



Land at Rectory Farm (North), Yatton

Planning Statement

On behalf of **Persimmon Homes Severn Valley**



Project Ref: 35513/A5/P3e/SL/CF/KV/bc | Rev: P3e | Date: March 2024

Registered Office: Buckingham Court Kingsmead Business Park, London Road, High Wycombe, Buckinghamshire, HP11 1JU
Office Address: 10th Floor, Bank House, 8 Cherry Street, Birmingham, B2 5AL
T: 0121 633 2900 E: birmingham.uk@stantec.com

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	Name	Position	Signature	Date
Prepared by:	SL	Planner	SL	March 2024
Reviewed by:	CF	Associate Planner	CF	March 2024
Approved by:	KV	Planning Director	KV	March 2024
For and on behalf of Stantec UK Limited				

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1 Introduction

1.1 Introduction

1.1.1 This Planning Statement has been prepared by Stantec on behalf of Persimmon Homes Severn Valley (the 'Applicant') in support of an outline planning application for residential development at Land at Rectory Farm (North), Yatton (the 'Application Site'). The application seeks to determine means of vehicular access at the outline stage, with all other matters reserved. A Site Location Plan (Drawing Ref: Rectory Farm_RLP01) has been submitted alongside this application.

1.1.2 Outline planning permission is sought for up to 190 dwellings with the following description of development:

Outline planning application for the development of up to 190no. homes (including 50% affordable homes) to include flats and semi-detached, detached and terraced houses with a maximum height of 3 storeys at an average density of no more than 20 dwellings per net acre, 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, orchards, open space comprising circa 70% of the gross area including children's play with a minimum of 1no. LEAP and 2no. LAPS, bio-diversity net gain of a minimum of 20% in habitat units and 40% in hedgerow units, and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, layout, appearance and landscaping) reserved for subsequent approval.

1.1.3 The Site which is shown on the Site Location Plan (Drawing Ref: edp7842_d008a), comprises approximately 13.79 hectares of greenfield land at Rectory Farm in Yatton.

1.2 Planning Application Pack

1.2.1 This Planning Statement should be read alongside the other plans and documents which are submitted as part of this application, as detailed in the covering letter. Taken together, these documents provide a full and detailed justification for the proposed development.

1.2.2 This statement provides an overview of all aspects of the proposed development and an assessment of its appropriateness against the Development Plan and other material considerations. The scope of this Statement is as follows:

- **Section 2** describes the Application Site and the main features of the surrounding area;
- **Section 3** details the Planning History;
- **Section 4** describes pre-application engagement with the Local Planning Authority and public consultation;
- **Section 5** details the proposed development;
- **Section 6** sets out provision of Affordable and Accessible Homes;
- **Section 7** discusses relevant national and local planning policies;

- **Section 8** details North Somerset Council's housing land supply position;
- **Section 9** assesses the planning balance of the proposal;
- **Section 10** sets out draft Heads of Terms; and
- **Section 11** details the summary and conclusions of the proposal and application.

2 The Site and Surroundings

2.1 The Site

2.1.1 The Application Site is located on the western edge of Yatton and is comprised of grazing land and agricultural fields, measuring approximately 13.79 hectares. It is formed of multiple fields divided by rhynes (water drainage ditches), with hedgerows and trees located within the Site and around its perimeter.

2.2 The Surrounding Area

2.2.1 The Site is irregular in shape, with hedgerows and trees located internally and along the majority of the Site's boundaries. A series of rhynes are located within the Site which border the various individual fields. There are no Public Rights of Way, bridleways or cycleways within the Site. There is a cycleway / pedestrian walkway located adjacent to the Site's western boundary which provides links from Weston Road to Yatton Rail Station. Overhead powerlines with associated pylons cross the Site.

2.2.2 There is currently no formal entry route into the Site. Informal access into the Site is currently provided via Biddle Street or via the cycleway / pedestrian walkway located adjacent to the west Site boundary.

2.2.3 It is confirmed by the Environment's Agency online mapping system that the entirety of the Site is located within Flood Zone 3 (land having a 1 in 100 or greater annual probability of river flooding, or land having a 1 in 200 or greater annual probability of sea flooding). With a network of drainage water ditches running through various parts of the Site, risk from surface water flooding consists of low and medium probabilities. Further to this, as identified on North Somerset Council's planning constraints mapping system, the Site is defended Flood Zone 3 land with the following reference: SFRA L1 2020 Tidal Flood Zone 3a. This is discussed further within the submitted Flood Risk Sequential Test and Flood Risk Assessment.

2.2.4 The Site itself is free from any formal ecological designations. The Cheddar Valley Railway Walk Local Nature Reserve (LNR) runs adjacent to the Site's western perimeter and provides pedestrian links from Weston Road to Yatton Rail Station. The Biddle Street Yatton Site of Special Scientific Interest (SSSI) is located opposite to the Site's western boundary and is approximately 150ft west of the Site. The Cadbury Hill LNR is located approximately 1.9km south east of the Site and beyond this is the North Somerset and Mendip Bats Special Areas of Conservation (SAC) and Kings Wood and Urchin Wood SSSI which is located approximately 2.9km away. The Site is located within the Biddle Street Yatton SSSI Impact Risk Zone.

2.2.5 Historic England's online mapping system confirms that there are no heritage assets located within or adjoining the Site. The Grade II Listed house '114 High Street' is located approximately 0.5km to the east of the Site. The Grade II Listed 'Cadbury Farmhouse' is located approximately 0.6km to the south of the Site. 'St Mary's Church' (Grade I listed) is located centrally within Yatton, however there is intervening development between the Site and the Church.

2.2.6 The northern boundary of the Site is bordered by pasture fields with trees and hedgerows located along the northern Site perimeter. Beyond this lies Yatton Rail Station, existing residential development and Arnolds Way Industrial Site. To the east of the Site lies existing residential development and beyond this is Yatton town centre. To the south of the Site is the Land at Rectory Farm, Chescombe Road (21/P/0236/OUT) development and beyond this is agricultural land and pasture fields. To the west of the Site is the Cheddar Valley Railway Walk LNR, beyond which is the Biddle Street Rhyne and drainage ditches.

- 2.2.7 Bus stop provision to the Site is provided along High Street which runs through the centre of Yatton. Cherry Grove bus stop is located approximately 0.5km to the east of the Site and Chescombe Road bus stop is located approximately 0.6km to the east of the Site.
- 2.2.8 In terms of education, St Mary's Pre-School is located approximately 0.6km to the south east of the Site and Stonecroft Day Nursery and Pre-School is located approximately 0.8km to the south east of the Site. Yatton C of E Controlled Junior School is located approximately 0.8km to the east of the Site; and Chestnut Park Primary School is located directly north approximately 1.7km away. North Somerset Council's website shows the Site as falling within the catchment area for Backwell secondary school which is just over 8km from the Site.
- 2.2.9 Yatton has a range of shops and services including: a bakery; tea rooms; restaurants / public houses; and a co-operative food. Further to this, Yatton has a variety of health and community facilities including: Mendip Vale Medical Practice; Yatton Dental Centre and Yatton Post Office. There are several recreational spaces located within a 15 minute walking distance to the Site, including: Rectory Way Playground; Yatton Junior Football Club; Claverham Cricket Club; Yatton Recreation Ground; Yatton and Cleeve United Football Club; Yatton Rugby Club; and Horsecastle Playground. In addition to this, there are a number of local employment opportunities within walking distance, north of the site, off Arnolds Way and Wemberham Lane.
- 2.2.10 Weston-super-Mare is located approximately 12.9km to the south west of the Site, providing further employment opportunities. Weston-super-Mare can be reached by both rail and bus from Yatton.
- 2.2.11 Yatton has been proven, through successive Plan reviews and again through the emerging Local Plan, to be a highly sustainable location for new development.

3 Planning History

3.1 Site Planning History

- 3.1.1 A review of North Somerset Council's online planning search has been undertaken and no relevant planning application history relevant to the current proposals was found. The only previous planning application was for the coppicing of hedgerows to access heavily silted drainage ditches.

3.2 Wider Planning History

Land at Rectory Farm, Chescombe Road, Yatton – 21/P/0236/OUT

- 3.2.1 An outline planning application (21/P/0236/OUT) was submitted at 'Land at Rectory Farm' (to the south of the application site) in 2021 for the following description of development: *'Outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval'*.

- 3.2.2 The application was refused under delegated powers for the following reasons:

1. The proposed development of up to 100 dwellings would deliver a scale of development that is in conflict with the spatial strategy for the development plan, which permits sites of up to around 25 dwellings adjoining the settlements edges of service villages. The proposed development is therefore contrary to policies CS14 and CS32 of the Core Strategy and the made Yatton Neighbourhood Plan.
2. The proposed development, due to its location in close proximity to the North Somerset and Mendip Bats SAC, would have significant effect on this habitat site. The site is located in Bat Consultation Zone B as designated in the North Somerset and Mendip Bats SAC SPD and the survey evidence and consultation with Natural England suggests that SAC bats would be adversely affected by the development. The proposed mitigation measures do not prioritise onsite mitigation, and the proposed offsite mitigation is unsuitable.

Additionally, the development, due to its location in close proximity to the Biddle Street SSSI, is likely to result in operational impacts and increase recreational pressure on this nationally designated site. The submitted Ecological Impact Assessment has not adequately identified and considered the scope of these impacts, nor identified how mitigation could be achieved.

The proposal also fails to adequately demonstrate how a Biodiversity Net Gain can be achieved on site, as the calculation of Biodiversity Net Gain includes habitat utilised for mitigation purposes. The proposed development is therefore contrary to Policy CS4 of the Core Strategy, Policy DM8 of the Sites and Policies Plan Part 1: Development Management Policies, the North Somerset and Mendip Bats SAC SPD and paragraphs 175 and 177 of the NPPF.

3. The proposed development, by reason of its protrusion in an area of high landscape sensitivity in close proximity to the Strawberry Line, does not accord with the linear form of the village and would appear an incongruous projection into open countryside. The proposal would cause unacceptable harm to the amenity value of the Strawberry Line being a popular recreational route forming part of the strategic cycle network. The proposed development is therefore contrary to Policies CS5 and CS9 of the Core Strategy, Policy DM10 of the Sites and Policies Plan Part 1 – Development

Management Policies, the North Somerset Landscape Character Assessment SPD, and paragraphs 98 and 170 of the National Planning Policy Framework.

4. The proposed development, due to the substandard width of Chescombe Road, the inadequate visibility splays at the adjacent junction between Chescombe Road and Mendip Close, and the lack of submission of a Road Safety Audit and tracking data for cars and emergency vehicles, would have an unacceptable impact on highway safety. The proposed development is therefore contrary to Policy DM24 of the Sites and Policies Plan Part 1: Development Management Policies, and paragraph 108 and 1098 of the National Planning Policy Framework.

- 3.2.3 Following the above, an appeal was submitted (PINS Reference: APP/D0121/W/21/3286677). The Inspector determined that the appeal was to be allowed and outline planning permission granted, on the basis that *“Taking all of the above into consideration, applying the tilted balance pursuant to paragraph 11d of the NPPF, the adverse impacts of granting permission plainly would not significantly and demonstrably outweigh the benefits of doing so. The Council cannot demonstrate a 5YHLS and the overall benefits of the appeal proposals clearly outweigh the harm”*.

Land at Rectory Farm, Chescombe Road, Yatton – 23/P/0238/RM

- 3.2.4 Following the above consent for outline planning permission at Land at Rectory Farm, Chescombe Road, an application for reserved matters was validated on 1st March 2023. The reserved matters description of development is as follows *‘Reserved matters application for layout, scale, appearance and landscaping in relation to the erection of 98 dwellings, provision of open space, landscaping, car parking and associated infrastructure pursuant to the outline planning consent ref 21/P/0236/OUT (Outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval - approved under appeal reference APP/D0121/W/21/3286677)’*. The application is yet to be determined, with revised drainage plans submitted on 3rd January 2024.

