
Appeal Decision

Inquiry held on 2 - 5 August 2016

Site visit made on 6 September 2016

by David Richards B Soc Sci DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/D0121/W/15/3139633

Land to the north of A368, Sandford, North Somerset BS25 5QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Strongvox Homes and Mr M Thatcher, Mr J Thatcher & Mrs A Thatcher, Mr R Thatcher, Mr H Lloyd, Mr R Lloyd, Mr J Westlake and Mr D Westlake against North Somerset Council.
 - The application Ref 15/P/0583/O, is dated 17 February 2015.
 - The development proposed is erection of up to 118 no. dwellings including 35 no. affordable housing units (30%), along with the provision of informal public open space, car parking, sports pitch, vehicular access from the A368 and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 118 no. dwellings including 35 no. affordable housing units (30%), along with the provision of informal public open space, car parking, sports pitch, vehicular access from the A368 and associated works at Land to the north of A368, Sandford, North Somerset BS25 5QB in accordance with the terms of the application, Ref 15/P/0583/O, dated 17 February 2015, subject to the conditions set out in the attached schedule.

Clarification

2. The Application was made in outline, with all matters reserved except for access. The description of development originally included reference to the provision of 'a new Community Hall'. The application has been amended from that originally submitted to omit the proposed Community Hall in favour of providing shared community and education facilities which could be secured by way of a Section 106 obligation. I have amended the description of development accordingly.
3. The appeal is against the non-determination of the application within the prescribed period. However, the Council's Planning Committee resolved on 10 February 2016 that they would have refused the application for the following reason, had jurisdiction been retained:

"The application site is an unsustainable location outside the settlement boundary of Sandford and fails to have regard to the requirement that residential development needs to be within the boundary of the village. The

development would therefore generate demand for local services and employment opportunities on a scale that cannot be met without prejudice to other policies in the Development Plan, and these services and facilities are not regarded as readily accessible from the site by means other than the private car. The development is therefore contrary to the North Somerset Replacement Local Plan Policy H/7 and Core Strategy Policies CS32 and CS33 and sustainable objectives in the NPPF¹”.

Application for costs

4. At the Inquiry an application for costs was made by the Appellants against the Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the proposal can be considered sustainable development, having regard to relevant policies in the Development Plan, the weight to be afforded to them, and advice in the NPPF.

Reasons

6. The application site extends to approximately 5.72 hectares in area and comprises an undeveloped site located outside the settlement boundary for Sandford. It lies on the northern edge of Sandford, and is bordered to the south predominantly by dwellings and to the west by residential development on Nye Road and Sandmead Road. Sandford Primary school lies adjacent to the south-east. A public right of way runs along the eastern and northern boundaries linking Greenhill Road with Sandmead Road. The landform slopes gently down from Greenhill Road towards Sandmead Road. The land is currently in agricultural use and, with the exception of a small pumping station alongside Sandmead Road, there are no buildings or structures. A hedgerow runs on a north-south axis dividing the site into two distinct fields and the periphery of the site is enclosed by mature hedgerows and hedgerow trees.

Planning Policy

7. The Development Plan for North Somerset includes the saved policies of the North Somerset Replacement Local Plan 2007 (NSRLP) and the North Somerset Core Strategy 2012 (NSCS)
8. The NSRLP was adopted prior to the publication of the NPPF. In accordance with NPPF paragraph 215, due weight may be given to the relevant saved policies. Policy H/7 (Residential Development within Settlements) – referred to in the refusal reason - does not appear to be relevant to this appeal as it is agreed that the appeal site lies outside the settlement boundary for Sandford. Policy H/8 deals with residential development in the countryside and is primarily concerned with replacement dwellings and the conversion of redundant rural buildings. It has been superseded by Policies DM44 and DM45 of the Development Management Plan Policies (adopted 19 July 2016).
9. The NSCS was adopted on 10 April 2012. There was considerable discussion at the Inquiry over the weight to be afforded to relevant policies in the light of its somewhat complicated history.

¹ National Planning Policy Framework.

10. Following a legal challenge Policy CS13 (scale of new housing) was found to be unlawful by reason of the Inspector's failure to give 'adequate or intelligible reasoning for his conclusion that the figure made sufficient allowance for latent demand' (i.e. demand unrelated to the creation of new jobs)². The Addendum Judgment set out the actions required to resolve the situation. Policy CS13 was remitted back to the Planning Inspectorate for re-examination. At paragraph 13 the Judge concluded that there were also a number of other policies which 'should be remitted on the grounds that any increase in total housing provision may result in the need for alterations to other policies.' She stated that these other policies are lawful and would be remitted 'simply because they may need consequential amendment through the examination process. The policies remitted back were CS6 (Green Belt), 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 (Smaller settlements and countryside).

11. The Inspector appointed to undertake the examination of the remitted policies commenced with Policy CS13. His report is dated 11 March 2015³. He concluded that Policy CS13 should be revised as follows:

CS13: Scale of new housing

A supply of deliverable and developable land will be identified to secure the delivery of a minimum of 20,985 dwellings within North Somerset 2006- 2026. The appropriate level of new homes will be reviewed by 2018.

12. The final sentence of the policy reflected his concerns set out in the report that the evidence base underlying the development of Policy CS 13 does not comply with government guidance in that it is not based on a full objective assessment of housing need in the whole of the recognised housing market area. In paragraph 88 of the report he states that 'Given that the Council has given a firm commitment to a review of Policy CS13 before the end of 2018, I am satisfied that, if after pragmatic and realistic consideration in the light of the forthcoming joint SHMA⁴ the housing requirement has been set too low, there would be a ready opportunity for the Council to promptly address any real backlog in housing provision which has built up.'

13. The Inspector's report was subject to a direction issued by the Secretary of State (SoS) on 27 March to review and consider the Inspector's conclusions on Policy CS13. On 18 September 2015 the SoS issued his formal response concluding that he agreed with the Inspector's recommendations and that a housing target of 20,985 dwellings over the plan period was appropriate. Accordingly Policy 13 is part of the development plan.

14. The remaining remitted policies, including CS33, are currently the subject of a further examination by Inspector Bore. Remitted Policy CS 33 states that proposals for development within the rural areas outside the Service Villages will be strictly controlled in order to protect their character and prevent unsustainable development. Within the settlement boundaries of infill villages (including Sandford) residential development of an appropriate scale which supports sustainable development will be supported. Affordable housing will be

² CD17 Judgment (14 February 2013) and Addendum Judgment (7 March 2013) of Mrs Alice Robinson

³ CD 5: Report on the examination into Policy CS13 and supporting text of North Somerset Core Strategy by Roland Punshon BSc, MRTPI.

⁴ Strategic Market Housing Assessment

permitted within settlement boundaries or in the form of rural exceptions sites, adjacent to settlements.

15. The Council has issued further main modifications which were out to consultation until September 2016. I was told at the Inquiry that at that stage the Council was not proposing any significant modification to CS33, which continues to identify Sandford as an infill village and does not propose any additional development outside the settlement boundary. The Inspector will consider responses to the main modifications before issuing his report. The Council expects these policies to be re-adopted as modified in Autumn 2016.
16. The Council's policy witness argued that the remitted CS policies are at an advanced stage of preparation and should be given considerable weight in the determination of the appeal. It was stated that the Judge who remitted the policies did not find them to be unlawful, but remitted them as they may need to be modified in the light of the review of Policy 13. The Council's witness reported that the Examining Inspector considering the remitted policies summed up his interim view at the end of the hearing sessions in June 2016 as follows:
- The CS's spatial strategy is sound notwithstanding the requirement had increased.
 - The composition of each level of the settlement hierarchy would not change.
 - The policies for housing at Weston-super-Mare (CS28) and the larger *settlements* of Clevedon, Nailsea and Portishead (CS31) needed to be made more flexible to enable additional sites to be brought forward through the development management process or a local plan or neighbourhood plan. The Council proposed a hundred homes for the first category of site. The Inspector indicated that 100 homes was too high, as a result of which the Council suggested a lower figure of about 75 homes.
 - The Inspector indicated that greater flexibility is also needed in the Service Villages. The Inspector indicated that this should be given effect by allowing small sites at the edge of these settlements. The Council responded with a proposal to modify Policy CS32 by allowing schemes for up to about 30 dwellings to come forward through the development management process adjacent to settlement boundaries.
 - At smaller villages (identified as infill villages in the NSCS) more flexibility is required for development coming forward within settlement boundaries. However, the Inspector indicated that proposals for development adjacent to settlement boundaries would not be acceptable.
17. However, as things stood at the Inquiry, the Council accepted that, as the key policies of the CS had been remitted, the development plan is silent on the question of how housing should be distributed across North Somerset. In consequence, the appeal should be determined in accordance with the second bullet point of paragraph 14(2) of the Framework.

