 2 bed units where car ownership levels are expected to be at the lower end. In this context it is of consideration that that the site is located 5-10 minutes' walk from the main town centre, within 2 minutes' walk of the mainline railway station and within 5 minutes' walk of the nearest bus services. Cycle parking provision will comprise 292 spaces in covered and secure shelters. In a wider planning context the site is in a sustainable location and the town centre and public transport are both readily accessible.

It is agreed that the applicant will deliver measures to reduce the site's reliance on private vehicles. In this case, this includes entering into a contract with a nearby car club provider. This is to be fully funded for three years as well as providing membership for residents of the site for the same period of time. The delivery of pedestrian improvements in the vicinity of the site to ensure that good pedestrian facilities are provided to both the town centre and to the nearby station, mitigating the need for vehicle ownership at the site.

Regarding the level of proposed parking for the medical centre, requirement is set by the number of consulting rooms, which in this case is 20. The standards set out in the North Somerset Parking SPD applying a 65% discount a minimum of 32 spaces would ordinarily be provided. The proposals indicate that 33 dedicated spaces are to be provided at the surgery. It is noted also that the GP surgery will have access to the 84 spaces provided for the Rugby Club during normal working hours, which would negate any under provision.

## Heritage

The application site sits outside the Great Western conservation area. There are no designated heritage assets on the site and the nearest listed buildings are the grade II listed station and signal box approximately 150m to the north of the site and Ellenborough Crescent located approximately 180m to the west. Other listed buildings are within a 1km range of the site

It is considered that none of these other heritage assets share a functional or historic association to the rugby club site. There is also very little visual link due to the intervening built form. As such the proposed development will have no impact on their setting or significance, or such a low impact not to materially impact on their setting.

With regard to the railway station, it is considered that the proposed development will not materially impact on the significance of the station which derives from the associated railway infrastructure surrounding it. A similar assessment applies to the signal box which shares a degree of group value with the station. The proposed development will sit behind



the main aspect of the station which fronts onto Station Approach, and will form part of a wider urban backdrop.

There will be an element of intervisibility with the rear of Ellenborough Crescent and a small part of its wider setting will change. However the proposed development will be viewed over the intervening residential, industrial and railway development and so will not materially impact the significance of this heritage asset. The significance of the setting of Ellenborough Crescent comes mainly from the west of the building along Ellenborough Park where its architectural interest of the principal elevation and group form is experienced.

Whilst the proposed development will change the wider setting of some heritage assets, it is considered that this will not materially impact the significance or setting.

There is a traditional low stone boundary wall across extending along the northern edge of the site from the car park to the recreation ground which is considered to be a non-designated heritage asset. This is to be retained in the proposals which is welcomed.

Overall, the application preserves the character of the nearby conservation area in accordance with The Planning (Listed Buildings and Conservation Areas) Act 1990 and policies DM3 and DM4 of the Sites and Policies Plan Part 1. The proposals will no material harm to the wider setting of Ellenborough Crescent, the railway station or signal box therefore there is no requirement to balance harm to designated built heritage assets against the public benefits as set out at paragraph 202 of the NPPF and part I section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990

#### Flood Risk and drainage

Policies CS3 of the Core Strategy and DM1 of the Sites and Policies DPD seek to ensure that new development does not create problems in terms of flood risk. The majority of the site lies within Flood Zone 1 although the north and eastern edges are within flood zone 3. The site is identified as being in an area benefitting from flood defences, with coastal defences providing protection to the site.

As the proposed development is made up of several uses that includes a doctor's surgery and residential apartments which are classified as a 'more vulnerable' development under Table 2 of the NPPF, whilst other uses such as commercial units, office spaces and changing rooms are classified as 'less vulnerable'. As the northern part of the site is shown to be in Flood Zone 3 within an area benefitting from defences, for the purposes of flood risk assessment the highest proposed classification type for the site has been considered for the entirety of the development area. As such the site is considered suitable providing the Sequential and Exception Tests are passed.

The site falls within the designated regeneration area under Policy DM60 and CS29 in the North Somerset Local Plan. These policies specify that development and regeneration within the Weston-super-Mare town centre, in which the proposed site is located, which will add value to the region is encouraged. The application is supported by a Sequential Test which demonstrates that no other sites at lower flood risk are reasonably available. Whilst all built development will be outside flood zone 3 it is considered the precautionary approach to the flood risk and application and conclusion of the Sequential Test is acceptable.

With regard to the Exceptions Test, the site will contribute positively to housing supply and will provide new medical facilities to serve the wider community. The current site is an

existing brownfield site that appears quite outdated with the existing rugby clubhouse and facilities requiring modernisation which will be achieved with the proposals. Additionally, surface water runoff discharging from the site will be reduced via new onsite drainage infrastructure that will incorporate sustainable drainage techniques. As flood risk is isolated to the north-eastern corner of the site and can be suitably managed, these benefits are deemed to outweigh the risk and therefore, the exception test can be considered to be satisfied.

The proposals will provide a new sustainable surface water drainage system to dispose of surface water run-off in an effective manner. The surface water drainage network has been designed for the 1 in 100-year return period, with an additional allowance of 40% for climate change. As the existing site is brownfield, it is proposed to provide a 30% betterment on the existing surface water flows.

The principle of the surface water drainage scheme and the associated discharge rates have been discussed with the LLFA and will be controlled by condition.

## Ecology

The site is brownfield, previously occupied land and the proposals will have a negligible impact to the area's ecology. An extended Phase 1 Ecological Survey has been submitted with the application which confirms the likely absence of roosting bats within the buildings and trees on-site. The proposed enhancements, in the form of tree planting, the provision of wildflower grassland, as well as a green roof, will compensate for the loss of habitat that is to take place.

It is therefore considered that the proposed development, in respect of ecology matters, is in accordance with policies CS4, CS9 and DM8.

## **Other matters**

Policy DM32 of the Sites and Policies plan seeks to ensure high quality design and buildings and ensure that the design and layout of development should not prejudice the living conditions of adjoining occupiers. The position of the site in relation to surrounding properties ensures there is no unacceptable loss of daylight or privacy. Consideration has been given to the scale and massing of the buildings, and again, the relationship between the site and surrounding neighbours means these will not be unduly overbearing.

Whilst there will be an inevitable increase in levels of activity, the nature of the surrounding area including main roads, the railway and other commercial and industrial uses means this will not be to an unacceptable level. Matters relating to parking and access have been addressed elsewhere in this report.

A number of objections have raised concern that the recreation grounds are to be developed upon. This is not the case as the development is contained within the existing rugby club grounds.

The application has been accompanied by a noise assessment that indicates that whilst noise levels are generally acceptable on the site, some mitigation from road traffic noise will be required in the proposed residential development. Therefore, a condition requiring

a scheme for protecting the proposed dwellings from road traffic noise has been included in order to protect the amenity of future residents.

The site investigation report indicates some contamination to be present on the site, which will require remediation prior to the commencement of the development. A condition requiring submission and implementation of a detailed remediation scheme has been included.

## **Planning balance**

The proposed redevelopment of the rugby club for a mixed used development gives rise to a number of benefits which weigh heavily in favour of the proposals.

These are summarised as follows:

- The delivery of sustainable development on brownfield land within the town centre, maximising efficient use of land;
- The delivery of 182 homes, making a significant contribution towards the Council's current housing land supply shortfall;
- The delivery of office and commercial floorspace providing space for local employment opportunities;
- The provision of a GP surgery to provide much needed local healthcare facilities;
- Securing the long-term future of the rugby club itself through the redevelopment proposals;
- Provision of upgraded community facilities and new changing rooms to serve users of the adjacent recreation ground pitches
- Assisting the on-going regeneration of the area and attraction of further inward investment into the town centre;
- Contributions to the area through the New Homes Bonus and additional council tax revenue;
- Local highway improvements
- Creation of new employment opportunities;

Matters relating to potential impacts to nearby residential areas including the scale and massing of the proposed buildings, increased pedestrian and vehicle traffic movements, and increased levels of activity from the site have been taken fully into account and do not outweigh the benefits set out above. Subject to the imposition of appropriate conditions to mitigate against the impact, this is considered not to be of such significance to render the development unacceptable.

## **Conclusion**

It is concluded that the proposed development constitutes a sustainable development of a brownfield site. The proposal represents an important contribution to the council's housing targets, while also enhancing the provision of employment space and healthcare facilities in the town and securing the long-term future of the rugby club. For these reasons it is considered that the proposed development is compliant with the relevant Development Plan policies and national planning policies.