Land at Rectory Farm, Chescombe Road, Yatton – 21/P/2791/OUT

- 3.2.5 An outline planning application (21/P/2791/OUT) was submitted in 2021 for the following description of development, *‘Outline planning application for a residential development of up to 75no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and appearance, scale, layout and landscaping reserved for subsequent approval’*.
- 3.2.6 This outline planning application was submitted whilst application 21/P/0236/OUT was being considered at appeal. The appeal was allowed in June 2022 and the judicial review challenge period for the appeal decision expired in September 2022. The applicant then withdrew the application in October 2022.

Titan Ladders 195 – 201, Mendip Road, Yatton – 17/P/2377/F

- 3.2.7 A full planning application (17/P/2377/F) was submitted in 2017 for the following description of development, *‘Demolition of existing buildings and erection of 37no. dwellings with associated vehicular access improvements, parking, hard / soft landscape works and drainage’*.
- 3.2.8 The full application was approved by delegated powers in April 2019, subject to a legal agreement and conditions.

4 Pre-Application Consultation and Engagement

4.1 Pre-Application Enquiry

- 4.1.1 A pre-application enquiry was submitted to North Somerset Council on 30th September 2022 (NSC reference: 22/P/2451/PR2) for a proposed development of up to 280 new dwellings and a site for a new surgery. A written response was received on the 16th February 2023 (enclosed at **Appendix A**) – again based on up to 280 new dwellings and a site for a new surgery. The feedback provided was considered with subsequent work in support of the application responding to it. The Pre-Application enquiry requested input on the approach and methodology for the Flood Risk Sequential Assessment. However other than advising that it should be district-wide, no further guidance was provided. In the absence of a timely response from the enquiry, the Applicant presented a draft methodology for comment by North Somerset Council on 12 December 2022. No response has been forthcoming at the time of writing. The pre-application enquiry sets out that a Cumulative Impact Assessment should be submitted with the planning application. This is held at **Appendix B**.
- 4.1.2 The application as submitted has however reduced the scale of development from 280 dwellings to 190 dwellings; and following a further review, the site for the Doctor's surgery has been removed from the scheme and land for a Class E uses identified to provide scope for a broader provision of end user(s). Class E uses can include, but are not limited to, cafés, creche, shops and offices.

4.2 Screening Opinion

- 4.2.1 A request for a Screening Opinion (reference: 22/P/2963/EA1) was submitted to North Somerset Council on 5th October 2022 with an Environmental Impact Assessment (EIA) Screening Report which confirmed that the development did not require an Environmental Impact Assessment. A Screening Opinion was provided on the 20th January 2023 confirming that the development did not constitute EIA development.

4.3 Statement of Community Involvement

- 4.3.1 A Statement of Community Involvement (SCI) has been submitted by the Applicant detailing the pre-application engagement process undertaken with North Somerset Council, Yatton Parish Council and the local community.
- 4.3.2 North Somerset Council adopted a SCI in September 2019. This sets out how the Local Planning Authority will engage local communities in the planning process.
- 4.3.3 Section one (General Principles for Planning Consultations) sets out:

“The planning system affects everybody who lives in, works in or visits a place. By getting involved in the planning process, local communities, stakeholders and other organisations can contribute more to the shaping of their local environment”.

- 4.3.4 In Section three (Planning Applications), the SCI provides an important framework to engage the wider community in development proposals. North Somerset Council strongly encourage applicants and developers to have carried out initial consultation with the local community prior to the submission of any application.

4.4 Public Consultation

- 4.4.1 Prior to the submission of this application, the Applicant has sought to inform the local community and obtain feedback from local residents, the wider community and relevant stakeholders through a virtual public consultation event.
- 4.4.2 To publicise the event, a total of 3,539 leaflets were distributed to the residents of Yatton on the 1st November 2022, inviting them to view a website which provided further information about the development and an option to provide any feedback. The leaflet also advertised that a public consultation event was due to be held on the 10th November at 7pm. This provided residents with the opportunity to further discuss the proposals with the relevant technical consultants.
- 4.4.3 A deadline for comments on the proposals was provided on the leaflets and set for the 22nd November 2022. A total of 50 responses were submitted by local residents and members of the wider community. Key comments made by members of the community and the Applicant's responses are set out in the table below:

Table 4.1 Summary of Public Consultation Responses

Main Matters Raised in Consultation Responses	Applicant's Response
The risk of flooding in the immediate vicinity of the site would be made worse by this development	The Flood Risk Assessment and Drainage Strategy set out that the flood risk to existing homes will be made no worse by this development.
How are you able to build in the flood plain?	The Flood Risk Assessment and Drainage Strategy establish the on-site measures that would mitigate the flood risk to acceptable levels, including raised ground levels and drainage basins. A Sequential Test has also been undertaken to establish that this Site is preferable to reasonably available, lower risk sites. We have engaged with the Environment Agency, Local Drainage Board and Local Authority.
The roads in Yatton will not be able to cope with the number of cars this development would bring	The Transport Assessment sets out that the increased flow of traffic will quickly disperse into the wider network, with the impact therefore minimal. The total number of homes has also reduced which will result in a lower predicted movements.
The delivery of a doctor's surgery should be made mandatory	The scheme now proposes land for Class E uses which provides a broader scope for ender user(s). While this could deliver a doctor's surgery, the classification allowed for flexibility for it to accommodate other uses such as a café, shop, offices.

Main Matters Raised in Consultation Responses	Applicant's Response
<p>There is no longer a bus service to serve Yatton and this development</p>	<p>The site benefits from strong connectivity. Discussions between the local authority and the bus service provider has resulted in the provision of demand responsive bus services complementing an X5 bus service following High Street enhancement works. The Site is closely located to Yatton rail station which offers regular services to Bristol and Weston-super-Mare, which is significant public transport benefit. Cycle and pedestrian access is available along the Strawberry Line.</p> <p>The Council have advised that the X5 bus service will re-route via Yatton upon completion of the Yatton High Street Improvement Scheme this summer.</p>
<p>Development of this land would lead to the loss of Green Belt</p>	<p>The site is situated outside and well away from the designated Green Belt. It will not result in any loss of Green Belt; and indeed the development of non Green Belt sites will ensure the need for Green Belt is reduced.</p>
<p>Development would lead to the loss of important agricultural land</p>	<p>An Agricultural Land Quality Report establishes that the application site is poor quality in being 'Grade 4' agricultural land. The Government's National Planning Policy Framework (footnote 58) directs development to lower quality agricultural land as has been done here.</p>
<p>Yatton has already had enough development approved in recent years</p>	<p>Yatton is defined in the North Somerset Core Strategy as a 'Service Village'. In North Somerset Council's Spatial Strategy and Capacity paper supporting the emerging Local Plan, Yatton is defined as 'a larger village with a wider range of services, facilities and jobs'. With North Somerset continuing to face a significant shortfall in housing delivery with limited new development addressing this shortfall, new homes should be directed to the most sustainable settlements.</p>
<p>The development will reduce the value of the existing neighbouring homes</p>	<p>An independent study by London School of Economics does not support the idea that existing property values will face permanent reductions because of nearby development. Irrespective of this, the</p>

Main Matters Raised in Consultation Responses	Applicant's Response
	impact on property values, either positive or negative, is not a planning matter.
The proposed access points are too narrow and residential to accommodate this development	The access drawing for Shiners Elms shows acceptable pedestrian and vehicular access arrangements with an appropriate visibility splay. This has been assessed and considered in detail by highways consultants.
The application should consult with Environment Agency and Internal Drainage Board	Consultation with the relevant authorities, including the Environment Agency and Internal Drainage Board was undertaken during the preparation of the application. The submitted application responds positively to the outcomes of those discussions.
The development encroaches too far on to the Strawberry Line	The Strawberry Line will be protected. The illustrative masterplan incorporates a significant offset from the Strawberry Line. The Landscape Visual Assessment report sets out that the visual impact is minimal, given the existing views from the Strawberry Line to the settlement of Yatton are glimpsed.
Yatton's sense of place will deteriorate if this development comes forward	The Design & Access Statement sets out how the existing character of Yatton has been respected and incorporated into the masterplan. Care has been taken in identifying the boundary of the built form of the Site, with a significant proportion of it left open and undeveloped.
The development will have a negative impact on the ecology of the site and the Strawberry Line	<p>The illustrative masterplan incorporates a significant offset from the Strawberry Line, which includes considerable open space provision. New planting is proposed within the site - and at peripheral locations, including the Strawberry Line, this is carefully and sensitively planned providing ecological benefits.</p> <p>Supporting the planning application is a detailed ecological study. The scheme responds sensitively to local ecology – reflected in the indicative layout submitted.</p>

Main Matters Raised in Consultation Responses	Applicant's Response
Yatton does not have the necessary infrastructure to support this development	<p>Yatton is defined in the North Somerset Core Strategy as a 'Service Village'. In the Spatial Strategy and Capacity paper that supports the emerging Local Plan, Yatton is defined as 'a larger village with a wider range of services, facilities and jobs'.</p> <p>North Somerset is faced with a significant shortfall in housing delivery and new development addressing this shortfall should be directed to the most sustainable settlements, and North Somerset Council acknowledges Yatton to be.</p> <p>Financial contributions will be made to enhancing facilities and services in response to the proposed development.</p>
A doctor's surgery is unnecessary as there is already one located on Mendip Road.	Land is proposed to a range of uses that are compatible with the development and complementary to the wider village. On the land provided, one of more suitable uses can be provided.
Some residents did not receive the consultation leaflet.	The leaflets were hand delivered well in advance of the event to a total of 3,539 properties in Yatton.

4.5 Summary

- 4.5.1 Persimmon Homes Severn Valley informed local residents, the Parish Council and stakeholders of the Site's development potential for housing and community uses. Leaflets were sent out to everyone within the local area to notify the local community of the opportunity to view the proposal on the public consultation website, provide feedback online and partake in the virtual consultation with technical consultants.
- 4.5.2 The responses received have been considered and positive changes have been made which have required further technical work and investigations
- 4.5.3 A Statement of Community Involvement has been submitted with the planning application which presents further information.
- 4.5.4 The Applicant will continue to liaise with council officers, Councillors, wider stakeholders and local residents.

5 The Proposed Development

5.1 The Site Proposals

5.1.1 This outline planning application seeks permission for the following description of development:

Outline planning application for the development of up to 190no. homes (including 50% affordable homes) to include flats and semi-detached, detached and terraced houses with a maximum height of 3 storeys at an average density of no more than 20 dwellings per net acre, 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, orchards, open space comprising circa 70% of the gross area including children's play with a minimum of 1no. LEAP and 2no. LAPS, bio-diversity net gain of a minimum of 20% in habitat units and 40% in hedgerow units, and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, layout, appearance and landscaping) reserved for subsequent approval.

5.1.2 The design concept presented follows careful consideration of the location, local character, constraints and opportunities, high level conceptual design and public consultation. It also responds positively to the helpful responses received following pre-application engagement with the public and North Somerset Council. A Design and Access Statement produced by EDP sets out the design evolution and journey, urban design and placemaking principles, and the design parameters of the proposed development. In response to the need to address drainage matters on the Site, given existing topography and the need to take account of coastal flooding, an innovate ground raising drainage solution is proposed as set out in the submitted Flood Risk Assessment and Drainage Strategy.

