Land North of Mulberry Road, Congresbury

Statement of Case

M7 Planning Limited and M7 SW LLP

10 May 2024

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1.0 Introduction

1.1 This Statement of Case outlines the case that will be presented on behalf of M7 Planning Limited and M7 SW LLP ("the Appellant") in respect of the appeal against the refusal of permission of an outline planning application for residential development at land north of Mulberry Road, Congresbury by North Somerset Council ("NSC").

1.2 It is the Appellant's intention for the appeal to be heard by way of a Public Inquiry.

1.3 The Appellant will call the following witnesses:

1 Cem Kosaner BSc (Hons), DipTP MRTPI – Planning Director (Lichfields) – Planning;

2 Simon Coop BA (Hons) MSc MRTPI MIED - Senior Director (Lichfields) – Housing need and land supply;

3 Gail Stoten BA (Hons) FSA MCIfA Executive Director (Pegasus) – Heritage;

4 Paul Gibbs DipLA DipUD CMLI – Managing Director (David Jarvis Associates) – Landscape and visual impact;

5 Ben Jackson BEng (Hons) MSc MCIHT- Director (Ashley Helme) – Transportation matters; and,

6 Neil Tiley BSc (Hons) Assoc RTPI - Senior Director - Economics (Pegasus) – Education matters.

Background

1.4 Outline planning permission is sought for the development of up to 70 residential dwellings at land north of Mulberry Road, Congresbury.

1.5 The original planning application (22/P/0459/OUT) was submitted to North Somerset Council by the Appellant on 22 February 2022 and the application was validated on 2 March 2022.

1.6 The application as submitted was for the following description of development:

"Outline planning application for the erection of up to 90 dwellings including 30% affordable housing, public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access."

1.7 Following submission of the planning application, the applicant sought to amend the proposed development to *"up to 70 dwellings"*. The purpose of change was to comply with the emerging allocation in the North Somerset Preferred Options document that was consulted on between 14 March 2022 and 29 April 2022. This change was agreed with the Case Officer in response to the first resolution to refuse planning permission and accorded with the draft allocation in the emerging Local Plan 2039.

1.8 Appendix 1 contains a lists of the documents that were submitted with the application and appendix 3 contains a list of the documents upon which the decision was made. There are no changes to the documents to be considered at appeal compared to those considered by

North Somerset Council (Appendix 3). However, an amended illustrative masterplan is provided (Appendix 4) to demonstrate how the development can be built without the need to divert public right of way (reference AX16/8/30). In the event that the appeal is allowed, this would not form part of the package of approved drawings.

1.9 The application was recommended for approval by officers of North Somerset Council but the application was refused permission against officer recommendation at planning committee twice (11 October 2023 and 15 November 2023). The first decision was a resolution to refuse subject to a "cooling off" period. The reasons that the Committee wanted to refuse the application on were as follows:

1. The development would add significantly to North Somerset's carbon emissions, contrary to the Council's core principle of addressing the challenge of Climate Change. It would only provide for the minimum requirement for renewable energy. The site is in an unsustainable location with inadequate bus services, no places for children in local schools and no doctors surgery in the village with no scheduled bus service between Congresbury and the surgery in Langford contrary and the proposed development is contrary to policies CS1, CS2 and CS10 of the North Somerset Core Strategy 2017 and policy DM24 of the Sites and Policies Plan Part: Development Management policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework.

2. The proposed development would do clear and demonstrable harm to the both the natural environment and wildlife, the landscape and the character of the neighbourhood. The site is situated on an elevated field above the Yeo Valley. The position, scale and extent of the proposed development would have a significant urbanising effect on its rural location beyond the settlement boundary. There would be potential adverse effects on wildlife, including the bat population which is already under threat from other developments and the proposed mitigation measures are not sufficient to reduce the harm and the proposed development is contrary to policies CS4, CS5 and CS14 of the North Somerset Core Strategy 2017 and policies DM32 and DM36 of the Sites and Policies Plan Part : Development Management policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework.

1.10 The second presentation to Planning Committee resulted in the refusal of planning permission which was issued on 21 November 2023.

Reasons for Refusal

1.11 Four reasons for refusal are listed on the decision notice, as follows:

Reason 1

"The site occupies an elevated position on the edge of the village and the position, scale and extent of the proposed development would have a significant urbanising effect on its rural location, adversely affect the landscape setting of the village and harm the recreational enjoyment of the public footpaths across and adjoining the site contrary to policy CS5 of the North Somerset Core Strategy 2017 and policies DM10 and DM25 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework."

Reason 2

"The nature and scale of development on land which is within the setting of the designated heritage asset would cause less than substantial harm to the setting of the designated asset by further eroding the relationship of the grade 2 listed Park Farmhouse from the previously associated farmland contrary to policy CS5 of the North Somerset Core Strategy 2017, policy DM4 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies 2016 and paragraphs 199 and 202 of the National Planning Policy Framework."

Reason 3

"The proposed development would not enhance the overall sustainability of the settlement and substantially exceeds the threshold which defines the appropriate scale of development deemed to be sustainable on the edge of service villages and in the case of Congresbury has inadequate local infrastructure in terms of primary school places and doctors' surgery to serve the scale of development proposed contrary to policies CS14 and CS32 of the North Somerset Core Strategy, policy H1 of the Congresbury Neighbourhood Development Plan 2019-2036."

Reason 4

"The application has failed to make satisfactory provision for mitigating the effect of the scheme on insufficient primary school places and doctors' services contrary to policies CS25 and CS32 of the North Somerset Core Strategy 2017."

Procedural Matters

1.12 It is our view that the most appropriate method for determination of the appeal is by way of public inquiry. There are a number of key issues that will need to be tested thoroughly, including through the cross examination of witnesses. These include:

1 Status of the North Somerset Local Plan and its constituent policies;

2 Housing land supply matters;

3 Assessment of the landscape impact of the proposed development;

4 Assessment of the effects on heritage of the proposed development in the context of paragraph 208 of NPPF which requires less than substantial harm to be weighed against the public benefits of the proposal;

5 The sustainability of the settlement and whether it can accommodate the proposed development from a local infrastructure perspective; and,

6 The balance of benefits and impacts in the application of the tilted balance under paragraph 11 d) ii of the NPPF.

1.13 During the determination of the application there was substantial local interest in the application. The planning committee report notes that 1,119 public comments were received, of which 1,107 objected to the proposed development. This suggests that the planning application is a controversial issue locally which requires thorough consideration. This is best managed via a Public Inquiry.

1.14 Whilst the planning application is of substantial local interest it is also important in respect of housing land supply across the local authority area within the context of the emerging Local Plan. It is therefore crucial that the appeal proposal is given full consideration at a public inquiry with the evidence tested in a robust manner. This will inform whether the most important policies of the development plan are out of date and the weight to be attached to them (consistent with recent decisions in the area).

