The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/D0121/W/19/3226485
Land to the west of Ladymead Lane, Langford BS40 5EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Oakwood New Homes Limited against the decision of North Somerset Council.
- The application Ref 17/P/5455/OUT, dated 12 December 2017, was refused by notice dated 15 March 2019.
- The development proposed is described as the erection of 9 dwellinghouses.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 9 dwellinghouses on land to the west of Ladymead Lane, Langford BS40 5EF in accordance with the terms of the application, Ref 17/P/5455/OUT, dated 12 December 2017, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application is made in outline with all matters, except access, for later approval. I have therefore dealt with the appeal on this basis.

3. The National Planning Policy Framework (the Framework) was updated in February 2019, I have therefore taken account of it in the determination of this appeal.

Application for costs

4. An application for costs was made by Oakwood New Homes Limited against North Somerset Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are the effect of the proposal on:

   - the character and appearance of the area;
   - traffic generation and highway safety, and
   - surface water flooding.

Reasons

Character and Appearance

6. The appeal site falls within the village of Langford, but, as stated by the Council, the site is adjacent to the settlement boundary of the village of Churchill, which is defined as a 'Service Village' in the North Somerset Core Strategy (2017) (CS) under policy CS32 (Service Villages), which supports new development within or adjoining a settlement boundary where the development enhances the overall sustainability of the settlement, and where it is proportionate in scale and character.

7. The appeal site is an open area of agricultural land, with a substantial hedgerow along the road frontage to Ladymead Lane. The immediate area has a rural character, and existing development is predominantly residential. Generally, this is comprised of detached dwellings on large plots, set back from the road continuously along the eastern side of the road. To the north of the appeal site (and west of Ladymead Lane) is further residential development which has a mixed pattern, where there are small groups of developments with buildings to the rear and linear development addressing the road.

8. The appeal site falls within the 'J2 River Rolling Valley Farmland area', as set out in the North Somerset Landscape Character Assessment Supplementary Planning Guidance (2018), being an 'extensive area of undulating lowland'. However, I note that the Council considers that the proposed development 'would not be prominent' within the wider landscape.

9. I consider that this open area of land on the western fringe of the village would be permanently changed by the proposed development. That said, the appeal proposals are submitted in outline and I am satisfied that the final detailed design is capable of blending with the pattern of built form within the surrounding area, including opportunities for new landscaping within and on the edge of the site.

10. I have considered the appeal decision provided by the Council[1]. In that case, it is clear that the appeal site had significant landscape constraints that were not outweighed by the benefits identified by the Inspector. I have not visited that site and the landscape evidence associated with that proposal is not before me, but it is likely that the landscape context for that site, despite being in reasonable proximity will be different to that of this appeal site. I have therefore accorded that appeal little weight.

11. I therefore consider the proposals to be in accordance with policy CS32 of the CS which seeks to support sustainable development that adjoins the settlement boundary of service villages subject to various caveats, to which I now turn.

Traffic Generation and Highway Safety

12. Ladymead Lane is generally narrow, with some passing places. At the site visit, it was clear to me that the lane is without footways and pedestrians would need to walk on the road. I note the Council's comments that the lane becomes congested at times, but this in and of itself would not, in my view, support the dismissal of this appeal.

13. The appeal proposals include the addition of a new 2m footway to the southern frontage of the appeal site. This would mean that pedestrian road users would have a safe means of access to the nearby footpath linking to Broadoak Road

[1] APP/D0121/W/18/3212455

which leads to a number of important village services and facilities to the north at Pudding Pie Lane, including the primary school and surgery. This would have the impact of reducing reliance on motorised travel for such short trips. Further, I am aware that the Highways Authority (HA) that have no objection to the scheme.

14. There would be some additional traffic associated with the nine houses proposed, but there is no detailed evidence to suggest that this would be significant, or at a level that would result in severe adverse effects to the existing highway network.