5.1.3 A sensitive, considered approach has been taken to design principles at this outline application stage. The new homes which will cover less than half of the Site (around 30% of the land area) will be sited within the eastern half - adjoining the built edge of Yatton. The housing density responds positively to the Site's location and character – notably the rhyne system and hedgerow and tree network within and on the periphery of the Site. It also maintains separation through a large area of open space with planting between the new homes and the Strawberry Line. The height, scale and density will create an attractive, greened environment for residents and visitors.

5.1.4 Land reserved for Use Class E uses is proposed within the east of the development Site and is within close proximity to the proposed access at Shiners Elm. Such uses could include, but are not limited to offices, creche, café or shop. The Site will provide a suitably located and highly visible, safe and accessible space for use by existing and future residents.

5.1.5 Generally the western part of the Site includes green infrastructure and woodland which accounts for over 50% of the Site area. The illustrative masterplan has been informed and shaped by ecological and landscape considerations. The features of the Site, which include level open space, individual trees and peripheral tree buffers and the system of open and culverted rhyne watercourses have been considered in detail and enhanced. New, readily accessible allotments are included within the scheme.

5.1.6 The topography of the Site, the surrounding area and the rhyne system have been used to define an innovative sustainable drainage strategy. Three suitably located attenuation ponds are identified to hold and control the release of surface water. The ponds also complement and

respect the rhyne system, being attractive and functional features within the built areas and open spaces. The Site's drainage strategy is presented within the Foul & Surface Water Drainage Strategy and Flood Risk Assessment & Hydraulic Modelling report, both produced by Hydrock.

- 5.1.7 The Site's design details of appearance, scale, layout and landscaping are reserved and will be subject to a future Reserved Matters application.
- 5.1.8 Vehicular and pedestrian access is proposed from Shiners Elms to the north east of the Site. A planned road through the Site will provide connections to the approved development at Land at Rectory Farm, Chescombe Road. Secondary roads will connect all other development parcels within the Site. There will be a network of pedestrian pathways and links to allow movement through the Site and into the open spaces, and on to the road network and Strawberry Line.
- 5.1.9 Bicycle and pedestrian links will be provided to the Strawberry Line multi-use path at two places along the western boundary. In addition, bicycle and pedestrian links will be provided at West Road and Marsh Road offering car-free movement and sustainable connections to the High Street and Rail Station.

6 Affordable and Accessible Housing Statement

6.1 Affordable Housing

- 6.1.1 North Somerset's Core Strategy (Policy CS16) is the most important policy for the consideration of affordable housing requirements on the Site. This is supported by the Affordable Housing Supplementary Planning Document, adopted November 2013.
- 6.1.2 Policy CS16 (Affordable Housing) of North Somerset's Core Strategy requires proposals of 10 or more dwellings to provide 30% affordable housing and that in terms of mix, 83% of these affordable homes should be social rented and 18% should be of intermediate tenure.
- 6.1.3 The Council's most recent Authority Monitoring Report (2022) identifies that the adopted target is for 150 affordable homes to be provided per annum against a current delivery rate of 143 dwellings per annum.
- 6.1.4 The proposed development includes 50% affordable provision. The percentage presented exceeds the adopted Core Strategy requirement of 30%. The level of affordable housing provision onsite will be secured via a Section 106 Agreement.
- 6.1.5 The mix of house sizes and types will be defined at the Reserved Matters Stage. The precise size and type of affordable housing to be provided onsite will be determined through negotiation and guided by the Strategic Housing Market Assessment as per the requirements of Policy CS16. However at this stage, it is envisaged that the affordable housing proposal will comprise 30% social rent / intermediate housing; and the remaining 20% as First Homes and / or shared ownership.
- 6.1.6 On this basis, the proposals fully comply with, and indeed exceed, the requirements of Policy CS16 of the Core Strategy and the Affordable Housing Supplementary Planning Document.

6.2 Accessible Housing

- 6.2.1 Accessible Homes Policy DM42 of the Sites and Policies Plan Part 1: Development Management Policies enables the Council to require proposals for residential development to incorporate a proportion of dwellings carried out to Building Regulations M4(2). The proportion should be based on the evidence of need and is subject to feasibility and viability. This policy is supported by the Accessible and Adaptable Housing Needs Assessment SPD.
- 6.2.2 The applicant will work with the local authority in refining the proportion of accessible homes – with the design and specification complying with Building Regulations.

7 Planning Policy

7.1 The Development Plan

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.1.2 The Development Plan for North Somerset comprises the following:
- Core Strategy (2006-2026) (adopted (in full) 10th January 2017);
 - Sites and Policies Plan Part 1: Development Management Policies (2006-2026) (adopted 19th July 2016);
 - Sites and Policies Plan Part 2: Site Allocations Plan (2006-2026) (adopted 19th April 2018); and
 - Yatton Neighbourhood Plan (2017-2026) ('made' July 2019).

7.2 Core Strategy

- 7.2.1 The Core Strategy covers the period 2006-2026 and was adopted (in full) on 10th January 2017.
- 7.2.2 The Core Strategy was first adopted on 10th April 2012. A High Court challenge was successfully awarded in relation to Policy CS13 on the basis that the Inspector failed to give adequate or intelligible reasons for his conclusions that the housing figure (14,000 dwellings) made sufficient allowance for latent demand, i.e., demand unrelated to the creation of new jobs. As a result, Policy CS13 and 8 other policies which could have had consequential changes if the housing number was increased, were remitted for re-examination. On 18th September 2015, Policy CS13 (Scale of new housing) was re-adopted following consideration by the Secretary of State of the Inspector's Report.
- 7.2.3 The remaining remitted policies were then re-examined. On 10th January 2017, the Council adopted the remaining remitted policies: CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33.
- 7.2.4 Yatton is identified in the Core Strategy as a 'Service Village' providing a highly sustainable location for housing with a wide-ranging provision of services, facilities and public transport links.
- 7.2.5 At recent appeals in North Somerset, Inspectors have accepted that the Council are unable to demonstrate a 5 year housing land supply with evidence of delivery showing a significant shortfall. This is confirmed in the 2022 Annual Monitoring Report where the Council's position is stated as 3.5 years and, in accordance with page 36 of the AMR, this will remain the Council's position until April 2023.
- 7.2.6 On this basis, Paragraph 11(d) of the National Planning Policy Framework is engaged and those policies most important for determining the planning application (in this case, those relating to the provision of housing) are out-of-date.
- 7.2.7 It should be noted that the tilted balance is engaged regardless of the housing land supply position as confirmed by the Moor Road, Yatton appeal decision¹ where the Inspector

¹ Appeal Ref: APP/D0121/W/21/328543

concluded (paragraph 71) that “I cannot avoid the conclusion that as some of these policies have to be considered out-of-date for reasons already given, then it is necessary for me to assess this proposal using the process set out at paragraph 11(d) of the Framework, often referred to as the “tilted balance”.

- 7.2.8 This matter is discussed in further detail at Section 9 of this Planning Statement.
- 7.2.9 The Core Strategy policies relevant to this proposed development are as follows:
- 7.2.10 **Policy CS1 (Addressing Climate Change and Carbon Reduction)** confirms that North Somerset Council is committed to reducing carbon emissions and tackling climate change, mitigating further impacts and supporting adaptation to its effects, and to support this, the policy sets out a number of principles will guide development.
- 7.2.11 **Policy CS2 (Delivering Sustainable Design and Construction)** sets out that new development should demonstrate a commitment to sustainable design and construction, increasing energy efficiency through design, and prioritising the use of sustainable low or zero carbon forms of renewable energy generation in order to increase the sustainability of the building stock across North Somerset.
- 7.2.12 **Policy CS3 (Environmental Impacts and Flood Risk Assessment)** relates to development that, on its own or cumulatively, would result in air, water or other environmental pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other control regimes, or by measures included in the proposals, by the imposition of planning conditions or through a planning obligation.
- 7.2.13 Development in Zones 2 and 3 of the Environment Agency Flood Map will only be permitted where it is demonstrated that it complies with the Sequential Test set out in the NPPF and associated guidance and, where applicable, the Exception Test. It can be confirmed that this is taken into consideration in the submitted Sequential and Exception Tests.
- 7.2.14 **Policy CS4 (Nature Conservation)** states how the biodiversity of North Somerset will be maintained and enhanced.
- 7.2.15 **Policy CS5 (Landscape and the Historic Environment)** sets out that in regard to landscape, the character, distinctiveness, diversity and quality of North Somerset’s landscape and townscape will be protected and enhanced by the careful, sensitive management and design of development. Close regard has been to the character of National Character Areas in North Somerset and particularly that of the 11 landscape types and 31 landscape character areas identified in the North Somerset Landscape Character Assessment. Policy CS5 also refers to the historic environment and confirms that the council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets.
- 7.2.16 **Policy CS9 (Green Infrastructure)** sets out that the existing network of green infrastructure will be safeguarded, improved and enhanced by further provision, linking in to existing provision where appropriate, ensuring it is a multi-functional, accessible network which promotes healthy lifestyles, maintains and improves biodiversity and landscape character and contributes to climate change objectives.
- 7.2.17 **Policy CS10 (Transportation and Movement)** informs travel management policies and development proposals that encourage an improved and integrated transport network and allow for a wide choice of modes of transport as a means of access to jobs, homes, services and facilities will be encouraged and supported.
- 7.2.18 **Policy CS11 (Parking)** sets out the requirement for adequate parking to be provided onsite. The number and location of parking spaces will be secured at the Reserved Matters stage.

- 7.2.19 **Policy CS12 (Achieving High Quality Design and Place Making)** confirms the Council is committed to achieving high quality buildings and places. The Design and Access Statement provides detail on the high-quality design of the proposals and how they full comply with Policy CS12.
- 7.2.20 **Policy CS13 (Scale of New Housing)** identifies 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 Policy also confirms that the appropriate level of new homes will be reviewed by 2018. As set out above, the Council’s latest five year housing land supply position (April 2021) demonstrates that they are unable to currently prove a five year housing land supply. Given the housing land supply position, Policies CS14 and CS32 are now out-of-date.
- 7.2.21 **Policy CS14 (Distribution of New Housing)** sets out the settlement hierarchy and that at service villages there will be opportunities for small scale development of an appropriate scale either within or abutting settlement boundaries or through site allocations. Elsewhere development will be more strictly controlled although appropriate development will be acceptable within the settlement boundaries of infill villages. Settlement boundaries define the area within which residential development is acceptable in principle, subject to compliance with other policies in the plan. Development outside the settlement boundaries will only be acceptable where a site is allocated in a Local Plan or where it comprises sustainable development which accords with the criteria set out in the relevant settlement policies (CS28, CS31, CS32 and CS33). As stated above, given that a five year planning supply cannot be demonstrated, this policy is considered to be out-of-date. This matter is addressed further in the Planning Assessment section of this Planning Statement.
- 7.2.22 **Policy CS15 (Mixed and Balanced Communities)** states that the Council will seek to ensure a genuine mix of housing types within existing and future communities in North Somerset through considering proposals for development. The proposals will contribute to a well-integrated mix of houses and tenures, including 30% affordable housing, and to an accessible, inclusive and safe community with easy access to a range of services.
- 7.2.23 **Policy CS16 (Affordable Housing)** requires provision of 30% affordable housing on proposals of 10 or more dwellings. The Affordable Housing Statement at Section 6 sets out in detail how the proposals fully comply with this policy.
- 7.2.24 **Policy CS25 (Children, Young People and Higher Education)** states that where local provision for children and young people will be inadequate to meet the needs of new residential developments, improved facilities / services or new learning facilities will be sought to meet any identified shortfall. CIL compliant contributions towards any identified shortfall will be secured by Section 106 Agreement.
- 7.2.25 **Policy CS27 (Sport, Recreation and Community Facilities)** requires that where the local provision of sport, recreation, children’s play and other community facilities arising from new residential development are inadequate to meet projected needs and standards, additional provision in safe and accessible locations will be sought to meet any identified shortfall. This provision may be in the form of on-site provision or the enhancement / improved access to existing facilities. Any CIL compliant contributions towards any identified shortfall will be secured by Section 106 Agreement.
- 7.2.26 **Policy CS32 (Service Villages)** advises that new development within or adjoining the settlement boundaries of Yatton which enhances the overall sustainability of the settlement will be supported where:
- Results in a form, design and scale of development which is high quality, respects and enhances the local character, contributes to place making and the reinforcement of local distinctiveness;
 - Has regard to the size, type, tenure and range of housing that is required;

- Will not cause significant adverse impacts on local services and infrastructure;
- Results in high quality sustainable schemes which is appropriate to its context and makes a positive contribution to the local environment and landscape setting;
- No significant adverse cumulative impacts are likely to arise from the development;
- The location maximises opportunities to reduce the need to travel and encourages active travel; and
- Demonstrates safe and attractive pedestrian routes.