1.15 Should the method of appeal be downgraded to a 'hearing', the appellant reserves the right to submit additional information, including technical reports and statements to respond to the Council's Statement of Case. To date, the Council has not shared any up-to-date information with the appellant in respect of its latest housing land supply position and delivery projections. Further, the refusal was contrary to officer recommendation for approval and the full particulars of the reasoning by Members is opaque and has not been set out.

1.16 The above accords with the PINS guidance[1] on when a public inquiry is appropriate.

[1] Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals - GOV.UK (www.gov.uk)

2.0 The Site and Surroundings

2.1 The appeal site lies immediately to the north and east of the settlement boundary of Congresbury and extends to approximately 3.3 hectares.

2.2 Congresbury is a built-up residential area with a population of 3,724[2] (as of 2021), located approximately 5 miles to the east of the M5 motorway. The B3133 (Brinsea Road) is the main vehicular route through Congresbury. The B3133 connects to the A370 in the north with subsequent links to the M5.

2.3 The site is located on the eastern edge of Congresbury. It currently comprises agricultural land used for sheep grazing and is typical of the surrounding agricultural field pattern with mature and dense hedgerows delineating field boundaries.

2.4 The site area is regular in shape and slopes slightly from south west to north east. This minor topographical slope aids the flow of surface water drainage into the pond and ditch network at the north east corner of the site.

2.5 The surrounding area is characterised by residential dwellings and agricultural fields. The site's boundaries are described as follows:

1 **Northern Boundary** – The site is bounded to the north by hedgerow, Park Farm and agricultural fields;

2 **Eastern Boundary** – The site is bounded to the east by a hedgerow and agricultural fields beyond this;

3 **Western Boundary** – The site is bounded immediately to the west by the existing residential settlement of Congresbury. Rear gardens of dwellings fronting Park Road back onto the site; and,

4 **Southern Boundary**– The site is bounded to the immediate south by the rear gardens of the existing residential dwellings which front onto Mulberry Road.

Drainage

2.6 The majority of the application site is located in Flood Zone 1, apart from a small section within Flood Zone 3 to the north east corner which includes a pond. A dry ditch runs parallel to the eastern hedgerow boundary and this will be used to attenuate and discharge the surface water drainage from the site. Land within Flood Zone 3 has been included in the application boundary for urban drainage purposes; this presents the opportunity to create new wildlife habitats.

Access

2.7 A farm track provides access into the site exists from Mulberry Road. Public right of way AX16/8/30 (footpath) runs diagonally through the site from the north west corner to the south east corner. Public right of way AX16/29/10 runs along the eastern boundary.

[2] Census Data 2021 (Comprises Lower Super Output Area E01014764 (North Somerset 14A) and E01014765 (North Somerset 14B))

Figure 2.1 Plan showing alignment of PROW through site

Source: https://map.n-somerset.gov.uk/dande.html

Ecology

2.8 The application site comprises widespread habitats including poor semi-improved grassland, grazed by sheep, bordered by species-poor and species-rich hedgerows, some with trees. Scattered scrub and tall ruderals are also present around its boundaries.

2.9 The site has no statutory or non-statutory nature conservation designations, although it forms part of an area identified as the North Somerset and Mendips Bat Special Area of Conservation (SAC) Band A consultation zone. In addition, the River Yeo which is approximately 140m to the north east is a Site of Nature Conservation Interest (SNCI).

2.10 Ecological surveys have been undertaken to inform the outline planning application. Surveys for bat activity and bat roosting have been conducted in accordance with the North Somerset and Mendip Bats SAC Guidance on Development Version 2.1 (2019). At least seven bat species have been recorded including lesser and greater horseshoe.

Trees

2.11 The site boundaries are formed by a range of species rich and species poor trees and shrubs and gardens of adjoining properties. There are no Tree Preservation Orders on site or on the boundaries.

2.12 Except for the boundary vegetation, the site does not contain any trees or vegetation that would preclude development.

Heritage

2.13 The application site contains no Designated Heritage Assets and there is no known archaeology within the site.

2.14 A geophysical survey of the site was undertaken in November 2020 and indicates that there is no evidence for structures or features of archaeological interest.

2.15 The nearest designated heritage asset is Park Farmhouse (UID 1129233), a Grade II listed building which is located approximately 40m north of the site boundary.

2.16 The earliest fabric of the farmhouse may have originated as a park lodge, with the presence of a park in this area known from documentary sources of the 14th and 16th centuries, and

its extent indicated by the placename and fieldname evidence. No park pale or other man-made boundary features are extant.

Local Facilities and Services

2.17 The site is located within a reasonably short walking distance (450m-465m) of a wide range of existing services and facilities in the Precinct, Brinsea Road. Pavements are present along the route to these facilities. The precinct includes:

1 Welcome Convenience Store;

2 Cottage Loaf Bakery & Sandwich;

3 Hodders Family Butchers;

4 Post Office;

5 Oldfields Fish & Chip Shop; and,

6 Dream Doors Kitchen Shop.

2.18 Adjacent to the precinct is Tincknell Town & Country Store which is a large country store selling a range of goods including clothing & footwear, home & kitchenware and children's toys.

2.19 There are also additional services and facilities including a primary school, pharmacy, pubs/restaurants and hairdressers within walking distance of the site. These include:

Table 2.1 Services and Facilities in Congresbury

Facility/Service	Location	Distance from site (m)
Playground	The Causeway	645
The Plough Public House	High Street	685
Congresbury Bowling Club	Mill Leg	700
Congresbury Sports Club	Stonewell Drive	735
Broadstone Playing Fields	Drove Road	810
Methodist Church	High Street	855
The Old Inn	Paul's Causeway	875
Memorial Hall	High Street	890
The Congresbury Arms	High Street	950
Emzz Pizza & Kebab	Broad Street	980
Day Lewis Pharmacy	Broad Street	995
Café	Broad Street	990
Broad Street Hair & Beauty	Broad Street	1,000
Bus Stop (Eastbound)	Station Road	1,055
Bus Stop (Westbound)	Station Road	1,060
Ziggy's Deli	Broad Street	1005
St Andrew's Church	Church Drive	1035
Coventry Building Society	Station Road	1050
Beyond the Fridge (hair salon)	Station Road	1060
Premier Convenience Store & ATM	Station Road	1065
Library	Station Road	1160
St Andrews Church of England Primary School	Church Drive	1,260
Congresbury Community Pre School	Church Drive	1,260
Cadbury Garden Centre	Smallway	1,665
Tesco Express & ATM	Bristol Road	1,560
Shop n Drive Store & ATM	Weston Road	1,915

Source: Ashley Helme Associates Ltd – Distances measured via existing/proposed pedestrian infrastructure and Lichfields research

2.20 The nearest bus stops are located on Station Road and this is served by the following services:

Table 2.2 Bus services from Station Road bus stop

Service	Route	Frequency (Mon-Sat)
X1	Weston-Bristol	20 min
X5	Weston-Portishead	12 trips (9 trips on Sat)
A3	Weston-Bristol Airport	60 min
B1	Congresbury-Montpelier School	1 trip (1 trip in the AM and a return trip in the PM).

