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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 1UJ

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 9<sup>th</sup> of July 2020, our meeting with you on the 3<sup>rd</sup> of September and 7<sup>th</sup> 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**.

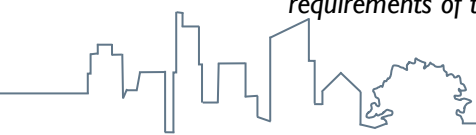
As you set out during a phone conversation with my colleague Ian Jewson, we understand that you would like us to provide justification for the scope of the submitted Sequential Test and include assessment of additional sites if necessary.

**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 23<sup>rd</sup> 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 no reasonably available alternative sites within the area of flood risk (in this case, Weston-super-Mare) 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 1 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*
  - *identified as having development potential within the required timescale, either in the SHLAA or in a Local Plan policy or supporting evidence; or*
  - *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



15/P/2301/F	Barrow Hospital, Barrow Gurney, Long Ashton, BS48 3SG	4.59	46	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
16/P/1291/O & 18/P/2691/RM	Land South of Cox's Green, Wrington, BS40	3.68	59	Partially within Flood Zone 3. Approved 28/03/19. 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.	No
15/P/0519/O & 18/P/3708/RM	Cobthron Way, Congresbury, BS48 5BJ	3.4	38	Partially within Flood Zone 3. Reserved Matters approved 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.	No
17/P/1138/O	Land at the junction of Bleadon Hill and Bridgwater Road, BS24	2.63	70	Outline permission was granted 22/07/19. 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. Site is too small for proposed development.	No
<b>Allocations</b>					
	Queensway/midhav en Rise, BS22	1.2	35	Site in use as football pitch and 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.	No
	Parklands Village (former RAF Locking site)	148.2	3679	Partially within Flood Zone 3 and site is too big for proposed development. Development has also commenced so not available.	No
	Land North of Oldmixon Road	12.6	130	Partially within Flood Zone 3 and site is too big for proposed development.	No
	Land at Wentwood Drive	2.73	50	Development has commenced and site is too small for proposed development.	No

	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 1EE	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 1ST	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. Pre-commencement 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



	Land at West End, Nailsea, BS48 4DB	0.22	6	Reserved Matters is still pending a decision. Site is too small for proposed development. Included within Council's housing trajectory	No
	West of Engine Lane	7.44	183	Approved 17/03/21. Included within Council's housing trajectory. Site too large for proposed development.	No
	Land South of the Uplands Nailsea, BS48 4RR	2.5	50	Included in Council's housing trajectory. Planning permission still pending. Site is too small.	No
	Youngwood Lane, BS48 4NR	7.1	170	First phase Reserved Matters approved on 29/03/21 for 168 dwellings. Taylor Wimpey are committed to building the site. Site is included within the Council's housing trajectory. Site is also too large for proposed development.	No
	Trendlewood Way, Nailsea, BS48 4PQ	1.05	30	Application is pending. Site has been included in the Council's housing trajectory. Site is too small for proposed development.	No
	Court Farm, All Saints Lane	0.27	10	Partially within Flood Zone 3 and Greet Belt. Has RM approval and is included in the Council's housing trajectory. Site is too small.	No
	2-6 Bay Road	0.14	19	Approved 05/06/18. Included in Council's housing trajectory. Site is too small.	No
	Land South of Downside, Portishead, BS20 6JH	0.59	23	Included in Council's housing trajectory. Site too small for development.	No
	Old Mill Road, Portishead, BS20	5.29	100	Application withdrawn by Applicant on 28/10/20.	No
	Land to the east of Wolverhill Road	2.09	44	Development has commenced. Remaining dwellings in Council's trajectory to be completed in 2021. Site is also too small for proposed development.	No
	Barrow Hospital (1) Barrow Gurney	10.32	66	Included in the Council's housing trajectory.	No
	Land off Wrington Lane, Congresbury	3.46	50	Reserved Matters is pending a decision. Included in the Council's housing trajectory.	No
	Broadleaze Farm, Winscombe, BS25 1JJ	2.46	74	Included in the Council's housing trajectory (25 dwellings). Outline application was withdrawn by applicant. No active planning application or	No