7.2.27 The policy goes on to state that where sites are outside the settlement boundaries, in excess of about 25 dwellings must be brought forward as allocations through Local Plans or Neighbourhood Plans. Given the Council's housing land supply position, and that it is unlikely the Council is going to be able to meet its housing requirement without development taking place on some sites that do not fit with its existing policies for the distribution of new housing, this policy is considered to be out-of-date.

7.2.28 **Policy CS34 (Infrastructure delivery and Development Contributions)** requires that development proposals will be expected to provide a contribution towards the cost of infrastructure through Section 106 Agreements and/or through a Community Infrastructure Levy.

7.3 Sites and Policies Plan Part 1: Development Management Policies

7.3.1 The Sites and Policies Plan Part 1 covers the period 2006 to 2026 and was adopted on 19th July 2016. The Plan brings forward detailed development management policies to complement the strategic context set out in the Core Strategy.

7.3.2 The policies relevant to this proposed development are as follows:

- DM1 (Flooding and Drainage);
- DM6 (Archaeology);
- DM8 (Nature Conservation);
- DM9 (Trees and Woodlands);
- DM10 (Landscape);
- DM19 (Green Infrastructure);
- DM24 (Safety, Traffic and Provision of Infrastructure etc Associated with Development);
- DM25 (Public Rights of Way, Pedestrian and Cycle Access);
- DM26 (Travel Plans);
- DM27 (Bus Accessibility Criteria);
- DM28 (Parking Standards);
- DM32 (High Quality Design and Place Making);

- DM34 (Housing Type and Mix);
 - DM36 (Residential Densities);
 - DM68 (Protection of Sporting, Cultural and Community Facilities);
 - DM70 (Development Infrastructure); and
 - DM71 (Development Contributions, Community Infrastructure Levy and Viability).
- 7.3.3 **Policy DM1 (Flooding and Drainage)** sets out that all development must consider its vulnerability to flooding, the requirement to consider the implications of surface water flooding and that sustainable drainage systems are expected for all. Exceptions to national policy on flood risk (as elaborated in national technical guidance and in Policy CS3 of the North Somerset Core Strategy) will not be permitted. As mentioned earlier on within this Section, it can be confirmed that this is taken into consideration in the submitted Sequential and Exception Tests.
- 7.3.4 **Policy DM6 (Archaeology)** states that Archaeological interests will be fully taken into account when determining planning applications.
- 7.3.5 **Policy DM8 (Nature Conservation)** sets out that development proposals must take account of their impact on local biodiversity and identify appropriate mitigation measures to safeguard or enhance attributes of ecological importance.
- 7.3.6 **Policy DM9 (Trees)** sets out the requirements that should be met when development proposals affect trees.
- 7.3.7 **Policy DM10 (Landscape)** sets out the requirements that all developments proposals should meet in relation to landscape.
- 7.3.8 **Policy DM19 (Green Infrastructure)** links to Policy CS9 (of the Core Strategy) and aims to ensure new development contributes to the safeguarding, improvement and further provision of North Somerset's green infrastructure and that the provision of multi-functional, inter-connected and adaptable green infrastructure is taken into account in the design and layout of new development proposals.
- 7.3.9 **Policy DM24 (Safety, Traffic and Provision of Infrastructure etc Associated with Development)** sets out that development will be permitted provided it would not prejudice highway safety or inhibit necessary access for emergency, public transport, service or waste collection vehicles.
- 7.3.10 **Policy DM25 (Public Rights of Way, Pedestrian and Cycle Access)** requires that development that would reduce, sever or adversely affect the use, amenity or safety of public rights of way will only be permitted if acceptable provision is made to mitigate those effects before the development commences. Residential development will be expected to ensure appropriate pedestrian/cycling links to the nearest schools are developed at the required standard.
- 7.3.11 **Policy DM26 (Travel Plans)** confirms that Travel Plans are required for all developments which generate significant amounts of movement. Travel Plans will aim to reduce car use generated by the development and to deliver other sustainable transport objectives, related in scale and kind to the development.
- 7.3.12 **Policy DM27 (Bus Accessibility Criteria)** requires that all residential development comprising 50 or more dwellings should be within a reasonable distance, via a direct pedestrian route, of a bus stop which provides an appropriate level of service.

- 7.3.13 **Policy DM28 (Parking Standards)** sets out that development proposals should meet the council's standards for the parking of motor vehicles and bicycles. This policy is for consideration at the Reserved Matters stage.
- 7.3.14 **Policy DM32 (High Quality Design and Place Making)** states that the design of new development should contribute to the creation of high quality, distinctive, functional and sustainable places where opportunities for physical activity and recreation are maximised.
- 7.3.15 **Policy DM34 (Housing Type and Mix)** relates to the requirement to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type. Whilst the applicant are committed to achieve this, the exact type and mix of dwellings is for consideration at the Reserved Matters stage.
- 7.3.16 **Policy DM36 (Residential Densities)** confirms that residential development should optimise the potential of the site to accommodate development whilst protecting or enhancing the distinctiveness and character of the area. The policy also sets out the key considerations in determining the appropriate density for a particular site.
- 7.3.17 **Policy DM68 (Protection of Sporting, Cultural and Community Facilities)** informs land and buildings in existing use, last used for, or proposed for use for a sporting, cultural or community facility, are protected for that purpose unless the land is allocated for another purpose in another planning document. Development of such sites for other uses will only be permitted where acceptable alternative provision of at least equivalent community benefit is made available in the same vicinity and capable of serving the same catchment area.
- 7.3.18 **Policy DM70 (Development infrastructure)** requires that the design and implementation of development infrastructure including highways, street lighting, flood management, play areas and green infrastructure will take into account its long-term maintenance and associated costs. Any necessary infrastructure, maintenance and associated costs will be discussed with the Council and secured through a Section 106 Agreement as necessary.
- 7.3.19 **Policy DM71 (Development Contributions, Community Infrastructure Levy and Viability)** refers to the requirement to enter into planning obligations and to make Community Infrastructure Levy ('CIL') payments as necessary. The Applicant is aware that the proposals are CIL liable and that a Section 106 Agreement will be required for other obligations that are required to mitigate the impacts of a development proposal.

7.4 Sites and Policies Plan Part 2: Site Allocations Plan

- 7.4.1 The Site Allocations Plan covers the period 2006 to 2026 and was adopted on 10th April 2018. The purpose of the Plan is to identify the detailed allocations required to deliver the Core Strategy and the housing requirement.
- 7.4.2 The Site Allocations Plan identifies a parcel of land within the Site boundary as a primary school replacement site. The primary school site was first safeguarded as part of the former North Somerset Local Plan (2000) for a replacement primary school and additional basic need provision. This was carried through to Policy SA8 of the SAP, which states that such land is allocated or safeguarded for the relevant community uses and that alternative use of these sites will only be permitted if in accordance with Policy DM68 of the Sites and Policies Part 1: Development Management Policies. A replacement primary school has already been provided in Yatton and thus the justification for the safeguarding of this land for a primary school no longer exists.
- 7.4.3 This allocation continues to be 'rolled over' with no evidence provided for its proposed continued allocation in the draft plan review taking into account both recent primary school in Yatton and also falling pupil roles.

7.4.4 There are no other policies within the SAP that are considered relevant to the consideration of this application.

7.5 Yatton Neighbourhood Plan

7.5.1 Yatton Neighbourhood Plan (YNP) covers the period 2017 to 2026 and was 'made' in July 2019 following a successful referendum result in April 2019.

7.5.2 The YNP sets out objectives and policies relating to businesses, the environment, housing and transport. The objectives and policies relevant to this proposed development are as follows:

7.5.3 Business Objective BO1: To maintain a thriving local economy by supporting businesses based in Yatton.

7.5.4 Business Policy BP1: Development proposals which are considered likely to have significant transport impacts on footways, bicycle routes and car and bicycle parking capacity in Yatton will be supported, where accompanied by a Transport Assessment, the scope and nature of which should reflect the scale of development and the extent of the implications.

7.5.5 Environment Objectives EO1: To protect the rural character of Yatton by enhancing:

- Local wildlife habitats and biodiversity;
- Valued landscapes including trees and hedgerows; and
- The 'dark skies' over Yatton.

7.5.6 Environment Objectives EO2: To enhance access to the surrounding countryside, green spaces, public spaces, and sports and leisure facilities.

7.5.7 Environment Objectives EO3: To ensure that the provision of open space for sports and recreational facilities is maintained at an appropriate level to meet the existing and future needs of the community.

7.5.8 Environment Policy EP1: Development proposals which contribute to improved access from residential areas of Yatton to local public footpaths will be supported.

7.5.9 Environment Policy EP3: Development proposals incorporating amenity areas for planting with appropriate indigenous trees, where appropriate, will be supported.

7.5.10 Environment Policy EP4: Development proposals which are subject to development control and incorporating external lighting designed to conform to The Institute of Lighting Engineers (ILE) Guidance notes for the reduction of obtrusive light, 2011 for Environmental Zone E2, will be supported. External lighting for new development will normally be expected to demonstrate that:

- All night-time lighting is concentrated in appropriate areas;
- Upward lighting is minimised;
- Light pollution is minimised; and
- Energy consumption is minimised.

7.5.11 Housing Objective HO1: to maintain a mixed housing stock that includes affordable homes so that future generations can choose to stay in Yatton.

- 7.5.12 Housing Objective HO2: To avoid any increase in the risk of flooding in Yatton as a result of new housing developments.
- 7.5.13 Housing Policy HP1: A brownfield site at Mendip Road, Yatton which is adjacent to the application Site is allocated for residential development. This site has subsequently been developed with new homes located on the edge of the village.
- 7.5.14 Transport Objective TO1: To make journeys to, from and within Yatton safer and more sustainable.
- 7.5.15 Transport Policy TP1: Development proposals will be supported where they include measures for pedestrians and cyclist to enhance traffic safety, and which encourage walking and cycling through well designed pedestrian and bicycle routes through the village.