Source: Ashley Helme Associates

2.21 Yatton is located within cycling distance which offers a wider range of services and facilities including Yatton railway station (approximately 4km from the proposed development site). The villages of Claverham, Langford and Churchill are also within 5km of the appeal site, providing opportunity to cycle to from facilities within these settlements, including Churchill Academy and Sixth Form, Bristol Veterinary School (Langford) and various employment locations.

Planning History

2.22 The following planning history relates to the site itself:

Table 2.3 Planning History for the site

Reference	Description	Decision	Date of Decision
99/1226	Outline application for residential development of up to 25 units and associated open space and means of access	Refused	N/A (non determination)
00/P/0139/O	Residential development of up to 25 units and associated open space and means of access. NB: This is a re-submission of application 99/1226	Withdrawn	01/08/00
T/APP/D0121 /A/99/ 1031669/P7	Appeal in relation to 99/1226	Dismissed	28/04/00
22/P/0459/OUT	Outline planning application for the erection of up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access. [note this is application to which the current appeal relates]	Refused	21/11/23

Source: North Somerset Council Online Planning Register

2.23 It is worth noting that the application (99/1226) and subsequent appeal (T/APP/D0121/A/99/1031669/P7) for 25 dwellings was very different to the appeal proposal. The 25 dwellings scheme proposed access between the farmhouse and the wider land which the Inspector considered to have a serious adverse effect on the character of Congresbury and the surrounding landscape. This contributed to the dismissal of the appeal.

2.24 Other relevant applications in close proximity to the site include:

Table 2.4 Planning History in Close Proximity to Site

Reference	Description	Decision	Date of Decision
16/P/0147/F	Erection of 14no. dwellings including landscaping, provision of parking and a vehicular and pedestrian access from Venus Street	Approved	09/06/16

2.25 This application bounds the southern boundary of the appeal site at the eastern extent. In granting planning permission the Council confirmed that the principle of development was

acceptable when considering the balance of impacts and benefits. It is worth noting that the appeal site is closer to the facilities and services in Congresbury compared to application 16/P/0147/F.

3.0 Development Proposal

3.1 The full description of development as set out on the decision notice is as follows:

"Outline planning application for the erection of up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access."

3.2 All matters are reserved for future determination with the exception of means of the main means of access into the site. Details of internal access within the site will be addressed as part of the reserved matter relating to layout. The Development Management Procedure (England) Order 2015 (as amended) notes that layout means:

"The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development."

3.3 The plans for determination are limited to the following due to the Council deciding (in a committee update sheet dated 15 November 2023 (see Appendix 8)) not to include the parameter plans and masterplan in the list of plans to be approved under draft condition 4 (*"The development hereby permitted shall be carried out in accordance with the following approved plans and documents"*):

1 Site Location Plan Rev A, 28th March 2022;

2 A980/11216/1 Rev–A - Topographical Survey Drawing;

3 Framework Plan December 2022_V2;

4 1814/01 Rev–A - Proposed Access Arrangements: Option 1, October 2022; and,

5 Offset Site Location (Location of the proposed off-site bat mitigation) 22nd February 2023.

3.4 As part of the application, the applicant submitted parameter plans in relation to land use, access and movement, green infrastructure and density. The Council decided not to include these in draft condition 4. However, we discuss them below in terms of how they apply to the proposed development.

Land Use Parameter Plan (MR50001)

3.5 The proposal is for up to 70 residential dwellings comprising a range of dwelling types and sizes including 1, 2, 3- and 4-bedroom homes. The specific mix of the proposed dwellings will be determined at reserved matters stage.

3.6 The proposal will provide 30% affordable housing in accordance with the requirements of the adopted development plan. Affordable housing will be integrated into the scheme layout using the same design principles as for the open market housing.

3.7 The affordable units are intended to be spread across the site, with no more than six units being sited together in accordance with the Councils' SPD on affordable housing. The affordable housing will include a mix of social rented, affordable rented and intermediate tenures.

3.8 The proposed development also includes 1.3ha public open space and a children's equipped play area. The area for residential development extends to 2ha.

Access and Movement Parameter Plan (MR50001)

3.9 The proposed development layout has been designed around a network of accessible roads and pedestrian routes, a continuous corridor of public open space and a sustainable drainage attenuation feature which presents the opportunity to create new habitats.

3.10 Vehicular access to the site will be provided from Mulberry Road in the form of a new priority junction. This would comprise a standard 5.5m road with an adjoining shared space for pedestrian access. The proposed visibility splays meet the typical urban standard and are compliant with the Manual for Streets, in both directions of travel. It is envisaged that the vast majority of pedestrian movements will utilise the existing PROW connection (AX16/8/30) to the north west of the site which links through to Park Road.

3.11 Whilst parking is a matter to be agreed at reserved matters stage, it is envisaged that a range of different parking typologies will be utilised, including on plot parking, on-street parking and an overlooked parking court. Electric vehicle charging points will be included on-site.

3.12 It was agreed during the determination of the application that the PROW running diagonally through the site would be retained in situ. A revised illustrative masterplan is submitted with this appeal (MR50001/1100 – Revised Sketch Layout) to demonstrate how this could be achieved (see appendix 4). This is in line with the judgement in Holborn Studios Ltd v The Council of the London Borough of Hackney (2018), which refined the "Wheatcroft principles" set out in Bernard Wheatcroft v Secretary of State for the Environment (1982). The illustrative sketch layout would not form part of the approved drawings package in any case should the appeal be allowed and is therefore not a substantive change.

Green Infrastructure Parameter Plan (MR50001)

3.13 A corridor of public open space is proposed along the northern and eastern boundaries of the site which has been guided by the existing PROW. This will be accessible to new and existing residents and it is envisaged to comprise the principle means of accessing the existing services and facilities in the surrounding area by pedestrians and cyclists.

3.14 The existing trees and hedges forming the site boundary are proposed to be retained and would form a valuable component of the green corridor. The proposed drainage strategy includes the formation of an attenuation basin in the north east corner of the site which would form a focal point of the green corridor.

Density Parameter Plan (MR50001)

3.15 The proposed development will incorporate medium densities. A density of less than 30 units per hectare is proposed for the development. The density of the net developable area is 44dph.

Scale

3.16 The proposal is for up to 70 residential dwellings up to 2 storeys in height informed by the findings of the local character assessment set out in the Design & Access Statement.

Design

3.17 Whilst a reserved matter, the development will seek to incorporate a number of key design features as have been set out within the Framework Plan. Some of the key features include:

1. Extensive connections for pedestrians to the local street network and PRoW's;
2. Green corridors to create play facilities and public open space;
3. Retention of key ecological features such as hedgerows and hedgerow trees to create a network of habitat corridors, along with pedestrian networks;
4. Clustered tree planting, hedgerow strengthening and delivering species rich grasslands; and,
5. Creation of sustainable drainage attenuation features, which will also provide biodiversity qualities via the wetland habitats.

