

## SUMMARY OF MAIN ISSUES AND RECOMMENDATION

### Planning History/Background – most recent applications

Reference	Proposal	Decision
22/P/2963/EA1	Request for a formal screening opinion as to whether an Environmental Impact Assessment is required to be submitted with an application for a proposed residential development of up to 280no. dwellings, associated access, landscaping and infrastructure.	EIA not required

### Monitoring Details (if applicable)

Up to 190 dwellings.

### Affordable Housing (if applicable)

Up to 95 affordable dwellings

### Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary of Yatton
- Horseshoe Bat Zone B and area of bat habitat
- Part of the site is allocated in the Site Allocations Plan for a Primary School
- The whole of the site is located within SFRA L1 Tidal Flood Zone 3a
- The west boundary of the site adjoins the Strawberry Line, which is designated as a Local Nature Reserve and Wildlife Site.
- The 'Biddle Street Rhyne' Site of Special Scientific Interest (SSSI) including the Strawberry Line and land beyond to the west, also adjoins the site.
- The site forms part of the wider Landscape Character Assessment 2018 designation A1. Kingston Seymour and Puxton Moors
- The site falls within the Somerset Consortium – North Somerset Levels Internal Drainage Board area.
- The EA updated Flood Map identifies the northern part of the site to be subject to surface water flooding.
- There are no public rights of way crossing the site
- There are no Tree Preservation Orders existing on the site

### The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS20	Supporting a successful economy
CS32	Service Villages
CS34	Infrastructure delivery and Development Contributions

The Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
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
DM31	Air safety
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM42	Accessible and adaptable housing and housing space standards
DM53	Employment Development on greenfield sites in the countryside
DM68	Protection of Sporting, Cultural and Community Facilities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are relevant to the proposal:

SA8                      Community Use Allocations

Emerging Policy

Local Plan 2039 Pre-submission plan

The draft Local Plan is at regulation 19 Stage. The NPPF states that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF.

The Yatton Neighbourhood Plan

The Yatton Neighbourhood Plan was formally 'made' by the council on 23 July 2019, at which point it became part of the statutory development plan.

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
TP.1	Development proposals which: a. Include measures for pedestrians and cyclists to enhance traffic safety; and b. Encourage walking and cycling through well designed pedestrian and bicycle routes through the village; will be supported.
EP.1	Development proposals which contribute to improved access from residential areas of Yatton to local public footpaths will be supported
EP.3	EP 3. Development proposals incorporating amenity areas for planting with appropriate indigenous trees, where appropriate, will be supported.
EP4	External lighting

**Other material policy guidance**

National Planning Policy Framework (NPPF) (2023)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
2	Achieving Sustainable Development
4	Decision-making

5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

### Supplementary Planning Documents (SPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Parking Standards (2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted January 2024)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)

### Consultation summary

Copies of representations received can be viewed on the council's website. This report contains summaries only.

### Network Rail

- No objections in principle. The site is over 225m from Network Rail's land and therefore no Asset Protection is needed due to minimal risk to the railway.

### Natural England

- The Shadow HRA has stated that the offsite mitigation areas for 23/P/0664/OUT and 21/P/0236/OUT are entirely discrete. Further clarification is requested on this matter as there appears to be an overlap.
- The Shadow HRA has stated that bat surveys have been undertaken in 2023 of this area, the results of these surveys should be provided. If surveys show a high level of greater horseshoe activity a review may be needed of the mitigation strategy.
- Principles of habitat creation for the offsite mitigation area have been included in the Shadow HRA. These are accepted. Due to the importance of grazing in

this area, it is essential that grazing can be secured on the offsite mitigation land. It must be demonstrated that it is feasible for this land to be grazed.

- Due to the vulnerability of the SSSI ditches to shading, shelter belts must be set back from the ditches. This buffer must be secured in any permission.
- Generally supportive of the on-site habitat creation and enhancements.
- Woodland planting should be set back from the SSSI ditch with a gradient created from more open habitat/woodland edge.
- We are concerned about the proposed use of Field 1 for allotments. A high level of lesser horseshoe activity was recorded in this area. This area would be better retained as foraging habitat for horseshoe bats. We would welcome the creation of an orchard with long sward grassland throughout the entirety of this field. Whilst new hedgerows will be created, these will not provide the same degree of enclosure of fields as the existing trees and hedgerows do.
- The access point to the allotments would create a gap in the hedgerow which would reduce the suitability of the habitat in this area for horseshoe bats.
- The existing lane is currently overgrown. If vehicular access is required to this area, it should be explored whether this can be made from the east.
- The precautionary approach taken to baseline habitats in the HEP through using the highest scoring management code for existing grassland management is welcome. There are a number of areas where revisions or clarifications are required on the HEP calculations.
- Modelling of light spill has been provided. An assessment of the areas accessible to horseshoe bats must be based on the worst performing scenario
- Vertical planes have been included for inferred bat flight paths in areas of habitat in close proximity to the proposed housing. These areas will not be accessible to horseshoe bats and therefore should not be included in the HEP
- The light spill modelling does not appear to include all external lighting.
- Modelling of light spill from internal lighting is required due to the proximity to the proposed dwellings to the HEP habitat.
- The modelling should include the combined effects of internal and external light spill.
- The location of the replacement night roost should be provided, this should be in proximity to the Strawberry Line in an area with limited public access.
- The SSSI has recently been downgraded to unfavourable conditions. We welcome the comprehensive SuDS strategy proposed.
- Full details of SuDS can be secured by condition.
- A CEMP and a LEMP must be secured by condition
- Mitigation habitats for horseshoe bats must be managed and maintained in perpetuity.

### North Somerset Levels IBD

Provided the Local Planning Authority is satisfied the requirements of the Sequential Test are met the Board can remove its objection. Conditions are recommended for compliance with the submitted drainage strategy and for the submission of a scheme to deal with run off from adjacent sites.

### Local Lead Flood Authority

- There is a lack of clarity over what the ground level will be within the proposed development. Different documents state different levels.
- Land raising could be as high as 3.61m.
- The Rappor Flood Risk technical note (January 2024) refers to an updated FRA (September 2023). The LPA has no record of receiving this.
- The defended 1 in 200 year (2122) including climate change model output stated in the Rappor Flood Risk technical note (January 2024) is 6.28m AOD. The information to support this level has not been submitted and is lower than the EA's Woodspring Bay model 2118 (with out-of-date climate change allowance) level of 6.58m AOD. No information has been submitted to substantiate this or any modelling report provided.
- If the level is only being raised to the defended design flood event then a suitable form of management of the residual flood risk for the undefended scenario must be supplied. This would usually take the form of providing a safe refuge and a flood warning and evacuation plan.
- For the Shiners Elms access, the design flood event flood depth would be 480mm. At a minimum it would be a danger to some and not suitable for vehicles to pass. The access to the south is reliant on the delivery of an adjacent development. Until this has been delivered there is not a safe access and egress to the development in the design flood event plus climate change.
- The information supplied by the applicant suggests that the proposed land raising appears to increase flood risk elsewhere to adjacent land and properties. The LLFA supports the EA's position on this.
- For surface water flooding and drainage, the IDB has agreed a discharge rate with the applicant and the LLFA has raised a query regarding surface water flow routes from this existing development and how this will be impacted by the land raising. A satisfactory answer has not yet been provided to this.
- A section through the rhyme corridors has been provided. This shows that beyond the maintenance strip a 5.5m wide slope will be required to transition between the raised development parcels and the maintenance corridor/wildlife buffer requiring that the rhyme corridors be a minimum of 25m wide. This does not appear to be represented on the development indicative masterplans.
- The number of dwellings stated is not achievable when it comes to detailed design or there will be pressure to reduce the width of these corridors.
- A suitable surface water drainage strategy has been proposed, subject to further information by condition. Concerns remain about the land raising and the practicalities of how that interfaces with the existing rhynes and existing urban edge of Yatton.