Housing Land Supply

18. Paragraph 49 of the NPPF states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing land should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.

19. The Inquiry was originally due to be held in April 2016. At that time the Council did not contend that it could demonstrate a robust 5 year supply of land in accordance with paragraph 47 and Footnote 11 of the NPPF⁵. However the Council wrote to the Planning Inspectorate as follows on 27 May 2016⁶: *'Based on the April 2015 annual assessment the Council could not demonstrate a five year supply of housing land. If it wasn't for the adjournment of the Inquiry, five year supply would not have been an issue. However the Council has now published the April 2016 based position which demonstrates that the five year supply position has been restored. The Council will be submitting a proof of evidence in relation to housing supply and calling an additional witness.'*
20. The Council's position on land supply was set out in the evidence of Natalie Richards. The assessment is based on the following assumptions:
- A dwelling requirement of 20,985 dwellings between 2006 to 2026 (from adopted Policy CS13 of NSCS)
 - Application of the 'Sedgefield' approach to the backlog (i.e. addressing the backlog by increasing delivery in the first five years).
 - Application of a 5% buffer, on the assumption that there has been no evidence of persistent underdelivery in earlier years.
21. The Council calculates the requirement as follows. Based on the dwelling requirement of 20,985 for the 20 year period of the NSCS, the annualised rate would be 1,049 dwellings or 5,245 dwellings over 5 years. 2016 represents 10 years into the plan period so, assuming a constant rate of provision, the requirement to date would be 10,490. However housing completions to date amount to 7995, so a backlog of 2,495 has accrued over the 10 year period. Adding this to the 5,245 annualised requirement produces a requirement of 7,740. To this a 5% buffer (387 units) should be added in accordance with paragraph 47 of the NPPF to produce a 5 year requirement of 8,127, or an annual rate of some 1,625 dwellings⁷.
22. Section 3 of Natalie Richards evidence sets out the Council's assessment of supply which is summarised in Table 2, reproduced below:

Category	Quantity expected within 5 years	Equivalent number of years supply
Small sites with consent (up to 9 units net gain) – 9% lapse rate	473	0.29
Large sites with consent (10+ units net gain)	1,952	1.20
Strategic sites	3,061	1.88
Local plan allocations	308	0.19
Emerging allocations	1,991	1.23

⁵ E-mail from Council to Appellants dated 11 March 2016, Appendix 1 of Daniel Weaver's proof of evidence

⁶ E-mail from Council to PINS dated 27 May 2016, Appendix 2 of Daniel Weaver's proof of evidence

⁷ Proof of Evidence of Natalie Richards, paras 2.2.1 & 2.2.2

Small site windfall (up to 9 units net gain, trend based forecast)	212	0.13
Large site windfall/broad location allowance	500	0.31
Change of use from rural buildings	180	0.11
Empty homes	150	0.09
TOTAL SUPPLY EXPECTED	8,827	5.43

23. While the use of the Sedgefield approach to the backlog was agreed, as representing the view of the Inspector currently examining the NSCS remitted policies, Mr Tiley for the Appellants put forward a number of criticisms of the Council's assessment.
24. In particular, the Appellants take issue with the application of a 5% buffer, contending that the evidence shows a record of persistent underdelivery, so that a 20% buffer is appropriate. In his report on his examination into the soundness of remitted Policy CS13 of NSCS the Inspector, Mr Punshon, concluded that there was no substantial under delivery during the period 2006 – 2011⁸. Mr Bore, who at the time of this Inquiry is conducting the examination into the other remitted policies, indicated in his questions for the examination⁹ that he saw 'no real evidence of persistent under supply over the whole of the economic cycle and the Council have had to deal with changing requirements so it seems to me that the buffer should be 5%'.
25. Mr Bore was clear that while the 5 year housing land supply position was relevant to the examination insofar as he needed to know whether the remitted policies are capable of allowing for the early delivery of sites sufficient to ensure an ongoing 5 year supply, he did not want to replicate a detailed s78 type discussion on the subject.
26. The Appellants' evidence includes a record of delivery at Table 6.2 on page 24 of Mr Tiley's evidence. This shows strong delivery in the two years 06/07 and 07/08 against the annualised NSCS housing requirement, dropping back thereafter consistent with the effects of recession. Over the period 2006 – 2011 the cumulative shortfall against the housing requirement was only some 296 dwellings which is consistent with a finding of no persistent under delivery. Since 2011 however there has been a consistent record of under delivery totalling 2201 dwellings in the 5 year period to 2016. In the best performing year (2013/14) some 760 completions were logged, a shortfall against the annualised requirement of 289 dwellings. In other years the number of completions ranged from 515 dwellings to 674 dwellings.
27. The CS annual requirement has not been met for 8 out of the last 10 years. While some fluctuation over the economic cycle is to be expected, it is difficult

⁸ CD5 paragraph 61

⁹ CD33 paragraph 4

to avoid the conclusion that this represents persistent under delivery and that a buffer of 20% is applicable. This would result in a 4.48 year land supply with a shortfall of 963 dwellings, based on the supply identified by the Council. On this basis I conclude that the Council cannot demonstrate a robust 5 year housing supply.

28. There was a detailed round table discussion of the supply side at the Inquiry. Amongst other things the Appellant drew attention to the considerable reliance placed on delivery at Strategic Sites, as set out in the April 2016 'Weston Villages - Agreed monitoring report and trajectory', prepared jointly by the Council, developers and landowners. This indicates that up to 735 dwellings will be built in a single year, with an average of 612 per annum over the five year period. Mr Tiley, for the Appellant, pointed out that this compares to an average of 113 dwellings per annum achieved to date with a maximum of 207 in a single year. Whilst he accepted that delivery of this site is likely to gain momentum, he considered that an increase of 442% of average delivery rates is aspirational and unrealistic. His knowledge of delivery rates on strategic sites elsewhere in the country supported this conclusion¹⁰. He identified particular concerns at Locking Parklands, where reliance was being placed on substantial delivery of 750 units from 2 sites which do not currently have planning permission.
29. The Council's estimate of supply also includes a total of 308 units on 6 sites previously included in the Replacement Local Plan, on the assumption that these sites remain suitable and are deliverable within the immediate 5 year period. However, the Appellants point out that these sites do not currently have planning permission and have been allocated for 9 years without any progress, and that a realistic assessment is that only some 80 dwellings are likely to be achieved
30. In addition to Strategic Sites and existing local plan allocations, the Council's identified supply places reliance on the delivery within 5 years of sites totalling 1991 dwellings proposed in the emerging Site Allocation Plan, scheduled for adoption in 2017. This includes sites which have been proposed previously and consulted upon, and others which have been recently introduced. While some of these allocations may be found sound, a number are subject to outstanding objections.
31. It is not the role of this s78 Inquiry to pre-judge the outcome of the examination process. In my judgement however, little weight can be given to the contribution from such sites at present. While Mr Tiley's assessment that these emerging allocations should at best be relied on to deliver no more than 348 units may be considered pessimistic by the Council, it is fair to say that the evidence base supporting the inclusion of many of these sites as part of the delivery of the five year supply is not compliant with Footnote 11 of the NPPF¹¹.
32. Even if a 5% buffer were to be considered appropriate (which for reasons set out above I do not accept), the Council's figure of 5.43 years supply indicates

¹⁰ Report: Urban Extensions Assessment of Delivery Rates, Appendix 30 to Mr Tiley's proof of evidence

¹¹ Footnote 11 states that 'to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans'.

a surplus of some 700 dwellings over the 5 year requirement of 8127 dwellings (applying the Sedgefield method). This position assumes full delivery within 5 years of all the elements identified in the Council's assessment of supply. I share the Appellants' concerns that such an assumption would be overoptimistic and unsupported by robust evidence of deliverability. The Site Allocation Plan is at a relatively early stage and carries little weight at present. There is no authority-wide trajectory that demonstrates expected delivery rates for many of the sites included as emerging allocations and accordingly I consider that it is unsafe to include such sites in the Assessment at present. The exclusion of sites (totalling 1643 dwellings)¹² in this category identified by Mr Tiley as being the subject of unresolved objections would alone reduce the supply substantially below the figure for completions which on the Council's own analysis is needed to demonstrate a five year supply. In addition, I am of the view that expected delivery rates for Strategic Sites and existing Local Plan Allocations are likely to be overoptimistic. In summary I conclude that the evidence put to me does not support the Council's ability to demonstrate a 5 year supply of housing even if a 5% buffer were to be considered appropriate.