4.0 Planning Policy Context

The Development Plan

4.1 The statutory development plan for the site comprises:

1 North Somerset Core Strategy (adopted 2012 with Policy CS13 re-adopted 2015 and the remaining remitted policies adopted in 2017);

2 North Somerset Development Management Policies (Sites and Policies Part 1, adopted 2016);

3 Site Allocations Plan (Sites and Policies Part 2, adopted 10 April 2018); and,

4 Congresbury Neighbourhood Development Plan (made 2019).

North Somerset Core Strategy

4.2 The Core Strategy for North Somerset Council (NSC) was adopted on 10 April 2012. However, following a legal challenge a number of key policies were remitted for re-examination. In September 2015, Policy C13 'Scale of New Housing' was re-adopted, with the remaining remitted policies all re-adopted on 10 January 2017.

4.3 A Priority Objective of the Core Strategy (page 20) is to *"Deliver sustainable housing development across North Somerset to meet housing needs, through the provision of a minimum of 20,985 new homes by 2026"*.

4.4 Importantly, the supporting text to CS13 notes that:

"If for any reason the JSPS has not been finalised the Council will move ahead with a review of the document on the basis of the best information available to it (including the NPPF compliant SHMA). In either case the review will be completed by the end of 2018 with a replacement for this policy being adopted by that time."

4.5 The review has not been completed as requested by the Inspector or as required by Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the NPPF.

4.6 It is considered, that the following Core Strategy policies are relevant to the determination of this appeal:

1 CS1 (Addressing climate change and carbon reduction);

2 CS2 (Delivering sustainable design and construction);

3 CS3 (Environmental impacts and flood risk assessment);

4 CS4 (Nature Conservation);

5 CS5 (Landscape and the historic environment);

6 CS9 (Green Infrastructure);

7 CS10 (Transportation and movement);

8 CS11 (Parking);

9 CS12 (Achieving high quality design and place-making);

10 CS13: (Scale of new housing);

11 CS14 (Distribution of new housing);

12 CS15 (Mixed and balanced communities);

13 CS16 (Affordable Housing);

14 CS32 (Service Villages); and,

15 CS34 (Infrastructure delivery and development contributions).

4.7 The site sits outside the settlement boundary of Congresbury. It is not the subject of any other Core Strategy designation.

Development Management Policies (Sites and Policies Part 1)

4.8 The Development Management Policies Sites and Policies Part 1 for NSC was adopted on 19 July 2016.

4.9 It is considered that the following Development Management Policies are relevant to the determination of this appeal:

1 DM1 (Flooding and drainage);

2 DM2 (Renewable and low carbon energy)

3 DM4 (Listed Buildings);

4 DM6 (Archaeology);

5 DM8 (Nature Conservation);

6 DM9 (Trees and Woodlands);

7 DM10 (Landscape);

8 DM24 (Safety, traffic and provision of infrastructure, etc. associated with development);

9 DM25 (Public rights of way, pedestrian and cycle access);

10 DM26 (Travel Plans);

11 DM28 (Parking Standards);

12 DM32 (High quality design and place-making);

13 DM34 (Housing type and mix);

14 DM36 (Residential densities);

15 DM37 (Residential development in existing residential areas)

16 DM70 (Development Infrastructure); and,

17 DM71 (Development contributions, Community Infrastructure Levy and viability)

Site Allocations Plan (Sites and Policies Part 2)

4.10 The Site Allocations Plan (Sites and Policies Part 2) was adopted on 10 April 2018.

4.11 Policy SA1 relates to housing allocations and SA2 relates to the settlement boundaries.

4.12 The site is not allocated for residential development and lies outside the settlement boundary. It is not within a local green space (Policy SA5) or strategic gap (Policy SA7) designation.

4.13 Therefore, no other policies apart from SA1 and SA2 of the Site Allocations Plan are relevant to this appeal.

Congresbury Neighbourhood Plan

4.14 The application site falls within the Congresbury Neighbourhood Development Plan (NP) area. The NP was made on 12 November 2019 and forms part of the statutory development plan.

4.15 The following Neighbourhood Development Plan Policies are relevant to the determination of this appeal:

1 Policy H1 (Sustainable Development Location Principles);

2 Policy H2 (Sustainable Development Site Principles);

3 Policy EH4 (Landscape and Wildlife Preservation Measures);

4 Community Action T2 (Parking, Walking and Cycling Solutions); and,

5 Community Action F1 (Community Facilities).

4.16 Whilst the NP includes a limited number of residential allocations (and the appeal site is not one of them), it does permit the development of further unallocated sites, subject to satisfying the above polices.

Other Material Considerations

National Planning Policy Framework

4.17 A revised NPPF was issued on 19 December 2023 (plus further amendments on 20 December 2023). Key changes pertinent to the appeal proposal are:

1 For decision making, that the five-year housing land supply test is now a four-year housing land supply test as the new plan is at the Regulation 19 stage and includes a proposals map and proposed allocations (transitional arrangements as set out in paragraph 226 of the NPPF).

2 The 5% buffer previously required under paragraph 74 of the NPPF has been removed and only a 20% buffer is required in specific circumstances.

3 Paragraph 14 has been amended to state that any potential conflict with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits of a proposal provided:

   a The neighbourhood plan become part of the development plan less than five years ago; and,

   b The neighbourhood plan contains policies and allocations to meet its identified housing requirement.

4.18 The Congresbury Neighbourhood Plan reaches its fifth anniversary of having been made on 12 November 2024.

4.19 Changes were also made to the green belt policies (paragraph 145) in relation to the requirement to review green belts as part of the local plan review process. This measure only relates to the strategic plan preparation process and not to development management activities. Furthermore, the appeal site is not located within green belt so this amendment is not directly applicable. However, it is noteworthy that the appeal site is sequentially preferable to those within the green belt.

Planning Policy Guidance

4.20 The PPG was revised in February 2024 to provide clarity in relation to the amended NPPF. This included matters such as transitionary arrangements. As set out above, pertinent to this appeal is the need for North Somerset Council to demonstrate a four-year housing land supply.

Emerging Development Plan

4.21 North Somerset Council is currently in the process of preparing a new Local Plan. It will cover a 15-year period between 2024 and 2039. Once adopted it will replace the current development plan which comprises the Core Strategy, Site Allocations Plan and Development Management Policies.

4.22 Within the Preferred Options document that was consulted on between 14 March 2022 and 29 April 2022 the appeal site (referred to as Pineapple Farm) was identified as a proposed allocation with a capacity of 90 dwellings.

Figure 4.1 Extract from Consultation Draft, Preferred Options document

Congresbury				
Pineapple Farm	90	Proposed new allocation	No current consent	• Retain and enhance public right of way through site. • Active travel provision improvements to link into local facilities.