### Environment Agency

- Object to the application.
- The site is within a constrained tidal flood cell, it is bounded by the railway line to the north and the strawberry line to the west.
- The tidal flood risk modelling shows that during the defended 1 in 200 year plus climate change event, there will be an increased flood depth to existing properties east of the site. This is due to the land raising proposed, which reduces space for floodwater.

- As the site is within tidal Flood Zone 3, the LPA need to be satisfied that the Sequential Test has been passed.

## Highways

- No objection subject to conditions as follows:
  - Construction Management Plan
  - Boundary treatment to ensure vegetation no higher than 600mm in visibility splay.
  - Post monitoring road/junction surveys of 4 junctions (Mendip Road, Heathgate, Chescombe Road, Grassmere).
  - Delivery of two shared 3m wide pedestrian/cycle connections to the Strawberry Line prior to occupation.
  - Investigation works to determine the structure/condition of the Shiners Elms (all matters to be discussed/agreed with the HA during the process) and the subsequent delivery of the necessary improvements via S278 agreement.
  - Implementation of the approved Travel Plan
- And planning obligations as follows:
  - Contribution of £180.00 per dwelling (£34,200.00) to be flexibly spent on bus/train taster tickets and/or towards a bike/cycling equipment.
  - Home to School Transport costs of £1,086,074.33 (£849,656.06 for secondary school transport and £236,418.27 for Special Educational Needs) payable over 10 years.
  - Public Transport contributions totalling £160,000.00. (£60,000.00 for bus stop improvements and £100,000.00 to support and increase the frequency of the X5 service).
  - £44,000.00 for Strawberry Line improvements.
  - £3,400.00 for a Traffic Regulation Order (potential amendments to waiting and loading restrictions at each of junctions at Heathgate, Chescombe Road, Grassmere and Mendip Road with the B3133) and for the 20mph speed limit within the site.
  - Contribution of £2,200.00 to improving the lining at local junctions linked to the site (Grassmere Road, Heathgate, Mendip Road, Chescombe Road).
  - Contribution of £5,500.00 towards traffic calming measures such as rain gardens/ bolt down speed cushions, road humps etc on Mendip Road.
- S278 Planning Obligations to ensure delivery of identified improvement works to Shiners Elms.
- Future RM application requirements:
  - Location and plan for cycle and bin stores.
  - A waste plan displaying the waste/recycling collection points for all plots (communal collection points required in areas of private shared space).

- Internal site layout carriageway widths/layout adhering to the HDDG.
- Tracking plans on the final layout for all vehicle types within the site.
- Compliance with parking standards for cycles, vehicles and electric vehicles charging infrastructure/chargers adhering to the Parking Standards SPD November 2021.
- Considerations to gradients.
- Compliant visibility splays to the design speed at all internal junctions.
- Signage strategy to include 20mph speed limit and directional signage

## Landscape

- The proposed built area is identified as of 'low' sensitivity to housing in the NS Landscape Sensitivity Assessment 2018.
- The fields bordering the Strawberry Line are 'Medium' sensitivity and the Strawberry Line and beyond is of 'High' sensitivity.
- The NS Landscape Character Assessment records the A1 Kingston Seymour and Puxton Moors LCA as of strong character and an area in good condition, however this section is heavily influenced by the settlement edge and contained from the wider moor by the extensive tree and shrub growth along the Strawberry Line bordering much of the site.
- In landscape terms the site can accommodate housing without impacting upon the wider landscape and Strawberry Line, subject to suitable buffers being retained.
- It is good to see that key characteristics like the watercourses have been accommodated in wide green corridors and the scheme can bring about visual improvements to this edge of Yatton if well designed and executed.
- The illustrative plan indicates too many small scale play sites. The larger play area in the Community Park seems well sited and can form a central NEAP.
- Agree with general approach of Illustrative Landscape Masterplan.
- Many of the public open space area appear to have no obvious maintenance access from within the site.
- Detailed hard and soft landscape plans will be required for both the residential site and public open space areas along with the detail of the play areas trim trails and allotments at reserved matters.
- The Landscape and Visual Appraisal is a comprehensive appraisal of the site and its immediate surroundings, which are well enclosed from the wider landscape, save for an elevated view from Cadbury Hill.
- Whilst there are some high sensitivity receptors, only views from Shiners Elms would experience a medium/substantial change in view after construction, other views affected being under this magnitude. It is noted 'Over time proposed vegetation including tree planting would progressively filter views into the site.' It is noted residents, cyclists, pedestrians and vehicle users here would experience Moderate/Major negative visual effects.



- The landscape effects on the overall character are considered moderate and negative but becoming neutral to the west.

### Archaeology

- The geophysical survey has identified a small number of features which are of uncertain origin and would warrant further investigation to confirm their nature, level of preservation and significance. The site has a moderate potential for Roman period remains located at relatively shallow depths but also most probably beneath some alluvium, which could be of low or moderate significance.
- Given their 'low' significance it is unlikely preservation of any archaeological remains would be warranted but could be examined and preserved by record. Therefore, a programme of targeted trench evaluation would be required. This could be implemented as a pre-commencement condition if planning permission is granted.
- The evaluation should be undertaken prior to any reserved matters application being submitted as should any archaeological remains that do warrant preservation be encountered, mitigation may need to be agreed.

### Children's Services

- Whilst there is currently school capacity in Yatton, with new developments introducing significant numbers of new homes, projections show that the number of children generated from local developments will exceed the number of spaces in the future.
- There are already further applications for Yatton's primary schools that will mean that, if nothing were to change, there would only be seven available places in the reception intake for the whole of the 2024/25 school year.
- As at the January 2024 school census, Schools in the Yatton cluster were serving 696 pupils living in the area served by the schools in the cluster and 47 pupils living outside of this area. There are 109 children living in the cluster area that attend schools outside of this area.
- Any new development will need to ensure that it includes safe walking routes to the nearest school (in this case Yatton Infant and Junior Schools).
- Chestnut Park school was built to accommodate children living in the developments that already have planning permission in the vicinity of the school and will expand to serve these developments if required in the future.
- Capacity at Yatton Infant and Junior Schools has been reduced to match the decline in demand across the existing housing stock, but this will need to be increased again in the future to meet the demand from existing and new developments.
- Demountable buildings are coming to the end of life at Yatton Junior School and some of the classroom spaces across the two schools have been designated to become rooms to support pupils with SEND. This includes the creation of a Nurture Group at Yatton Infant School. These permanent changes mean the availability of spare capacity at Yatton Infant and Junior

has been reduced and will need to be replaced with up to 4 new class bases before any additional classes can be accommodated at the school.