7.6 Emerging Local Plan 2039

- 7.6.1 North Somerset are currently in the process of preparing their Local Plan 2039, which will cover the period of 2023 to 2039. Once adopted, it will replace the current Development Plan, which comprises the Core Strategy, Site Allocations Plan and Development Management Policies.
- 7.6.2 A Pre-Submission Plan consultation ended on 22nd January 2024, which followed a 'Preferred Options' consultation in April 2022 and a 'Challenges Consultation' and 'Choices Consultation' in November 2020. The Local Development Scheme (LDS) (August 2023) sets out the following timetable for the next steps of the emerging Local Plan 2039:
- Pre-Commencement Document (Reg 18) – March 2020;
 - Issues and Options Consultation (Reg 18) –
 - Challenges Consultation – July – September 2020;
 - Choices Consultation – November -December 2020;
 - Consultation on Draft Plan (Reg 18) – March / April 2022;
 - Consultation on Pre-Submission Plan (Reg 19) – November / December 2023;
 - Submission to Secretary of State (Reg 22) – March 2024;
 - Examination Hearings Period (Reg 24) – July 2024;
 - Inspectors Report (Reg 25) – October 2024; and
 - Adoption (Reg 26) – December 2024.
- 7.6.3 The consultation on the Pre-Submission Plan (Reg 19) ran from 27th November 2023 to 22nd January 2024. There is some apparent slippage in timescales and as such, it is considered that the adoption of the Local Plan (Reg 26) will go beyond December 2024.
- 7.6.4 The Pre-Submission Plan carries forward some allocations from the existing Development Plan as well as introducing new allocations. The allocation of land within the Application Site 'Land at The Batch, Yatton' is carried over from the Site Allocations Plan for a primary school replacement site.
- 7.6.5 The Pre-Submission Plan recognises that the most sustainable patterns of growth for North Somerset is likely to result in the principal areas of new growth being generally located the main towns of Weston-super-Mare, Clevedon, Nailsea and Portishead. However, opportunities for an

appropriate scale of growth will exist in the towns, villages and rural areas, subject to development being sustainably accommodated. This supports the Core Strategy Vision (Vision 6) in that, *“By 2026, the Service Villages will become thriving rural communities and a focal point for local housing needs, services and community facilities. They will become more self-contained in terms of providing jobs and serving the local and surrounding community for all their day-to-day needs, whilst protecting their individual character”*.

- 7.6.6 Policy SP8 (Housing) of the Pre-Submission Plan sets out that 'land will be identified to secure the delivery of a minimum of 14,902 dwellings within North Somerset from 2024 to 2039'. Policy DP43 (Affordable Housing (including rural exception schemes)) confirms that developments will be expected to provide 38.5% affordable housing on greenfield sites and 20% on previously developed land.
- 7.6.7 The spatial strategy (Policy SP3 – Spatial Strategy) for the Pre-Submission Plan informs that priority will be given to locating new residential and mixed-use development in or close to urban areas where there is an existing or proposed wide range of facilities, services and jobs, and there are opportunities to encourage active travel, particularly at locations which are currently, or have the potential to be, well served by public transport. Residential development in areas at risk of flooding will be minimised outside the towns. The amount of development at villages and in the countryside will relate to local community needs. It is noted that no specified quantum or amount of development in the towns, villages and rural areas is specified within the policy.
- 7.6.8 A total of 207 dwellings are to be allocated within the Pre-Submission Plan for Yatton. The three allocations in Yatton include:
1. Land at North End, Yatton – 47 dwellings;
 2. Moor Road, Yatton – 60 dwellings; and
 3. Rectory Farm, Yatton – 100 dwellings.
- 7.6.9 It is worth noting that the allocation at Rectory Farm, Yatton for 100 dwellings has submitted a reserved matters application for 98 dwellings (23/P/0238/RM). On this basis, the total proposed figure of 207 allocated dwellings for Yatton has now reduced to 205 dwellings.
- 7.6.10 At this stage, the emerging Plan carries no more than very limited weight at best given it is a Pre-Submission Plan and has yet to be examined.

7.7 Supplementary Planning Documents

- 7.7.1 The following adopted Supplementary Planning Documents ('SPDs') and Supplementary Planning Guidance ('SPGs') are relevant to this planning application and have been taken into consideration in the preparation of the application as set out in the relevant application documents:
- Accessible Housing Needs Assessment (2018);
 - Affordable Housing (2013);
 - Biodiversity and Trees (2005);
 - Creating Sustainable Buildings and Places (2021);
 - Development Contributions (2016);
 - Landscape Character Assessment (2018);

- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development (2018);
- Parking Standards (2021);
- Residential Design Guide (2013); and
- Travel Plans (2010).

7.7.2 In addition to this, as set out in the Sequential Test, the Council have produced a Development Management Advice Note (2019) addressing development and flood risk issues.

7.8 National Planning Policy Framework

7.8.1 The most recent version of the National Planning Policy Framework (NPPF) was published by the Government in December 2023.

Achieving Sustainable Development

7.8.2 At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 7 states, “*The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner*”. To note, where policies were adopted prior to the publication of the NPPF, due weight should be afforded to them according to their degree of consistency with the Framework.

7.8.3 Paragraph 8 sets out the three overarching objectives of sustainable development, being economic, social and environmental, and planning should therefore perform each of these roles. These objectives are mutually dependant and should not be considered in isolation.

7.8.4 When considering the sustainability of the proposal, in the context of the three objectives the proposal is considered to have significant benefits as follows:

- **Economic Role:** The proposed residential development of up to 190 dwellings will contribute to the economy through local construction jobs during the construction phase of the development. The use of local tradesmen and services along with materials will help to sustain the economy through supply chain multipliers. Once the dwellings have been built and occupied, the new residents will contribute to the local economy through additional expenditure in local shops and services. In addition, the Class E uses (whether they be café / creche / shops / offices) will also provide local employment opportunities.
- **Social Role:** The delivery of up to 190 dwellings and public open space has the potential to make a substantial contribution to the creation of a strong and vibrant community. The development will provide a number of social benefits for the existing / future residents of Yatton, including the provision of new areas of formal and informal public open space for the wider community. 50% of the proposed dwellings will be affordable which will help to increase the range and type of dwellings and tenures available within the locality, contributing to the creation of a mixed / balanced community. Furthermore, the provision of allotments will assist in facilitation community cohesion by bringing the existing and new community together. The same can be said of the potential Class E uses, which no matter the end use, will serve the whole of Yatton.
- **Environmental Role:** The proposed development has been carefully designed to make a positive contribution to the built environment, whilst taking into account the Strawberry Lane and Biddle Street Yatton SSSI. Site rhyme management will also take place. Over 50% of the Site is given over to green infrastructure comprising informal recreational

areas; SUDs features, buffer planting, retained trees and hedgerows, and other habitat creation. There will be opportunities for biodiversity enhancements as demonstrated by the Preliminary Ecological Appraisal Report submitted with the application.

- 7.8.5 Paragraph 11 requires plans and decisions to apply a presumption in favour of sustainable development, and for development proposals which accord with the Development Plan to be approved without delay. Strategic policies should, as a minimum, provide for objectively assessed needs for housing.

Plan-Making

- 7.8.6 Paragraph 15 advises that the planning system should be genuinely Plan-led. Succinct and up-to-date Plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
- 7.8.7 Paragraph 31 informs the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerns, and taken into account relevant market signals.

Decision-Making

- 7.8.8 Paragraph 47 sets out planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.8.9 Paragraph 55 advises that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning conditions.

Delivering a Sufficient Supply of Homes

- 7.8.10 Paragraph 60 emphasises the Government's objective of "significantly boosting" the supply of housing. It is important that a sufficient amount and variety of land can come forward where it is needed. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
- 7.8.11 Paragraph 69 informs strategic policy making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.
- 7.8.12 Paragraph 75 advises that Local Planning Authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies.
- 7.8.13 Annex 2 of the NPPF details the different tenures of affordable housing to include the following:
- Affordable rent;
 - Starter homes;
 - Discount market sale; and
 - Other affordable routes to home ownership.

- 7.8.14 The Strategic policies in the adopted Core Strategy which include the housing requirement for the plan are over five years old and are 'out of date'. The policies have not been reviewed and found not to require updating. The Council is therefore required to "identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply" as per paragraph 77 of the National Planning Policy Framework (NPPF).
- 7.8.15 Paragraph 77 of the NPPF further sets out that in relation to housing supply, "The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old".
- 7.8.16 As set out above, the strategic policies in the NSC Development Plan are over five years old.
- 7.8.17 Footnote 42 of the NPPF confirms that "Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance".
- 7.8.18 The housing requirement for NSC should therefore be the local housing need calculated in accordance with the Standard Method as set out by footnote 42 of the NPPF.
- 7.8.19 Paragraph 226 of the NPPF states that:

"From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need."

- 7.8.20 NSC has an emerging local plan that has been subject to a Regulation 19 stage consultation from November 2023 to January 2024. This contained a policies map and proposed allocations towards meeting housing need. It is therefore considered that NSC need to provide a minimum of four years' worth of housing against its requirement.

Promoting Healthy and Safe Communities

- 7.8.21 Paragraph 96 sets out planning policies and decisions should aim to achieve healthy, inclusive, and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.

Promoting Sustainable Transport

- 7.8.22 Paragraph 109 requires significant development to be focused on locations which are or can be made sustainable through limiting the need to travel or offering a genuine choice of modes of travel. This can help to reduce congestion and emissions, and improve air quality and public health.

7.8.23 Paragraph 115 states “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.

7.8.24 Paragraph 117 informs all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Making Effective Use of Land

7.8.25 Paragraph 123 advises planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

7.8.26 Paragraph 125 informs Local Planning Authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forwards land that may be suitable for meeting development needs.

7.8.27 Paragraph 128 sets out that planning policies and decisions should support development that makes efficient use of land, taking into account: the identified need for different types of housing; local market conditions and viability, availability and capacity of infrastructure and services; the desirability of maintaining an area’s prevailing character and setting; and the importance of securing well designed and beautiful, attractive and healthy places.

7.8.28 Paragraph 129 informs that area-based character assessments, design guides and codes, and masterplans can be used to help ensure that land is used efficiently, whilst also creating beautiful and sustainable places.

Achieving Well-Designed Places

7.8.29 Paragraph 131 advises the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.

7.8.30 Paragraph 132 requires plans at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.

7.8.31 Paragraph 135 sets out a number of criteria that new development will be expected to achieve including: adding to the overall quality of the area; visually attractive as a result of good architecture, layout and appropriate / effective landscaping; sympathetic to local character and history; establishing or maintaining a strong sense of place; optimising the potential of the Site to accommodate and sustain an appropriate amount and mix of development; and creating places that are safe, inclusive and which promote health and wellbeing.

7.8.32 Paragraph 136 considers the important contribution that trees can have to the character and quality of the urban environment. Where possible, planning policies and decisions should ensure that new streets are tree lined and opportunities are taken to incorporate trees elsewhere in developments.

7.8.33 Paragraph 139 informs that permission should be refused where development is not well designed and fails to reflect local design guidelines and supplementary planning documents, such as design guides and codes.

Meeting the Challenges of Climate Change, Flooding and Coastal Change

- 7.8.34 Paragraph 157 requires the planning system to support the transition to a low carbon future, taking full account of flood risk.
- 7.8.35 Paragraph 159 advises new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change; and help to reduce greenhouse gas emissions, such as through its location, orientation and design.
- 7.8.36 Paragraph 165 sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.8.37 Paragraph 166 informs strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources.
- 7.8.38 Paragraph 167 advises all plans should apply a sequential risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.
- 7.8.39 Paragraph 169 continues, stating that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the Exception Test may have to be applied. This depends on the potential vulnerability of the site and development proposed, in line with the Flood Risk Vulnerability Classification. Residential development, such as that proposed, is classified as 'more vulnerable' development in Annex 3 of the NPPF.
- 7.8.40 Paragraph 170 states that the application of the Exception Test should be informed by a Flood Risk Assessment. To pass the Exception Test, it must be demonstrated that:
- a. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - 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.
- 7.8.41 Both elements of the exception test should be satisfied for development to be allocated permitted (paragraph 171).