Source: North Somerset Local Plan 2038, Consultation Draft, Preferred Options (Page 126)

4.23 When a draft of the subsequent Publication Version of the emerging Plan was presented to the North Somerset Executive Committee on Wednesday 18 October 2023 (but adjourned to 2 November 2023) the Pineapple Farm[3] site was still proposed as a draft allocation, but its proposed capacity was reduced from 90 to 70 dwellings.

Figure 4.2 Extract from Consultaiton Draft of Preferred Options Document

Pineapple Farm	~~90~~ **70**	Proposed new allocation	No current consent	• Retain and enhance public right of way through site. • Active travel provision improvements to link into local facilities. • **No development to take place in areas at risk of flooding**

Source: North Somerset Local Plan 2039 (DRAFT Pre-Submission Plan Reg 19) Executive Committee 18 October 2023

[3] Note that the NSC refers to the site Pineapple Farm in the Local Plan documents.

4.24 At the Executive meeting there was limited discussion around the proposed allocation, albeit planning committee's resolution to refuse planning permission was made clear (this is discussed in detail below). Notes of the Executive meeting show that it was concluded that the Pineapple Farm site should be deleted from the Local Plan for the following reason:

"At P&R Committee on 11 October 2023 Members were minded to refuse the planning application 22/P/0459/OUT for the residential development at land north of Mulberry Road, Congresbury (the site is referred to as Pineapple Farm in the local plan). In the light of this, it is proposed that the draft allocation is deleted, as if the planning application is confirmed as being refused, retaining the allocation would be contradictory and confusing. If, however, the application is approved, the site would be added to as a commitment when the housing supply is updated prior to submission."

4.25 The Pre-Submission Local Plan was subject to consultation between 27 November 2023 and 22 January 2024. The proposed allocation at Pineapple Farm was not included in this version of the Plan. This is despite the SHLAA (November 2023) that forms part of the evidence base for the Local Plan identifying Pineapple Farm as having potential for further consideration (Appendix 12) and the Officers Report to planning committee recommending the approval of planning permission (Appendix 5 and 7).

4.26 The appellant responded to the Local Plan consultations as follows:

Table 4.1 Stages of Local Plan Preparation and Applicant's Engagement

Stage	Applicant's Engagement
Preferred Options (Reg 18)	Submitted representations noting the following in relation to the appeal site: 1. Welcome the proposed allocation of 90 dwellings. 2. Site is a sustainable location for much needed housing. 3. Need to embrace a step change in ambition in respect of housing delivery, aligned with the Governments desire to see 300,000 new homes built annually. 4. Unlikely that the government's growth target can be delivered even when taking account of sustainable sites within the Green Belt 5. Questions the 2 tier settlement hierarchy. Congresbury has a higher function in respect of serving a wider catchment and better public transport connections than some of the villages that it is grouped with. Recommendation for a 3 tier settlement hierarchy instead. 6. Critique of the housing numbers. Shortfall expected to be 3,000 not 2,000 as referenced by the Council.
Pre Submission (Reg 19)	Submitted representations noting that the site should be reallocated in the Local Plan as the evidence demonstrated that it was suitable for allocation.

Source: Lichfields

4.27 Copies of the representations are provided in appendix 15.

5.0 Appellant's Case

5.1 In setting out the appellant's case we set out below the factors in favour of granting planning permission, the factors alleged by the Members of the Planning Committee to justify the refusal of planning permission, and concerns expressed by third parties.

Housing Case

National policy seeks to significant boost the supply of homes (NPPF paragraph 60)

5.2 It is the appellants view that NSC's performance in terms of housing delivery has been consistently poor over the last 20 years and that the adopted plan has failed to deliver against the evidenced housing need. We evidence below the extent of this failure and the severity of the situation.

Record of Delivery

5.3 The average completions over the ten-year period to 2021/22 was 783dpa which is significantly lower than the standard method annual requirement (1,323dpa[4]) and the Core Strategy annual requirement of 1,049dpa. The average completions since the start date of the Core Strategy (2006) has been 831dpa.

Table 5.1 Annual Completions

Year	Completions	Annual Core Strategy Requirement	Shortfall against Core Strategy Requirement	Cumulative Shortfall
2006/07	1,132	1,049	83	83
2007/08	1,474	1,049	425	508
2008/09	935	1,049	-114	394
2009/10	772	1,049	-277	117
2010/11	637	1,049	-412	-295
2011/12	515	1,049	-534	-829
2012/13	527	1,049	-522	-1,351
2013/14	760	1,049	-289	-1,640
2014/15	674	1,049	-375	-2,015
2015/16	569	1,049	-480	-2,495
2016/17	852	1,049	-197	-2,692
2017/18	863	1,049	-186	-2,878
2018/19	729	1,049	-320	-3,198
2019/20	868	1,049	-181	-3,379
2020/21	966	1,049	-83	-3,462
2021/22	1,017	1,049	-32	-3,494
2022/23	846	1,049	-203	-3,697
Total	**14,136 (831 dpa)**	**17,833**	**-3,697**	

[4] See paragraph 5.9 which discusses the standard methodology requirement

Source: NSC Residential Land Survey Headline Findings April 2022

5.4 The Core Strategy annual requirement was only achieved in 2006/07 and 2007/08 and the identified shortfall against the Core Strategy requirement over the first 17 years of the Plan period has been very significant at 3,697 dwellings. This equates to only 79% of the planned dwellings being delivered to date. On this basis, it cannot be said that the Core Strategy has assisted in boosting the supply of housing – a key Government objective.

5.5 Table 5.2 shows projected completions in the years 2023/24 to the end Plan period in 2026:

Table 5.2 Projected Completions for remaining Core Strategy plan period

Year	Projected Completions[5]	Annual Core Strategy Requirement	Shortfall
2023/24	824	1,049	-225
2024/25	824	1,049	-225
2025/26	824	1,049	-225