- Where schools make significant alterations to their classroom availability new school places may need to be sought in future years when demand increases.
- Schools manage their classes in multiples of a minimum of 15 pupils and the Yatton Schools would need to move from a 60 to 75 pupils' intake per cohort to meet the needs of this development.
- Regarding secondary provision, whilst our demand for places without the new developments shows that there will be places available, with the new developments there is likely to be pressure on places within the lifespan of our projections as almost all these spaces would be taken by children moving into the new developments.
- The birth rate is falling and that the pupil yields are likely to be lower than predicted, but on sites where building has commenced, there is a possibility of 261 primary school aged children living in the properties by 2032, this does not consider children that would be living in existing dwellings in the Yatton area and also does not take into consideration sites without full planning permission.
- Chestnut Park school was built to accommodate children living in the developments that already have planning permission and have been built in the vicinity of the school and can be expanded to further support these developments if needed.
- The site allocation for a Primary School at Rectory Farm is not for the developments around Chestnut Park Primary School, but is to allow for the relocation of Yatton Infant and Junior Schools.
- The site these schools are currently located on is constrained and would not have capacity to expand the school in the future if further development takes place in Yatton and the existing schools are both at capacity.
- Yatton Junior school has demountable buildings which are becoming life expired.
- The allocated site is in a good central location to serve this part of Yatton and the site allocation would allow for future growth in the area.

## Ecology

- No objection – subject to inclusion of recommended conditions and approval of the sHRA
- The 2.9ha of land are sufficient to meet HEP requirements and will be managed with an ecologically sensitive cutting regime.
- Proposal to install a dedicated night roost for bats near the Strawberry Line is welcomed. The placement of this near the allotment would result in the least amount of likely public disturbance.
- Conditions should address 1) Bats (with regard to the impact of lighting), a Construction Environmental Management Plan, Mitigation Compliance

monitoring, Survey re-validation, a Landscape and Ecological Management Plan, and secure Ecological Enhancement/Biodiversity Net Gain.

### Affordable Housing

- The proposed 50% on-site affordable housing provision is welcomed on the basis that 30% policy compliant is at nil public subsidy, with a tenure split of 77% social rent and 23% shared ownership.
- Support the additional 20% affordable housing provision with public subsidy subject to more social rent units proposed than the entirety being intermediate units. Preference is for all intermediate units remaining to be shared ownership.
- The Affordable Housing Enabling Officers recommend not to include First Homes as a mandatory element of the Affordable Housing Policy. First Homes are not considered as a suitable option for Low-Cost Home Ownership in the district, based on values, costs, affordability, demand and existing access to Shared Ownership in North Somerset.
- Social Rented tenure meets our local housing requirement, especially of the most vulnerable people in acute housing need. The target group for LCHO in North Somerset is existing local residents who can afford open market rent but cannot access outright home ownership.
- The council promotes Shared Ownership as the preferred option for LCHO, this is supported by our Registered Provider partners. To buy a First Home, a buyer must have a higher-than-average income, have a larger deposit and raise a larger amount of borrowing than required for a Shared Ownership home of similar value.

### Economy Team

- The proposed development includes land reserved for Class E uses. However the amount of floorspace which would be provided is not known at this stage. As a result, it is hard to provide comment on the proposals as they stand. However, we would want the development to provide sufficient employment opportunities for the number of jobs that the development would create.

### Neighbourhood Policing Support Team

- No objection
- Crime prevention measures should be incorporated into any future reserved matters application

### Street lighting

- Lanterns need to be Urbis Axia 3.1
- Columns can be at 5m if this will help with ecology
- We would only want back shields installed where needed.

### Yatton & Congresbury Wildlife Action Group (YACWAG)

- Object to application as it is contrary to the Yatton Local Neighbourhood Plan and NSC Biodiversity Action Plans and policies.
- Destruction of a valued landscape,
- Loss of attenuation against flood risk,
- Loss of wetland carbon sequestration
- Loss of habitat within Zone B of the Bats SPD.
- Negative impact on the adjacent Strawberry Line Local Nature reserve and Biddle Street SSSI.
- Scale of proposal is unsustainable.
- Would result in the urbanisation of the landscape on this edge of the village.
- An EIA should have been conducted
- From an ecological point of view the application site is still highly valuable. It has always been regarded as a buffer site for the SSSI.
- Site has potential for restoration if maintained. It has potential to be better maintained and restored. Application should be assessed by Council ecologist for consistency Natural England's submission regarding bats is supported.
- Recent decline in bat population could be result of cumulative impact of development in area.
- Agricultural land taken out of farming and held for investment potential has the knock-on effect of reducing animal grazing essential for bat prey species.
- The provision of offsite mitigation likewise is not adding habitat since it is already being used by bats
- Enhancing the grassland sward is claimed as Biodiversity Net Gain, but more critical is maintaining an appropriate grazing regime before all else. How is this going to be achieved in perpetuity?
- Zone B of the SAC SPD consultation area is finite. Each development within it will reduce the area available to Horseshoe Bats.
- The critical factor and priority for the bats is a grazed grassland with hedge and tree features. In reality the whole of the site will be taken out of grazing.
- Proposed mitigation is unrealistic greenwashing.
- Mitigation should always take place before development takes place.
- Existing bat behaviour on the SSSI will be affected.
- Precautionary Principle should apply.
- Development within or in proximity to a SSSI that is likely to have a direct or indirect adverse effect on its biodiversity should not be permitted.
- Proposals do have a direct impact on the hydrological unit.
- For the Strawberry Line Local Nature Reserve, bat behaviour would be harmed by the habitat change and urbanisation of the buffer zone.
- Light spill will be a significant source of harm.

### Yatton Parish Council

- Refusal recommended
- Application is an example of exactly the type of inappropriate developments that have been finding a way through the planning system as a result of the five year supply requirement.

- Development inappropriate in Flood Zone 3.
- Raising of ground levels will result in seriously increasing the flood risk and potential threat to safety for existing residents and infrastructure.
- Impact on the existing watercourses in terms of erosion and harm resulting from vast quantities of hardcore required to raise the land and the resulting runoff from this into the rhynes.
- The comments by the Wildlife Action Group are endorsed.
- An Environmental Impact Assessment should have been required.
- Cumulative impact on the ecology and biodiversity of this site and the approved Rectory Farm site should be considered.
- The access to the site from Shiners Elms via narrow residential roads is unacceptable and unsuitable for this purpose.
- Pollution impact on local community from long construction period from noise dust and emissions.
- The HGVs will experience great difficulty passing along local roads, which could also impact emergency vehicles and waste collections.
- Construction vehicles may jeopardise the reinstatement of the X5 bus service after the completion of the High Street Safety Improvements Scheme.
- Definition of affordable housing questioned. It is yet to be seen if the 50% affordable is retained as it seems a very high proportion of the dwellings of this type and value given the enormous costs involved in constructing a site on land that has to be raised by three metres in a flood zone.
- Negative visual and intrusive impact on this open landscape creating an obtrusive urban 'lump' along the linear aspect of the village.
- Site is not in the Yatton Neighbourhood Plan and is contrary to Policy CS32.
- Loss of privacy/overbearing impact for existing residents living on the boundary to the site once the land has been raised by three metres.
- No reference to the land on the site that is currently designated for a school within the Core Strategy and the Draft Local Plan.
- Community Consultation was a very poor process as the developer failed to engage with crucial areas of the village deeply affected by the proposed site.
- Pressure on key areas of infrastructure e.g. secondary school education, health services and even water pressure.
- Should this application be approved, green measures should be secured in the reserved matters applications.

