

Town and Country Planning Act 1990

Summary Proof of Evidence

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Oneleven Property Ltd

On behalf of Mead Realisations Ltd

**Land at Lynchmead Farm, Ebdon Road,
Weston-super-Mare**

PINS Ref: APP/D0121/W/22/3313624

LPA Ref: 20/P/1579/OUT

Our Ref: PR.41

Date

25th April 2023

1 INTRODUCTION

- 1.1 I am Ian Jewson, a Chartered Town Planner and Member of the Royal Town Planning Institute (RTPI). I hold an Honours Degree and Diploma in Town and Country Planning.
- 1.2 Having practiced as a Town Planner since 1997, I formed Ian Jewson Planning Ltd (IJP) in September 2009 which was subsequently acquired by Walsingham Planning in March 2016. I was a Director at Walsingham Planning, and ran the Bristol office, until December 2021. I am now a Director of Oneleven Property Ltd providing planning advice throughout the United Kingdom on planning matters, specialising in the field of residential and commercial development.
- 1.3 I have a wide range of experience as a private planning practitioner working both as a consultant to the development industry and as part of plc and private development companies. I am familiar with and have extensive knowledge of North Somerset having been involved with numerous applications in the area and participated in various local plan consultations and examinations. I have also taken part in agents meetings organised by North Somerset Council (the Council) including a peer review of North Somerset Council's planning service which was overseen by the Planning Advisory Service.
- 1.4 I have been involved in the appeal proposal since the outset and am familiar with the site and surrounding area.
- 1.5 The evidence which I have prepared and provide for this appeal reference APP/D0121/W/22/3313624 is true and has been prepared and is given in accordance with the guidance of my professional institute and I confirm that the opinions expressed are my true and professional opinions.

2 SCOPE OF EVIDENCE

- 2.1 I am instructed to provide evidence in relation to this appeal made under s.78 of the Town and Country Planning Act 1990 by Mead Realisations Ltd (The Appellant) against the refusal of planning permission by North Somerset Council (The Council) to determine planning application ref: 20/P/1579/OUT (The Appeal Proposal) for the reasons set out in the decision notice dated 8th July 2022.
- 2.2 My evidence considers the planning context and background to the appeal, the planning merits of the Appeal Proposal, relevant planning policy and the overall planning balance. My evidence also deals with the application of the exception test following the sequential test evidence provided by Mr Henderson.

3 SITE AND SURROUNDING AREA

The Site

- 3.1 The appeal site comprises approximately 4.9 hectares of undeveloped land to the North-East of Weston-super-Mare, in an area known as Ebdon. The site was most recently in agricultural use as part of the Mead family's wider land ownership. A site location plan and context plan are provided at **Appendix 1**.

4 THE APPEAL PROPOSAL

- 4.1 The appeal proposal seeks outline planning permission for residential development comprising up to 75 dwellings and associated infrastructure. All matters are reserved for future consideration except for access, details of which form part of the appeal application.
- 4.2 The Illustrative Masterplan includes area of green space, proposed planting, enhanced boundaries, and potential areas for SuDs.

Illustrative Layout Revisions

- 4.3 As part of the process of agreeing common ground with the LPA a further lighting assessment was submitted to the Council on the 22nd March 2023 (**CD8.2**). An amended illustrative layout and amended house types were provided at Appendices F and G of the lighting assessment. During the process of preparing the s106 a further change to the illustrative layout was made to demonstrate that the proposed development could be delivered without the inclusion of the third-party land. An amended site location plan and coloured version of the further revised layout are provided as **CD8.27 and CD8.28**. In both cases the changes were of a minor nature and do not alter the description or character of the appeal proposal.

5 RELEVANT PLANNING POLICY AND GUIDANCE

National Planning Policy and Guidance

National Planning Policy Framework (NPPF July 2021)

- 5.1 The Appeal Proposal was submitted under the February 2019 version of the Framework. However, this has been replaced by the 2021 version which is now relevant to this appeal.

National Planning Practice Guidance (NPPG)

- 5.5 The NPPG website went live on 6th March 2014 and is of significant weight and applies to the appeal application.

Development Plan

- 5.6 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. For the purposes of this appeal the Development Plan comprises:

- North Somerset Council Core Strategy (Re adopted January 2017)
- Site and Policies Plan Part 1: Development Management Policies (Adopted July 2016)
- Site and Policies Plan Part 2: Site Allocations Plan (Adopted April 2018)

Emerging Plans

North Somerset Local Plan 2038

- 5.7 The Council is now preparing a new Local Plan which will include strategic and non-strategic policies. The emerging Local Plan (2038) is only at the Preferred Options (Regulation 18) stage it therefore carries at best, no more than very limited weight.

Development and Flood Risk Issues Advice Note 2019

- 5.8 North Somerset Council published a 'Development Management Advice Note' in November 2019 about development and flood risk issues. This articulates government guidance post-dating the 2017 Core Strategy. I deal with the Advice Note in detail at Section 8 of my evidence.