15. Whilst I note the concerns of third parties who have put forward their concerns about 'near misses' and incidents along Ladymead Lane, I am without any substantive evidence in the form of formal accident records or evidence showing that illegal manoeuvres are regularly being performed that demonstrates that Ladymead Lane itself is unsafe in highways terms.

16. Overall, I consider the proposed development would not result in harmful highway issues or result in unsafe routes for pedestrians in accessing some of the main village facilities. Given its scale, I am satisfied that the proposal would not result in a significant increase in traffic levels. The proposal is therefore in accordance with North Somerset Development Management Policies, Sites and Policies Plan Part 1 (2016) (DMP), policy DM24 (Safety, traffic and provision of infrastructure, etc. associated with development), which seeks to ensure development does not compromise highways safety and promotes travel by non-car based modes, as well as the relevant part of CS policy CS32. The proposal is also in accordance with the Framework in this regard.

Surface Water Flooding

17. The proposed layout is indicative, however the appellant submitted a detailed drainage scheme, incorporating evidence to inform a strategy for on-site attenuation which would connect to an existing storm water sewer to the south of the site.

18. In the refusal reason, the council state that the appeal proposals would lead to an increase in surface water flooding outside of the site. However, they have not provided substantive evidence to demonstrate how this would be the case, in light of the mitigation that has been proposed by the appellant. I also note that the Lead Local Flood Authority (LLFA) did not object to the proposals.

19. I have considered the photographic evidence submitted by a number of interested third parties showing surface water flooding along Ladymead Lane, however these photographs are undated and I am not clear on the specific events that led to the flooding – including the capacity and condition of the highways drainage system at the time. I am therefore unable to draw any conclusions as to whether these are isolated incidents or frequent and persistent occurrences.

20. Given the mitigation proposed by the appellant, I am of the view that surface water run off rates are likely to be improved by the development. I therefore do not agree that there is sufficient evidence to demonstrate that the proposed development would lead to an increase in surface water flooding locally and I consider there would be no conflict with policy DM1 (Flooding and Drainage) of the DMP which seeks to ensure that the impact of proposed

development on flooding is fully taken into account. I also do not find conflict with the relevant parts of policy CS32 of the CS, nor Chapter 14 of the Framework.

Other Matters

21. The 9 dwellings proposed would contribute towards the housing supply, not just for the Parish, but for the District as a whole. I have no substantive evidence before me that other developments granted permission in and around the area have resulted in there being no need for the proposed houses or that the scheme would result in a disproportionate increase in the village.

22. An additional 9 dwellings would also add to the local population, but not to a degree where there is clear evidence that the local services and facilities would not have sufficient capacity over time. There has also been no objection from the Council in this regard.

23. There is a significant amount of third party interest in the appeal proposals and I have considered all submissions in that regard. In addition to the matters I have already addressed, I am sympathetic to concerns over additional construction traffic and the disturbance associated with a new housing development in the village. However, I have included a planning condition (6) requiring a construction and environmental management plan which would go some way towards addressing this. The effects of such construction would be temporary and do not alter my overall conclusions.

24. In terms of concerns over a lack of smaller, more affordable housing, the proposed indicative plan shows detached houses in spacious plots, but design and scale of the proposed houses are reserved matters. There may be more of a need for 1 and 2 bed dwellings in this area, but at this outline stage there is no firm detail on the scale of dwellings that are proposed.

25. The proposal would include some loss of hedgerow, although some would be translocated or re-planted in order to facilitate visibility splays and the 2m footway. I note that this did not constitute a reason for refusal. From this information, the proposed development would not result in harm to ecology at the site or the wider area.

26. Finally, concerns have been raised that the development would be a 'catalyst' for further development. However, my findings in this appeal must be based only on the individual planning merits of the case that is before me. The circumstances of other sites would be likely to differ and in any case would be assessed in the light of the factors relevant to each site and proposal. Therefore, I consider the concern about precedent does not offer a basis for resisting this appeal.

Conditions

27. I have attached the standard reserved matters condition and time limit conditions, and a plans and documents condition as this provides certainty (conditions 1, 2, 3 and 4).