#### Dr Liam Fox MP

- I quite agree that too much housing is being built in Yatton for the amount of infrastructure that we have in the village. In particular, the current plans to build on Yatton Batch are completely inappropriate and the Government currently has legislation passing through Parliament which will make clear its opposition to building on flood plains. The abolition of housing targets in the current legislation will allow local authorities to stop inappropriate housing

applications and I hope that the Bill, which is currently in the House of Lords, will pass into law as soon as possible.

### Neighbours' views

The principal planning points made are as follows:

Objections (348 received)

- Inappropriate development on a flood plain
- Character of village will change
- Strawberry line will be become a track alongside a housing estate
- Increased risk of flooding to properties adjacent to development
- Rainfall runoff would double from existing site
- In a flood alert residents of new development would have to move their vehicles to higher ground in Yatton; there isn't enough space.
- 5 year housing supply policy basis for application is out of date
- Additional pressure on local roads
- Roads too small to take additional traffic
- Little employment around Yatton so residents forced to commute
- Number of walking trips from development overstated
- Site should be used for carbon capture and increased biodiversity instead
- Additional houses in Yatton already don't have adequate infrastructure
- Loss of privacy
- Development is in breach of Core Strategy Policies CS32 as it is not a small-scale development.
- Visual impact of development
- Harm to property prices
- Gridlock in village if there is an issue on the M4
- No way to make development carbon neutral due to hardcore and building materials
- Lack of dentists and GP places.
- Harm to the neighbouring SSSI.
- Condition on neighbouring appeal scheme prevents houses on flood zones 2 and 3.
- Land raising will make neighbouring sites more vulnerable to flooding.
- Valuable habitats and diverse wildlife and aquatic plants will be put at risk.
- It is well documented that the quality of building by Persimmon is very poor with so many snagging issues.
- Does not pass either sequential or exceptions test
- Site has not been brought forward as a site allocation in the Local Plan or Neighbourhood Plan
- Breaches Policy DM10 as there will be no integration into the natural, built and historic environment
- Impact of the development on mental health
- Cost of maintaining drainage features

- New secondary school needed
- Sums likely don't add up for affordable housing and would be reduced
- Drainage features unlikely to be managed correctly
- Design and possible choice of materials completely out of keeping
- Information submitted by applicant is inaccurate.
- Community consultation inaccurately reported
- Impact on protected species
- Would need demand for buy to let and second homes rather than local need
- Development is contrary to Yatton Neighbourhood Plan
- Loss of view from existing properties
- Harm to character of local community from too many extra homes
- Extra traffic will affect highway safety
- Risk of subsidence
- Impact on air quality during building works
- Proximity of proposed play areas to rhynes not safe
- Other brownfield sites are more suitable
- North Somerset's housing target should be redistributed between other authorities with less flood risk.
- Potential impact on Roman archaeology
- There would be a net loss in biodiversity

## **Conclusions**

### **EIA Screening**

The proposed development falls within Schedule 2 10. (b) (iii) of the Town and Country Planning (Environmental Impact Assessment) Regulations. A screening opinion has been provided (22/P/2963/EA1) which found the proposal does not constitute EIA development.

### **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development, (2) transport and access, (3) Landscape, character impact, layout and design; (4) ecology, (4) flood risk and drainage (5) Ecology (6) living conditions of existing residents, (7) Trees (8) heritage, (9) archaeology, (10) other matters and (11) development contributions.

### **Issue 1: Principle of development**

Section 38 (6) of the Planning and Compulsory Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Core Strategy and policy CS13 requires sufficient developable land to deliver a minimum

of 20,985 dwellings between 2006 and 2026. Policy CS14 sets out the distribution of the housing requirement across the settlement hierarchy. This prioritises new housing development at Weston-super-Mare followed by the other towns and then service villages. Policies CS28, CS31 and CS32 provide flexibility to deliver an appropriate scale of growth within and adjoining town and service village settlement boundaries through the development management process.

The site is adjacent to, but outside the settlement boundary for Yatton. Yatton is a Service where new housing proposals are to be determined against Policy CS32. New development within or adjoining the settlement boundaries of the Service Villages which enhance the overall sustainability of the settlement will be supported subject to meeting certain criteria.

Sites outside the settlement boundaries in excess of about 25 dwellings must however be brought forward as allocations through Local Plans or Neighbourhood Plans. The proposed development of up to 190 dwellings located outside the settlement boundary therefore conflicts with this policy. Neither the North Somerset Site Allocations Plan, or the Neighbourhood Plan for Yatton identify the site for development.

The National Planning Policy Framework (NPPF) pursues a presumption in favour of sustainable development which is particularly relevant where the local planning authority cannot demonstrate an up to-date four-year housing land supply. This position exists within North Somerset and therefore the housing policies are to be considered out of date with the exception of the requirements placed upon the 'decision makers' consideration of development proposals within areas at risk of flooding, and other assets, as referred to in paragraph 11(d) (i), footnote 7 of the NPPF.

At the last tested position, the Council could not demonstrate a sufficient supply of deliverable housing sites (though the housing supply position is currently being updated to an April 2024 base). As such, paragraph 11 of the NPPF states that the adverse impacts of a development scheme must '*significantly and demonstrably outweigh*' the benefits in order for planning permission to be refused, when assessed against the policies in the Framework as a whole.

However, as stated above, this does not apply to the application of policies in this Framework that protect areas or assets of particular importance. According to footnote 7 to paragraph 11, this includes policies to protect areas at risk of flooding.

As set out in detail below, the site fails a sequential test for flood risk and as such the 'tilted balance' does not apply. Determination of this application should therefore be in accordance with the development plan, unless material considerations indicate otherwise. Nevertheless, the delivery of housing as proposed in the application, in the context of the current shortfall in the district, is an important consideration and should be given weight. This is considered in more detail in the 'Planning Balance and Conclusion' section of this report.

Core Strategy policy CS14 sets out the settlement hierarchy and the spatial approach to development of housing within the district. Policy CS32 (Service



Villages) of the Core Strategy states that new development of up to about 25 dwellings will be supported adjoining the settlement boundary, subject to criteria as follows:

- It 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, and can be readily assimilated into the village;
- It has regard to the size, type, tenure and range of housing that is required;
- It will not cause significant adverse impacts on services and infrastructure and the local infrastructure is sufficient to accommodate the demands of the development
- It results in high quality sustainable schemes which is appropriate to its context and makes a positive contribution to the local environment and landscape setting;
- It does not result in significant adverse cumulative impacts (such as highway impacts) likely to arise from existing and proposed development within the wider area;
- The location of development maximises opportunities to reduce the need to travel and encourages active travel modes and public transport; and
- It demonstrates safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance.