## EIA Screening

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

### Setting of Listed Building

The proposal falls within the setting of the station, signal box and Ellenborough Crescent – each are Grade II Listed Buildings. The proposal is not considered to have an adverse impact on the setting of these Listed Building for the reasons set out in under the Heritage heading of this report. The proposal is therefore in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### Recommendations

**APPROVE** subject to conditions (see draft decision for conditions).

#### **Reason for Overriding Parish Council comments (if appropriate)**

See report

In recommending this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the:

- Natural Environment and Rural Communities (NERC) Act 2006
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Public Sector Equality Duty, Equality Act 2010

Signed: Andrew Stevenson

# APPENDIX 4

## Weston Rugby Club - Weston Mercury Article



## Weston-super-Mare RFC development plans to progress in 2023

4th November 2023

[Planning and development](#)



By [Lewis Wiseman@LewisWiseman1](#) Digital Audience & Content Editor

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The developments at Weston-super-Mare Rugby Club are set to begin early in the new year as approval has been given for Phase 1 to go ahead.

Phase 1 of the plans comprises of the proposed new clubhouse for WsM RFC, the new Health centre for Weston and the associated external works including the new access road.

Following the exchange of development agreements between Weston-super-Mare RFC, North Somerset Council and Atlas HIVE on the 18th of May 2021, Planning Consent was granted on 14th November 2022. Phase 2, the residential phase secured Outline Planning Consent and is subject to further details to be submitted at a later date.

A spokesperson from Atlas HIVE said: "The health centre provides a new primary care facility, to replace the Graham Road surgery.

"Plans have been progressed in conjunction with Bristol, North Somerset & South Gloucestershire Integrated Commissioning Board and NHS Property Services (NHSPS) representing the NHS and Pier Health Group the local general practice services provider and Sirona, a community nursing provider.

"The health centre has received approval of the Final Business Case for the new surgery for the Department of Health with approval from NHSPS expected this year."

As well as that, the project has secured terms with a local pharmacy to lease the pharmacy forming part of the health centre.

Atlas HIVE added: "Terms have been agreed with a funding institution who will purchase the health centre and provide funding to deliver phase 1 of the project through to completion.

"Phase 1 of the project is now progressing to the tender stage with selected contractors being invited to tender shortly. Key to the progression to site is the tender costs being within acceptable limits of our agreement."

According to the plans, the intention is that Phase 1 (comprising the health centre, clubhouse) will be on site during early 2024 with an intended completion date of all of phase 1 by Q2 2026.

It is possible to view project information and comment via the project website

[www.westonsupermarerfcdevelopment.co.uk](http://www.westonsupermarerfcdevelopment.co.uk), which has been updated recently.

Looking at Phase 2, the development proposals include 182 apartments, situated on the remainder of the site will follow the first phase when completed.

This will allow the old clubhouse to be demolished to ensure continuity with the new facility to ensure the members can maintain use of club facilities during development of the site.

In conclusion, Atlas HIVE said: "We have invested considerable capital and resources into the project to date and remain committed.

"We would like to thank everyone for their patience and support, we will issue further updates towards the end of the year/early 2024."

# APPENDIX 5

## Letter from Persimmon Homes



2<sup>nd</sup> September 2024**Nick Paterson-Neild**

Stantec

The Blade

Abbey Square

Reading

RG1 3BE

Sent by email [nick.paterson-neild@stantec.com](mailto:nick.paterson-neild@stantec.com)

Dear Nick,

**RE: Haywood Village, Weston-super-Mare**

You have asked Persimmon to confirm both its historic housing delivery rates at Haywood Village, Weston-super-Mare and its forecasted completions in the coming years.

Our records show the following legal completions from 2017 onwards. These include both private and affordable dwellings.

- 2017: 144
- 2018: 208
- 2019: 42
  - H4 & H1: 27
  - H19: 15
- 2020: 49
  - H14: 11
  - H19: 38
- 2021: 94
  - H14: 94
- 2022: 72
  - H14: 10
  - H15: 61
  - H19: 1
- 2023: 77
  - H14: 23
  - H15: 54

The 2021 numbers are disproportionately high given the completion of a single large apartment block on the roundabout comprising 16 apartments.

Over recent years there have been consistent shortages in labour and materials which has contributed to and impacted adversely upon housing delivery, due to supply chain issues. It is not known when these issues will subside. The housing market has also not recovered to its pre-2019 state, and there has been little to suggest at those delivery rates will be achievable in the coming years.





The last time the Company had three sales outlets was in 2018. At this time the local centre was constructed comprising almost entirely of apartments and therefore provided a distinctly different sales mix to the phases the Company is currently constructing. The Company was also dual branding sales outlets with Charles Church and Persimmon to offer a wider “executive” house type range so as to widen its choice and availability.

Since 2018 the market at Weston-super-Mare has substantially changed. There is now much greater competition in the executive housing market with a number of developers now active in the area with a range of similar housing mixes. These include St. Modwen, Bloor, Taylor Wimpey and Bellway at Locking and Parklands. We therefore do not expect a dual branded site with two outlets to deliver as many completions as it may have in previous years.

A Charles Church outlet has been opened at Haywood Village this year at Parcel H16, which will ensure our continued competitiveness in the local market. The Charles Church element of H16 comprises 57 dwellings, with the remaining 150 dwellings to be sold as Persimmon.

The Company prides itself on maintaining its 5-star rating from the Home Builders Federation in which it achieved in 2021, where it was previously a 2-3-star rated developer in 2017-2019. The Company’s focus on customer satisfaction and build quality also has an impact on build rates, meaning that the historic highs of 150+ dwellings per annum are no longer sustainable.

In May 2024 the Company sought variations to the Section 106 in respect of the delivery of the primary school which would enable the accelerated delivery of housing across phases H16 and H18 Haywood Village. These variations were specifically targeted to capitalise on interest from a PRS fund that expressed interest in acquiring 85 dwellings with a fixed delivery timetable between June 2024 – Sept 2025. Regrettably this transaction has since failed to exchange and the Company has received no further interest from similar PRS funds. The Section 106 has not been varied to date and given the lack of PRS interest the variations are no longer being pursued. The intention would have been to employ an additional site manager and construction team to increase volume alongside and in parallel to the existing private sales.

Consequently, Persimmon’s forecast has been updated to reflect this position. The 75 – 85 dwellings per annum rate forecast reflects the current sales rates on both Persimmon and Charles Church product and Haywood Village and is consistent with previous years’ delivery rates.

The Company’s housing completion projections (as Charles Church and Persimmon) for parcels with consent from 2024 to the 1<sup>st</sup> April 2029 for Haywood Village are set out below:

- 2024: 73 (5 of which were from 1/1/2024 to 31/3/2024)
  - H14 & H15: 66
  - H16: 7 (7 are Charles Church)
- 2025: 85
  - H14 & H15: 58
  - H16: 10 (10 are Charles Church)
  - H18: 17
- 2026: 85
  - H16: 40 (10 are Charles Church)
  - H18: 45
- 2027: 85
  - H16: 60 (10 are Charles Church)

- H18: 25
- 2028: 85
  - H16: 68 (10 are Charles Church)
  - H18: 17
- 2029 (to 1/4/2029): 20
  - H16: 10 (10 are Charles Church)
  - H18: 10

Reserved Matters applications will be submitted in the coming years for future phases of development to ensure a consistent delivery rate into the future.

I trust that this provides clarity on the Company's programme and trajectory for the coming years.

Yours sincerely,



Matthew Seaman

**Land Director**

## APPENDIX 6

**Consultee correspondence from Natural England, Ecology Officer,  
Highways Officer, Tree Officer and LLFA – Land to North of Hanham  
Way, Nailsea, LPA ref: 23/P/2322/OUT**



# INTERNAL MEMORANDUM



FROM: NATURAL ENVIRONMENT SERVICE AREA

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**Reference Number:** 23/P/2322/OUT

**Application:** Outline planning permission for residential development for up to 150 dwellings with landscaping, access, public open space and associated infrastructure works including demolition of existing bungalow No.10 Watery Lane to deliver a vehicular access. All matters reserved except for access and demolition works

**Location:** Land To North Of Hanham Way Nailsea

**Date of comments:** 15/02/2024

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**Formal comments from Thomas Bell, Natural Environment Officer – Ecology regarding the above application.**

**On ecology grounds, this application should be recorded as:**

Holding objection – subject to further information

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## **Comments**

A Ecological Impact Assessment report (dated 16/10/2023) of the application site was carried by Nicholas Pearson Associates and is welcomed.