33. I acknowledge that the task facing the Council and the development industry in North Somerset can only be described as formidable. This is best illustrated by the fact that the Council is relying on an annual average of 1625¹³ units to be delivered when the highest annual figure in the past 5 years (2011 – 2016) has been 760 units in 2013/14. Even if it is assumed that the trajectory is backloaded, this implies even higher delivery rates in later years.
34. I also acknowledge that the Council has been very active in seeking to increase delivery, engaging with landowners, developers and other delivery partners on Strategic and other sites. This includes progressing the Site Allocations Plan, granting planning permissions on suitable sites and inviting planning applications to progress development. Weston has gained housing zone status which has attracted funding to unlock urban sites. The Council is working closely with Weston College to deliver accommodation for students and, with the Homes and Communities Agency, taking an active development interest to ensure delivery of a number of key sites. A bid of some £25 million has also been made to the starter homes land fund to aid early delivery of housing.
35. Nevertheless, I conclude that on the evidence presented to the Inquiry the Council is not currently able to demonstrate a robust, deliverable five-year supply of housing land in accordance with the advice in NPPF and particularly paragraph 47 and Footnote 11. Paragraph 49 of the NPPF is engaged accordingly and the application should be considered in the context of the presumption in favour of sustainable development. This also has consequences for the weight to be attached to policies relevant to the supply of housing.

Sustainability of Sandford as a location for housing development

36. In 2011, Sandford's population stood at 1451 persons, an increase of 70 on the 2001 figure of 1381, or some 5%. The number of dwellings in 2011 was 657, of which some 83% were owner-occupied, either outright or with a mortgage. The appeal site if built would add a further 117 dwellings (net), some 18% of the existing housing stock, to a total of 774. This would be a significant

¹² Document 23 Neil Tiley updated position in respect of emerging allocations

¹³ This is on the basis of a 5% buffer being considered appropriate. If a 20% buffer is applied, the annual average requirement increases proportionately.

- increase to the housing stock at Sandford, which is identified in the CS as being suitable for infill development within the settlement boundary only.
37. The NSCS sets out a hierarchy of settlements in Policy CS 14 (currently remitted and the subject of examination). Weston-super-Mare is the focus for residential development within North Somerset, including the strategic allocation at Weston Villages. Outside Weston, most additional development will take place in the towns of Clevedon, Nailsea and Portishead. In the rural areas new residential development will be strictly controlled although at service villages there will be opportunities for small scale development either within settlement boundaries or through site allocations. In infill villages limited infilling will be acceptable within settlement boundaries.
 38. Sandford is identified in the CS as an 'infill village'. Remitted policy CS 33 allows for infill and small scale development within the settlement boundary. Otherwise proposals for development will be strictly controlled in order to protect the character of infill villages, smaller settlements and countryside, and prevent unsustainable development.
 39. Remitted policy CS32 identifies a list of 9 service villages, including Churchill and Winscombe. Villages within this category were assessed as having at least a village shop, post office, primary school, GP surgery, community hall and pub. They are considered by the Council to provide a service role function beyond their immediate locality, and normally serve the population of one to three parishes.
 40. The Council has undertaken a review of its approach to assessing sustainable development in connection with the Site Allocations Plan (SAP) consultation and the examination of the remitted policies of the CS. The Council's sustainability witness stated that the methodology updates the work undertaken at the time of the original CS, as set out in the Council's document 'Assessing the sustainability and settlement hierarchy of rural settlements in North Somerset' (Appendices A and Ai to Jessica Harper's proof of evidence). An updated version (Council's Appendix GG dated July 2016) was presented to the Inquiry. The approach is based on the methodology set out in the 'Devon Toolkit for sustainable rural communities. It assesses rural settlements against eight characteristics to produce a sustainable community wheel for each settlement. Each of the characteristics was given a traffic light rating (Red, Amber, Green) according to the degree to which the settlement was assessed as performing against the characteristic. The assessment produces an overall sustainability wheel for each settlement. A largely green wheel indicates sustainability characteristics are easily met, and a red wheel indicates that a settlement has fewer sustainability characteristics.
 41. For Sandford, most categories were given an 'amber' score. However for the category concerned with access to services, jobs and education an 'amber minus' score was given, representing an alleged lack of meeting places and associated activities, limited range of job opportunities, and limited educational opportunities. 'Amber minus' was also the score for connectedness, reflecting distance from a railway station and a relatively high level of car dependence for travel to work. A red score was given for access to key public and private services, reflecting the limited retail options and lack of higher level services such as health care and within the village.

42. It is clear that this assessment postdates the determination of the settlement hierarchy through the CS. The Appellant considers that the analysis is flawed in a number of respects, and deliberately downplays factors which should properly be taken into account in considering the sustainability credentials of the appeal site.

Services and facilities

43. The village has a number of local services and facilities, including Sandford Primary School (graded outstanding by Ofsted), All Saints Church, The Railway Inn Public House, Sandford Village Hall, and a local store. There are a number of other more specialised facilities within reasonable walking or cycling distance, including Sandford Preschool, Sandford Scout Hut, a Railway Heritage Centre and St. Monica's Retirement Village. Lynchcombe Lodge Hotel, Mendip Snow Sports and Activity Centre are close to Sandford, but are detached from the main part of the village, and not linked by footpaths.
44. In addition, Sandford lies between the identified service villages of Winscombe and Churchill. Winscombe (some 2.8 km from the appeal site) has a Post Office, GP Surgery, Pharmacy, Opticians, Library, Bank and Public House. Churchill has a Post Office, Public House and Churchill Academy and sixth form, the main secondary school provision for this part of North Somerset. Churchill Academy is some 1.9 km from the appeal site.
45. I accept that Sandford has a limited range of facilities available within the village, and this is consistent with its exclusion from the list of service villages in the CS. Nevertheless, in the context of this appeal, it is important also to take into account connections with nearby villages, particularly alternatives to the use of the private car.

Accessibility

46. Sandford is served by two commercial bus services, the hourly A2 service between Weston-super-Mare and Nailsea, via Bristol Airport, and the hourly 126 service between Weston-super-Mare and Wells. The timetabling of these services is such that there is a bus in either direction through Sandford at approximately half-hourly intervals during the daytime. The A2 service is accessible from the bus stops adjacent to Sandford Primary School, approximately 400 metres from the appeal site, whilst the 126 service stops on Hill Road, approximately 660 metres from the appeal site opposite All Saints Church.
47. There are limitations to the bus service. There is no direct service to Bristol. Frequencies are substantially reduced on Sundays, and there are no later return services on weekday evenings, so that evening trips by public transport to Weston or even other local villages for community, social or entertainment purposes would not be possible. For such trips villagers are currently dependent on cars in the main, and that is unlikely to change, though there is the possibility of car sharing or the use of community transport for some purposes.
48. The nearest railway station is at Worle, some 8.5 kilometres away, on the Bristol – Weston line. The buses serving Sandford do not connect to Worle. Other stations at Weston, Weston Milton, Yatton and Nailsea and Backwell lie within 14 km of Sandford. Buses from Sandford stop within reasonable walking

distance of Weston-super-Mare and Weston Milton stations, but there is no direct interchange and there would be time penalties involved in making connections. While it would be possible to make a journey to Bristol by bus and rail, in practice it would involve a journey time that would make this unrealistic and unattractive for most commuters.

49. The services and facilities available within Sandford would be readily accessible to residents of the development on foot. To my mind it is unlikely that residents would choose to walk to either Churchill or Winscombe to access services there on a regular basis, due to the distance involved, and the lack of a continuous footpath. This reflects the experience of existing residents of Sandford, and would apply particularly to evening trips.
50. Cycling is an option and the Strawberry Line (part of the National Cycle network), provides an attractive off-road connection between Sandford and Winscombe. The access to this facility is some 660 m west of the appeal site. A resident reported that this has been affected by inappropriate anti-social behaviour, but I do not consider that this would seriously compromise its use during daylight hours, though individuals may make their own choice not to use it. Nevertheless it is primarily a recreational route, and I do not consider it would attract significant regular use for shopping, or to visit the GP surgery, for example. Traffic on the A368 and its alignment are such that it is only likely to be used by confident and experienced cyclists, particularly at peak times. The Appellants do not suggest that Sandford students at Churchill Academy are likely to cycle to school.

