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Our Ref: PR.274

Date: 26/07/2021

Mr N. Underhay Principal Planning Officer Development and Environment North Somerset Council Post Point 15 Town Hall Weston-Super-Mare BS23 IUI

Dear Neil,

Land at Lynchmead Farm, Weston-super-Mare (LPA Ref: 20/P/1579/OUT): Sequential Test Addendum

On behalf of our client, Mead Realisations Ltd, I write further to the submission of the above application, which was validated on the 9th of July 2020, our meeting with you on the 3rd of September and 7th October, and our subsequent correspondence since this time. This letter is an addendum to the Sequential Test Report (June 2020) previously submitted in support of this application and should be considered in conjunction with that document. The original Sequential Test is attached at **Appendix I**.

As you set out during a phone conversation with my colleague lan Jewson, we understand that you would like us to provide justification for the scope of the submitted Sequential Test and include assessment of additional sites if necessary.

Sequential Test Search Area

The original planning application was supported by a Flood Risk Assessment (FRA) confirming that the site is in Flood Zone 3a and therefore a Sequential Test is required. The submitted Sequential Test included evidence relating to other reasonably available sites in areas with a lower risk of flooding which could potentially accommodate the proposed development in Weston-super-Mare (WSM) to demonstrate the requirements of the test have been met. The submitted Sequential Test also included a section demonstrating that the Exceptions Test is passed.

Prior to the submission of the planning application, we engaged in pre-application discussions with North Somerset Council (NSC) and a written advice report was received on the 23rd of January 2018 (17/P/5072/PRE). The required scope and search area for the Sequential Test were set out in the pre-application report provided by NSC, which stated:

'The test needs to demonstrate that there are <u>no reasonably available alternative sites within the area</u> <u>of flood risk (in this case, Weston-super-Mare)</u> which can accommodate the proposal. If the requirements of the Sequential Test are successfully met, the proposal must then also pass the requirements of the Exception Test.'

(our emphasis)

Policy CS3 of the Council's adopted Core Strategy states:

- 1. The area of search for alternative sites will be North Somerset-wide unless:
 - It can be demonstrated with evidence that there is a specific need within a specific area; or
 - The site is located within the settlement boundaries of Weston (including the new development areas), Clevedon, Nailsea and Portishead, where the area of search will be limited to the town within which the site is located.
 - Other Local Development Documents may define more specific requirements.
- 2. A site is considered to be 'reasonably available' if all of the following criteria are met:
 - The site is within the agreed area of search.
 - The site can accommodate the requirements of the proposed development.
 - The site is either:
 - a. owned by the applicant;
 - b. for sale at a fair market value; or
 - c. is publicly-owned land that has been formally declared to be surplus and available for purchase by private treaty.

(Our emphasis)

As set out in the text extracted from Policy CS3 above the area of search for alternative sites should be North Somerset-wide unless it can be demonstrated with evidence that there is a specific need within a specific area or the site is located in the settlement boundary of certain settlements including WSM. The Council's Development Management Advice Note on development and flood risk issues (November 2019) which was published following the adoption of the Core Strategy takes this further by stating:

"The area of search for alternative sites will be North Somerset-wide unless:

• It can be demonstrated with evidence that there is a specific need within a specific area. To avoid delay it is recommended that applicants contact the council early in the process to discuss the area of search and evidence of need. A development that includes a mix of uses may need to apply the Sequential Test using different areas of search for the different uses. For the test to be passed, each use within the proposal must pass."

It is also worth noting that the guidance on applying the Sequential Test in the National Planning Practice Guidance (PPG) states:

"For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives."



(Paragraph: 033 Reference ID: 7-033-20140306) (Our emphasis)

As you will be aware Policy CS13 sets out a 'minimum' housing requirement of 20,985 dwellings in the plan period. To meet this requirement Policy CS14 confirms that WSM will be the focus of new residential development. Policy CS28 further confirms a 'minimum' requirement of 12,800 dwellings at WSM. To provide flexibility and to ensure that sufficient houses are provided in WSM Policy CS28 specifically permits housing development of 'about 75 dwellings' on land within or adjoining the settlement boundary subject to meeting certain criteria. This policy approach is unique to WSM as the most sustainable settlement in North Somerset and is an important part of the overall spatial strategy. Importantly though, to be consistent with Policy CS28 development proposals must be located within or adjacent to the settlement boundary of WSM.