28. Relating to highways matters, I have attached a condition (5) requiring visibility splays to be provided prior to the commencement of development for the purposes of certainty, together with a condition requiring the completion of parking and garaging prior to the occupation of each dwelling (7), both

conditions being in the interests of highways safety. I have also attached a condition (6) requiring a construction and environmental management plan to be submitted prior to the commencement of development, again to provide certainty and in order to minimise the impact of the construction works on the living conditions of existing residents.

29. Conditions 8 and 9 require the written approval of the LPA for the purposes of certainty, in terms of materials and landscaping and conditions 10 and 11 seek to retain the boundary treatments and garaging details in the interests of maintaining the character and appearance of the area.

30. I have applied Condition 12 to secure 10% renewables within the scheme, in accordance with policies CS1 and CS2 of the CS.

31. Conditions 13, 14 and 16 are applied in respect of waste and bins, and drainage in the interests of protecting the living conditions of existing and future occupiers.

32. Condition 15 seeks to limit the height of the dwellings in accordance with DM32 and in order to protect the living conditions of neighbouring residents.

Conclusions

33. I have considered all matters raised by the Council and interested third parties and consider that the appeal is allowed, subject to the conditions in the attached schedule.

Sian Griffiths

INSPECTOR

Schedule of Conditions

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

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

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

4) The development hereby permitted shall be carried out in accordance with the approved plans and documents, as follows: LP001; Site Location Plan; PP003 Rev C: Indicative Site Layout Plan; 969/9625/1: Topographical Survey; 2018-52-20-REV A Wessex Water Sewer Connection Point Added; Application Supporting Statement; Energy Statement; Ecological Survey dated May 2017; Archaeological Evaluation dated March 2018; Transport Technical Note.

5) The development hereby permitted shall not be commenced until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

6) Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the LPA. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access and vehicle parking within the site. It shall include a detailed working method statement to avoid/minimise impacts on protected and notable species and important habitats.

7) No dwelling shall be occupied until space for one garage and one parked car has been provided for it, together with vehicular access thereto, in accordance with plans that have first been submitted to and approved, in writing, by the LPA. The access and spaces for garage and parking shall be used for no other purpose.

8) No external walls or roofs shall be constructed until details of the walling and roofing materials to be used in the development have first been submitted to and approved, in writing, by the LPA. The development shall

be carried out in the approved materials unless otherwise agreed in writing with the LPA.

9) The dwellings shall not be occupied until a soft landscaping scheme has been submitted to and approved in writing by the LPA showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation. The landscaping scheme shall be carried out in accordance with the approved details, specifications and programme of implementation. 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 LPA 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.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no gates, fences, walls or other means of enclosure shall be erected or constructed on any boundaries of the site, or elsewhere within the site (other than any expressly authorised by this permission).

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no garage shall be erected without the permission, in writing, of the Local Planning Authority and the approval by them of the design, siting and external appearance of such garage and of the means of access thereto.

12) The dwellings hereby permitted shall not be occupied until measures to generate 10% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in kilowatt hours - KWh) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the LPA. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the LPA.

13) No dwelling shall be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided for it in accordance with plans and specifications that have first been submitted to and approved, in writing, by the LPA. The said space and facilities shall thereafter shall be made permanently available for the storage and collection of waste and recycling materials only for the occupiers of the dwellings.

14) The dwellings shall not be occupied until the relevant drainage works to serve the development hereby permitted have been completed in accordance with details to be submitted to and approved, in writing, by the LPA.

15) Detailed drawings to be submitted under condition 1 of this consent shall limit the height of the proposed dwellings so that any first floor accommodation is contained within the roof space.

16) No above ground development shall be commenced until the approved surface water drainage scheme has been installed and the connection to Wessex Water's surface water sewer has been completed as indicated on the approved plans. The scheme shall ensure that the maximum discharge rate to the surface water sewer is limited to a rate of 5 litres per second.

End of Schedule