Travel to work

51. The 2011 census confirms that 22% of residents work within the local area. When compared to the wider North Somerset unitary area, the local area has the second highest degree of self-containment. The 2011 census data also confirms that 43.8% of residents who live in Sandford either work from home or travel less than five kilometres to their workplace, and that 40.6% of employed Sandford residents travel a distance of between 5 and 20 km to their workplace. The average travel to work distance for Sandford is 16 km, which compares with the national average of 15 km. It is also less than the average travel to work distance for the North Somerset Unitary Area, which is 18 km.
52. There is a significant level of employment identified within Sandford. Thatcher's Cider Company makes a substantial contribution to this, employing some 156 people at Myrtle Farm, and a further 44 at the Railway Inn PH. St Monica's retirement community provides a total of 120 jobs, and the Mendip Snow Sports and Activity Centre a further 44. Other smaller employers include Sandford Primary School (26), Sandford Local Store (6), Humphry Motor Company (8) and GAB Garden Machinery (5).
53. I acknowledge that some of these jobs will be part time, and that there are likely to be limited opportunities for managerial and professional employment within Sandford itself. However, the Census data shows that within the wider area there are some 10,000 jobs within a 35 minute bus journey of Sandford. This includes most of Weston-super-Mare.
54. It is an obvious point that existing jobs in Sandford and the locality would not be available immediately to new residents of the development. The development itself will not directly provide any additional jobs, beyond those

involved in construction, and indirectly through an uplift in spending in local businesses in the longer term. Nevertheless it is relevant to take into account the significant local employment base, and that some of those jobs would become available over time to local people, providing opportunities for employment within easy reach of Sandford.

55. It is accepted that most people are likely to continue to use cars for journeys to work, and for those whose workplace destinations include the concentrations of employment in an around Bristol, including new residents, this is likely to remain the preferred option. However, I consider that the bus services in Sandford are of sufficient quality and frequency to offer a realistic non-car alternative to a substantial number of jobs within reasonable travel time.
56. The timetables for early morning and evening offer a number of opportunities for journeys to work by bus which would accommodate normal daytime working hours. The bus timetables advise that the journey time to and from Weston-super-Mare at these times is between 29 and 36 minutes.

Social/community facilities

57. The Council's evidence is that there are very few community services and facilities in Sandford, limited to primary and pre-school, Church, Village Hall, Scout Hut, small shop and public house. It was stated that these would not meet the needs of future residents and that 'a community spirit is less likely to be created due to the need to travel to access the vast majority of services and facilities.' On this basis the village is scored Amber against the 'Active, Inclusive and Safe' criterion in the sustainability wheel, and Amber minus against the 'Fair for everyone' criterion.
58. The Appellants consider that these scores are inconsistent with the Council's own evidence of the number of community groups operating in the village set out on Page 209 - 211 of Appendix GG to Miss Harper's evidence. These include: three meeting places (Village Hall, Heritage Centre, Methodist Church and All Saints coffee mornings); WI meetings, Gardening Club, weight watchers, yoga, keep fit, Pilates; a prayer group, village lunches, women's fellowship group; Friendly Hand (over 55s), and Sandford Helpline. A community choir has been set up at the retirement village, though I was informed at the Inquiry that this is mostly for residents and their families. A number of other activities were listed in the Council's assessment, though a resident questioned whether these were operational at the present time.
59. To my mind this aspect of the Council's sustainability assessment underplays the importance of the considerable extent and vitality of existing community based activity in Sandford. There is no reason why new residents should not contribute to the strength of these groups and possibly add new ones. The church, the village hall, and the primary school all have potential to foster a sense of community involvement, as does the nearby secondary school and leisure centre, even if they are located in the next village. I do not consider that the Council has deliberately sought to distort the assessment results to bolster a pre-determined settlement hierarchy. It is reasonable to expect that larger settlements would have an even more diverse range of activity supporting a higher ranking relative to smaller settlements. But such rankings always involve judgement, and in my view Sandford has a reasonable range of voluntary and other community activity which helps to foster a sense of community, and to which new residents could contribute.

Conclusion on Sustainability

60. In assessing the sustainability of Sandford as a location for development, the Council focuses on services and facilities available within the village. However, in the context of this appeal, and in the absence of a five year supply of housing land, I consider it is reasonable to take into account provision in neighbouring villages, particularly Winscombe and Churchill.
61. Sandford itself is clearly not without provision, as the Council's work acknowledges. Most categories achieve an amber score in the sustainability wheel. The primary school itself is clearly a strong asset. With regard to secondary education and leisure provision, the distances from Sandford to Churchill Academy are considerably less than from a number of villages categorised as service villages in the NSCS. While I accept it is unlikely that parents would allow children from Sandford to walk or cycle to school, pupils attending the Academy are eligible for free transport, at least up to the age of 16.
62. With the exception of Churchill Academy, I acknowledge that Sandford residents would have to travel further for higher level services, such as a hospital or large superstore. However this applies to many rural settlements in this part of North Somerset, regardless of their position in the settlement hierarchy. There is provision for top-up shopping in Sandford, and a greater range of retail services is accessible by bus at Winscombe. Trips to larger superstores are likely to involve car travel, but this is typical even in higher level settlements. Such trips are relatively infrequent, and may be combined with trips for other purposes.
63. The bus services available to Sandford residents provide a good level of service for a rural area, notwithstanding the reduced Sunday service and lack of services later in the evening. In my opinion they offer a realistic alternative to car use to access services in neighbouring villages, including Post Office, GP Surgery, Dental Surgery, Pharmacy, Opticians, Library, and Bank. They also provide a good level of service to Weston-super-Mare, the major centre in North Somerset. For people who do not have access to a car or cannot use buses there is a voluntary scheme to provide lifts to hospital, and other community transport schemes for recreational purposes. I understand from residents that these services are stretched and need volunteers, but it is reasonable to expect that some new residents of the development would help with the provision of voluntary services, rather than simply representing increased demand for hard pressed voluntary services.
64. I accept that most residents of the proposed development would be likely to work outside of Sandford, although a proportion will work from home and some are likely to be retired or otherwise not economically active. Nevertheless there is a significant employment base in Sandford itself. Whilst car travel is likely to remain the favoured option for those working outside the village, particularly if travel to Bristol is involved, the bus services offer a non-car option for a substantial number of jobs in the wider area of North Somerset, including Weston-super-Mare.
65. The Framework advises that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the government recognises that different policies and measures will be required in different communities and opportunities to

maximise sustainable transport solutions will vary from urban to rural areas. Plans and decisions should take account of whether the opportunities for sustainable travel have been taken up, depending on the nature and location of the site, to reduce the need for major transport infrastructure. In my judgement, the appeal scheme allows for opportunities for sustainable transport modes to be taken up. In Sandford this is primarily the existing bus service, though there are facilities within Sandford which are easily accessible by walking, and it would also be possible for more confident and experienced cyclists to travel to nearby settlements for work and other purposes.

66. This appeal cannot prejudice the outcome of the remitted policies examination. From information provided to the Inquiry it appears that the examination Inspector is not currently considering altering the settlement hierarchy itself, but is concerned with providing flexibility to allow sites to be brought forward to ensure housing delivery. In any event, the hierarchy is unlikely to be altered to permit sites of this scale to be brought forward adjacent to identified infill villages.
67. Nevertheless, for the reasons given, and in the context of the Council's inability to demonstrate a five-year supply of housing, I consider that the appeal site demonstrates a reasonable degree of sustainability, for the reasons set out above, and that this should weigh in the balance in the determination of the appeal.

Other matters

Access and Highway Safety

68. The Framework advises that decisions should take account of whether safe and suitable access to the site can be achieved for all people.
69. To achieve access the developer proposes a priority T-junction arrangement at Greenhill Road immediately west of Sandford Primary School. The construction of the access would require the demolition of the existing dwelling at 45 Greenhill Road. The scheme includes the relocation of the bus stops on Greenhill Road located outside the primary school to allow for the provision of a new signal controlled pedestrian crossing. A further feature will be the provision of a number of car parking spaces off the A368 with a direct pedestrian link to the school site to allow children to be dropped off safely.
70. Many residents are concerned that the creation of a new priority junction adjacent to the Primary School entrance serving 118 dwellings will inevitably lead to a significant volume of vehicle flow at the junction, especially at peak times. They consider this will disrupt the current continuous pavement along the north side of Greenhill Road, and can only impair the safety of children as well as reducing ease of access to the school for children and their guardians.
71. At the Inquiry a video was presented showing heavy traffic past the proposed site entrance on a school day afternoon, and a degree of congestion that was reported by residents to be typical at school drop-off and collection times. The flow of traffic was hindered by cars parked on Greenhill Road to the west of the access point, in the vicinity of the village hall and the shop. This restricts the width available and requires traffic from both directions to allow on-coming traffic to pass, causing a build-up of traffic, particularly eastbound vehicles. I witnessed similar conditions at the site visit between 0800 and 0900 on

Tuesday 6 September 2016, a school day. Traffic remained reasonably free flowing until approximately 0820, after which congestion persisted until approximately 0900.