Key ecology considerations from the report include:

- The presence of a main badger sett on site. – efforts should be made to buffer and avoid impacts to this where possible.
- Tree T5 supports a roost of common and soprano pipistrelle bats, T14 supports a roost of common pipistrelle bats. – it appears these would be retained although disturbance from light spill is a risk factor for T14 given the indicative road layout and likely street lighting.
- Bat activity surveys suggest there are nearby Greater and Lesser Horseshoe bat roost off site, foraging activity was recorded for both horseshoe bat species. static bat detectors show high activity associated with A2 (south western hedgerow) A3 central east-west hedgerow and A7 northern east-west hedgerow for Greaters. High activity of Lessers was found at A1 (south eastern section of the site) A3, A5 (northern corner) and A7.
- Trees 3, 4a, 5 and 11 were considered suitable to support breeding Barn Owls although no evidence was identified, barn owls were recorded foraging on site.
- Otter spraint was recorded on previous survey in 2020. It is likely that the watercourse is used by Otter for commuting.

## **Designated sites:**

### **North Somerset and Mendip Bats – Special Area of Conservation (SAC)**

With reference to the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (2018), the application site lies within Bands B and C of the Bat Consultation Zone for the North Somerset and Mendip Bats SAC which is designated for its horseshoe bat features, and is also within Band B of the lesser horseshoe bat density banding.

While a HEP calculation for Greater Horseshoe bats has been provided (and shows a gain) there are no lighting details submitted to inform the HEP calculation, we would require indicative lux contour plans to show areas of 0.5 lux, areas above 0.5 lux cannot be counted into the HEP calculation as these are not accessible to Horseshoes bats. It will need to be demonstrated that the light levels can feasibly meet acceptable levels before determination for the HRA to be completed. If these levels cannot be achieved, the design will need to be amended which is a material consideration in the scheme. An outline strategy for lighting should be provided.

Considering Lesser Horseshoes were also identified on site and foraging (with a likely roost nearby) I would request that a HEP calculation is undertaken for Lesser Horseshoes as well. It would be extremely beneficial to receive a site plan depicting the areas counted for HEP (pre and post construction)

I welcome the inclusion of a Biodiversity Net Gain calculation, but it isn't clear that these are calculated as additional to the HEP calculation, the HEP calculation should be calculated first to a position of no net loss (after deducting areas where there would be unacceptable light spill) then BNG is calculated for the remaining areas on site.

Summary points of further information requested below:

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### **Recommendations:**

#### **North Somerset and Mendip Bats – Special Area of Conservation (SAC)**

Due to the potential impacts of the proposals on the North Somerset and Mendip Bats Special Area of Conservation a Habitats Regulations Assessment is required prior to any permission being granted.

Insufficient information has been provided with the application for the impacts on SAC populations to be fully assessed beyond reasonable scientific doubt (as required by the Waddenzee judgement), therefore, the HRA cannot be adequately informed at this time. The following information is required to demonstrate compliance with UK law and national and local planning policy in relation to this application:

- Details of any lighting proposals to demonstrate that there will not be significant impacts or displacement from habitats suitable for horseshoe bat populations linked to the North Somerset and Mendip Bats SAC. – the Lighting Strategy, should include a lux contour plan and include both internal and external lighting fixtures with the proposals to demonstrate light spill below 0.5 lux for retained/created horseshoe bat habitat.
- Provision of Habitat Evaluation Procedure (HEP) calculations after taking into consideration the areas of light spill to demonstrate sufficient bat habitat will be provided in accordance with the NSC bat Supplementary Planning Document (SPD) there can be no net loss of horseshoe bat habitat. – Note, separate HEP calculations will be required where both Greater and Lesser horseshoe bats are identified on site.
- Clearer mitigation proposals for light spill to be confirmed and shown on a site plan, e.g. appropriate close board fencing (as hedgerows cannot be assumed to screen light spill), PIR and timer settings of external lighting, ect.
- Clear demonstration, with use of the DEFRA BNG metric that there will be a measurable net gain of biodiversity. This should be in addition to any bat replacement habitat calculated under the NSC bat SPD HEP metric calculator.

Without mitigation, the proposals could have a likely significant effect on Annex II species of the North Somerset and Mendip Bats Special Area of Conservation (SAC). **The provision of a shadow HRA (Appropriate Assessment) would be welcomed with the submissions to inform the councils HRA.**

Furthermore, all schemes should achieve no net loss and minimum net gain of biodiversity in accordance with the Environment Act 2021, NPPF and North Somerset Council Policies CS4 and DM8. A Biodiversity Net Gain (BNG) assessment should be completed and submitted to the planning LPA for approval prior to determination, this should identify the development proposal's potential to deliver net gain and clearly demonstrate additionality to protected species mitigation measures (This should be in addition to any bat replacement habitat calculated under the SPD HEP metric).

## INTERNAL MEMORANDUM

### FROM: HIGHWAYS & TRANSPORT; PLACE DIRECTORATE

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**Application No:** 23/P/2322/OUT

**Development Control Case Officer:** Gary Palmer

**Location:** Land To North Of Hanham Way, Nailsea Grid Ref: E 345984 N 170736,

**Proposal:** Outline planning permission for residential development for up to 150 dwellings with landscaping, access, public open space and associated infrastructure works including demolition of existing bungalow No.10 Watery Lane to deliver a vehicular access. All matters reserved except for access and demolition works

**Date:** Original comments 28/02/24; Addendum 18/04/24; Addendum 09/07/24

#### Recommendation

Further Information Required

#### Revised Plans/Further information Required

- Revised access plan
- Traffic calming scheme proposals for Hanham Way
- Vehicle Tracking for NSC waste vehicles and private vehicles
- Combined Stage 1/2 Road Safety Audit for any subsequently revised access proposal
- Revised Traffic Impact Assessment

#### Planning Conditions Required

- Construction Management Plan

#### Planning Obligations (S106) Required

- Contribution via S106 of £120,000 towards active travel improvements in the vicinity of the site
- Contribution via S106 of £400 per dwelling (£60,000 total) for the implementation of the submitted Travel Plan by NSC and delivery of Sustainable Travel Vouchers.
- Contribution of £10,000 towards improving Public Right of Way LA13/1 and Bridleway LA13/49 immediately adjacent the site
- Contribution via S106 agreement to public transport of £100,000.00 per annum for a period of 3 years (£300,000.00 total) to support the existing bus service and £50,000 towards bus shelter improvements
- Contribution via S106 agreement to Home to school transport costs of £236,418.27 is required for SEN home to school transport
- Contribution via S106 agreement of £3,400 towards a Traffic Regulation Order for the introduction of a 20mph limit throughout the site
- Contribution via S106 agreement (**exact figure to be determined subject to impact assessment**) towards improvement scheme at the Queens Road/Station Road junction

#### Planning Obligations (S278) Required

- Traffic calming scheme along Hanham Way to be delivered by S278 by the applicant
- Highway Improvement works, secured via S278 agreement to deliver site access and associated works

### **Recommendations to Applicant**

- Early contact with Network Management team

### **Formal comments from Highways & Transport Development Management**

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### **Addendum 09/07/24**

The applicant has submitted a Transport Assessment Addendum (TAA) as well as revised plans to address the Highway Authority's consultation comments. The Highway Authority had previously requested further information/revised plans on the following areas, and these have been addressed in turn below:

- Revised access plan in line with comments at 1.1 below

The applicant has submitted a revised Access Plan and Transport Assessment Addendum to address the concerns raised by the Highway Authority. It is noted that the revised proposal does not address the concerns raised by the Highway Authority in relation to the diversion of the existing cycle route running along Watery Lane. Section 2.3 of the submitted Transport Assessment Addendum suggests the proposal does not have a material effect upon cyclists and is not considered a highway safety issue.

The Highway Authority, however, maintain that the proposed diversion of an existing cycle route to facilitate the proposed access is of detriment to cyclists and not considered acceptable. Moreover, as noted in the Highway Authority's response to the submitted Stage 1 RSA, the reconfiguration of the road layout has the potential to create additional conflict between cyclists who would now be required to cross a new footway, enter the carriageway and negotiate the new junction to later rejoin the cycle route. As such, the Highway Authority consider that a revised access proposal should be submitted that does not compromise the existing cycle route. Consideration should also be given to providing a dedicated cycle crossing to mitigate the impacts on cyclists and the applicant is encouraged to utilise Active Travel England's [Crossing Selector Tool](#) to identify an appropriate crossing facility.