It therefore stands to reason that for the purposes of undertaking a Sequential Test for proposals being considered under Policy CS28 the area of search must be limited to sites within or adjacent to WSM. In this instance the fact that WSM has been identified as the focus of growth in the adopted Core Strategy provides the necessary evidence that there is a specific need within a specific area. On this basis the area of search in the submitted Sequential Test was limited to WSM including the Parish areas of Kewstoke, Ebdon, Worle and St George.

Additional Sites

The submitted Sequential Test was based on the requirements in Policy CS3 of the adopted Core Strategy. The approach included identifying and considering sites in the agreed search area which could potentially accommodate the proposed development. This included a review of sites in the Council's Strategic Housing Land Availability Assessment 2018 (SHLAA). The sites considered were located either fully or partially outside Flood Zone 3a according to the Environment Agency's Flood Map for Planning (i.e. all sites in either Flood zone I or 2). Following additional discussions with you we have now also considered the threshold and other criteria in housing policies CS14, CS31, CS32 and CS33. An assessment of these sites concluded that based on the evidence available there were no reasonably available sites appropriate for the proposed development in the agreed search area with a lower risk of flooding.

The Council's Development Management Advice Note (November 2019) does not form part of the Development Plan for North Somerset but provides guidance on what is meant by a reasonably available site. It states:

"A site is considered to be "reasonably available" if all of the following criteria are met:

- The site is within the agreed area of search.
- The site can accommodate the requirements of the proposed development. Applicants should consider the potential for splitting the development over more than one site. This will be particularly relevant to sites for housing.
- The site is either:
 - the subject of a valid planning permission for development of a similar character and scale; or
 - o identified as having development potential within the required timescale, either in the SHLAA or in a Local Plan policy or supporting evidence; or
 - o in the case of small sites, for sale and not subject to known planning constraints."

Based on this guidance we have now also included an assessment of the following sites:



- Site's subject of a valid planning permission for development of a similar character and scale (we have set the parameters as between 65-85 dwellings, between 3-6 hectares or smaller sites adjacent to each other which could accommodate a similar level of housing development).
- Sites allocated in the Site Allocations Plan which could potentially be reasonably available and appropriate for the proposed development.
- A site (or combination of sites) adjacent to Weston up to 75 dwellings (anything else would not be policy compliant under CS28 and therefore not a reasonable alternative).
- A site (or combination of sites) adjacent to Nailsea, Clevedon and Portishead up to 75 dwellings, e.g a site of 50 dwellings next to a site of 25 dwellings (anything else would not be policy compliant under Policy 31 and therefore not a reasonable alternative).
- A site (or combination of sites) adjacent to service villages up to 75 dwellings, e.g 3 sites next to each other of 25 dwellings each (anything else would not be policy compliant and therefore not a reasonable alternative).

As we see it any other sites would not be acceptable in principle and therefore cannot be considered a reasonable alternative. They can therefore be immediately scoped out.

We have not considered emerging allocations for housing as the Council's new Local Plan is still at a very early stage and is yet to identify any potential sites.

For obvious reasons we have not included sites wholly within flood zone 3, sites where development has been completed, sites where a planning decision is pending or sites with permissions or included in the SHLAA which are not of an appropriate character or scale. However, for completeness we have provided a table at **Appendix 2** which includes all sites that were scoped out.