72. The planning application was accompanied by a detailed Transport Assessment, including the provision of a travel plan, a Stage 1 Road Safety Audit (RSA) and a non-motorised user (NMU) audit. The Council's highways consultee confirmed that there were no highway objections, subject to conditions and a S106 agreement to address sustainable travel and the provision of a travel plan. The consultation response confirmed the consultee's view that: a safe and suitable means of access could be provided onto Greenhill Road; within the village there is good accessibility on foot to a range of facilities and in addition the applicant has agreed to enter into an agreement to improve the local walking routes; and that the cumulative impact of the proposal is unlikely to be severe.
73. Based on trip rates agreed with the highway authority, the transport assessment forecasts that the appeal scheme will generate 61 two-way vehicle trips in the AM peak period and 65 two-way vehicle trips in the PM peak period. It is apparent that levels of congestion in these peak periods were already high and the introduction of an additional junction would obviously have potential to add to this. However the additional peak period trips represent an average of less than one per minute through the peak periods. While I acknowledge that these are unlikely to be evenly spread and bunching may occur at times, it would only be for relatively short periods. I do not consider that this number of additional trips would add significantly to delays and congestion currently experienced.
74. Many residents also referred to the bottleneck in Banwell on the way to Weston-super-Mare, which can add significantly to journey times for public and private transport. However, as only a proportion of the traffic from the development would head in this direction the additional effects attributable to the development are unlikely to be significant. Mr Ball, a resident, drew attention to the number of vehicles using Nye Road and Sandmead Road to avoid congestion on Greenhill Road at peak times, or as a rat run to the A370 and M5. He recorded an average of 196 vehicles past his house between 0800 and 0915 and 149 vehicles between 1500 and 1615 (daily average over 5 day period). I accept there is an existing problem. However given the predicted peak hour flows generated by the development, and the fact that only a proportion of traffic from the development would be likely to use this route, I do not consider that current conditions in Nye Road/Sandmead Road would be made significantly worse as a result of the proposed development.
75. As regards the safety of road users, pedestrians and others, traffic through Sandford is limited to 30 mph. During school hours, the limit is reduced to an advisory 20 mph for approximately 250 metres either side of the Primary School. In my judgment the proximity of the school entrance is likely to engender additional caution amongst drivers, even if congestion is a source of frustration. With regard to the safety of children, the provision of a signal controlled junction would be of significant benefit to those living on the south side of Greenhill Road to the east of the school, and those arriving by bus from the direction of Churchill. To my mind however, this must be set against the loss of a continuous footpath along the north side to accommodate the new access.

76. Residents also say that relocation of the bus stops and the loss of the laybys will add further to congestion as buses will be required to use 'cage stops' in the carriageway. That may be so, but as traffic behind the buses would have no realistic option but to stop, I do not consider that it would compromise the safety of bus users, pedestrians or other road users. The occupiers of 53 Greenhill Road were particularly concerned that there is insufficient pavement space outside their home to accommodate people waiting for the bus and pedestrians moving along the pavement. The access plan is labelled 'final position to be agreed with highway and public transport officers'. I acknowledge that careful consideration would need to be given to the precise location of the east bound bus stop to ensure adequate pavement width.
77. The provision of car parking for the school within the site may reduce the propensity to park on the A368 with benefits for congestion, but it is not a certain outcome as drivers in a hurry may still choose to stop at the roadside while children get out of the car, and others may be deterred from using the parking provided by the need to rejoin the main road and potentially incur additional delay. There is no proposal to impose further restrictions on parking in Greenhill Road, so it must be expected that some peak hour congestion will continue to occur. However, this is not unusual where school entrances are sited on a busy road.
78. The safety of children is a matter of the highest concern for communities. In considering the application the Council's officers took the view that a refusal on highway grounds could not be sustained at appeal. Notwithstanding the additional complexity that the junction will introduce I accept the view of the professional advisers that the junction and access arrangements can operate safely. However I do not consider that the combined effect of the access and the mitigation measures proposed can be regarded as a significant benefit weighing in favour of the grant of permission. These measures are necessary to make the development acceptable.

Character and setting of Sandford

79. The appeal site is currently open, undeveloped agricultural land which lies to the north of frontage development along Greenhill Road, and would also adjoin existing development off Sandmead Road.
80. The outlook from the rear of these properties would change from open fields to housing development. I saw on the site visit that a number of properties currently have attractive and much valued open views over the countryside.
81. In addition to loss of outlook, the occupier of 43 Greenhill Road, adjacent to the proposed access, would be affected to some degree by additional noise and disturbance. I acknowledge that this would be very unwelcome. However there would be a landscaped strip between the boundary fence and the access road which offers some scope for visual mitigation, and the additional traffic movements from 118 dwellings are unlikely to generate significant noise and disturbance in the context of existing use of Greenhill Road. I accept there would be some harm to living conditions and this is a matter to be weighed in the overall planning balance.
82. While I fully understand that residents would prefer to retain their open outlook, the planning system does not operate to protect private outlooks. The application is in outline. Any detailed application would be required to ensure

that separation distances were maintained to protect the living conditions of existing residents, and avoid any undue loss of privacy or disturbance. Harm to living conditions was not identified in the putative refusal reason and did not form part of the Council's case at Inquiry. I conclude that the development could be designed to secure acceptable living conditions for neighbouring residents.

83. While there would be glimpsed views between existing dwellings on the frontage, the construction of housing on the land would not be particularly prominent from the A368 owing to the presence of existing development. For the same reason I do not consider it would have a significant effect on the setting of the Mendip Hills Area of Outstanding Natural Beauty (AONB). While it would be possible to view the development from some parts of the AONB, for example the footpath along the edge of the woodland on Sandford Hill, it would be in the context of existing development, particularly that on rising ground to the south side of Greenhill Road, and I do not consider that it would involve significant material harm.
84. The site is crossed by well used footpaths, and it is clear that the rural ambience would change. I consider that there would be some harm to the character of the landscape and the enjoyment of users, though it is relevant that North Somerset cannot meet its housing requirement without the loss of some greenfield land that is currently in the countryside. The land is not within the AONB and there are no current landscape designations which would indicate a landscape of particular value. This limited harm is a matter to be weighed in the final balance against the benefits of the proposal.

Capacity of Sandford Primary School

85. The development will give rise to a need for additional places at Sandford Primary School, and the proposals make provision through a S106 obligation for a new playing field within the site area, to allow for the expansion of classroom capacity, together with financial contributions of £694,000 towards primary school provision, £153,000 for early years provision and £23,000 towards special educational needs. This is based on an assessment that a development of 118 homes constructed over 2 years will generate 15 early years pupils requiring pre-school places, a peak demand of 51 primary school pupils and one child with special educational needs.
86. A former school governor is concerned over the potential of noise and disruption to impact adversely on the education of children attending the school. I acknowledge that a poorly managed construction programme could disrupt teaching, pastoral care and the general well-being of existing children attending the school. However the school's current outstanding status is evidence of a high degree of managerial skill on the part of staff and governors, and it is reasonable to expect that an expansion programme would be managed so as to minimise disruption to pupils and staff.

Loss of good agricultural land

87. The site includes some 2.8 ha grade 3a agricultural land, classified as best and most versatile (BMV). The Framework advises planning authorities to take into account the economic and other benefits of BMV land and guide development to poorer quality land where significant development is demonstrated to be necessary. I note that the Council has proposed other sites for allocation in the

SAP which would also involve the loss of BMV land, in some cases significantly larger than that present at the appeal site. It is clear that the loss of some BMV land is likely to be inevitable if the Council is to achieve its planned housing delivery targets. In this context, I do not consider that the loss of 2.8 ha of BMV land would be significant, and while it is a factor weighing against the development, it does not attract significant weight.

Effect on wildlife

88. Residents refer to the abundance of wildlife seen in the area which would be displaced or at the very least disturbed if the development proceeds. The Appellants carried out an ecological appraisal to assess potential impacts of the development on wildlife. It identified a number of habitat types, of which two, the intact native species rich hedgerows with and without trees, qualify as priority habitats. There was evidence of badgers crossing the site in the form of paths, snuffle holes and latrines, and the hedgerows and trees within the site have the potential to support amphibians, bats, breeding birds, hazel dormice and reptiles. The appraisal concluded that provided the proposed development retains and protects the hedgerows and trees and illumination is carefully controlled there will be no significant ecological impacts and no requirement for further surveys or mitigation. The only recommendation is to secure the site at night to avoid harming or entrapping badgers and other mammals.
89. The site is located within the 5 km protection zone for the North Somerset and Mendip Bats Special Area of Conservation (SAC). A Habitats Regulation Assessment (HRA) has been sent to Natural England who are satisfied that the conclusion that the proposal would not result in a significant effect on the European site is reasonable.
90. On the basis of the information supplied with the application, the Council concluded that ecological matters were capable of being addressed through the attachment of appropriate conditions, and that there were no grounds for resisting an appeal on ecological grounds. While I understand the sensitivity of the issue for local residents, I have no reason to disagree with this conclusion.