Moreover, the Highway Authority has been made aware that more recent evidence in the current Strategic Flood Risk Assessment would inhibit the delivery of a neighbourhood distributor road, suitable of serving as a bus route, through the site. As such, given the proposed road is no longer to serve a strategic purpose, the Highway Authority would not support the proposed change of priority of Watery Lane/Hanham Way into the site and the existing priority should be retained. A revised access proposal will therefore need to be submitted which retains the existing junction priority. The proposed access should provide for pedestrian priority over vehicle movements into the site as per the Highway Code and should be designed accordingly with attractive crossing facilities.

In light of the above, the **Highway Authority would maintain that a revised access proposal be submitted** which both addresses the concerns relating to the existing cycle route, as well as retains the existing priority of Hanham Way/Watery Lane rather than diverting into the site as currently proposed.

- Neighbourhood Distributor Link through the site

As noted above, it is no longer considered that a Neighbourhood Distributor, suitable of serving as a bus route with dedicated cycle lanes, can be delivered through the site given the most recent Strategic Flood Risk Assessment. On this basis, the Highway Authority would accept that the link road (as specified in the existing Local Plan) should be delivered as a standard local access road, subject to a 20mph limit, with a 5.5m carriageway and 2m footways either side. Provision for cyclists should also be made through the site. This should take the form of increasing one of the footway widths to 3m to form a shared cycle/footway or by providing a separate 3m shared-use path through the site.

**A contribution of £3,400 towards a Traffic Regulation Order to deliver the required 20mph limit throughout the site should be secured via S106 agreement.**

- Traffic calming scheme proposals for Hanham Way

Section 2.26 of the submitted Transport Assessment Addendum addresses the HA's request for a Traffic calming scheme on Hanham Way to mitigate the additional traffic generated by the proposal. The TAA suggests that this is not required given the number anticipated additional vehicle movements generated by the proposal.

However, as set out in the initial H&T consultation response, the HA is concerned with the increased trips the site will inevitably generate on our rural lane network, particularly the Causeway which is used as a short-cut to access the M5, despite its narrow carriageway width and poor condition. North Somerset Council has an adopted Rural Lanes Action Plan which sets out the need to minimise the impact of development and reduce vehicular traffic on our rural lane network and promote their use by active travel users. Given the site's proximity to the Causeway, it is highly likely that a significant proportion of vehicular traffic will travel via this route.

The HA would therefore maintain that some level of traffic calming should be proposed on Hanham Way west of the proposed access to reduce the incentive for private vehicles to travel via this route, for example, a pair of road-narrowings appropriately spaced. Without such mitigation, it is almost a certainty that the Causeway will be the default route for vehicles travelling to Clevedon/M5 J20 from the site, as well as a substantial proportion of vehicles travelling to Bristol.

- Vehicle Tracking for NSC waste vehicles, buses, and private vehicles

It is noted that the applicant has submitted swept path analysis at Appendix B of the submitted Transport Assessment Addendum. This does not include tracking for a bus as previously requested by the HA. However, as the route is no longer to serve as a bus route, this is considered acceptable.

It is also noted that Appendix B does not include tracking for the new priority junction proposed by the applicant as part of the reconfiguration/ change of priority of the existing arrangement. Nevertheless, as above, the HA would not support the reconfiguration and change of priority if the link road is no longer to serve a strategic purpose and a revised access proposal, **as well as updated tracking plans, will need to be submitted.**



- Combined Stage 1/2 Road Safety Audit for all proposed accesses and highway alterations

The applicant has submitted a Stage 1 Road Safety Audit and Designer's Response. This has been reviewed by the North Somerset Road Safety Engineering team who have raised concerns with regard to the impact of the proposed access on cycle movements using the existing cycle route along Watery Lane, as well as concerns regarding the reconfiguration of the network in this location.

**As noted above, the applicant should provide revised access plans to address these concerns. Any revised access proposal should be accompanied by a revised Stage 1/2 Road Safety Audit.**

- Revised TRICS assessment and Traffic Impact Assessments as well as submission of model files in line with comments at section 2.0 below

The applicant has submitted a revised TRICS assessment to address the concerns raised by the Highway Authority regarding the parameters selected in the originally submitted Transport Assessment. This demonstrates that amending the parameters to more accurately reflect the proposal would not impact on the level of anticipated trips generated. The Highway Authority are therefore satisfied with the submitted TRICS assessment.

The applicant has submitted the junction model files as requested by the HA in our initial H&T consultation comments and the HA has now undertaken a review of the submitted Traffic Impact Assessment. This is broadly considered robust, however, the HA are concerned with the level of committed development included as part of the assessment. The applicant has, for instance, only included the following two developments as part of their assessment:

- 17/P/1250/F (183 dwellings)
- 16/P/1677/OT2 (450 dwellings)

However, it is noted that there are a number of additional committed developments that should be included:

- 20/P/2000/R3 Land South of the Uplands, Nailsea. (52 dwellings)
- 21/P/1766/OUT Land at Farleigh Fields (90 dwellings)
- 18/P/5234/OUT Land off Trendlewood Way (24 dwellings)
- 20/P/1847/OUT Land West of Rodney Road, Backwell (65 dwellings)
- 23/P/0822/DABA 7 Clevedon Walk (18 dwellings)
- 16/P/0674/F Coles Quarry, Backwell (15 industrial units)

Moreover, since the submission of the original Transport Assessment, the following Local Plan reg-19 site has also seen a planning application submitted which should also be considered:

- 23/P/2618/OU2 Land at Grove Farm (515 dwellings)

As a sensitivity test, and to ensure the most robust and future-proofed assessment is undertaken, it is also considered prudent to include the following speculative sites, most of which have had planning applications submitted since the original Transport Assessment was undertaken:

- 23/P/1145/OUT Land South of Nailsea (400 dwellings)
- 23/P/2325/OUT Netherton Wood Lane (200 dwellings)

- 24/P/1185/OUT Land off Dark Lane (125 dwellings)

Given the extensive development proposals that have come forward in Nailsea and Backwell it is therefore considered essential that the proposed development is assessed in this wider context. The HA would, however, be satisfied with the TEMPro growth being manually adjusted to exclude the quantum of housing included at the above sites for each scenario. The HA is also aware that TEMPRO growth Version 7.2 has been used as part of the assessment. This is not the latest version and the HA consider that TEMPRO Version 8.1 should be utilised.

Lastly, it is noted that the junction modelling that has been undertaken as part of the submitted Transport Assessment already identifies a significant capacity issue at the Station Road/Queens Road priority junction with the **development itself causing an estimated additional 33 second delay at this junction by 2029**. Paragraph 8.19 of the submitted TA suggests that junction improvements are being provided as part of the committed Youngwood Lane development. The HA would stress, however, that this scheme is not fully funded and, as such, a proportionate financial contribution secured via S106 agreement will be required to contribute towards the required junction capacity and active travel mitigations. The specific level of contribution sought will be dependent on any subsequently updated Traffic Impact Assessment.

- Submission of an Active Travel England Planning Application Assessment

The applicant has submitted an Active Travel England Planning Application Assessment as appendix F of the submitted TAA which is welcomed. This identifies three areas of concern in relation to walking routes to the nearest primary school, walking routes to the nearest food shop and cycle routes to key destinations. To address these concerns, the applicant has indicated that they are proposing to make a financial contribution towards walking and cycling infrastructure improvements, although a specific figure is not proposed. The specific issues raised are considered below:

#### 1) Walking route to nearest food shop

As noted in our H&T addendum dated 18/04/24, the HA were seeking a contribution of £78,000 to deliver active travel improvements at the junction of North Street/Queens Road/Hanham Way. This would facilitate an attractive and safe pedestrian route from the site to the nearest supermarket as well as other local facilities.

#### 2) Walking route to a primary school

The ATE assessment highlights the poor pedestrian provision from the site to the nearest local primary school, including the lack of uncontrolled crossings with tactile paving at some of the junctions along the route. The applicant has indicated that they are prepared to make a financial contribution towards walking and cycling infrastructure improvements.