				evidence the site is being progressed.	
	Land at Shipham Lane, Winscombe, BS25	1.3	28	Pending planning application (20/P/274/FUL). Not included in the Council's housing trajectory. Too small for proposed development.	No
	Land adjoining Coombe Farm, Wiscombe, BS25 IJF	3.56	24	Pending planning application (20/P/2724/FUL). Included in Council's housing trajectory.	No
	Woodborough Farm, Winscombe	8.01	175	Reserved Matters approved 15/02/19. Included in the Council's housing trajectory.	No
	Land at Cox's Green, Wrington	2.25	28	Partially within Flood Zone 3. Approved 28/03/19. Included in the Council's housing trajectory. Site too small for the proposed development.	No
	Arnolds Way (Phase 2) Yatton	7.03	200	RM approved 06/07/18. Remaining dwellings to be built are included in the Council's housing trajectory. Site is also too large for proposed development.	No
	Land at North End, Yatton	10.54	170	RM approved 01/07/20. Partially within flood zone 3. Included in Council's housing trajectory. Site too large for the proposed development.	No
	Moor Road, Yatton	1.93	60	Application was refused on the 06/07/21. Included in the Council's housing trajectory. Partially within flood zone 3. Policy CS32 does apply.	No
	Oxford Plasma, Yatton	1.4	51	Approved 15/11/17. No RM has been submitted. Included in the Council's housing trajectory. Policy CS32 does not apply. Site also likely to be too small for proposed development.	No
	Yatton Station, BS49 4BD	1.85	21	No planning applications have been submitted, no indication the site is available for development. Council do not expect the site to come forward in the next 5 years. Almost entirely within Flood Zone 3. Too small for proposed development.	No
<b>SHLAA (Clevedon, Nailsea, Portishead and the Service Villages)</b>					
HE1812	Yatton Rugby Ground	2.4	80	Partially within flood zone 2 & 3. Would result in the loss of playing fields (Policy DM68). Bat consultation band B. No	No



				Planning applications submitted, no indication the site is available for development. Site likely too small for the proposed development.	
HE1817	Land west of Garston's Orchard, Wrington	2.1	71	Partially within flood zone 3b and bat consultation band B. Access may not be achievable. No planning applications submitted, no indication the site is available for development. Site likely too small for the proposed development.	No
HE1856	Biddle Street, South of Rectory Farm	2.6	87	Planning application for 100 dwellings was refused (21/P/0236/OUT). NSC deemed the site unsuitable for development.	No
HE1889	Skinner's Lane, Churchill	2.2	76	Not adjacent to the settlement boundary of Churchill therefore is not compliant with policy CS32. Bat Consultation Band C. Site would require strategic transport options.	No
HE1898	South of Knightcott Road, Banwell	3.5	60	Considered difficult to mitigate landscape impact. Within bat consultation band B. Larger site refused (16/P/0753/O).	No
HE18195	East Riverside, Banwell	4.8	164	Partially within flood zone 3b and bat consultation band B. Utilities pass under the site and there is potential for harm to heritage features.	No
HE18307	Park Farm, Congresbury	5.8	150	Site includes a dwelling which is part of listed Park Farm complex - listed building and land assembly issues. Within bat consultation band A. Part of site is within flood zone 3b. Access improvements would be required. Site is too large for proposed development.	No
HE18346	South of Rookery Farm, West of Silverstone Way Congresbury	1.8	70	Wasn't submitted through current plan making process, no indication the site is available for development. No obvious access presenting deliverability issues. Within bat consultation band B. Site too small for proposed development.	No
HE18358	South of Knightcott Gardens, Banwell	2.8	96	A much smaller development of 26 dwellings (policy compliant with CS32) was approved on the 25/03/21 and is included in the Council's housing trajectory. Landscape impact is an issue for	No

				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 needs. In 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,

J. Chick

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