Conserving and Enhancing the Natural Environment

- 7.8.42 Paragraph 180 sets out planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; recognising the intrinsic character and beauty of the countryside; minimising impacts on and providing net gains for biodiversity; and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.
- 7.8.43 Paragraphs 185 – 187 seek to minimise the impact on biodiversity and geodiversity. In particular habitats and protected species should be preserved.
- 7.8.44 Paragraphs 189 – 191 require new development to be appropriate to its location in order to prevent unacceptable risks from pollution and require sites to be appropriately remediated. Where a site is affected by contamination, the developer is responsible for ensuring that the development is safe.

Conserving and Enhancing the Historic Environment

7.8.45 Paragraph 196 informs plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

7.9 Planning Practice Guidance

7.9.1 Relevant aspects of the Planning Practice Guidance (PPG) have been taken into consideration in the preparation of the application documents.

8 Housing Land Supply

8.1 Housing Land Supply

- 8.1.1 North Somerset Council are unable to demonstrate a four year supply of housing land.
- 8.1.2 More than 5 years have passed since the adoption of the Core Strategy, therefore in accordance with Paragraph 75 of the NPPF, local planning authorities should monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies. Paragraph 77 of the NPPF goes on to recognise that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.
- 8.1.3 North Somerset Council published their most recent Housing Land Supply data in March 2023, which covers to the monitoring period 1st April 2022 to 31st March 2027, and states a 3.5 years' supply of housing.
- 8.1.4 It should be noted that during the previous monitoring year, a number of appeal decisions were issued which varying conclusions in respect of the Council's housing land supply position.
- 8.1.5 Inspector Harold Stephens concluded in June 2022² that North Somerset Council could demonstrate **3.2 years'** supply of housing. He states at paragraph 36 of his report that 'In the absence of being able to demonstrate a 5YHLS, the most important policies for determining the application are irrefutably deemed to be out of date under paragraph 11(d) of the NPPF and the tilted balance applies subject to any protective policies in the NPPF which provide a clear reason for refusal' and concluded at paragraph 37 that the extent of the shortfall in housing is significant.
- 8.1.6 Inspector AJ Mageean concluded in June 2022³ that North Somerset Council could demonstrate **3.5 years'** supply of housing, and that there was a 'very significant shortfall in housing land supply' of over 2,000 dwellings and that the housing requirement 'reflects real and significant need' (paragraph 89).
- 8.1.7 Appeals decided in April 2022⁴ and June 2022⁵ also concluded that the Council could not demonstrate a 5 year housing land supply. There have been no further updates from the Council since the most recent decision at 33 Beach Road West, Portishead⁶ on 30th November 2022, which also reached this conclusion. It should however be noted that in the appeal decision for Butts Batch, Wrington⁷ in August 2022, the Council agreed, through the Statement of Common Ground, that supply could be as low as **2.95 years**.
- 8.1.8 Noting that we are now in a new monitoring year, Stantec have completed an updated review of the Council's housing land supply position and conclude that despite the Council now only having to demonstrate a 4 year supply of housing; the supply now sits at 2.8 years (a shortfall of 2,833 homes).

² Rectory Farm, Yatton (NSC reference: 21/P/0236/OUT. PINS reference: APP/D0121/W/21/3286677)

³ Land at Farleigh Farm and 54 and 56 Farleigh Road, Backwell (NSC reference: 21/P/1766/OUT. PINS reference: APP/D0121/W/21/3285624)

⁴ Moor Road, Yatton (NSC reference: 19/P/3197/FUL. PINS reference: APP/D0121/W/21/3285343)

⁵ Church Lane (NSC reference: 21/P/2049/OUT. PINS reference: APP/D0121/W/22/3292961) and Butts Batch (NSC reference: 20/P/2990/OUT. PINS reference: APP/D0121/W/22/3292065)

⁶ PINS reference: APP/D0121/W/22/3302028

⁷ Land at Butts Batch, Wrington (NSC reference: 21/P/2120/FUL. PINS reference: APP/D0121/W/22/3294867)

- 8.1.9 The shortfall in supply is very significant and has a material bearing on the delivery of sustainable development and the way this planning application should be determined.

9 Planning Balance and Assessment

9.1 Planning Balance and Assessment

9.1.1 This Section outlines our assessment of the proposed development against the planning policy context and issues identified in Section 5. Reference is made to the findings of technical reports submitted to accompany the Planning Application in order to avoid unnecessary repetition.

9.2 Decision-Making Approach

9.2.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the Development Plan is the starting point for the determination of planning applications. Determination is required to be in accordance with the Plan unless material considerations indicate otherwise. For this application, the Development Plan comprises the North Somerset Core Strategy (2017), North Somerset Sites and Policies Plan Part 1: Development Management Policies (2016), Sites and Policies Plan Part 2: Site Allocations Plan (2018), and the Yatton Neighbourhood Plan (2019).

9.2.2 The application proposals are assessed against the relevant policies of the adopted Development Plan and key considerations are identified below.

9.3 Principle of Development

9.3.1 The Site is located within Flood Zone 3. As such, and within the context of the NPPF (paragraphs 166 to 170), the proposals represent inappropriate development within Flood Zone 3 – as it includes new housing development on a site that is unallocated for such development.

9.3.2 Core Strategy Policy CS3 (Environmental Impacts and Flood Risk Assessment) sets out development in Zones 2 and 3 of the Environment Agency Flood Map will only be permitted where it is demonstrated that it complies with the sequential test set out in the NPPF and associated guidance and, where applicable, the Exception Test. Paragraph 170 of the Framework advises to pass the Exception Test, it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and 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.

9.3.3 As a result, and taking into consideration the background as set out above, the main issues to consider are:

- The effect of the proposal on the landscape and character of the area;
- The effect of the proposal on the flood risk in a Flood Zone 3 area, albeit it is a defended Site;
- The Site's accessibility and sustainable location with regards to local services and facilities; and
- Whether any identified adverse impact by reason of inappropriateness, and / or any other harm, should be clearly outweighed by other material considerations.

9.3.4 In terms of the effect of the proposal on the landscape and character of the area, a Landscape and Visual Impact Assessment has been prepared and submitted as a part of this application. The Landscape and Visual Impact Assessment is summarised in further detail below; however the assessment concludes that harm is limited.

- 9.3.5 With regards to the effect of the proposal on the Flood Zone 3 catchment, a Sequential / Exception Test has been submitted as a part of this application. This demonstrates that the proposed development at the Site passes both of these tests and as such, the development is deemed acceptable in principle.
- 9.3.6 With regards to whether the Site is located in an accessible location close to local services and facilities, the Site is located just outside, albeit adjacent to the settlement boundary of Yatton. Yatton is included within the adopted Core Strategy as a main service village and Policy CS32 (Service Villages) advises that new development within or adjoining the settlement boundaries of Yatton which enhances the overall sustainability of the settlement will be supported. This is justified given that Yatton is recognised as 'a focal point for local housing needs, services and community facilities' as set out in Vision 6 of the Core Strategy.
- 9.3.7 Furthermore, elsewhere within this Statement, Design and Access Statement and Transport Assessment, reference is made to the various services and facilities within close proximity of the Site which are accessible by foot or on a bicycle. The site is within walking distance of the rail station which has a direct connection to London and Bristol amongst others.
- 9.3.8 In addition to this, a part of the Site was identified within the Sites and Policies Plan Part 2: Site Allocations Plan as a primary school replacement site. A replacement primary school (Chestnut Primary School) has already been constructed at Yatton - the current school is a 1FE school (210 pupils) but is designed to expand to a 2FE school (420 pupils). Therefore justification for the ongoing safeguarding of this land for a primary school no longer exists. The previous allocation of the site for a school use does therefore provide some acceptance that the principle of development on the Site has been previously accepted, including access to the site from Shiners Elms. The site has been allocated for a primary school for over 20 years and as such, consecutive plans and the Council's evidence base have continually found this site to be suitable for development which is a material consideration in the assessment of this planning application and when considering the suitability of the Site for development.

9.4 The Need for the Development

- 9.4.1 At present, the Council are unable to demonstrate a Five Year Housing Land Supply and therefore Footnote 7 of the NPPF demonstrates that Paragraph 11(d) applies in this circumstance. Further to this, paragraph 60 of the NPPF states the importance of a sufficient amount and variety of land coming forward where it is needed, in order to support the Governments objective of significantly boosting the supply of homes.
- 9.4.2 In this regard, as set out in Section 8, the proposed development would deliver a considerable number of homes, in an area where there is a shortfall in housing land supply. Inspector Harold Stephens notes in the Rectory Farm appeal decision at paragraph 37 that 'In *Hallam Land Management Ltd v Secretary of State for Government* [2018] EWCA Civ 1808, the Court made plain that the extent of any such shortfall [in housing land supply] will bear directly on the weight to be given to the benefits or disbenefits of the proposed development. In a 5YHLS shortfall scenario two things are relevant; (i) the extent of the shortfall and (ii) retrievability i.e., how likely or quickly it will be made up.'
- 9.4.3 As such, very significant weight should be provided to the provision of housing, in a suitable, sustainable location and village, which would make an important and positive contribution to boosting the supply of housing within the District.
- 9.4.4 It is noted that in more recent years, some residential development in Yatton has come forward without any supporting community facilities. The proposal therefore to include land for Class E uses which can encompass a wide range of services subject to demand and/or need is a significant benefit to the scheme. This will deliver economic growth / social cohesion and has the ability to further supplement the sustainability of Yatton.

9.5 The Need for Affordable Housing

- 9.5.1 The proposed development includes affordable housing provision of 50% to assist in meeting affordable housing need in Yatton and across the North Somerset area, which exceeds the adopted Core Strategy requirement of 30% at Policy CS16 (Affordable Housing).
- 9.5.2 The provision of 50% affordable housing from this Site will bolster supply. It will assist in supporting the Council in delivering good quality affordable housing – helping the Council to meet its requirements and not fall further behind in providing such housing.
- 9.5.3 Taking the above into account and given that the application involves a local authority area which has an acute housing delivery shortage and affordable housing need, very significant weight should be afforded to the delivery of up to 95 affordable homes in this location.

9.6 The Need for the Development in Yatton

- 9.6.1 Alongside this submission is a Local Housing Need report dealing specifically with the need for market and affordable housing in Yatton. The report concludes:

There is a pressing need for the overall housing requirement to be increased beyond the 321 (inclusive of c.90 windfall homes) proposed by the emerging Local Plan within Yatton Parish between 2024 and 2039.

Based on analysis undertaken by Pioneer the requirement in Yatton Parish for market housing is suggested to be c.2.6 times the supply planned through the emerging Local Plan and a shortfall of c.399 market homes could accrue in Yatton Parish unless additional supply sources are identified over the 2024 to 2039 period.

If overall housing supply remains at the level proposed through the emerging Local Plan significant shortfalls of up to 565 Affordable Homes could accrue in Yatton Parish 2024 to 2039.

Even if Affordable Housing need is constrained to exclude a significant number of households eligible for Affordable Home Ownership (“AHO”), at a minimum shortfalls of c.99 Affordable Homes could accrue.

Existing backlogs in unmet Affordable Housing need suggest this lower shortfall scenario to be an optimistic outcome with c.985 households waiting for Affordable Housing selecting Yatton Parish as a location in which they would accept a home.

- 9.6.2 It is therefore concluded that there is a significant and pressing need for new housing within Yatton.