6 HOUSING NEED

- 6.1 As set out in the SOCG (March 2023) it is agreed that for the purpose of this appeal the Council is unable to demonstrate a five-year housing land supply (5YHLS). This is based on the tested position set out in the Farleigh Farm, Backwell appeal (**CD9.1**) of 22nd June 2022 (Appeal ref APP/D0121/W/21/3285624) standing at 3.5 years.
- 6.2 There is an acute need for affordable housing in North Somerset.
- 6.3 Given the Council's past poor performance towards meeting its identified housing needs across the authority area, I consider that very significant weight should be afforded to the delivery of affordable housing through the appeal scheme in the planning balance.

7 SUSTAINABLE DEVELOPMENT

- 7.1 The Appeal Site lies in a highly sustainable location adjacent to the settlement boundary of Weston- super-Mare which has good access to a wide range of local facilities, employment opportunities, retail uses and public transport routes.
- 7.2 The proposed development contributes positively towards the three roles of sustainable development.

8 THE APPROACH TO THE SEQUENTIAL TEST AND THE EXCEPTION TEST

The Sequential Test

8.1 The approach to the sequential test and exceptions test is set out in national planning policy and guidance and the adopted Core Strategy. The Council also prepared an advice note in 2019. I deal with each of these below.

8.2 Mr Henderson's comprehensive evidence, which has considered an extensive number of sites across the whole of North Somerset, concludes that none are sequentially preferable. Overall, I consider it reasonable to conclude that the sequential test is passed. On this basis it is appropriate to consider the exception test.

The Exception Test

8.3 Planning Policy Guidance sets out that, notwithstanding the outcome of the Sequential Test, 'more vulnerable' developments proposed within Flood Zone 3a should be the subject of the Exception Test.

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk

8.4 The proposed development will deliver a considerable amount of wider sustainability benefits to the community. As such, Criterion a) of the Exception Test is satisfied.

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

8.5 The evidence of Mr Bosanko explains how the development satisfies part b) of the exception test. This includes measures to mitigate any 'residual' flood risks, so that the proposed development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere.

9 THE COUNCIL'S REASONS FOR REFUSAL AND MATTERS RAISED BY THIRD PARTIES

Reason for Refusal 1

- 9.1 Mr Henderson's evidence explains that the Sequential Test analysis has been prepared in line with national and local policy and guidance. The analysis, which consider an extensive number of sites across the whole of North Somerset, demonstrates that there are no sequentially preferable sites for the proposed development.
- 9.2 Mr Henderson's evidence must be considered in the context of the very significant need for housing.

Reason for Refusal 2

- 9.3 The development would provide substantial wider sustainability benefits to the community. Mr Bosanko's evidence in relation to flood risk explains that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. As a result, I consider it reasonable to conclude that the exception test is passed.

Reason for Refusal 3

- 9.4 Since the appeal was submitted, the Council has now agreed that the issues raised in the third reason for refusal can be addressed through the use of a condition.

Third Party Comments

- 9.5 The evidence I have provided as well as the evidence of Mr Bosanko, Dr Cowley and Mr Henderson explains that there are no reasonable grounds to refuse planning permission. The matters raised by third parties do not prevent planning permission from being granted.

10 THE OVERALL PLANNING BALANCE

10.1 The Appeal Proposal constitutes sustainable development and whilst they should not be treated as a check list the three roles set out at paragraph 8 of the Framework are addressed.

Positive Effects

10.2 In the context of the appeal the delivery of new market housing should be given **very significant weight**.

10.3 The delivery of new affordable housing should also be given **very significant weight**.

10.4 The economic benefits of the Appeal Proposal during construction should be given **significant weight**.

10.5 The economic benefits of the Appeal Proposal as a result of increased spending from new residents should be given **significant weight**.

10.6 The Appeal Proposal includes biodiversity enhancements which will make a positive, permanent contribution to local biodiversity. These include the provision of significant areas of green infrastructure and open space which incorporate specific bat mitigation areas. I consider these factors should also be given **significant weight**.

Negative Effects

10.7 The evidence provided by Dr Cowley confirms that there would be no likely significant effect on the North Somerset and Mendip Bats SAC. There is no conflict with Policy CS4 or DM8.

10.8 Mr Henderson's evidence explains that there are no sequentially preferable sites to the appeal site. Overall, Mr Bosanko's evidence concludes that there are no reasons to refuse planning permission due to flood risk and surface water drainage matters.

The Presumption in Favour of Sustainable Development

10.9 Paragraph 11 of the Framework is clear that plans and decisions should apply a presumption in favour of sustainable development. As the Core Strategy is more than 5 years old, I consider it appropriate to assess the appeal proposal against paragraph 11d.

- 10.10 With reference to Paragraph 11d and footnote 8 of the Framework, policies for determining the Appeal Proposal are out-of-date.
- 10.11 There are no clear reason for refusing the development proposals based on the application of policies in the Framework that protect areas or assets of particular importance. For the purpose of this appeal the tilted balance is engaged.
- 10.12 There are no adverse impacts of granting planning permission which significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In fact, the benefits significantly outweigh any harm. As such planning permission should be granted.
- 10.13 Even if the tilted balance was not engaged, which it is, I consider that the economic, social and environmental benefits of the appeal proposal, represent very significant material considerations which justifies planning permission being granted.

11 CONCLUSION

- 11.1 The Inspector is respectfully requested to allow this appeal and grant planning permission for the proposed development, subject to necessary conditions and the completion of the accompanying s106 legal agreement.