Flood Risk

91. A number of residents were concerned that historic flooding of the site has not been acknowledged, including on the site itself and on Sandmead Road, nor the possibility of further flooding from extreme events in future. There were additional concerns about the capacity of the foul sewerage system to accept further development.
92. An engineering appraisal and flood risk assessment was submitted with the application, including a foul sewerage and utilities assessment.
93. The site currently lies within Flood Zone 1 and would remain so when climate change risk is taken into account. This is the lowest risk category where land has a less than 1 in 1000 annual probability of flooding from river or sea.
94. With regard to foul drainage there are currently two sewers crossing the site towards a pumping station adjacent to Sandmead Road. Both existing sewers will be diverted within the site to allow access to be maintained at all times. The foul water system will be designed to accommodate existing flows and those generated by the development. It will be for the developer and Wessex

Water to resolve any issues of capacity at the pumping station. This matter is capable of being addressed by the attachment of an appropriate condition.

95. The surface water drainage strategy is for the site to drain to a low point in the northern corner, where it would be stored in an attenuation pond and discharged to the watercourse along the north-eastern boundary of the site at the existing greenfield run-off rate. The pond would be designed to allow for storage of a 1:30 year rainfall event with additional dry capacity for a 1:100 year event which could then be used as open space.
96. The flood risk assessment acknowledges the localised risk of flooding in the ditch at the north-east corner of the site and in Sandmead Road. The provision of a sustainable urban drainage system, designed to ensure that flows from the site (and any consequent flooding problem) are not made worse, is a common feature of this type of proposal. In my view any flood risk issues arising from the development could be satisfactorily addressed by the attachment of an appropriate condition. The North Somerset Internal Drainage Board would be consulted on the strategy, and may seek improvements to Sandmead Rhyne.

Section 106 Obligation

97. A draft S106 obligation was considered at the Inquiry. The signed and executed document subsequently submitted differed from the draft. Due to a bereavement it had not been possible to obtain the signatures of all parties to the document within time allowed for submission. Consequently, that part of the land for which it was not been possible to obtain a signature is not bound by the planning obligation. An additional covenant has, however, been inserted to prevent implementation of the permission until the freehold owner of the unregistered land has entered into a further planning obligation under which that land will be bound by the obligations. This is intended to ensure that the whole site will be bound by the planning obligation before implementation takes place.
98. The obligation would secure the following elements:
- Provision of 30% of the dwellings as affordable housing, of which a minimum of 82% would be social rented units and the remainder shared ownership
 - On site open space of at least 600 m² and with 6 pieces of play equipment and a junior sports pitch.
 - An early years contribution of £153,000 as a contribution towards early years provision at Sandford Primary School.
 - A Primary Education Contribution of £694,000 as a contribution towards the extension of Sandford Primary School.
 - An SEN contribution of £23,000 towards the provision of specialist support equipment for children with special educational needs.
 - A Libraries Contribution of £36,207 as a contribution to the stock and resources at Winscombe Public Library.
 - A Public Rights of Way Contribution of £2,151 towards the cost of converting seven stiles to pedestrian gates and improvements to two footbridges.

- A Sustainable Transport Contribution of £14,160 towards the provision of Travel Information Packs for each dwelling, 'taster tickets' for public transport and other sustainable travel initiatives.
99. The Council provided a statement of justification for the obligations sought, confirming that they were compliant with the CIL Regulations 2010. In my judgement they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.
100. The land excluded from the executed S106 agreement is the dwelling at No 45 Greenhill Road, which is needed to provide the access. There is an option in favour of Mr Thatcher to purchase the dwelling if planning permission is granted. I understand the sensitivity of the situation, but in the circumstances, it seems reasonable to expect that an additional obligation will be signed which secures the undertakings over the whole of the site so as not to delay the implementation of the development.

Planning balance

101. Planning applications and appeals must be determined in accordance with the development plan, unless material considerations indicated otherwise. The Framework sets out the presumption in favour of sustainable development. Where the development plan is absent, silent or relevant policies are out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.
102. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
103. I have concluded above that North Somerset cannot demonstrate such a five year supply. I acknowledge that it faces difficult issues in doing so, and has been proactive in promoting a five-year supply. Nevertheless, in accordance with the Framework advice the key NSCS policy CS 33 must be considered out of date. I accept that the examination into the remitted policies is at an advanced stage, with the Council arguing forcefully that the settlement hierarchy is unlikely to change. However in advance of the publication of the Inspector's report and the adoption of the proposed modifications, that cannot be assumed, and limited weight only should be accorded to the conflict with the settlement hierarchy and the settlement boundary for Sandford. It is therefore necessary to consider the planning balance in accordance with paragraph 14 of the Framework, and whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits.
104. The Framework identifies the three dimensions to sustainable development: an economic role, a social role and an environmental role.
105. As regards the social role, the prospect of early delivery of 118 dwellings with 30% as affordable housing is a substantial benefit, in line with the Framework objective of boosting significantly the supply of housing. There are no other current proposals which would deliver affordable housing in

Sandford. While the local planning authority and residents of Sandford consider that there are more sustainable settlements where such development should be provided, I consider that Sandford has a reasonable degree of sustainability when public transport accessibility to neighbouring settlements and Weston-super-Mare is taken into account. In addition, the provision of a playing field would attract limited weight in favour of granting permission.

106. With regard to the environmental dimension, the Council did not identify any other significant adverse impacts arising from the development. I have given very serious consideration to the concerns of residents, particularly the traffic and transport impacts. While I accept that the location of the proposed access adjacent to Sandford Primary School is a matter of legitimate community concern, I do not consider that the predicted level of usage during peak periods would add significantly to current levels of congestion or pose a risk to the safety of children and others. It is clear from my site visit that great care is needed and exercised when children are brought to school at present, and that would not change as a result of the proposed development.
107. While it is possible that the provision of parking and a signalised crossing crossing may provide some safety improvement, that must be balanced against the loss of a continuous footway on the north side of Greenhill Road. In my view they are unlikely to lead to a significant improvement over the existing situation in the context of the additional complexity introduced by the junction.
108. With regard to impact on the countryside and landscape, I accept there would be some harm from the change to built development. However, as the housing requirements for North Somerset will inevitably involve some loss of greenfield land, and the appeal site has no special landscape designation, I attach limited weight to the harm. Similarly, while I understand the strong feelings about impact on living conditions and loss of outlook, I conclude that the detailed design of the scheme through the consideration of reserved matters would ensure the preservation of acceptable living conditions for neighbours.
109. With regard to the effect on wildlife, Natural England is satisfied that the proposal would not have a significant adverse effect on the SAC. The hedgerows and trees within the site identified as being of particular significance for wildlife can be protected through the attachment of an appropriate condition. There are no flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions, including the upgrading of the pumping station if necessary. I attach limited weight to the loss of a relatively small area of BMV land.
110. I consider that that the development would make a limited positive contribution to the economic dimension of sustainability. While jobs would be limited essentially to the construction period, there would be a requirement for on-going maintenance, and some uplift in spending on local services which would support jobs and possibly create additional ones. Nevertheless the development would have reasonable access to employment opportunities including by the use of public transport.

111. I have also taken into account mitigation measures to be provided through the S106 agreement, in respect of educational contributions and sustainable transport. However as these are made necessary by the development they should be considered to have a neutral effect in weighing up the overall balance.
112. My overall conclusion is that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits, and that planning permission should be granted. Accordingly the appeal is allowed.