The application site is adjacent to the Yatton settlement boundary, which is identified as a 'service village' in the Core Strategy. The 190 units proposed greatly exceeds the 25-dwelling limit set out in policy CS32.

With regard to the other criteria of policy CS32, the proposal's location would be in reasonable proximity to services within Yatton and public transport, in particular the mainline rail station. It would be possible to secure safe and attractive active travel routes, both within and beyond the site. No significant adverse impacts on services have been identified and infrastructure, including highways, would be sufficient to accommodate the development (of which further discussion later in this report). As the application is in outline, detailed aspects of the scheme have yet to be decided. However, the masterplan and other details submitted with the application give a sound basis for ensuring that the final development, if acceptable in other respects, would be of high quality.

Nevertheless, the development would be contrary to policy CS32 on account of its overall scale. This policy is clear that developments in excess of 25 units adjacent to the Yatton settlement boundary should be brought forward in allocations through the Local Plan or a Neighbourhood Plan. As part of the settlement hierarchy for the District, Yatton and the other service villages are identified as not being suitable for large scale urban expansion. Furthermore, the Neighbourhood Plan does not support further applications for housing beyond those supported by the Core Strategy and policy HP1 within it.

The recent appeal decision the neighbouring site at Rectory Farm for 100 dwellings (21/P/0236/OUT) beyond the Yatton settlement boundary confirmed that weight should be attached to a failure to comply with the Council's Spatial Strategy and a breach of policy CS32.

### Sequential Test

The site is in a 3a 'High Probability' tidal flood zone in the Council's 'Level 1 Strategic Flood Risk Assessment' 2020. This is land which has a 1 in 200 or greater annual probability of sea flooding. National policy on planning and flood risk is set out in paras 159 to 169 of the Framework and in the National Planning Practice Guidance (PPG). Paragraph 159 directs inappropriate development away from areas at high risk of flooding, paragraph 161 specifies a sequential, risk-based approach to the location of development whilst paragraph 162 states that "development should not be...permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding." Policy CS3 of the Core Strategy specifies that a sequential test should be district-wide for housing proposals outside settlement boundaries, such as this proposal.

The applicant has provided a revised sequential test report (27 March 2024) which assesses a total of 495 sites across North Somerset and concludes that the application site is one of the most sequentially preferable.

On review of the Sequential Test, it appears that many sites have been rejected because they would not make provision for similar levels of open space as with the current scheme. Appendix C of the Sequential Test details a total of 167 sites rejected on this basis. Even if the site in itself exceeds the number of dwellings proposed, if it is smaller than the lower site size threshold, it is still rejected presumably because it could not accommodate the open space element. This is not indicated to be based upon any specific need for such, and whilst this would be a benefit of the proposal, it is considered unreasonable to reject any alternative site if it cannot equally deliver 70% or a similar percentage of open space (of the gross site area). Open space is also not 'development' so whilst a constituent part of the overall proposal, it cannot be considered 'proposed development' itself.

Appendix D of the Sequential Test lists 12 sites that, whilst deemed to be of a sufficient size and capacity for the proposed development, are rejected on the basis that "part or all of the site lies within Flood Zone 3b or within Flood Zone 3a and does not benefit from flood defences". The 'Assessment' column concludes these sites to be 'not sequentially preferable.' Within this schedule sites at the proposed Wolverhill Strategic Site are included. However, these are largely within flood zone 1 and so it is incorrect to conclude that these sites are not sequentially preferable to the application site. This is considered a flaw in the methodology as this opportunity is subsequently removed from any further analysis that is necessary to determine whether this opportunity forms a reasonably available alternative to the application in sequential test terms. The combined capacity of the Wolverhill sites is estimated to be 2,800 dwellings.

Of the 26 remaining sites, 19 are rejected in appendix E on the basis of other constraints, including clashes with other planning policies. Of these, Farleigh Farm is considered a reasonable alternative despite being rejected as too small. Uplands and Phase 2 Youngwood Ln are reasonable alternatives but rejected in Appendix E as being 'not reasonably available'.

In the final analysis, the Sequential Test concedes that there are 7 sites, listed in appendix F, that would be "capable of accommodating the total residential capacity requirements of the application proposals, are not at a higher flood risk than the application site, where there are not strategic planning policy reasons affecting the buildability of the site or where extant permissions would not prevent deliverability."

One section of the applicant's Sequential Test focuses on land supply around Yatton itself, and purports to demonstrate that there is insufficient sequentially preferable local supply. However, as set out in Policy CS3 the test should be district wide.

The sequential test is therefore considered to be failed in this case. It has not been demonstrated that the proposed development cannot be accommodated on sites at a lower risk of flooding, and reference to land availability information held by the council indicates there to be a range of alternative sites. These include larger sites capable of accommodating the proposal in its entirety, and smaller sites that collectively would accommodate the proposed development. This failure should be given very substantial weight in the planning balance. The significance of flooding as a planning constraint is underlined by the NPPF provision to disengage the 'tilted balance' in the event of conflict with flood risk policies set out in the Framework, including the sequential test. The weight to be given to the failure of the sequential test will be considered alongside the merits of the development in the Planning Balance and Conclusion section of the report.

### Exceptions Test

Paragraph 169 of the NPPF states 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.

As noted above, the Sequential Test is failed for this application as it is possible for the development to be located in several alternative locations at lower risk of flooding and is it not necessary to apply the Exception Test. However, as noted in the 'planning balance' section at end of the report, Part A of the exceptions test would have been failed. The drainage section below sets out how Part B of the exceptions test would be failed.

### Safeguarded school land

A section of the southern part of the site is safeguarded for a primary school under Policy SA8 of the Site Allocations Plan.

Policy DM68 of the Sites and Policies Plan states that 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.

In a consultation response, Children's Services have drawn attention to the projected demand for primary school places in Yatton, particularly given new developments consented or under construction in the village. Yatton Infant and Junior Schools are on a constrained site and do not have the capacity for expansion. They also rely on temporary buildings that are coming to the end of their life.

The applicant has argued that a replacement primary school has already been constructed in Yatton, which has capacity to expand to 2 forms of entry. Therefore, there is no longer any need to safeguard additional land in Yatton for this purpose. However, the Chestnut Park Primary School is located at the northern extremity of Yatton and is intended to absorb demand from new development at the end of the village. The applicant has not submitted any evidence that primary school capacity elsewhere is sufficient to absorb all the demand for school places.

The primary school site allocation has been carried forward into the emerging Local Plan, the examination process for which is the appropriate forum for determining whether sufficient land has been allocated for primary schools in the plan period and whether the allocation itself is suitable.

None of the exceptions set out in policy DM68 apply. The development would therefore have the potential to obstruct the provision of sufficient primary school capacity in Yatton and is therefore contrary to Policy CS25 of the Core Strategy and Policy DM68 of the Development Management Policies.

### Affordable Housing

Core Strategy Policy CS16 requires delivery of affordable housing on-site with a target of 30%. The details of the housing to be provided are expected to be negotiated, taking into consideration current housing needs in the local area.

The Council's Affordable Housing team have requested their standard affordable mix as follows.