Source: Lichfields Analysis

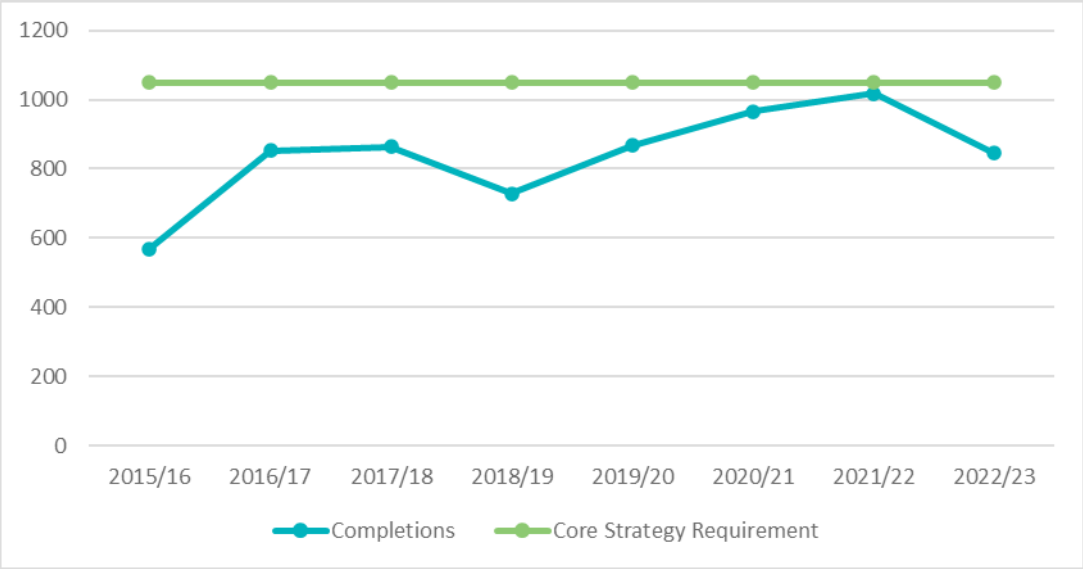
5.6 The projected completions rate for 2023-2026 has been derived from the Council's schedule of residual capacity, incorporating Lichfields analysis of anticipated delivery over the 5 years since April 2023. For the purpose of table 5.2 the delivery rate was annualised across the 5 years.

5.7 This demonstrates that housing delivery is not going to catch up with the Core Strategy housing requirement by the end of the Plan period, but that the shortfall will instead increase to c.4,372. This equates to 20.83% of the total housing requirement not being delivered, compared to the shortfall of 20.73% at 31 March 2023.

5.8 Going forward, it is unlikely that the new Local Plan will be adopted prior to the expiration of the current Core Strategy period, meaning that there will be no clear mechanism in place to facilitate a future boost in housing delivery in line with the requirements of the standard methodology and in order to address the historic under-supply of housing.

[5] Lichfields projection as North Somerset has not provided any evidence on delivery rates

Figure 5.1 Completions since adoption of Core Strategy remitted policies in 2015



Source: NSC Residential Land Survey Headline Findings April 2022

5.9 The standard methodology housing requirement of 1,323 dwellings is 26.4% above the Core Strategy requirement and therefore a step change in delivery is required in order to meet the identified level of future housing need – even without any consideration of the likelihood that North Somerset may have to accommodate some of Bristol's unmet housing need. We note that the Reg 19 version of the emerging Local Plan 2039 proposes 745 dwelling per annum which is significantly below the standard methodology figure.

5.10 The housing land supply illustrates that the Plan has failed to deliver the minimum amount of housing. North Somerset is dependent on greenfield sites, outside the settlement boundary adjacent to sustainable settlements (sites such as the appeal site) in order to meet the minimum housing requirement. Indeed, this has been recognised by Officers, who have sought to allocate the site and recommend that consent is granted for this proposal.

Record of Delivery (Affordable Homes)

5.11 The Annual Monitoring Report 2022 for North Somerset (which is the most up to date information available) provides the affordable housing completions since 2006/2007 (i.e. the base date of the Core Strategy).

5.12 Policy CS16 of the Core Strategy sets a target of delivering 150 affordable dwellings per annum.

Table 5.3 Affordable Housing Completions

Year	Affordable Completions	Target	Shortfall	Cumulative Shortfall
2006/07	126	150	-24	-24
2007/08	192	150	42	18
2008/09	266	150	116	134
2009/10	149	150	-1	133

Year	Affordable Completions	Target	Shortfall	Cumulative Shortfall
2010/11	110	150	-40	93
2011/12	42	150	-108	-15
2012/13	211	150	61	46
2013/14	166	150	16	62
2014/15	154	150	4	66
2015/16	126	150	-24	42
2016/17	138	150	-12	30
2017/18	155	150	5	35
2018/19	96	150	-54	-19
2019/20	75	150	-75	-94
2020/21	91	150	-59	-153
2021/22	193	150	43	-110
Total	**2,290 (143dpa)**	**2,400**	**-110**	**-110**

Source: Annual Monitoring Report 2022

5.13 Whilst the annual affordable housing target has been exceeded in seven of the 16 years to 2022, NSC has failed to meet the cumulative affordable housing target over this period, resulting in a shortfall of 4.5%. However, it is clear that there is an even greater need for affordable housing than the Core Strategy target. The North Somerset Local Housing Needs Assessment (October 2023) that forms part of the evidence base for the emerging Local Plan 2023 notes that:

"Overall, in North Somerset, there is a need to provide affordable housing for 4,058 households unable to afford to rent or buy over the Plan period 2024-39, which equates to 271 households per year."

5.14 Affordable housing delivery between 2006/7 and 2021/22 was just 53% of this (forward looking) level of need. This again underlines the acute need for a significant step-change in the delivery of affordable housing.

Affordability

5.15 The median house price in North Somerset in September 2023 is £320,000. Over the last 10 years this has increased by 68.9%. This compares to an increase of 63.2% in the South West and 56.7% in England over the same period. Within the local region there was large increases in Bristol, Bath & North East Somerset and South Gloucestershire, pointing towards an affordability issue in this part of the South West.

Table 5.4 House prices

	Year Ending Sep 2013	Year ending Sep 2023	Increase	Percentage Increase (%)
Bath and North East Somerset	£ 235,000	£ 385,000	£ 150,000	63.83
Bristol	£ 175,000	£ 350,000	£ 175,000	100.00

	Year Ending Sep 2013	Year ending Sep 2023	Increase	Percentage Increase (%)
North Somerset	£ 189,375	£ 320,000	£ 130,625	68.98
South Gloucestershire	£ 188,346	£ 332,500	£ 144,154	76.54
South West	£ 189,950	£ 310,000	£ 120,050	63.20
England	£ 185,000	£ 290,000	£ 105,000	56.76

Source: House price to workplace-based earnings ratio (ONS 25/03/24)

5.16 The affordability ratio in North Somerset at September 2023 was 10.01 meaning that the cost of the median house price is 10 times the median gross annual wage. This was the second highest in this sub-area, after Bath & North East Somerset (11.13), and is higher than Bristol (9.69) and South Gloucestershire (8.2). It also exceeds the average affordability rates for England (8.26) and the South West (9.27). The affordability ratio in North Somerset increased by 46.13% between 2013 and 2023; this was the second highest rate of increase in the area (after Bristol: +55.54%). This signifies a crisis in the affordability of housing for large sections of the local population.

Table 5.5 Affordability Ratio

	Year ending Sep 2013	Year ending Sep 2023	Increase	Percentage increase
Bath and North East Somerset	8.9	11.13	2.23	25.06%
Bristol	6.23	9.69	3.46	55.54%
North Somerset	6.85	10.01	3.16	46.13%
South Gloucestershire	6.94	8.2	1.26	18.16%
England	6.76	8.26	1.5	22.19%
South West	7.53	9.27	1.74	23.11%

Source: House price to workplace-based earnings ratio (ONS 25/03/24)

5.17 It is clear that there is a significant affordability challenge in North Somerset. This can be attributed in large part to the persistent (and on-going) under-delivery of housing in the local area. This is a material consideration of very significant weight.