#### 3) Cycle routes to key destinations

The ATE assessment also highlights the lack of dedicated cycle routes from the site to key destinations, and the applicant has indicated that they are prepared to make a financial contribution towards walking and cycling infrastructure. It is noted that Nailsea LCWIP route 3 identifies a variety of infrastructure improvements that could be delivered which would improve

cycle access from the site to the town centre and overcome some of the issues raised in the ATE assessment.

In order to address the issues relating to Active Travel provision from the site to key destinations, the **Highway Authority would subsequently request a total S106 contribution of £120,000 towards active travel improvements in the vicinity of the site.**

- Measures to improve visibility for cyclists at the Watery Lane/Causeway junction

The HA are satisfied that this issue could be dealt with as part of the above £120,000 contribution towards Active Travel Improvements in the vicinity of the site.

- Revised Travel Plan/further information in line with the latest North Somerset Council Travel Plans SPD

The applicant has confirmed at section 4.20 of the TAA that they wish to pursue Option 1 of the Travel Plans SPD in terms of the implementation of the Travel Plan. This option incurs a fee of £220 per dwelling plus the £180 per dwelling for sustainable travel vouchers. As such, **the HA would request an additional £60,000 for the implementation of the submitted Travel Plan.**

- Public Transport contribution

The applicant suggests that the site is in reasonable walking distance of the existing bus services and therefore there is no requirement for a S106 contribution to divert the services into the site, although the HA would stress that, in line with national guidance, new developments should be within 400m of a bus stop. However, given that the distributor road through the site is no longer to serve as a bus route, the HA would accept that it is no longer possible to divert the existing services nor provide bus stop infrastructure along the proposed distributor road.

Nevertheless, it is noted that the existing bus services upon which the development will be reliant still require a financial contribution to support their continued provision and ensure the development remains accessible by public transport. The HA would therefore require a reduced Public Transport Contribution of £100,000 per annum for three years (£300,000 total) to support the existing bus services. Moreover, as new bus stops are no longer being sought within the development, a contribution of £50,000 is required to upgrade the nearest bus stop provision with improved shelters and real time information to ensure residents have access to attractive public transport infrastructure.

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## **Addendum 18/04/24**

Following further consultation, it is considered that given the time elapsed since the production of the Nailsea Mitigations Report, some of the identified schemes are no longer to be pursued in the form set out in the report. On this basis, the Mitigations Report is no longer considered an appropriate mechanism to identify the mitigations required to be delivered/funded by the proposal.

Given the above, the HA would instead require a specific contribution towards active travel improvements at the junction between North Street/Queens Road/Hanham Way. This route forms the primary active travel corridor to a range of local facilities from the site including Nailsea and

Backwell Station, amenities such as the closest supermarket located on Hannah More Road (approximately 300m from the site), as well as the employment and leisure facilities at the West End Trading Estate on Blackfriars Road. At present there are no crossing facilities at this junction and pedestrians are required to detour over 100m via the nearest crossing point on North Street. On the basis, the HA would require a S106 contribution of £76,0000 towards the required improvements at this junction to facilitate an attractive and safe pedestrian route from the site to the nearest amenities.

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## **Initial Comments 28/02/24**

### **Summary**

An outline application with indicative plans has been submitted with all matters reserved. The Highway Authority (HA) has commented on these plans to determine the suitability of the access and the expected impacts of the development on the surrounding highway network. The HA requires further information where specified at this outline stage.

The development site is located on the north side of Hanham Way/Watery Lane. The HA provided comments for the submitted pre-application (23/P/2092/PR3). The site is an allocated development site in the current local plan although it is noted it no longer features in the latest Regulation 19 proposals for the 2039 Local Plan.

### **1.0 Access**

Further information/revised plans required
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### **Comments:**

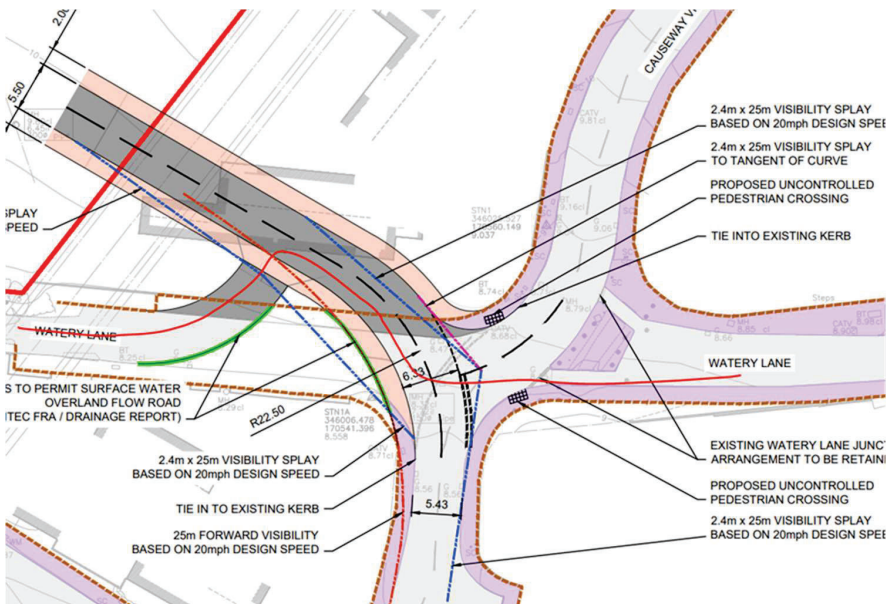
#### 1.1 Vehicular Access

Proposals indicate vehicular access to the site would be taken from the Watery Lane/Hanham Way/Causeway View junction via the demolition of the existing bungalow at 10 Watery Lane and the modification of the existing junction.

The proposed modifications include changing the priority of Hanham Way, realigning the western part of Watery Lane (to the detriment of cyclists) and will result in a number of junctions within very close proximity which is not considered desirable. At present, for instance, there is a direct cycle route along Watery Lane which crosses Causeway View using the most direct route, as shown in yellow below:



The proposals, however, remove the direct crossing link for cyclists and require them to rejoin the carriageway, travel north for a short distance, before crossing the footway to rejoining the cycle link on Watery Lane.



To avoid these problems and, as noted at the pre-application stage, the Highway Authority would have considered the use of the existing National Grid Access as a more appropriate solution. However, it has since been confirmed that the use of this access is not possible on grounds of Flood Risk.

**As such, the Highway Authority would expect the access proposals to be modified so as not to compromise the existing direct cycle route running along the extent of Watery Lane.** This should be designed to include appropriate crossing facilities for cyclists designed in line with the guidance set out in Local Transport Note 1/20 Cycling Infrastructure Design. It should be noted that the accident data provided as part of the Transport Assessment identifies a slight incident between a cyclist and motorist at this location and therefore any amendments need to be carefully designed. Any proposal which compromises the existing cycle infrastructure and direct nature of the route would not be considered acceptable. **The applicant should submit revised plans.**

It also appears that the proposed access has been designed in line with a 20mph design speed. However, as set out in section 1.2. below, this route would likely form part of a future neighbourhood distributor road through the site (connecting on to the adjacent allocation and then on to Pound Lane) with an anticipated speed limit of 30mph. **Any subsequently submitted plans should therefore include visibility splays of 43m as per the guidance set out in Manual for Streets for roads with a 30mph limit.**

It is also noted that there is no dropped crossing at the junction between Causeway View and Hanham Way to the South. Pedestrians accessing the site via Causeway View would therefore not have any appropriate crossing facilities to access the site. **As such, revised proposals should also include a tactile crossing in this location, to be delivered as part of any S278 works.**

### 1.2 Neighbourhood Distributor Link through the site

It is noted the site is allocated as part of the adopted Local Plan. This specifies that a spine road running through the site from Pound Lane to Watery Lane is required. This was to facilitate the wider Local Plan allocations in Nailsea by providing an alternative neighbourhood distributor road to avoid generating additional traffic movements on both the Causeway and Silver Street which are not suitable for high vehicle flows given their constrained nature. **The link is therefore considered essential were the site to be developed in order to facilitate a neighbourhood distributor road that provides access to the B3130, reduces traffic flows along Silver Street (a Local Cycling Walking Infrastructure Plan route with poor Active Travel provision and narrow widths), as well as providing an alternative to the Causeway which experiences high levels of use as a cut through to the B3130 despite its narrow carriageway width.**

As noted above, this would need to be designed as a neighbourhood distributor and, therefore, be designed to a 30mph limit, providing dedicated cycling provision, as well as serving as a bus route. As the link is required to serve as an alternative route for vehicular traffic currently using both the Causeway and Silver Street (which are not suitable for the existing traffic flows), the route should be designed to accommodate through traffic from the surrounding area and, as such, on-street parking should be discouraged/designed out along the distributor road. This distributor road should be constructed up to the site boundary with the adjacent allocation so that a future link to Pound Lane can be delivered.