9.7 Flood Risk Sequential Test (FRST)

- 9.7.1 A FRST is submitted with this application which has been prepared in accordance with the conclusions reached in *R (Mead Realisations Ltd. & Redrow Homes Ltd.) v. Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 279 (Admin)* (“the Judgment”).
- 9.7.2 The initial methodology for the carrying out for the sequential test was submitted to the Council in December 2022. Some 15 months later and despite chasing, the Council has yet to respond. It would therefore have been hoped that through a response the Council would have set out areas of agreement / disagreement and a list of potential sites / series for consideration could

have been agreed. In the absence of any engagement from the Council in this respect, the applicants have carried out their own assessment.

- 9.7.3 The Sequential Test has shown that of the 205 sites and series of sites established from the 495 entries sourced from the data set out in the FRST report, there are 26 sites and series of sites that could accommodate the development in terms of site size and capacity requirements and which are not at a higher risk of flooding than the application site. An assessment against planning policy and extant planning permissions was then carried out to establish whether there were objective reasons to determine that any sites could not accommodate the proposals. This assessment found that 19 of the 26 sites would not be appropriate for the development, by means of strategic policy constraints, reduced capacities and conflict with implemented permissions. A schedule of those 19 sites is held at Appendix E of the Flood Risk Sequential Test.
- 9.7.4 A schedule of the 7 remaining sites and series of sites is contained at Appendix F to the Flood Risk Sequential Test with commentary on their status.

Housing in Yatton

- 9.7.5 On the basis of housing need in Yatton, the primary case is that the sequential test is considered for Yatton Parish only. Of the 205 sites / series of sites assessed across North Somerset, 15 of these are in Yatton and Claverham, which is the extent of Yatton Parish boundary.
- 9 of these 15 sites had a capacity of less than 143 dwellings
 - Of the remaining 6 sites / series of sites, 3 of these were less than 10.3ha in size
- 9.7.6 As such, there are 3 sites / series of sites which could accommodate the capacity requirements of the application site, one of which being Rectory Farm (North) (the application site). Each of these sites / series is reviewed below.
- 9.7.7 In order to address some of the shortfall in both market and affordable housing in Yatton, the proposed development is needed in Yatton. As per the aforementioned Judgement, this must be a consideration in the decision-making process.

Chestnut Farm, North End, Yatton Rugby Club and Moor Road

- 9.7.8 The first of these is the “series” of sites at Chestnut Farm, North End, Yatton Rugby Club and Moor Road. Chestnut Grove (HE20630) is the northern most site covering an area of 0.8ha and with a capacity of 15 dwellings. This is adjacent to the land at North End (HE20425), which is 6.54ha in size and allocated in the Site Allocations Plan for 170 dwellings and is a draft allocation in the emerging Local Plan for a residual capacity of 47 dwellings. This part of the series was subject to planning permission (ref: 15/P/0946/O and 19/P/1884/RM) which has commenced. The housing land supply evidence shows that the remaining 47 dwellings are being brought forward in this 5 year period.
- 9.7.9 To the south of North End lies the Yatton Rugby Club (HE2012) site covering 2.2ha and where a planning application has been submitted (22/P/0455/FUL) for 85 dwellings. This application was submitted by the developer Strongbox Homes. This development includes the planned redevelopment of Yatton rugby club to a new site at the northern edge of Yatton at Land at Kenn Road. The application was submitted in February 2022 and remains undetermined.
- 9.7.10 The final element of this series of sites is land at Moor Road (HE20529) whereby full permission for 60 dwellings (19/P/3197/FUL) was allowed at appeal (3285343) in April 2022 on this site of 2.71ha. Persimmon Homes Severn Valley are the developers of this site and it is programmed to be developed as permitted and is therefore not available for alternative proposals.

- 9.7.11 Cumulatively, whilst the sites / series are 12.25ha in size and therefore above the site size parameter, there are completions on the central site in the series (North End) which sever the series into two parts. The southern part of this series (Rugby Club and Moor Lane) covers 4.91ha in size, which cannot accommodate the proposals and these sites are subject to other planning considerations: a development already being brought forward by the Applicant and a submitted application awaiting determination and requiring the relation of a sports facility.
- 9.7.12 This series of sites is therefore not reasonably available for the type of development proposed and there is not a reasonable prospect they are available to be developed at the point in time envisaged for the development.

Land between Yatton and the M5

- 9.7.13 Land to the west of Yatton and adjacent to the M5 has an estimated capacity in the SHLAA of 4,325 homes and a site area of 217 hectares. Like the application site, this land lies within Flood Zone 3a and benefits from flood defences, however it also contains land within Flood Zone 3b along Little River. This path of Flood Zone 3b cuts across the centre of the site. When assessing whether a small part of this larger site be considered to accommodate the proposals, as set out in the PPG, the part of the site adjacent to the existing settlement of Yatton would be the most logical part of the site to section off for the development proposals. However, this section is severed by the channel of Flood Zone 3b running through the site.
- 9.7.14 In addition to this, the site borders the M5 to the west, Lampley Road to the north, agricultural accesses to the east and the railway line to the south. Whilst it is adjacent to the settlement of Yatton, the logical access arrangements, through the development at the Arnolds Way allocation sites, does not lie within the site boundary and therefore could present legal issues in terms of securing access.
- 9.7.15 This site is therefore not considered to be a sequentially preferable site that is reasonably available for the proposals.

Rectory Farm and Biddle Street

- 9.7.16 The third and final series of sites in Yatton is Rectory Farm, land adjacent to the Strawberry Line (HE203) and Land off Biddle Street (HE2010112). Land at Rectory Farm is the application site and the Biddle Street site to the south is subject to a planning permission for 100 dwellings which was refused locally in May 2021 (21/P/0236/OUT) however allowed at appeal (3286677) in June 2022. Whilst this site is at a lower flood risk than the application site, it only has a capacity of 100 dwellings and therefore could not accommodate the application proposals. A Reserved Matters application was submitted in February 2023 (23/P/0238/RM) for 98 dwellings by the developer St. Modwen Homes.
- 9.7.17 It is therefore concluded that as far as Yatton is concerned, the application site is THE most sequentially preferable site to accommodate development. Noting that Yatton remains a higher order settlement in the emerging Local Plan and that submissions are made that both in the short term and longer term (emerging plan period), insufficient housing is being provided across both Yatton and the District, there is clear identification of housing need in Yatton which should weigh very substantially in favour of the grant of planning permission.
- 9.7.18 The aforementioned judgement was clear that failure to be THE most sequentially preferable site in the whole LPA administrative area does not direct a 'clear reason' for refusal within the meaning of footnote 7 of the NPPF. Plainly this is correct. Under limb (i) of paragraph 11 of the NPPF, the presumption is disapplied where *inter alia* the application of the NPPF policies "that protect areas or assets of particular importance provides a clear reason for refusing the development proposed". Those policies include the policies relating to "areas at risk of flooding or coastal change" (see footnote 7). Where flood risk policy does not provide a clear reason for refusing permission, the tilted balance applies unless any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against

the policies in this Framework taken as a whole” (limb (ii)). So in effect, the failure to pass the sequential test disappplies the presumption in favour of sustainable development and weighs against the site in the planning balance.

9.7.19 Paragraph 174 of the judgement states:

“Where there is an unmet need, for example a substantial shortfall in demonstrating a 5-year supply of housing land, that shortfall and its implications (including the contribution which the appeal proposal would make to reducing that shortfall) are weighed in the overall planning balance against any factors pointing to refusal of permission (including any failure to satisfy the sequential test). If the total size of sequentially preferable locations is less than the unmet housing need, so that satisfying that need would require the release of land which is not sequentially preferable, that too may be taken into account in the overall planning balance. But these are not matters which affect the carrying out of the sequential test itself. Logically they do not go to the question whether an alternative site is reasonably available and appropriate (i.e. has relevant appropriate characteristics) for the development proposed on the application or appeal site. Instead, they are matters which may, for example, reduce the weight given to a failure to meet the sequential test, or alternatively increase the weight given to factors weighing against such failure”.

9.7.20 We therefore conclude that insofar as the assessment relates to Yatton, the application site is the most sequentially preferable site.

FRST Planning Balance

9.7.21 Across the District, there are other sites and series of sites which could be considered sequentially preferable in flood risk terms and further commentary is included at Appendices E and F of the FRST. However when factoring in other items such as Green Belt (and therefore the need to demonstrate very special circumstances for residential development of this scale); other planning matters such as existing planning permissions already in place and being delivered; presence of the strategic gap; and overall availability, then this shows that when taking a wider view and linking the results of the sequential test to other planning constraints and a case on housing need; there are no alternative better sites or series of sites to deliver the type of development proposed.

9.7.22 In the event that following receipt of feedback on the methodology from the Council and agreement on a list of sites or series of sites for consideration, that the application Site is not considered the most sequentially preferable site – as set out above, this does not lead to the refusal of the application. A Written Opinion is included at my Appendix C from Lord Charles Banner KC on the matter. At paragraph 17, it is stated that:

It is clear beyond doubt from this part of the Judgment that Holgate J. did not consider that a failure to comply with the sequential test was automatically fatal to a planning application, either within the parameters of the NPPF or having regard to material considerations under s.38(6) of the Planning and Compulsory Purchase Act 2004. Other material considerations, including housing need and a lack of a 5 (or 4, as the case may now be depending upon the application of the December 2023 changes to the NPPF) year housing land supply may mean that a failure to comply with the sequential test is outweighed by the housing delivery and/or other benefits of the proposed development in question. Certainly, a refusal by the LPA to

consider this issue, and instead to consider the failure of the sequential test to be automatically fatal to an application/appeal without further consideration, would be a clear and unreasonable misapplication of the Judgment.

9.7.23 The implications of the Judgement are also set out in the Flood Risk Sequential Test report. This Planning Statement has already dealt with matters relating to housing need in the preceding paragraphs and it is clear that there is immediate pressing housing need along with medium / longer term housing need across the plan period which will need to be met.

9.7.24 Other benefits are identified below.

9.8 Open Space and Allotments

9.8.1 This development provides approximately 70% of the site as open space – which is a very substantial benefit and one which is not common to all sites. The provision of this is identified in the description of development and is therefore something which the applicants are committed to delivering. This provides health and well being benefits as advocated by the NPPF and is an aspect which should attract very substantial weight in the planning balance.

9.8.2 The development also provide allotments at the south of the site. As of February 2024, there are currently two allotment sites in Yatton, one on Mendip Road and with a waiting list of 6 people and one on Arnolds Way, with a waiting list of 16 people. The delivery of allotments where there is an identified need attracts moderate weight in the planning balance.

9.9 Land for E Class Uses

9.9.1 Whilst the end use for this land has yet to be identified, the applicants are committed to its provision and identification of land for an 'E' class use provides a wider opportunity for potential end users. This is a social benefit to the village which should attract significant weight in the planning balance.

9.10 Design

9.10.1 The NPPF requires that developments are of a good design, and this is echoed in local planning policy through the existing adopted Local Plan Policy CS12 (Achieving High Quality Design and Place Making).

9.10.2 The proposed access point is located on the eastern perimeter of the Site at Shiners Elms. Approval for the detailed design of this point of access is sought through the application, as shown in the Transport Assessment. The Transport Assessment submitted in support of this application provides a robust assessment of the new vehicular access. The new access has been designed in accordance with Core Strategy Policies CS10 (Transportation and Movement) and CS11 (Parking).

9.10.3 The application is in outline at this stage, and detailed matters of design and layout will be considered through future Reserved Matters. However, the application is accompanied by a Site Masterplan (Drawing Ref: edp7842_d003g) and a Design and Access Statement, both of which demonstrate that the proposed development will be of a high standard of layout and design. The Design and Access Statement confirms the development is responsive to its setting and local context, with a proposed layout which responds to the Site's Flood Zone 3 constraints.