Housing Delivery Test

5.18 The latest (2022) HDT results show that 89% of the housing required within the previous 3 years was delivered. This takes into account the 'homes required' element of the HDT being reduced by a month for 2019/20 and four months for 2020/21 due to the COVID-19 pandemic.

5.19 The HDT Action Plan (July 2022) notes that the latest three-year period was an improvement in past performance with the performance previously being 81% between 2017/18 and 2019/20, 78% between 2016/17 and 2018/19 and 73% between 2015/16 and 2017/18 (see Figure 5.2 below). Interestingly, the paper also theoretically replicates the HDT measurement to 2011 in order to demonstrate 'positive' progress, even though the HDT was only introduced in 2018. Whilst this evidence does indicate that delivery has increased since 2010/11, it emphasises the severe under delivery of housing over the nine-year period that was assessed – equivalent to 32% of the identified required.

Figure 5.2 HDT Results calculated retrospectively back to 2011

Three-year period	2010/11 - 2012/13	2011/12 - 2013/14	2012/13 - 2014/15	2013/14 - 2015/16	2014/15 - 2016/17	2015/16 - 2017/18	2016/17 - 2018/19	2017/18 - 2019/20	2018/19 - 2020/21
Delivery	1,679	1,802	1,961	2,003	2,095	2,284	2,444	2,460	2,563
Requirement	3,147	3,147	3,147	3,147	3,147	3,147	3,147	3,058	2,877
% result	53%	57%	62%	64%	67%	73%	78%	81%	89%

Source: Housing Delivery Action Plan (July 2022)

5.20 A consequence of the HDT results, NSC was required to produce an Action Plan. The July 2022 Action Plan (which is the most recent) comprises the following:

Table 5.6 Progress against action plan

Action	Lichfields Commentary
Progressing the new Local Plan – adoption anticipated by December 2023	There has been significant delays and consultation on the Regulation 19 version concluded in January 2024. It is unclear when examination will take place and the plan adopted. We understand that the Regulation 19 consultation may need to be rerun, creating a further delay. The new Local Plan will supersede Core Strategy policy CS13. However, this policy should have been reviewed and updated in 2018. The review and adoption of the new policy will be c.6 or 7 years later than required by the Inspector, in order to have an NPPF compliant housing requirement policy. This action plan point suggests that the Council agree that further housing allocations are required in North Somerset and that the current policy framework has failed to deliver.
Delivery on council owned land	1. Start on site on the 'Land South of The Uplands, Nailsea' was expected in 2022 but as of April 2023 there are no completions. First homes are likely to be available at least a year later than predicted. 2. In terms of Land at Parklands Village, the Action Plan noted that the first homes were expected to be delivered in late 2022/early 2023 with a build rate of at least 86 dwellings per year. However, according to the Council's own schedule no houses were delivered in 2022/23. 3. In terms of the Castlewood Office in Clevedon the Action Plan states that a development team led by PRP architects had been appointed in February 2022. However, in September 2023 a Somerset Live report noted that the site would not be developed for at least another two years. No planning application has been submitted for the site. 4. The Action Plan states that the Weston Town Centre sites would have commencement of works in 2024/25. However, to date there is no planning applications for these sites.

Action	Lichfields Commentary
	It is clear that delivery on Council owned land has not taken place as anticipated and has not been an answer to the Council's delivery issues.
Engagement with developers	The Council notes that it was going to: "*review the standard questionnaires that are issued to developers for them to provide updates on their sites, to ensure we are collecting the right information to allow us to fully understand their progress and any impediments to delivery. This in turn will enable us to compile fully informed robust trajectories to ensure that we are on track to maintain supply and boost delivery."* However, the Council has not provided a housing trajectory since April 2021. The most recent land supply position statement is also from April 2021. This is a clear conflict with the NPPF requirement to update the Housing Land Supply annually (NPPF paragraph 77). The Council also notes that *"Initial stakeholder meetings have already been held with a number of promoters, developers and landowners of emerging Local Plan allocations to ensure any constraints to delivery can be address in parallel with the plan making process."* However, the Local Plan appears to be stalling further and therefore stakeholder meetings are unlikely to be effective in bringing these emerging sites forward, especially given that Members appear to refuse applications (such as this one - which at the time of determination was proposed for allocation) and recommended for approval by Officers.
Securing additional resources	The Council noted that it will: *"Continue to strive to make the best possible use of the limited resources available for both plan-making and dealing with planning applications. This year we will be exploring opportunities to fund additional resources through Planning Performance Agreements."* This is not a new process and we are aware of numerous PPAs in place in North Somerset already. We question how this will significantly boost the delivery of housing.
Training and development	The Council noted that: *"As referred to above, recent appeal decisions within the district have concluded that we are unable to demonstrate a five-year supply of land for housing. This means that paragraph 11 of the NPPF is engaged, and applications for housing must be considered in the context of the current shortfall. We will hold briefings with members and officers to ensure that this process is fully understood. We will also engage with local town and parish councils to raise awareness of this context."* This does not marry up with the decisions that have been made by the Council since the date of the Action Plan. As identified in Table 5.3 only 270

Action	Lichfields Commentary
	dwellings have been approved by the Council in the period 1st April 2023 to 23rd April 2024. This does not meet the annualised requirement, let alone the very significant existing deficit.
Reducing lead-in times for development	The Council notes that it will: *"explore how we can reduce lead-in times for enabling new housing, by analysing past rates and working out how we can speed up the process. Coupled with this, we will engage with developers to try and implement consents quicker and consider imposing conditions with shorter timescales for delivery. This will help to restore the current five-year supply deficit."* No evidence has been provided to demonstrate how this will reduce lead in times. The planning determination process is also part of the lead in process and no evidence has been provided to demonstrate how this will be accelerated.

Source: July 2022 Action Plan with Lichfields Commentary. The action plan relates to the HDT results between 2018/19 and 2020/21, This is the latest Action Plan produced by North Somerset.

5.21 Our review of the Action Plan has not identified any actions that will address the housing land supply shortfall and/or significantly boost the supply of housing as required by NPPF. In addition, some of the actions that were set out have not been undertaken, for example the preparation of regular housing trajectories. One possible answer to the lack of housing supply is the emerging Plan, which proposed the allocation of this appeal site (until the planning application was refused by Members, contrary to the draft allocation and recommendation for approval).

Housing Land Supply

5.22 The NPPF requires local planning authorities to *"identify and update annually a supply of specific deliverable sites"* (paragraph 77). Three years have passed since NSC last published a housing land supply assessment (April 2021) and so the position set out in its 2021 document can no longer be relied upon. Instead, a review should now be undertaken on the basis of the latest housing need derived from the standard methodology, a thorough review of the Council's land supply, based on the NPPF's definition of deliverable sites (Annex 2 – Glossary), and the changes set out in the December 2023 revisions to the NPPF.