### 1.3 Fryth Way Access

It should also be noted that no vehicular access is to be provided onto Fryth Way except for emergency vehicles. The Highway Authority are concerned, however, that the section of this route closest to Fryth Way is shared with the adjacent sports ground and therefore pedestrians may be at greater risk of conflict with vehicles accessing this site. This will need to be considered as part of a combined stage 1/2 Road Safety Audit as noted in 1.6 below.

### 1.4 Traffic Calming

The proposals are also likely to significantly increase the use of Hanham Way and the Causeway which, as noted above, is used extensively as a cut through to the B3130 despite its narrow carriageway width and general unsuitability for high vehicle flows. As such a scheme of traffic calming along Hanham Way is required to discourage additional through-traffic from the site along this route and encourage the use of the aforementioned neighbourhood distributor link through the site. **Details of a traffic calming scheme to be delivered by the applicant via S278 must be submitted.**

### 1.5 Vehicle Tracking

It is noted that no vehicle tracking has been submitted for the proposed access. The applicant must provide suitable vehicle tracking for NSC waste vehicles, buses, and private vehicles from the proposed access. For reference NSC waste vehicles have minimum dimensions of 2530mm by 9590mm. **Please submit.**

## 1.6 Road Safety Audit

It is noted that no Road Safety Audit has been submitted. As noted in the pre-application comments, the application must be accompanied by a combined stage 1/2 Road Safety Audit. Prior to the RSA being undertaken, the applicant must follow the procedure set out in the NSC Highway Development Design Guide (2020) at 5.28. As such, all Road Safety Audits must be undertaken by an independent audit team. This will highlight issues and sensitive sites prior to the audit. An NSC Highway Engineer/Officer should be invited to be present at any audit site visit. If the approval process is not followed there could be a risk of the audit being rejected. It is noted that the CVs and audit brief have already been submitted by the applicant and are at present under review by the North Somerset Road Safety Engineering Team. Once agreed, **a Combined Stage 1/2 audit should be submitted.**

## 1.7 Public Rights of Way

It is noted that there are Public Rights of Way running through the site that may need to be diverted. Any subsequent application will need to address this issue. The following advice note should be followed.

The grant of planning permission does not entitle developers to obstruct a public right of way. To do so would constitute an offence under the Highways Act 1980. Development, in so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until an application is made under the Town & Country Planning Act 1990 for a necessary order for the diversion or extinguishment of the right of way and the order has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made and confirmed. An application should be made to North Somerset Council to divert the public footpath well ahead of any development affecting the right of way. The applicant and or developer should contact the Councils Access Officer for further information (Tel: 01934 426 647).

## **2.0 Transport Assessment**

Further information required
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### **Comments:**

#### 2.1 Trip generation

A multi-modal TRICS assessment has been used to estimate likely vehicle trip generation. This is an industry standard measure and the parameters selected include Edge of Town Centre, Suburban Area, Edge of Town and Neighbourhood Centre and exclude surveys from Greater London.

The results show that during the AM peak 08:00 to 09:00 there would be 19 arrivals and 51 departures and during the PM peak 17:00 to 18:00 there would be 44 arrivals and 24 departures. The site would generate a total of 70 two-way trips in the AM peak hour, 68 two-way trips in the PM peak hour and 620 two-way vehicle movements across a 12-hour day.

It should be noted, however, that the submitted TRICS assessment only uses Category M – Mixed Private/Affordable Housing for the Sub Land Use. The HA does not consider this acceptable given the vast majority of dwellings are proposed as market dwellings. The applicant should **resubmit a revised TRICS assessment** using categories A – Houses Privately Owned and B – Affordable/Local Authority Houses for the Sub Land Use. The applicant should split the TRICS assessment according to the proposed housing split as set out in the Application Form – 105 Market houses (category A) and 45 Social, Affordable or Intermediate Rent/Affordable Home Ownership (category B).

## 2.2 Traffic Impact Assessment

The traffic impacts of the development on the surrounding highway network have been assessed at Section 8.0 of the submitted TA. This includes PICADY/LINSIG assessments of 11 surrounding junctions including the proposed access junction with Hanham Way/Watery Lane/Cause Way, as well as the Hanham Way/Hanham Way priority junction. It should be noted, however, that given the concerns raised above regarding the submitted TRICS assessment, **the Highway Authority would request that the Traffic Impact Assessments be resubmitted based on any subsequently revised TRICS assessment.** Moreover, the **Highway Authority would request that the model files be provided for review rather than just the PDF outputs.**

## 2.3 Transport Mitigations

Alongside the 2017 Sites and Allocations Plan, an accompanying Nailsea Mitigations Report was produced to identify the Transport Mitigations required to deliver the sites allocated in the current Local Plan. This sets out a range of required Transport Mitigations across Nailsea to address the cumulative transport impacts of the allocated sites. **On this basis, a contribution of £1,555.46 per dwelling (total £233,319.00) would be required towards the identified mitigations via S106.**

For reference, this has been requested and provided by other sites across Nailsea, most notably at Youngwood Lane (16/P/1677/OT2) where a total of £516,192.50 was provided to deliver off-site highway mitigations and pedestrian and cycle connections identified in the Mitigations Report. This was decided at appeal whereby the inspector concluded the 'location of the site on the edge of Nailsea would be sustainable in transport terms subject to a package of off-site mitigation works'.

## 2.4 Personal Injury Accident Review

Section 2.16 of the submitted Transport Statement considers the accident data in close proximity to the site over the previous five years. Three 'slight' accidents have been recorded, although not at the same location and did not indicate any underlying safety issue in these locations. It should be noted, however, that one incident did involve a pedal cycle at the junction between Watery Lane and Causeway View (the point of the proposed access alterations). As such, it is imperative that any subsequent design closely considers the safety of cyclists at this junction and will **need to be considered as part of any submitted Road Safety Audit.**

## **3.0 Active & Sustainable Travel**

Further information required
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### **Comments:**

#### 3.1 Active and Sustainable Travel

The applicant should undertake an Active Travel England Planning Application Assessment to robustly assess the site in the context of Active Travel and identify any necessary improvements. **A completed assessment should be submitted as part of any subsequent submissions.** The Assessment and User Manual can be found on the [Active Travel England Website](#).

The submitted Movement strategy appears to show various pedestrian/cycle accesses to the site including to the existing cycle lane along Watery Lane to the Southwest of the site. This link connects to Hanham Way/Causeway and onto the existing bridleway LA13/49/20 which is set out in the existing Local Plan as part of DM25 as a future strategic cycle route from Nailsea to Clevedon. It is noted, however, that visibility at the point the existing path meets Hanham Way/Causeway is poor with extensive overgrown vegetation, as shown below:





**Any subsequent application should include a scheme to improve visibility for cyclists and pedestrians at this junction.**

### 3.2 Travel Plan

A Travel Plan has been submitted as part of the application. It is noted, however, that it has not been produced in line with the latest [North Somerset Travel Plans SPD guidance](#) (Feb 2023). This outlines two options for implementing a Travel Plan that need to be considered and confirmed by the applicant. **Further information required.** A section 106 contribution may be required to implement/monitor the Travel Plan. The exact figure will be dependent on the option selected.

### 3.3. Public Right of Way Improvements

The North Somerset Public Rights of Way Team would request that a contribution of £10,000 be provided via S106 agreement to improve a total of 200m path surfacing on public footpath LA13/1 and Bridleway LA13/49 immediately adjacent the site, to ensure that they are suitable for users of the proposed development.

### **4.0 Integrated Transport Unit; Home to School Transport and Public Transport**

No concerns (subject to below comments and conditions)
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#### **Comments:**

##### 4.1 Public Transport

In line with Policy DM27: Bus Accessibility Criteria of the Sites and Policies Plan Part 1, all residential development comprising more than 50 dwellings, should be within a reasonable distance, via a direct pedestrian route, of a bus stop which provides an appropriate level of service. In line with the Department for Transport's Inclusive Mobility Guidance (2022), bus stops should be located so that nobody in the neighbourhood is required to walk more than 400m from their home. **Given there are no such bus stops, the Highway Authority will require a contribution of £200,000.00 per year for 3 years to divert and support the existing bus service into the site.** The applicant must provide bus stop infrastructure including shelters and real time information (RTI) at 400m intervals along the proposed neighbourhood distributor road and this must be included at any subsequent Reserved Matters application.