Conditions

113. An agreed list of draft conditions in the event of the appeal being allowed was discussed at the Inquiry. Where necessary I have made minor amendments including the removal of discretionary clauses in the interests of precision and clarity.
114. Condition 1 requires the submission of a masterplan and is necessary to establish the main principles of layout and design to inform the submission of reserved matters applications. Condition 2 requires the submission of reserved matters as the appeal application was in outline except for access. Condition 3 requires the submission of reserved matters within 12 months. The 12 month period was agreed and is reasonable as the development is intended to make an early contribution to housing delivery. For the same reason, the time limit for commencement (Condition 4) is set at 2 years from the approval of the last of the reserved matters, or 3 years from the date of the permission, again by agreement. Condition 5 is necessary to ensure that the submission of reserved matters accords with the masterplan. Condition 6 specifies the application plans, and requires that the development is carried out in accordance with them, in the interests of certainty and proper planning.
115. Conditions 7 and 8 requires the access to be constructed in accordance with the approved plan, and condition 9 requires the provision of parking spaces, both in the interests of highway safety. Condition 10 specifies an agreed programme of highway works to be undertaken in the interests of highway safety and to make the development acceptable. All the specified works would be within the limits of highway land, and are considered acceptable by the highway authority.
116. Conditions 11 – 16 inclusive address landscaping, trees and hedges and are necessary to secure a satisfactory appearance to the development. Conditions 17 – 22 address ecological matters and are necessary to protect and where possible enhance wildlife and habitats.
117. Conditions 23 - 25 inclusive address foul and surface water drainage and are necessary to avoid risks of pollution and flooding. Conditions 26 and 27 are concerned with materials and design, and are needed to ensure a satisfactory appearance and that the development respects the existing character of the settlement. Condition 28 requires the submission and approval of a construction traffic management plan to protect the amenity of residents and of the primary school, and the safety of road users, pedestrians and others. Condition 29 requires measures to generate 15% of the energy requirements of the development on site to reduce carbon emissions and address climate change. Condition 30 requires the provision

and retention of waste facilities in the interests of sustainable waste management. Condition 31 limits the number of dwellings to 118, to ensure the development reflects the character of the existing settlement.

David Richards

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Tim Leader (of Counsel)	Instructed by North Somerset Council
He called Michael Reep BSc (Hons), Dip TP, MRTPI	Planning Policy Manager
Jessica Harper Master of Sustainable Development Advocacy	Sustainability Co-ordinator
Andrew Stevenson Natalie Richards	Principal Planning Officer, Strategic Development Research and Monitoring Supervisor

FOR THE APPELLANT

Christopher Boyle QC	Instructed by Pegasus Group
He called Neil Tiley ARTPI Anthony Jones BSc (Hons), CIHT Daniel Weaver BA (Hons), MA, MRTPI	Principal Planner, Pegasus Group Associate, Transport Planning Associates
James Cook	Director, Pegasus Group
	Foot Anstey (S106 Session only)

INTERESTED PERSONS:

Martin Miller	Resident of Sandford
Wendy Bentley	Resident of Sandford
Carol Stephens	Resident of Sandford
Shirley Hobson	Resident of Sandford
Dixon Cowley	Resident of Sandford
Margaret Ballard	Resident of Sandford
Penelope Bond	Resident of Sandford
Sue Gibbs	Resident of Sandford
Jenny Nicholas	Resident of Sandford
Wendy Beacham	Resident of Sandford
Ann Hutchings	Resident of Sandford
Sue Ball	Resident of Sandford
Emma Sage	Resident of Sandford
Ian Pope	Resident of Sandford
Keith Ball	Resident and Volunteer Driver
Jenny Barley	Resident of Sandford
Kathryn Stevens	Resident of Sandford
Joe Sage	Resident of Sandford and pupil at Churchill Academy
Cameron Weeks	Resident of Sandford and pupil at Churchill

	Academy
Rachel Thornton	Resident of Sandford
Stuart Warren	Resident of Sandford
James Rutherford	Former resident of Sandford, wishes to move back
Martha McBroom	Resident
John Thatcher	Resident and joint Appellant
Cresten Boase	Resident of Sandford
Dr Paul Watkins	Resident of Sandford
Sue Gibbs	Resident of Sandford
Bob Stevens	Resident of Sandford
Sophie Andrews	Resident of Sandford
Sarah Miller	Resident of Sandford
Tom Pope	Resident of Sandford

DOCUMENTS

- 1 Judgement in Wychavon DC v SSCLG [2016] EWHC 592 (Admin)
- 2 Judgement in Dartford BC v SSCLG [2014] EWHC 2636 (Admin)
- 3 Pegasus Document: Employers and Employee Numbers in Sandford
- 4 NSC Document: Employment statistics agreed/disputed
- 5 NSC Document: Reviewing the sustainability and settlement hierarchy of settlements in North Somerset Revised July 2016 (NSC Appendix GG)
- 6 Toolkit for Sustainable Rural Communities
- 7 Facilities schedule for rural villages in North Somerset
- 8 NSC Housing and Economic Land Availability Assessment (HEELA) December 2014
- 9 NSC Site Allocations Plan Consultation Draft, March 2016
- 10 Site Allocations Plan: Sustainability Appraisal, March 2016
- 11 Plan SK/04 Pedestrian and Cycling Isochrones with Facilities and Amenities
- 12 SoCG on Transportation Issues July 2016
- 13 NSC Core Strategy Examination of remitted policies: Schedule of Main Modifications July 2016
- 14 E Mail chain between D Weaver and Examination Programme officer re Main Modifications
- 15 NSC Site appraisals for Appeal Site
- 16 NSC extract from Core Strategy Policy CS 16
- 17 Notes of 3 meetings between Mr Stevenson and Daniel Weaver
- 18 E-mail dated 04 August 2016 between Ian Gull and Jessica Harper: Employment at Sandford Retirement Village
- 19 Draft S106 Obligation
- 20 NSC justification for S106 Obligation Requests
- 21 List of draft conditions (without prejudice)
- 22 DVD Sandford Traffic put in by Cresten Boase
- 23 Summary Table of differences between Appellant and Council on April 2016 North Somerset Residential Land Availability Survey
- 24 Table showing differences in estimates of delivery for individual sites
- 25 Table of sites with 'identified potential'

- 26 Bundle of E-mails between Neil Tiley and others
- 27 Letter from Pete Stockall to Graham Quick dated 28 April 2016 re St. Modwen Developments

- 28 Statement of Martin Miller
- 29 Statement of Wendy Bentley
- 30 Statement of Carol Stevens
- 31 Statement of Dixon Cowley
- 32 Statement of Margaret Ballard
- 33 Statement of Bob Stevens
- 34 Statement of Sarah Miller
- 35 Statement of Penelope Bond
- 36 Statement of Sue Gibbs
- 37 Statement of Ann Hutchings
- 38 Statement of Sue Ball
- 39 Statement of Emma Sage
- 40 Statement of Ian Pope
- 41 Statement of Jenny Nicholas
- 42 Statement of Wendy Beacham
- 43 Statement of Keith Ball
- 44 Statement of Jenny Barley
- 45 Statement of Kathryn Stevens
- 46 Statement of Joe Sage and Cameron Weeks
- 47 Statement of Rachel Thornton
- 48 Statement of Stuart Warren
- 49 Statement of James Rutherford
- 50 Statement of Martha McBroom
- 51 Statement of John Thatcher
- 52 Statement of Cresten Boase
- 53 Statement of Dr Paul Watkins
- 54 Statement of Sophie Vincent
- 55 Statement of Tom Pope
- 56 Statement of Ruth Weeks
- 57 Statement of Andy Weeks
- 58 Statement of Dr Colin Bailey
- 59 Statement of D C Oakes
- 60 Statement of Anais Miller
- 61 Statement of Dr Mark Caddy
- 62 Statement of Diana Redfern

- 63 Closing statement of Mr Boyle
- 64 Closing statement by Mr Leader
- 65 Costs application

Schedule of Conditions:

- 1) Prior to the submission of any reserved matters, a development Master Plan to establish the main principles of the layout and design principles shall be submitted to, and approved in writing by, the local planning authority. The detailed development Master Plan and associated documents shall show:
 - The arrangement of plots and their buildings;
 - Street types and street materials;
 - The arrangements for car parking;
 - Density and mix;
 - Building heights and massing;
 - Boundary treatments;
 - Public open spaces;
 - Materials palette;
 - The format of the public realm, including routes and spaces;
 - Details of retained and proposed landscaping;
 - Ground levels
 - All watercourses with 6m maintenance buffers
- 2) Before any work is commenced, details of the design and external appearance of the buildings, the landscaping of the site, the layout, and the scale (hereinafter called the reserved matters shall be submitted to and approved in writing by the Local Planning Authority.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of 12 months from the date of this permission.
- 4) 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.
- 5) Submissions for the approval of the reserved matters associated with the development hereby approved shall accord with the details of the development Master Plan approved pursuant to Condition 1.
- 6) Except as may be required by other conditions attached to this permission, the development hereby permitted shall be carried out in broad compliance with the following supporting documents and approved plans:
 - Site location plan BRS.5631_01A
 - Site Layout Plan F@18/01-OUT Rev D
 - Proposed site access arrangements Figure 5.2
- 7) The means of access to the site shall be constructed in accordance with the approved Proposed Site Access Arrangement Plan Figure 5.2.
- 8) The development hereby permitted shall not be occupied until the visibility splays 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.