The table below provides an assessment of the sites that have been considered in further detail:

	Permissions							
LPA reference	Address	Size (ha)	No. of Units	Reasonably available and appropriate for the proposed development?	Sequentially Preferable (Yes/No)			
18/P/4735/OUT & 21/P/1735/RM	Land West of Wolvershill Road, North of Wolvershill Park and Knightscott Park Banwell	3.24	54	The site does not have Reserved Matters approval. The site is unlikely to accommodate 75 dwellings.	No			
16/P/1521/O & 20/P/0728/RM	Land off Wrington Lane, Congresbury, BS49 5BQ	3.42	50	Reserved Matters is pending a decision. The site is included within the Council's latest housing trajectory (April 2020) therefore the site is not reasonably available and additional houses are required in the next 5 years.	No			



				r 	
15/P/2301/F	Barrow Hospital,	4.59	46	The site is included within the	No
	Barrow Gurney,			Council's latest housing	
	Long Ashton, BS48			trajectory (April 2020)	
	3SG			therefore the site is not	
				reasonably available and	
				additional houses are required	
				in the next 5 years.	
16/P/1291/O &	Land South of	3.68	59	Partially within Flood Zone 3.	No
18/P/2691/RM	Cox's Green,	-		Approved 28/03/19. The site is	
	Wrington, BS40			included within the Council's	
	7 7 7 11 16 16 17			latest housing trajectory (April	
				2020) therefore the site is not	
				reasonably available and	
				additional houses are required	
15/0/0510/0 0	6 1 1 14	2.4	20	in the next 5 years.	.
15/P/0519/O &	Cobthron Way,	3.4	38	Partially within Flood Zone 3.	No
18/P/3708/RM	Congresbury, BS48			Reserved Matters approved	
	5BJ			03/01/19. The site is included	
				within the Council's latest	
				housing trajectory (April 2020)	
				therefore the site is not	
				reasonably available and	
				additional houses are required	
				in the next 5 years.	
17/P/1138/O	Land at the junction	2.63	70	Outline permission was granted	No
	of Bleadon Hill and	7.5		22/07/19. The site is included	
	Bridgwater Road,			within the Council's latest	
	BS24			housing trajectory (April 2020)	
	D32 1			therefore the site is not	
		`		reasonably available and	
				additional houses are required	
				in the next 5 years. Site is too	
				small for proposed	
			A 11	development.	
			Allocatio	ns	
	Queensway/midhav	1.2	35	Site in use as football pitch and	No
	en Rise, BS22			not available for purchase. The	
				site is also too small for the	
				proposed development. Site is	
				also not deliverable in 5 years	
				according to Council's housing	
				_	
				trajectory.	
	Parklands Village	148.2	3679	Partially within Flood Zone 3	No
	(former RAF	. 10.2	30,7	and site is too big for proposed	140
	Locking site)			development. Development has	
	LOCKING SILE)				
				available.	
	Land North of	12.6	130	Partially within Flood Zone 3	No
	Oldmixon Road			and site is too big for proposed	
	J.G.I.I.XOII NOAG			development.	
				de relopinent.	
	Land at Wentwood	2.73	50	Development has commenced	No
i .		1		and site is too small for	
	Drive			and site is too sinan ioi	
	Drive			proposed development.	

Land at Bridgwater Road	2.62	60	Outline permission was granted 22/07/19 for up to 60 dwellings. Site is too small for proposed development.	No
South of Herluin Way, Avoncrest Site, BS23 3YN	27	750	Site is not deliverable in next 5 years according to Council's housing trajectory and is too big for proposed development.	No
Station Gateway, BS23 3DE	2	300	Partially within Flood Zone 3 and site is too big for proposed development.	No
Walliscote Place, BS23 EE	0.42	70	No planning application has been submitted and site is too small for proposed development of housing.	No
Dolphin Square	0.74	183	Site is not deliverable in next 5 years according to Council's housing trajectory and site is not available for purchase. The site is also too small for the proposed development of housing.	No
Former TGJ Hughes Store, High St, BS23 IST	0.12	18	Site is too small for the proposed development.	No
Land at Atlantic Road South, BS23 2DE	0.21	23	Site is too small for proposed development.	No
Birnbeck Pier	6.55	50	Site cannot be delivered within 5 years according to Council's housing trajectory and is not available for purchase.	No
Lynton House Hotel	0.14	41	The site is too small for the proposed development.	No
Tickenham Garden Centre, Church Lane, Tickenham, Clevedon, Avon, BS21 6SD	1.86	32	Reserved Matters was approved on 21/01/21. Precommencement conditions discharged on the 01/04/21. Is within the greenbelt and partially within flood zone 2. Policy CS31 does not apply. Included within the Council's Housing Trajectory. Site is also too small for proposed development.	No
Land at North West Nailsea, BS48 2AS	13.46	450	No planning application has been submitted. 100 dwellings are included in the Council's housing trajectory. Site is also too big for proposed development.	No