#### 4.2 Home to School Transport

Both primary and secondary schools are within safe walking distance of the site and therefore no transport costs will be required.

A total 10-year contribution of £236,418.27 is required for SEN home to school transport. This should be delivered by section 106 agreement.

#### **5.0 Street lighting**

No concerns subject to below comments
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##### **Comments:**

Any proposed lighting should be designed using the Design guide and following BS5489. The lantern should be from the Urbis Axia 3 range and the column should be ALC aluminium column to NSC spec for the required height. North Somerset Council's Street Lighting Team can provide a full specification on request.

Any subsequent Reserved Matters application must be accompanied by a lighting strategy for consideration by the North Somerset Street Lighting Team.

#### **6.0 Waste servicing**

Further information required
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##### **Comments:**

The applicant should provide details of waste storage and collection points at the reserved matters stage. For presentation of the containers on collection day, the Waste Team expects these to be placed at the point closest to where the vehicle can access. A refuse collection point should be accessible no more than 30 metres from each dwelling and no more than 15 metres from adoptable highway where a refuse vehicle can manoeuvre. Collection is by wheeled bins and recycling boxes using high sided vehicles. The design needs to take account of this with regard to vehicles driving and manoeuvring within the site during various weather conditions. This should also include consideration of the placing and emptying of containers. As noted previously, **vehicle tracking for NSC waste vehicles should be submitted as part of the application.**

#### **7.0 Parking Assessment**

No concerns subject to below comments
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##### **Comments:**

##### 7.1 Cycle Parking

Local residential cycle parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of cycle parking spaces for residential development, specifying 1 cycle parking space per bedroom. Furthermore, Policy DM28 of the Sites and Policies Plan states that development proposals should meet the council's standards for the parking of bicycles.

Cycle parking should be easily accessible and provided by a secure structure within the curtilage of the property. Anchor points should be provided in each store for residents to secure/lock bicycles. Wherever possible, cycle stores should be provided with a power point to enable the charging of electric cycles. Further information and specific guidance is contained within the North Somerset Parking Standards SPD.

##### 7.2 Car Parking

Local 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, specifying 1 car parking space for a property with 1 bedroom, 2 car parking spaces for a property with 2/3 bedrooms and 3 car parking spaces for a property with 4 or more bedrooms. Furthermore, Policy CS11 of the 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.

Garages should have a minimum floor surface area of 20m<sup>2</sup> and meet the minimum clear internal dimensions of 3 metres in width and 6 metres in length to provide sufficient space for the storage of a car.

In line with the Parking Needs Assessment included within the North Somerset Parking Standards SPD at appendix B, the council may consider low-car developments in highly accessible locations, less reliant on private vehicles and well served by both public and active modes of travel. Where a reduced level of parking is proposed, it is essential that developers engage with the Highway Authority at the earliest opportunity to agree an appropriate level of parking. Moreover, where a reduced level of parking is agreed with the Highway Authority, it is essential that this be distributed evenly across the site to avoid creating areas with a concentrated shortfall in available parking which may likely result in parking issues. It should also be noted that, where a reduced level of parking is to be permitted, garage spaces will not count towards the standard given that they are often used for storage rather than parking.

### 7.3 EV Charging

Approved Document S: Infrastructure for the Charging of Electric Vehicles of the Building Regulations 2010 sets out the minimum requirements for electric vehicle charging infrastructure at new residential developments. As such, all dwellings must be served by an appropriate electric vehicle charge point in line with the standards set out in Approved Document S.

## **8.0 Network Management Team**

No concerns subject to below comments
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### **Comments:**

Any works carried out by or for a developer which affects the public highway in any way must be co-coordinated in accordance with the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 to minimize disruption to users. Developers are required to inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment. Developers are also required to liaise/seek authorisation from the NSC's Network Management Team (01934 888802 or [streetworks@n-somerset.gov.uk](mailto:streetworks@n-somerset.gov.uk)) at least one month in advance of the works and this must be in line with the requirements of the NRSWA 1991 and TMA 2004. The developer must endeavour to ensure that undertaker connections/supplies are coordinated to take place whenever possible at the same times using the same traffic management. For road closures or formal restrictions required to undertake the works, a minimum of three months' notice will be required.

Any works which affect the traffic capacity of the highway are subject to the Traffic Management Act 2004. This Act places an obligation upon local authorities to coordinate and manage the road network to ease congestion and delay. As the works in this approval are likely to require temporary traffic management, authorisation will be subjected to the provisions of the Act. The developer is urged to make early contact with the Council's Network Management Team (email [streetworks@n-somerset.gov.uk](mailto:streetworks@n-somerset.gov.uk)) to discuss proposals.

Where a tower crane that oversails the highway is required during construction, the developer must apply for an oversailing licence and adhere to the licencing requirements of the Network

Management Team (email: [streetworks@n-somerset.gov.uk](mailto:streetworks@n-somerset.gov.uk)). The erection, dismantling, operation and use of the crane must comply with the Construction (Lifting Operations) Regulations and any other relevant statutory requirements pertaining at the time of use. All tower cranes that over sail the highway must adhere to the CG300 procedure and this requires consent from the NSC Structures Team (email: [Structures@n-somerset.gov.uk](mailto:Structures@n-somerset.gov.uk)) prior to the licence being authorised.

Tower Cranes that are in a private development or on private land (not oversailing any public highway) need to go through the Building Control Structural Engineer's approval prior to their installation on site, in accordance with the relevant part of the Building Regulation document (Part A: Structure).

### 9.0 Section 38 & 278

No concerns subject to below comments
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#### Comments:

This development includes highways and street lighting which may be offered for adoption as public highways. The developer's attention is drawn to the need for a Section 38 agreement under the Highway Act 1980 and that no works of construction of the affected roads should be carried out prior to the agreement being in place. Failure to have the agreement in place prior to the commencement of works may prejudice the adoption or result in additional expense in relation to the confirmation of the construction details of the works.

If approved, the works within the highway in association with this development will require the developer to enter into a S278 Agreement (Highways Act 1980). The developer is advised to make early contact with the Highway Authority officer (Colin Chandler (01934 426236) [Colin.Chandler@n-somerset.gov.uk](mailto:Colin.Chandler@n-somerset.gov.uk)) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the Council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the Council's inspection charges.

### 10.0 Construction Management Plan

Please condition
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#### Comments:

Taking into account the local highway network and the volume of material that may need to be removed / brought to site, the Highway Authority would request that a construction management plan is submitted to the Highway Authority for approval prior to the commencement of development on site. This should include but not be limited to, HGV routing, provision for staff car parking, times of site operation, volume of HGV movements throughout the day, highway safety measures such as wheel washing facilities and mitigation measures for any remedial works required. Please **condition**.

Where a structure (for example a balcony) is to overhang the public highway a Section 177 licence must be obtained under the Highways Act 1980.

There is concern regarding the potential implications of the demolition and construction phases of the development and the effect they could have on the surrounding highway network and the environment.

# INTERNAL MEMORANDUM

**FROM:** Flood Risk Management Team (Lead Local Flood Authority)

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**Date:** 11/12/2023

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**Application:** Outline planning permission for residential development for up to 150 dwellings with landscaping, access, public open space and associated infrastructure works including demolition of existing bungalow No.10 Watery Lane to deliver a vehicular access. All matters reserved except for access and demolition works

**Reference Number:** 23/P/2322/OUT

**Location:** Land To North Of Hanham Way Nailsea

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**Formal comments regarding the above.** The Lead Local Flood Authority have the following comments to make.

The LLFA objects to the proposal for the following reasons:

- The assessment of climate change risks and associated sea level rise does not use the most up to date information. The most up to date information can be found here: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances#sea-level-allowances>. It states that : For flood risk assessments and strategic flood risk assessments, assess both the higher central and upper end allowances.
  - For the South West the higher central is 1.21m
  - For the South West the upper end is 1.62mWoodspring bay model only used 1.21m for the NPPF model runs and 0.754 for the UCKP09 model runs. Therefore, the extent of tidal flooding due to climate change is greater than shown in the flood risk assessment.
- It is incorrect to state that the exception test is passed due to the proposed sustainable drainage system. Nothing in the proposals **significantly** exceed the national standards.
- There has been no consideration of a breach of flood defences with climate change as stated in paragraph 6.4.4, the distance of the site from the coast is irrelevant when parts of the site are below the highest astronomical tide without considering climate change.
- The proposed discharge rate is acceptable.
- An offsite contribution to the Nailsea wetland project could reduce the need from two treatment stages down to one.