9.10.4 In light of the above, the proposed development therefore accords with Local Plan Policies CS12 (Achieving High Quality Design and Place Making) and DM32 (High Quality Design and Place Making). This should attract significant weight in the assessment of the scheme in accordance with paragraph 139 of the NPPF.

9.11 Bio-diversity net gain

- 9.11.1 The existing habitats present on the Site were assessed as being of low ecological value. These included a series of fields containing poor quality modified grassland, open ditches in poor condition, and a small number of mature trees and hedgerows of varying quality. To the west, the Site is bounded by wet ditches which form part of the Biddle Street SSSI.
- 9.11.2 Additional protected species surveys were undertaken for reptiles, great crested newt, water vole and otter, to confirm presence or likely absence. A breeding bird scoping survey was also undertaken, along with extensive monthly bat activity surveys. These surveys included static detector surveys in line with the North Somerset and Mendip Bats SAC guidance on development, to inform the likely impacts on horseshoe bats.
- 9.11.3 The reptile surveys recorded a low population of grass snake and slow-worm. The eDNA surveys confirmed the likely absence of great crested newt within adjacent ponds. Surveys for water vole recorded likely absence of this species, although otter appear to use the ditches within the Site occasionally. Bat activity surveys revealed that both greater and lesser horseshoe forage in the pasture on Site, and the hedgerows are valuable to a range of foraging and commuting bat species.
- 9.11.4 Avoidance and mitigation measures have been proposed to ensure that any adverse impacts to habitats and species are reduced as far as possible. These include protection of the offsite statutory and non-statutory designated sites, avoidance of detrimental impacts to ditches and hedgerows (both within and surrounding the Site), and the enhancement of these features.
- 9.11.5 Habitat mitigation proposals include the retention and enhancement of all hedgerows, with the exception of small lengths (33m in total) which require removal to create the access road and a public footpath. Approximately 720m of new species-rich hedgerow will be planted as mitigation for a range of species within the red line boundary. Approximately 7ha of modified grassland will be enhanced to create either 'other neutral grassland', broadleaved woodland or traditional orchard, through planting and sensitive management. Retained ditches will be enhanced through sensitive management. Overall, the habitat mitigation proposals result in a significant increase in the value of habitats present within the red line boundary: this is demonstrated by use of the Natural England Biodiversity Metric 3.1. Through the description of development, the applicants are committed to providing BNG of 20% in habitat units and 40% in hedgerow units – a provision which should attract significant weight in the planning balance.

9.12 Economic Benefits

- 9.12.1 In accordance with paragraph 85 of the NPPF, significant weight should be placed on the need to support economic growth and productivity. The development of the site will deliver short term jobs during construction, varied post-completion employment opportunities and longer term jobs on the land identified for Class E uses – which should attract significant weight in the planning balance.

9.13 Planning Balance

- 9.13.1 Table 9.1 below sets out the harm against the benefits using the conclusions of the respective supporting application documents.

Impacts	Benefits
<i>(Potential failure of sequential test on a District wide basis – not on a settlement specific basis – upon receipt of any engagement from the LPA)</i>	Up to 190 additional homes (Very substantial weight)

<p><i>(Very substantial weight)</i></p> <p>It is our case that the sequential test is passed.</p>	
<p>Development in Flood Zone 3 (mindful that the site benefits from flood defences which are maintained nationally and will therefore be subject to on-going investment)</p> <p><i>(Significant weight)</i></p>	<p>Provision of some 95 affordable homes at the site (so 50% affordable housing)</p> <p><i>(Very substantial weight)</i></p>
<p>Impact on the character and appearance of the local area</p> <p><i>(Limited weight)</i></p>	<p>Delivering of housing in a higher order settlement in which the need for market and affordable housing has been identified in both the short and longer term.</p> <p><i>(Substantial weight)</i></p>
	<p>Provision of half of the Site dedicated to readily accessible Public Open Space</p> <p><i>(Significant weight)</i></p>
	<p>Delivery of temporary local employment provision (construction jobs) and post-completion associated employment.</p> <p><i>(Significant weight)</i></p>
	<p>Ecological Enhancements with a net gain of 20% in habitat units and 40% in hedgerow units, providing an improvement in biodiversity ('Bio Net Gain')</p>
	<p>Provision of land for a community facility / mobility hub to benefit the existing and proposed community.</p> <p><i>(Significant weight)</i></p>
	<p>Improved connectivity and access to the Strawberry Line for existing residents as well as future residents.</p> <p><i>(Moderate weight)</i></p>
	<p>Support Public Transport through ease of accessibility by sustainable modes of transport to bus routes and the railway station</p> <p><i>(Moderate weight)</i></p>
	<p>Provision of allotments where there is identified demand locally.</p> <p><i>(Moderate weight)</i></p>

- 9.13.2 With regard to paragraph 11d(i) of the Framework and footnote 7 which disengages the presumption in, amongst others, areas at risk of flooding or coastal change. The submitted FRA demonstrates that the scheme as designed, on a site which benefits from flood defences, with a well-designed and innovative drainage solution is not at risk of flooding or coastal change, and as such the presumption can continue to apply. I also conclude that insofar as it relates to Yatton specifically, the sequential test is passed and that when looking across the District, there are other policy / delivery reasons as to taking a wider view, there are no sequentially preferable sites to accommodate the development.
- 9.13.3 It can be concluded through the application of the tilted balance that the benefits clearly outweigh the adverse impacts of allowing development. There are substantial benefits that accrue from these proposals, including the ability to deliver community / commercial uses for the benefit of the wider existing community alongside the benefits of providing homes including a notably high proportion of affordable homes and ecological mitigation delivering a net ecological benefit. In significantly boosting the provision of homes and provision of land for Class E uses in North Somerset – this will secure economic, social and environmental gains and so achieving sustainable development, this warrants a grant of outline planning permission.
- 9.13.4 When looking at a District wide basis, whilst there may be sites which are sequentially preferable on flood risk terms, as per the earlier aforementioned judgement, it is important to look at the type of development proposed. The applicants have sought to be as precise as possible (mindful it is an outline application) to give clarity as to exactly the sought of development proposed and the scale of open space / BNG provisions (which are substantial benefits) which will be delivered.
- 9.13.5 It is therefore our conclusion that the tilted balance is not dis-applied and continues to apply. However in the event that an alternative view is reached, it remains the clear view that there is very substantial housing need and that the benefits outweigh the harms under both the tilted and flat balance.

9.14 Exception Test

- 9.14.1 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. For a development proposal to pass the Exception Test, it must be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - 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.
- 9.14.2 Paragraph 031 of the PPG states that "The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified". This paragraph, highlighting the importance of wider sustainability benefits, supports the case presented at Paragraphs 9.7.21 and 9.7.22 of this Report and in the Flood Risk Sequential Test.
- 9.14.3 As set out in the Flood Risk Sequential Test, the Planning Statement addresses criterion A and the technical flooding reports address criterion B.

- 9.14.4 Chapter 9 of this Planning Statement demonstrates that the proposal will deliver considerable sustainability benefits to the existing community of Yatton and future residents of the Site through the provision of homes, commercial development and supporting infrastructure. These benefits justifiably outweigh the flood risks. These benefits are summarised in Table 9.1. As such, Criterion A of the Exception Test is satisfied.
- 9.14.5 The technical flooding reports demonstrate how criterion B is satisfied. As such, the Exception Test has been passed as well as the Flood Risk Sequential Test.

10 Draft Terms of Agreement for a Section 106 Agreement

10.1 Draft Terms of Agreement

- 10.1.1 Policy DM71 (Development Contributions, Community Infrastructure Levy and Viability) refers to the requirement to enter into planning obligations and to make Community Infrastructure Levy ('CIL') payments as necessary.
- 10.1.2 Paragraph 57 of the NPPF confirms that planning obligations should only be sought where they meet all of the following tests:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 10.1.3 50% affordable dwellings are proposed to be provided as part of the development, and it is envisaged that this will be secured through a Section 106 Agreement.
- 10.1.4 Further to this, we consider that financial contributions for the following are necessary to mitigate the effects of the development:
- Off-site highways infrastructure; and
 - Others to be confirmed through discussions with the Council.
- 10.1.5 Any requests for S106 contributions will be considered by the Applicant in light of the provisions of paragraphs 55 to 57 of the NPPF.

11 Summary and Conclusions

11.1 Conclusions

11.1.1 This Planning Statement has been prepared by Stantec on behalf of Persimmon Homes Severn Valley to assess the planning issues arising from an Outline Planning Application for the following description of development at Land at Rectory Farm (North), Yatton:

Outline planning application for the development of up to 190no. homes (including 50% affordable homes) to include flats and semi-detached, detached and terraced houses with a maximum height of 3 storeys at an average density of no more than 20 dwellings per net acre, 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, orchards, open space comprising circa 70% of the gross area including children's play with a minimum of 1no. LEAP and 2no. LAPS, bio-diversity net gain of a minimum of 20% in habitat units and 40% in hedgerow units, and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, layout, appearance and landscaping) reserved for subsequent approval.

11.1.2 The proposed development comprises up to 190 dwellings at Land at Rectory Farm (North), Yatton. Yatton is identified in North Somerset's Core Strategy as a 'Service Village'. As identified at **Section 2 and 7**, Yatton provides a highly sustainable location for new housing with a wide range of supporting complementary services, facilities and public transport links.

11.2 Decision Making Approach

11.2.1 The Development Plan consists of the North Somerset Core Strategy (2017), North Somerset Sites and Policies Plan Part 1: Development Management Policies (2016), Sites and Policies Plan Part 2: Site Allocations Plan (2018), and the Yatton Neighbourhood Plan (2019).

11.2.2 Whilst it is acknowledged that the Site is located within 'defended' Flood Zone 3, where the principle of new housing development is not typically supported by National and Local Planning Policy, a site specific and innovative solution can be applied to assist in delivering new homes safe from flooding. The benefits in developing this Site clearly outweigh the adverse impacts.

11.2.3 The proposed development represents a significant opportunity to deliver economic and social and environmental benefits to Yatton and the wider area, including:

- Much needed housing, creating a sustainable residential-led development adjacent to the existing built form of Yatton;
- The proposed development will contribute positively towards meeting the objectively assessed need for new homes within the District where a significant shortfall exists;
- The provision of 50% affordable dwellings which is well in excess of Policy CS16 (Affordable Housing) requirement of 30%;
- A mix of dwelling types will be provided to assist in improving house choice within the local area;

- Promotion of the development in a sustainable location adjacent to existing built form, which is well located for public transport connections and to promote pedestrian and cycle trips to the Strawberry Line and wider surroundings;
- A contribution to the local economy through the construction jobs phase of the development. Furthermore, the use of local tradespersons and technical services along with materials, will support the local economy through supply chain multipliers;
- Positive contribution to a strong and vibrant community and additional comparison and convenience expenditure within Yatton;
- The creation of new and accessible green infrastructure for residents, as well as contributing land for a community facility / mobility hub;
- Additional landscaping and planting throughout the Site; and
- A net gain in biodiversity.

11.2.4 The supporting technical documents submitted as part of the Planning Application collectively confirm that the proposed development would not have any unacceptable adverse impacts subject to the recommended mitigation measures being put in place. For the development proposed, the Site has been shown to be the most appropriate.

11.2.5 The proposals represent a high quality, sustainable development which, when set against material planning and policy considerations should be supported and planning permission granted.

Appendix A Pre-Application Enquiry Response

Appendix B Cumulative Impact Assessment

Appendix C Legal opinion in the matter of Flood Risk Sequential Testing relating to Rectory Farm (North), Yatton by Lord Banner