#### *Social Rented*

Unit size/type	Number of Occupants	Percentage to be provided
1 bed	2	20%
2 bed flat	3	18%
2 bed house	4	23%
3 bed house	5	31%
4+ bed house	6+	8%

#### *Intermediate*

Unit size/type	Number of Occupants	Percentage to be provided
1 bed	2	13%
2 bed flat	3	21%
2 bed house	4	25%
3 bed house	5	35%
4 bed house	6	6%

The applicant has not proposed an affordable mix, however the submitted application form and D&A indicate the applicant intends to meet the policy requirement for 30% affordable housing, with additional provision of intermediate homes to take this to 50%. Provision of this along with a suitable mix would need to be secured through a S106 agreement were the application to be otherwise acceptable.

### Housing Mix

Policy CS15 of the Core Strategy requires proposals to contribute to a well-integrated mix of housing types and tenures, supporting a range of household sizes, ages and incomes to meet identified housing needs. The Wider Bristol Strategic Housing Market Assessment (SHMA) identifies housing needs across the region but does not provide detailed guidance on the needs within North Somerset.

The applicant has not submitted details of the proposed housing mix, though the parameter plans indicate that a range of housing typologies are intended across the various character areas. It is considered that a suitable housing mix could be negotiated and secured within a S106 agreement.

### **Issue 2-Transport and access**

Core Strategy Policy CS10 encourages development proposals that improve the integrated transport network and allow for a wide choice of means of transport, including the enhancement of facilities for pedestrians and cyclists. Policy DM24 of the Sites and Policies Plan Part 1: Development Management Policies requires that development must not prejudice highway safety and should be readily integrated with cycleway and footpath links.

In terms of access, approval is sought for vehicular access to the site from Shiners Elms, extending from the existing cul-de-sac. There would be a prospective second vehicular access via the approved development to the south at Rectory Farm (21/P/0236/OUT), with traffic passing through that scheme from the existing highway at Chesholm Road. Pedestrian and cycling access links, also for subsequent approval, are anticipated to connect to the Strawberry Line to the west and Marsh Road and West Road to the east.

Junction capacity modelling within the Transport Impact Assessment demonstrates that with the additional vehicle movements, affected junctions would still be operating

well within capacity. The proposal would therefore not have a significant detrimental impact on the local highway network. This assessment has included a scenario where Shiners Elms is the only vehicular access to the site.

The internal layout and details of the development's internal streets are a reserved matter to be approved at a later stage, were outline permission to be granted. The submitted parameter plans provide a reasonable basis for future reserved matters applications.

The existing carriageway on Shiners Elms that would serve the development is currently unsuitable to serve the development and would need to be improved, with works to be secured through a S.278 agreement.

The connections to the Strawberry Line are considered important for the permeability of the site and to provide active travel access beyond the site, including to the nearby Yatton Station. If the application were to be approved, two 3m wide shared pedestrian connections should be provided within the site linked to the Strawberry Line, secured by condition. The development would result in additional footfall and wear and tear on the Strawberry Line. The section between the site and Yatton Station is in a poor condition, with pooling water in inclement weather that would discourage its use.

A contribution of £44,000 towards the cost of improving the cycle and pedestrian links to the Strawberry Line is therefore required to meet Policy DM12 of the Sites and Policies Plan, which specifies that development should have a safe and convenient pedestrian and cycle access to services, amenities and a bus or rail service.

Further financial contributions are sought, as set out by the highways officer, for bus/train taster tickets or cycling equipment (£34,200.00), Home to School transport costs £1,086,074.33 (£849,656.06 for secondary school transport and £236,418.27 for Special Educational Needs) payable over 10 years, public transport improvements (£160,000), improved lining at local junctions linked to the site (£2,200) and traffic calming measures on Mendip Road (5,500).

Matters to be secured by condition include a Construction Management Plan, implementation of the Travel Plan, securing of visibility splays, pedestrian/cycle links to the Strawberry Line and post construction road/junction surveys,

### **Issue 3: Landscape, character impact, layout, and design**

Policy CS5 of the Core Strategy protects the character of North Somerset's landscape and townscape. Policy DM10 of the Sites and Policies Plan states that development proposals should not have an unacceptable impact on the designated landscape character of the district, and should respect the tranquility of an area, and Policy DM32 states that proposals which cause unacceptable harm to the character or appearance of an area will not be permitted.

Policy CS32 of the Core Strategy requires new development at service villages to respect and enhance the local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the village.

Notwithstanding that layout, scale, appearance and landscaping are reserved matters, the application is accompanied by a set of parameter plans and an illustrative landscape masterplan. There is also a Landscape and Visual Appraisal (LVA). The description of development has been amended to include an unusual level of detail for an outline application, including reference to 70% of the gross area of the site being maintained as open space, allotments, orchards, play space and levels of bio-diversity net gain.

The site is not subject to any special designations in visual terms and the North Somerset Landscape Sensitivity Study assessed the area proposed for built development as of low sensitivity. Areas of medium sensitivity within the site are shown to be used for open space. It is noted that the site abuts the Strawberry Line and would be visible in places from that popular walking and cycling route. The parameter plans show that the proposed development would be restricted to the eastern part of the site adjacent to the existing built form. The western half of the site would be a wide buffer of landscaping and related uses, retaining a separation from the Strawberry Line, which is considered acceptable from a landscape perspective.

Whilst there would be some views of the development from Cadbury Hill, the general flatness of the landscape and screening from existing trees and hedges generally limit the visual impact on the wider area. The LVA submitted with the application concludes that there would be a “major/moderate and negative level of effect on the small to medium-scale, irregular, predominantly flat, pastoral fields,” but that the visual effects would be localized and diminish over time as planting becomes more established. The LVA does not seem to take into account the need to increase ground levels to deal with potential floods, which would increase the visibility of the proposed housing. Nevertheless, the conclusions of the LVA are generally supported. If the application were otherwise to be considered acceptable, careful design of landscaping, secured through conditions and reserved matters, would assist in further reducing the landscape impact.

Considering the internal layout of the development, the parameter plans show a division of the built form into three character areas, with a ‘northern gateway,’ ‘southern core’ and ‘green edge.’ Existing watercourses would be located in wide green corridors intersecting the built form. New pedestrian and cycling routes would be constructed across the site, linking to the Strawberry Line. A ‘community park’ is shown in a central location including a Neighbourhood Equipped Area for Play (NEAP) and at the intersection of several routes. ‘Community’ allotments are shown in the southern part of the site. New woodland planting, orchards and drainage ponds also feature in the open space.

Other parameter plans show the expected distribution of heights and densities across the site. The Design and Access Statement provides some text and images of the intentions for each of the character areas.

Overall, the parameter plans and indicative material in the application provide a sound basis for future reserved matters applications, if the scheme were to be otherwise acceptable. Of particular merit would be the increased access for pedestrians and cyclists across the site. The new links created to the Strawberry Line from Yatton could be designed to be at least as attractive as the existing ones from Biddle Street and the Yatton railway car park. The abundance of open space would provide an attractive setting for the development and the green corridors along the watercourses are well conceived.