Date: 04 March 2024  
Our ref: 460074  
Your ref: 23/P/2322/OUT



**BY EMAIL ONLY:**

planningsupport@n-somerset.gov.uk  
Anette.deKlerk@n-somerset.gov.uk

Customer Services  
Hornbeam House  
Crewe Business Park  
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Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Ms de Klerk

**Planning consultation:** Outline planning permission for residential development for up to 150 dwellings with landscaping, access, public open space and associated infrastructure works including demolition of existing bungalow No.10 Watery Lane to deliver a vehicular access. All matters reserved except for access and demolition works

**Location:** Land to North of Hanham Way, Nailsea

Thank you for your consultation on the above dated 04 December 2023 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**OBJECTION**

**Natural England objects to this proposal.** As submitted we consider it will:

- Damage or destroy the features of Nailsea, Tickenham and Kenn Moors Site of Special Scientific Interest (SSSI).

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

We have reached this view for the following reasons:

Tickenham, Nailsea and Kenn Moors SSSI is designated for its ditches supporting exceptionally rich plant communities and equally diverse invertebrate fauna.

The overall condition of the SSSI was downgraded to 'unfavourable declining' in Autumn 2022 due to poor water quality. High phosphorus levels are exceeding the target concentrations set out in the conservation objectives for this site, and there is significant evidence of biological effects consistent with high nutrient levels.

The primary source of these nutrients is diffuse water pollution, from agricultural activities, urban run-off and areas that are not on mains sewerage.

Wessex Water monitoring in the ditch from the surface water outfall at the Causeway, Nailsea, directly into Tickenham, Nailsea and Kenn Moor SSSI, has found average total phosphorus concentrations of 0.26 mg/l prior to undertaking misconnection work and 0.14 after, with peaks of 0.5-1mg/l still recorded. This accounts for around 10% of the Phosphorus load to the SSSI overall. In addition, the surface water outflow contributes significant levels of PAHs, metals and pesticides.

We note that the Pre-submission (Regulation 19) Local Plan allocates this site for residential development of 75 houses, subject to (amongst other items):

- Protection of adjacent Tickenham, Nailsea and Kenn Moor Site of Special Scientific Interest.
- Comprehensive approach to mitigation to protect water quality and drainage in respect of the SSSI.

Whilst we note the submission of a Flood Risk Assessment and Sustainable Drainage Strategy (FRASDS) (Stantec, October 2023) in support of this application, we do not consider that this assessment provides a comprehensive approach to the protection of water quality in the SSSI.

The assessment states that the preferred point of surface water discharge for the proposed development is the existing public service water sewer network. This discharges directly into the rhyne network, to the north of the site, near the Causeway Road. Although the Causeway outfall is a Wessex Water asset, it conveys surface water draining from approximately 70% of Nailsea (including highways, commercial and domestic properties). An joint investigation set up by North Somerset Council, Wessex Water and other partners, has concluded that the only feasible solution to the problem of surface water discharge into the SSSI is the delivery of an Integrated Constructed Wetland. Whilst a suitable site has been identified, progress has been slow, for reasons your authority are familiar with. In addition, the calculations for the capacity of the wetland do not take account of this additional development site.

Paragraph 8.6.6 of the Stantec FRASDS states that *retention* basins rather than *detention* basins are recommended for the site, in order to enhance the basins' ability to remove nutrients prior to discharging water to the SSSI. It is stated that these aspects will be confirmed at Reserved Matters stage. The report also acknowledges (paragraph 8.8.5) that, "*it is unlikely that detention or retention basins alone will provide sufficient treatment of surface water runoff prior to discharge from the site, particularly from the roads serving the development. It is therefore recommended that all impermeable areas within the proposed development drain to the detention basins via at least one additional SuDS measure.*"

The proposed development will also generate additional traffic using the Causeway, increasing the amount of pollutants from the road which are discharged directly into SSSI ditches.

We acknowledge that this is an outline application. However, the issue of water quality and the impacts on the SSSI from the discharge of surface water into the rhyne network is long-standing and well evidenced. The application must demonstrate at this stage that it will not exacerbate this problem and that it presents a workable and comprehensive approach to mitigation in line with the requirements of the Pre-submission Local Plan.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

### **The Conservation of Habitats and Species Regulations 2017 (as amended)**

We have provided comments in connection with Habitats Regulations Assessment (email dated 22 February 2024). For completeness, we set out those comments below:

Despite the proximity of the application to European Sites, the consultation documents provided do

not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

The site lies 3.7km from a significant Greater Horseshoe maternity roost and 4.4 km from a significant Lesser Horseshoe maternity roost and contains a variety of dark habitat, suitable for commuting and foraging bats. I note from the Ecological Impact Assessment (NPA, 16 October 2023) that both bat activity (transect) surveys and static detector surveys were undertaken. It is important to note that only one of the ten bat activity surveys lasted for 3 hours as recommended by the Bat Mitigation Guidelines (English Nature, 2004). Due to their sensitivity to light, Horseshoe bats are a species which emerge from their roosts later than most other species. We consider that the survey effort for bats using static detectors was acceptable. Of the 52 nights of static detector recordings, there were very few nights when no Horseshoe bat activity at all was detected.

We note that an HEP calculation has been submitted for Greater Horseshoe bats. As indicated by your Ecology officer, a plan should be submitted, clearly showing which areas have been included as bat habitat in the HEP calculations. Areas of land for Biodiversity Net Gain should also be identified so that the application demonstrates that there is no 'double counting' between the HEP calculation (which must be undertaken first to reach a position of no net loss) and the BNG calculation.

Horseshoe bats are very sensitive to light and habitat cannot be included in an HEP calculation unless it can be demonstrated that lux levels will be suitably low (0.5 lux or below when modelled on a worst-case scenario ie all lights on, no curtains or blinds in use, no intervening vegetation and on day one of operation when light sources are at their brightest). A lux contour plan is required, in order to demonstrate that habitat included in the HEP calculation will be sufficiently dark.

Further general advice on protected species and other natural environment issues is provided at Annex A.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our [Discretionary Advice Service](#). In particular, we would welcome a site visit to discuss the issue of water quality and site runoff.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me at [Alison.Howell@naturalengland.gov.uk](mailto:Alison.Howell@naturalengland.gov.uk).

Yours sincerely

**Alison Howell**  
**Lead Advisor, Sustainable Development**  
**Wessex Area Team**



## Annex A- Natural England General Advice

### Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

### Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

### Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

### Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on '[appropriate assessments](#)'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

## Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

## Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

## Biodiversity and wider environmental gains

- Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [NPPF glossary](#)) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

- Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

- The statutory [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

- The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

- Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

- Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

- Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

### **Ancient woodland, ancient and veteran trees**

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### **Green Infrastructure**

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the [natural environment](#)

## **NSC Tree Officer Comments**

For this site we will need a full arb report and tree protection plan with associated method statements that reflect all installation requirements related to the build.

However, having looked at the current report and cross referenced the illustrative master plan I have the following comments/concerns:

1. G8 is shown as retained and removed in the impact table of the arb report - needs amending to 'part' removed.
2. The attenuation features are too close to the retained trees.
3. The proposed roads are too close to the retained trees, in particular the large oaks T5 and T6. With installation proposed at the very edge of the likely tree protection fencing, achieving this is likely to be problematic. There is no reason to be this close.
4. My main concern is the proposed isolation of veteran oak T19. The pressure from this development, albeit outside the 15x stem diameter buffer, is likely to prove too great for this highly important veteran. Creating a wide green space link to Oak T6 is possible with a simple redesign and will reduce the impact of the build upon both trees. This will incorporate the veteran tree in to the retained green space so that it is no longer isolated and surrounded by newly installed surfacing and infrastructure. The tree can still become a focal point, but one with a far greater chance of survival in the long term.
5. Thought should be given to the proximity of trees to the north of retained trees where shading issues will increase as trees continue to age and grow. Light loss is a common concern for incoming residents and the increased pressure for detrimental pruning and/or tree felling is undesirable and should be designed out of a new project