			Reserved Matters is still pending	No
			a decision. Site is too small for	
			proposed development.	
Land at West End,	0.00	,	Included within Council's	
Nailsea, BS48 4DB	0.22	6	housing trajectory	N.1
			Approved 17/03/21. Included	No
\\\\ + - f \(\Gamma = \cdot \)			within Council's housing	
West of Engine Lane	7.44	183	trajectory. Site too large for	
Land South of the	7.44	103	proposed development. Included in Council's housing	No
Uplands Nailsea,			trajectory. Planning permission	INO
BS48 4RR	2.5	50	still pending. Site is too small.	
BO TO TICK	2.3	30	First phase Reserved Matters	No
			approved on 29/03/21 for 168	140
			dwellings. Taylor Wimpey are	
			committed to building the site.	
			Site is included within the	
	1		Council's housing trajectory.	
Youngwood Lane,	1		Site is also too large for	
BS48 4NR	7.1	170	proposed development.	
			Application is pending. Site has	No
			been included in the Council's	
			housing trajectory. Site is too	
Trendlewood Way,			small for proposed	
Nailsea, BS48 4PQ	1.05	30	development.	
			Partially within Flood Zone 3	No
			and Greet Belt. Has RM	
			approval and is included in the	
Court Farm, All			Council's housing trajectory.	
Saints Lane	0.27	10	Site is too small.	
			Approved 05/06/18. Included in	No
2 (D D)	0.14	10	Council's housing trajectory.	
2-6 Bay Road	0.14	19	Site is too small.	N.I.
Land South of			Included in Council's housing	No
Downside,			trajectory. Site too small for	
Portishead, BS20	0.59	23	development.	
6JH	0.37	23	A - Program of the L	No
Old Mill Road,	F 20	100	Application withdrawn by	INO
Portishead, BS20	5.29	100	Applicant on 28/10/20.	No
	1		Development has commenced. Remaining dwellings in Council's	No
			trajectory to be completed in	
Land to the east of	1		2021. Site is also too small for	
Wolvershill Road	2.09	44	proposed development.	
	2.07	77		No
Barrow Hospital (1)	10.33	44	Included in the Council's housing	110
Barrow Gurney	10.32	66	trajectory. Reserved Matters is pending a	NIo
Land off \\/\singto=				No
Land off Wrington	3 14	50		
Lane, Congresbury	3.46	30	Council's housing trajectory. Included in the Council's housing	No
	1		trajectory (25 dwellings).	NO
Broadleaze Farm,	1		Outline application was	
Winscombe, BS25			withdrawn by applicant. No	
	2.46	74	active planning application or	
עני ו ∟	2.70	/ T	Lactive planning application of	



Prending planning application (20/P274/FUL). Not included in the Council's housing trajectory. Too small for proposed development. No (20/P274/FUL). Included in the Council's housing trajectory.		-		1		
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			2.8	96		

				the wider site and within bat consultation band B (an appeal was previously dismissed).	
HE18375	Land east of Congresbury	3.3	98	No evidence site will become available over the plan period. Part of site in flood zone area and within bat consultation band A.	No

Conclusion

We trust the above provides you with additional justification on the scope of the original Sequential Test and you will agree that there are no sequentially preferable sites which could accommodate the proposed development. Even if there were other appropriate and reasonable available sites in an area at lower risk of flooding in WSM, Clevedon, Nailsea, Portishead or the Service villages it is important to note that the Council cannot currently demonstrate a five-year housing land supply and therefore additional development sites must be found to address the shortfall and meet needsIn this case as much of WSM is located in Flood Zone 3a it was always anticipated that sites such as this would be required to deliver housing requirements in the area. As it is not possible for the proposed development to be located in areas with a lower risk of flooding the exception test may be applied. The Sequential Test previously submitted (attached at Appendix I) included a section demonstrating that the Exceptions Test is passed.

I look forward to hearing from you.

Yours sincerely,

Jonathan Chick MA (Hons) MRTPI
Consultant

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