Some areas would need further exploration and consideration. For instance, it is unclear how the open space and various community elements would be managed. It would not be possible for the Council to take on responsibility for these elements, so a credible scheme demonstrating how the quality of the spaces were maintained for the lifetime of the development would need to be provided. However, this could be addressed through conditions and a S.106 agreement to secure a management plan. Compliance with the parameter plans could also be secured by condition.

#### **Issue 4-Drainage and Surface Water Flooding**

Policy CS2 of the Core Strategy requires the application of best practice in Sustainable Drainage Systems to reduce the impact of additional surface water run-off from new development. Policy DM9 of the Sites and Policies Plan Part 1: Development Management Policies requires development to consider the implications of surface water on the wider area. Paragraphs 170 and 173 of the NPPF require planning applications to demonstrate that flood risk is not increased elsewhere, and for sustainable drainage systems to meet appropriate standards.

A surface water drainage strategy has been provided by the developer, which is considered acceptable by the Lead Local Flooding Authority and the North Somerset Levels IBD. If the development were to be otherwise acceptable, this could be secured by condition.

Of concern however is the impact of the development on neighbouring housing, with the land raising required to prevent flooding to the development reducing the area available for flood storage. The applicant's Flood Consequence Assessment (FCA) shows that in the 1 in 200 plus climate change flood event, flood levels to the east of the site, would increase by 1.7cm. This forms the basis for an objection by the Environment Agency. The proposal would therefore be contrary to paragraph 173 of the NPPF, which requires that development not increase flood risk elsewhere. Were the Exceptions Test to be applicable, this would also be failed as a result, in accordance with paragraph 170 of the NPPF.

The Lead Local Flood Authority also objects to the scheme on the basis that it would lack safe access and egress in the event of the 1 in 200 plus climate change event. The FCA shows that floodwater would restrict safe vehicular and pedestrian access to the site from the Shiners Elms entrance. Safe access would be possible from the south if the planning permission reference 21/P/0236/OUT were to be completed. However, this development has not commenced on site and there is no guarantee



that it will. Therefore, the proposal would be contrary to paragraph 173 of the NPPF, which requires that safe access and escape route be provided in the event of an emergency. Again, the development would fail the Exceptions Test if this were applicable, as paragraph 170 of the NPPF requires that development will be safe for its lifetime taking account of the vulnerability of its users.

## **Issue 5-Ecological Impacts**

Policy DM8 Sites and Policies Plan Part 1: Development Management Policies requires 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.

The application site is in Band B of the Consultation Zone for horseshoe bats, within which it is necessary to consider the impact on the North Somerset and Mendip Bats SAC. The site adjoins the Strawberry Line, which is part of an SSSI, Local Nature Reserve and Wildlife Site.

An Ecological Impact Assessment and shadow Habitat Regulation Assessment were submitted supporting the application. The latter was revised following comments from the Council's ecologist and Natural England.

In terms of the impact on protected species, there is evidence that otters use the site. There is a known badger sett to the south and there is suitable foraging for this species on the site. Trees on the site have limited potential for roosting bats. No evidence of great crested newts was discovered. There is a low population of grass snakes and slow worms on the eastern boundary.

Off-site HEP compensation would be provided to the west of the Strawberry Line, which is sufficient to meet requirements. This would need to be secured by agreement. Lighting constraints follow a precautionary principle subject to detailed design at reserved matters stage. The proposal to install a night roost for bats near the Strawberry Line is welcomed.

Overall, the submitted details are considered acceptable. If the application were to be otherwise supported, conditions would be required to provide details of lighting, a Construction Environmental Management Plan, Mitigation Compliance monitoring, Survey re-validation, a Landscape and Ecological Management Plan, and secure Ecological Enhancement/Biodiversity Net Gain.

It is noted that Natural England have not yet responded to a reconsultation on the revised sHRA.

## **Issue 6: Impact on living conditions of neighbours**

Policy DM32 of the Sites and Policies plan seeks to ensure high quality design and buildings and ensure that the design and layout of development should not prejudice the living conditions of adjoining occupiers.

The submitted illustrative masterplan and parameter documents show that the proposed development could be accommodated on the site without raising any significant concerns regarding noise, privacy, loss of light or any related matter to existing neighbours. Full details in this regard could be satisfactorily addressed at reserved matters stage where the scheme to be otherwise acceptable.

### **Issue 7 Impacts on Trees**

Sites and Policies Plan policy DM9 requires development proposals affecting trees to demonstrate that the retention, protection and enhancement of tree canopy cover has been considered, evaluate the short and longer-term impacts that the development may have on existing trees and demonstrate that the long-term retention of appropriate trees is realistic. Paragraph 131 of the NPPF requires that existing trees are retained wherever possible.

There are no protected trees on site. The applicant has provided illustrative details of how the few trees on the site could be incorporated into the development. These are considered satisfactory.

Given the outline nature of proposals other than access, impacts on trees affected by the proposals could be addressed via condition.

### **Issue 8-Impact on Heritage Assets**

There are no heritage assets within the site. The nearest listed building is the Grade II 114 High Street, over 400m away. There is also the Grade II Court Farmhouse 500m to the east, and slightly beyond that the Grade I Listed Church of St. Mary, which are within the Yatton Conservation Area

There are substantial areas of existing development between these buildings and the site. The LVA confirms that there would be no impact on their setting and this is accepted.

### **Issue 9-Archaeology**

Policy DM6 of the Sites and Policies Plan seeks to safeguard unidentified heritage assets. As noted by the Council's archaeologist, there are few features that may warrant further investigation. This could be addressed with a pre-commencement condition if the application were to be otherwise approved.

### **Issue 10-Other matters**

#### 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 Accessible and Adaptable Housing Needs Assessment SPD evidences a need for

11% of dwellings provided to meet this standard. This requirement could be secured through a S106 agreement.

### Renewable Energy

Core Strategy Policy CS2 requires designs to be energy efficient and 10% of predicted energy use to come from renewable sources. An Energy Statement has been submitted showing a 'fabric first' strategy, with a prospective 54.57% reduction to regulated emissions. The general approach is acceptable and full details would be secured at the reserved matters stage, including 10% renewable energy, if the development were to be otherwise acceptable.

### Agricultural Land

Paragraph 180b of the NPPF states that planning decisions should contribute to and enhance the natural environment by: "recognising the economic and other benefits of the best and most versatile agricultural land."

The applicant has submitted an Agricultural Land Quality assessment with the application that demonstrates that the land is Grade 4 (poor quality). There are therefore no concerns that the development would result in the loss of some of the best and most versatile agricultural land.

## **Issue 11-Community Infrastructure Levy and S.106 Contributions**

Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal. The Council's Community Infrastructure Levy (CIL) applies a standard charge which developers must pay towards the cost of the infrastructure impacts arising from their development. In this case the following planning obligations would be required.

- 50% of the dwellings to be as 'affordable housing' to be on site as part of the development.
- On-site Green Infrastructure, including 70% of the gross site area as open space, play areas, woodland, allotments, play areas and arrangements for maintenance for the lifetime of the development.
- Highways contributions as follows:
  - £180.00 per dwelling (£34,200.00) to be flexibly spent on bus/train taster tickets and/or towards a bike/cycling equipment.
  - £1,086,074.33 home to school transport costs
  - £160,000.00 for public transport improvements
  - £44,000.00 for Strawberry Line improvements.
  - £3,400.00 for a Traffic Regulation Order
  - £2,200.00 to improving the lining at local junctions linked to the site
  - £5,500.00 towards traffic calming measures

## Other matters

All other matters raised by the consultees have been considered, but none are of such significance as to warrant an additional reason for refusal of the proposal.