- 9) No dwelling shall be occupied until the relevant number of parking spaces for each respective dwelling, which shall be compliant with the North Somerset Parking Standards 2013, have been constructed in accordance with the approved plans.
- 10) Prior to the commencement of any development hereby permitted, a scheme for the proposed highway works in the vicinity of the site shall be submitted to, and approved in writing, by the local planning authority. The scheme shall include:
- Provision of a new signal controlled crossing outside Sandford Primary School
 - Tactile paving and dropped kerbs within the vicinity of the site at the following locations:
 - Greenhill Road on termination of the footway on its southern verge opposite the proposed site access junction;
 - Station Road on a break of the footway on its northern verge opposite Orchard Drive;
 - Greenhill Road on termination of the footway on its southern verge in the vicinity of Greenhill lane;
 - Churchill Green on termination of the footway on its western verge; and
 - Hill Road on termination of the footway on its eastern verge.
 - Implementation of dropped kerbs and tactile paving at points where the footway crosses the junctions of Helens Road, Somerville Road, Yew Tree Gardens, South Hill and Wimblestone Road; and
 - Provision of patch work repairs to the footway surfacing along Greenhill road within the vicinity of Sandford Village Stores and outside property 71 Greenhill Road.

These works shall be completed prior to the occupation of the first dwelling or in accordance with a timetable agreed by the local planning authority in writing as part of the scheme.

- 11) No development shall commence until a bird nesting and bat roosting strategy has been submitted to and approved in writing by the local planning authority. The submitted strategy shall include the specification and locations of bird nesting places and bat roosting places. The development shall thereafter be carried out in full accordance with the approved details.
- 12) No development shall commence until a full updated arboricultural report in accordance with British Standard BS5837: 2012 - Trees in Relation to design, demolition and construction has been submitted to, and approved in writing by the local planning authority. This shall include a tree protection plan and relevant method statements for retaining / cutting through hedgerows, and 'no dig' footpaths or roads within the root protection zones. The development shall thereafter be carried out in full accordance with the approved details. For the duration of the development works existing trees/hedgerows which are shown to be retained on the approved plans shall be protected by a suitable barrier erected and

- maintained at a distance from the trunk or hedge specified, in writing, by the local planning authority. The authority shall be informed at least seven days before works start on site so that barrier position can be established. Within the protection area there shall be no excavation, tipping or stacking, nor compaction of the ground by any means.
- 13) No development shall take place until a full landscape planting scheme has been submitted to and approved, in writing, by the local planning authority. This should include the retention of boundary habitats including hedgerows, tree lines, scrub, grassland and individual trees where possible, with buffers and open space to provide continuous green corridors. Landscaping of the site should predominantly employ native species of local provenance including berry and fruit-bearing trees, hedgerows and shrub species and nectar-rich flowering plants.
 - 14) All works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.
 - 15) Trees, hedges and plants in any development phase shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that development parcel, which are removed without prior written approval from the local planning authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the local planning authority.
 - 16) No trees or hedges shall be felled, lopped, topped or grubbed out until the last of the reserved matters is approved and any such trees or hedges which during that time are removed or die, or become severely damaged or seriously diseased shall be replaced with trees or hedging plants or such size and species and at such time as may be specified by the local planning authority.
 - 17) Prior to the commencement of development, a site wide lighting strategy/site lighting plan in lux, including temporary/construction and permanent lighting, shall be submitted to, and approved in writing by, the local planning authority. This shall illustrate the lighting levels in lux with details of light intensity and the hours of lighting operation, details of the type and location of the proposed lighting, and existing lux levels affecting the site the proposed lux levels, and lighting contour plans. These details shall include an assessment undertaken by a suitably qualified ecologist on the retained bat habitats/commuting routes on the site which shall be maintained at or below 0.5lux within the defined bat corridor width at ground level and upwards to two metres. This lighting scheme shall be implemented and adhered to during the construction and operational phases of the development.
 - 18) Before 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 to the site. It shall include a detailed working method statement to avoid/minimise impacts on protected and notable species and important habitats. A plan showing measures for habitat protection and retention shall be provided, including protection and retention of at least 5m buffer zones from hedgerows and 10m buffer zones from waterbodies. Once approved, the Construction Environmental Management Plan shall be adhered to at all times

- 19) Before the commencement of development, a Habitat Management Plan shall be submitted and approved in writing by the LPA. The Plan shall cover a ten year period and include measures for establishment, enhancement and management of habitats within the site, including planting schedules and details of ongoing management. This shall also include details of design and planting of waterbodies/SuDS within the site, location of bird nesting and bat roosting features and other measures to maximise biodiversity interest. This shall include a timetable for management activities as well as a monitoring schedule. The plan should also detail the measures for the protection and enhancement of biodiversity, including those specifically for the benefit of European Protected Species, within the site. The development shall be implemented and the site thereafter managed in accordance with the approved Habitat Management Plan.
- 20) A detailed hazel dormouse mitigation and monitoring plan shall be submitted to and agreed by the local planning authority before any works including site clearance commences. This shall including boundary fencing and hedgerow buffers as well as compensatory planting. The works shall then be implemented in strict accordance with the approved plan.
- 21) All works hereby approved shall proceed in strict accordance with *Section 5.0* of the following reports:
- *Badger Method Statement* (First Ecology, August 2015)
 - *Dormouse Report* (First Ecology, August 2015)
 - *Reptile Report* (First Ecology, June 2015)
 - *Hedgerow Report* (First Ecology, June 2015); and
 - *Section 6.0 of Bat Report* (First Ecology, September 2015).

If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the local planning authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

- 22) Prior to the commencement of development, a Landscape Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. This shall include a detailed landscaping scheme comprising 60-70% native locally appropriate species (as outlined in submitted ecological mitigation proposals) with the remainder of formal planting within green spaces to comprise species with recognised wildlife benefit (nectar, berries, seeds). The ecological management plan shall include objectives and management prescriptions to:
- i. maintain retained horseshoe bat commuting/foraging route hedgerows as tall (3m) and thick;

- ii. to maintain wildflower meadow botanical diversity;
- iii. to maximise foraging resources and provide favourable habitats for protected and section 41 species identified as using the site;
- iv. annual maintenance checks of wildlife features (e.g. bird and bat boxes and site interpretation).
- v. mitigation to be signed off on completion of construction and landscaping by ecological consultant and submitted to the LPA in writing.

The approved LEMP shall be fully implemented and adhered to over the operational phase of the development.

23) No development shall be commenced until sustainable surface water drainage details together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the local planning authority. The details shall include:

- i. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- ii. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- iii. Flood water exceedance routes, both on and off site;
- iv. A timetable for implementation; and
- v. A management and maintenance plan for the lifetime of the development which shall include the arrangements for, ownership and any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

24) No development shall be commenced until a detailed scheme of flood protection for the proposed development site, prepared in accordance with the results of the Flood Risk Assessment, has been submitted to and approved by the local planning authority. The scheme shall include specified minimum finished ground and floor levels, and full details of flood routing in the event that any on-site surface water storage provision is over-topped in an extreme rainfall event.

25) No development shall commence until a foul water drainage strategy has been submitted to, and approved in writing, by the local planning authority. The submitted details shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing. The drainage scheme shall

- thereafter be completed in accordance with the approved details and to a timetable agreed with the local planning authority.
- 26) No works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas and any other related infrastructure to be constructed either on or off site. These shall include, all brick, stone, colour of render, roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. The sample panels shall be submitted to and approved, in writing, by the local planning authority. Construction shall be only in accordance with the approved sample panel in terms of colour of brick, mortar mix, jointing and means of laying. The development shall be carried out in the approved materials unless otherwise agreed in writing by the Local Planning Authority.
- 27) The proposed dwellings shall not exceed a height equivalent to two stories, with any proposed second floor accommodation located predominantly within the roof space.
- 28) No development shall take place until a Construction Traffic Management Plan to include hours of work, noise assessment of plant, equipment and machinery, traffic routing, measures to avoid delivery and collection of machinery, equipment and materials during highway network peak hours (08:00-09:00 hours and 17:00-18:00 hours) and, in term time, during school drop off and collection times, measures to avoid soil or other contamination to local roadways, location of any site compound, and details of any lighting to be used during the construction phase only has been submitted to, and approved in writing, by the Local Planning Authority. The construction phase of the development shall thereafter be undertaken in accordance with the approved details.
- 29) The dwellings hereby approved shall not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the local planning authority. Thereafter, the approved technologies shall be permanently retained.
- 30) The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.
- 31) No more than 118 dwellings shall be erected on the application site.