## Planning Balance and Conclusion

It should be acknowledged that there would be benefits from the proposal if planning permission were granted. Principal amongst these is the contribution towards housing supply of 190 units, with 50% of these as affordable. As noted above, as the site is in Flood Zone 3a and the sequential test is failed, the tilted balance is not engaged. Weight should however be given to the undersupply of housing in North Somerset in the planning balance on this application. Furthermore, the housing would be delivered in a relatively sustainable location in transport terms (though not flood risk), with the mainline railway station in Yatton as well as shops and services in the centre of the village within walking distance, though this is tempered by the Travel Plan's acknowledgment that the overwhelming majority of trips to and from the development would be by private car.

Also of benefit would be the new pedestrian and cycling routes across the site linking to the Strawberry Line, a significant piece of existing active travel infrastructure. These routes would chiefly be of use to residents of the development, though some modest use by other residents of Yatton could be expected.

The applicant considers that the contribution to open space is a significant benefit of the scheme, with 'circa 70% of the gross area' as open space specified in the description of development itself. However, it is evident that a virtue is being made of necessity. Significant parts of the site would need to be left as open space in any case to provide buffers to the Strawberry Line (on landscaping grounds) and to the rhynes (for drainage purposes). The utility to the public of each additional square metre of open space is subject to diminishing returns, particularly in a location like Yatton which is already well served by public open space and access to nature. Furthermore, elements of the open space are described as 'community' orchards and 'community' allotments, though it is unclear how these would function and whether there are any community groups willing to take on the management of these spaces. Typically, allotments are rented out to individual tenants and are not publicly accessible and whilst providing a resource for some individuals would not be of wider benefit.

Also promoted as a benefit are the proposed biodiversity increases beyond the minimum standards (20% in habitat units and 40% in hedgerow units), also set out in the description of development. Given that the site at present is mainly poor-quality agricultural land and the intention is to create an attractive landscaped development for future residents, it would be difficult not to achieve biodiversity increases of this order.

Overall, it is considered that the public open space with its associated pedestrian/cycling routes and biodiversity improvements should attract moderate weight in the planning balance.

Other benefits identified by the applicant include the delivery of temporary local employment during construction and afterwards, the provision of land for a Class E unit and the provision of land for a community facility/mobility hub. The last two benefits appear to be double counted as only the provision of 0.13ha of land for Class E use is specified in the application form. Whilst having the option of a retail or other small business within the development is positive, in practice small-scale employment or retail spaces remote from centres can be difficult to find occupiers for. This element of the scheme can only be given limited weight. Employment generated by the project should also be given limited weight. These benefits during the construction phase are generic and not specific to this proposal and so attract limited weight.

Set against these benefits is the failure of the sequential test, the loss of a site allocation in the Local Plan for a primary school, flooding issues including increased flood risk off site and the lack of a safe access egress to the site during a 1 in 200 year flood event and the fact that the development would be nearly eight times larger than the maximum permissible in the Core Strategy for sites on the Yatton settlement boundary.

The applicant's Planning Statement, as well as stating that "*Across the District, there are other sites and series of sites which could be considered sequentially preferable in flood risk terms*" considers that failure of the sequential test should attract very substantial weight. Officers agree with this assessment. Paragraph 168 of the NPPF could not be clearer that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

The loss of the school site allocation attracts substantial weight. Evidence from North Somerset's Children's Services shows that the projected demand for school places and the condition of existing schools supports the need for further provision, which would be jeopardized if the current scheme were to be permitted.

Whilst the development is in accordance with most of the points in Policy CS32 of the Core Strategy, the proposed 190 houses is well in excess of the 25 unit maximum for service villages and as such cuts across the strategic intentions of the Core Strategy, which is an expression of the sustainable approach to development in North Somerset. Yatton is not considered an appropriate location for further large-scale urban growth. This should be given moderate weight against the scheme in the planning balance.

In flooding terms, the lack of safe access would reduce the weight to be attached to the benefits of the proposed housing given the risks that future occupants would be subject to over the lifetime of the development. This is particularly the case for the affordable housing, the occupants of which would typically have fewer housing choices. The additional flooding to neighbouring properties, whilst seemingly minor in terms of the additional flood water depth, is a clear breach of national policy as set

out in the NPPF to which significant weight should be attached. Were the exceptions test to be applicable it would fail on these grounds under Part B as the development would both increase flood risk elsewhere and fail to be safe over its lifetime.

There would be some harm to the landscape setting of the site, as set out in the applicant's LVA. It is accepted that the proposed layout of the development and the open space buffer would contribute to reducing its landscape impact, subject to further design at reserved matters stages. The impact on landscape should be given limited weight and does not warrant refusal of the application.

The impacts of the development are overall considered to very significantly outweigh the benefits of the development and refusal therefore would have been recommended were the Council able to make a decision on this application.

## **Recommendations**

### **REFUSE**

#### **Reason for Overriding Parish Council comments (if appropriate)**

n/a

In recommending this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the:

- Natural Environment and Rural Communities (NERC) Act 2006
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Public Sector Equality Duty, Equality Act 2010

#### Reasons:

1. The proposed development of up to 190 dwellings would deliver a scale of development that is contrary to the spatial strategy for the development plan, which permits sites of up to around 25 dwellings adjoining the settlement boundaries of service villages. The proposed development is therefore contrary to policies CS14 (Distribution of new housing) and CS32 (Service villages) of the North Somerset Core Strategy, and the Yatton Neighbourhood Plan.

2. Housing development should only be permitted in a 'High Probability' (3a) flood zone when it is necessary, and where it has been demonstrated through a flood risk sequential test that there are no 'reasonably available' sites in areas with a lower flood risk where the development can be provided. The applicant's Flood Risk Sequential Test assessment fails to demonstrate this, and the proposed development is therefore inappropriate in a 'High Probability' flood zone, which is contrary to Policy CS3 (Environmental impacts and flood risk management) of the

North Somerset Core Strategy, paragraphs 165, 167 and 168 of the National Planning Policy Framework.

3. The proposal, on account of the lack of a safe access to the development and increased flooding to neighbouring properties during the 1 in 200 year plus climate change flood event, would fail to adequately mitigate against the risks of flooding, contrary to Policy CS3 (Environmental impacts and flood risk management) of the Core Strategy and paragraph 173 of the National Planning Policy Framework.

4. The proposed development, on account of the loss of a site safeguarded for a new primary school, would result in the potential for there to be insufficient primary school capacity in Yatton, to the detriment of the longer-term educational opportunities and well-being of primary school aged children in the village. As such, the proposal is contrary to Policy CS25 (Children, young people and higher education) of the Core Strategy and Policies DM1 (Flooding and drainage) and DM68 (Protection of sporting, cultural and community facilities) of the Sites and Policies Plan Part 1: Development Management Policies.