5.23 North Somerset's April 2021 Housing Land Supply Update takes account of a standard method figure of 1,339 to assess the housing land supply. This figure is based on annual household growth of 9,975 between 2021 and 2031 and an affordability uplift of 34.2% arising from a median affordability ratio of 9.47.

5.24 The standard methodology figure should now be updated to reflect the 2014-Sub National Household Projections for the period 2024 to 2034 (962 per annum) and the most recently published affordability data[6]. The ratio of median house prices to median workplaces incomes in North Somerset in 2023 was 10.01. This results in an affordability uplift of

[6] Released 25 March 2024. Source: https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian

37.56%[7] and equates to a housing need of 1,323[8] per annum. No buffer is required in this instance as a result of the most recent HDT results.

5.25 For the purposes of this assessment, the current housing land supply position in North Somerset will therefore be tested against a requirement for 6,615 dwellings (i.e. 1,323 x 5 years).

5.26 The April 2021 Housing Land Supply Assessment confirmed that the Council had a 4.8 year housing land supply. Since this publication, the housing land supply position has been considered by numerous appeals decisions:

1 Farleigh Farm, Backwell (22 June 2022)[9]: 3.5 years.

2 Rectory Farm, Chescombe Road, Yatton (15 June 2022)[10]: 3.2 years

3 Land to the east of Church Lane and north of Front Street, Churchill (2 August 2022)[11]: 2.96 years.

5.27 All three of these appeals are for development outside the settlement boundary in service villages (Policy CS32 Service Villages), similar to Congresbury, and therefore these appeals have parallels with the Mulberry Road appeal. In each case, the inspector confirmed that the Council cannot demonstrate a five- (or even four-year[12]) housing land supply.

5.28 All of these appeals are pre-2023 NPPF so would have included a 5% buffer. Whilst the need for a buffer is no longer applicable, they show a persistent position of failure to demonstrate a housing land supply in accordance with national policy. A common theme through the appeals is that each inspector has reduced the purported supply on the basis that some of the sites did not meet the NPPF definition of "deliverable".

5.29 The Case Officer noted in the committee report (dated 11th October) that the most recently tested position in terms of housing land supply is still the Farleigh Fields, Backwell appeal which confirmed a 3.5 year supply. Page 12 (under issue 1: the principle of development) states:

"Footnote 8 of the NPPF says the 'most important' policies will be treated as out-of-date where "the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer)". A planning appeal decision in June 2022 for Farleigh Farm, Backwell concluded that the Council's housing land supply was 3.5 years.

"This remains the most recent tested position. As a consequence, the most important policies are therefore deemed out-of-date, and have reduced weight in deciding this application."

5.30 Lichfields has carried out its own preliminary analysis on housing land supply in North Somerset. In the absence of a trajectory of completions over the next 5 years from NSC, Lichfields has made a judgement on likely delivery based on experience and evidence

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[7] Based on the formula set out in the PPG – Reference ID 2a-004-20201216: $(\frac{10.1-4}{4})$ x 0.25 + 1

[8] This is based on a household projection of 962 between 2024 and 2034 plus an affordability-based uplift of 37% based on an affordability ratio of 10.01

[9] Ref: APP/D0121/W/21/3285624

[10] Ref: APP/D0121/W/21/3286677

[11] Ref: APP/D0121/W/22/3292961

[12] Even though all of these cases pre-date the requirement to demonstrate a four-year housing land supply

(including Lichfields' latest *Start to Finish* research[13] on the rate at which large housing sites can be delivered (published March 2024)).

5.31 NSC has not provided any commentary on likely delivery; we would hope that it will provide this commentary in due course (in accordance with the requirement of the NPPF and PPG) so that we can undertake a thorough review. The Council has noted its intention to publish data with a 2024 base date in April 2024. However, this has not been published yet.

5.32 In undertaking review of the housing supply within North Somerset, we have considered the Council's residual supply of housing in the context of:

1 The definition of 'deliverability' as set out in the revised NPPF;

2 The planning status of each site;

3 Known constraints to development;

4 Known developer interest in the sites;

5 The assumed delivery rates; and,

6 The assumed lead-in period prior to the commencement of work on site.

5.33 For the purpose of our preliminary assessment, we have assessed sites of 25 dwellings or more and have not sought to appraise smaller sites. Recognising that some of the sites below 25 dwellings may not be delivered in full within the next 5 years, this represents a conservative approach.

5.34 Following Lichfields analysis, a conservative estimate is that NSC can only demonstrate a land supply of **3.12 years.**

Table 5.7 Overview of housing land supply position

Five-year housing requirement	6,615
Housing supply	4,124
Shortfalls/surplus	2,491
No. of years supply	**3.12**

Source: Lichfields analysis

5.35 Whilst national policy now only requires the Authority to demonstrate a four-year housing land supply and the standard method housing requirement has reduced as a result of the removal of the requirement to apply a 5% buffer to the housing requirement figure, it is clear that NSC is well below this four-year figure and has not remedied the housing land supply position since the Farleigh Farm appeal decision[14] in June 2022.

Permission Pipeline

5.36 In the light of the significant under-delivery of housing it is important to understand whether the NSC has been granting permissions for new housing sites.

[13] https://lichfields.uk/content/insights/start-to-finish-3

[14] APP/D0121/W/21/3285624

5.37 A review of the Council's online register confirms that the following major housing applications have been determined in the local authority area since 1st April 2023. This excludes applications for the approval of reserved matters as these will already be accounted for in any housing trajectories.

Table 5.8 Planning Decisions on Major Housing Sites Since 1/4/23

Address	Type	Reference	Number of dwellings	Decision
Land To The South Side Of Greenhill Lane And North Of Greenhill Road Sandford	Outline	22/P/0227/OUT	49 (up to)	Approved
17 - 21 High Street Weston-super-Mare BS23 1HA	Full	23/P/0985/FUL	40	Approved
Cambridge Batch Garage Weston Road Long Ashton BS48 3QR	Full	23/P/0365/FUL	11	Approved
Land West Of Rodney Road Backwell	Outline	20/P/1847/OUT	65	Approved
Land At William Daw Close Banwell	Full	21/P/1164/FUL	11	Approved
The Northern Field at The Former Claverham Works, Bishops Road, Claverham	Full	21/P/1247/FUL	24 (up to)	Approved
Land Off Anson Road Kewstoke	Outline	21/P/3529/OUT	70 (up to)	Approved
55 - 57 Birnbeck Road, Weston-Super-Mare	Full	21/P/2682/FUL	90	Refused
Land North Of Mulberry Road Congresbury	Outline	22/P/0459/OUT	70	Refused
Land South West Of Court Farm Chew Road Winford North Somerset	Outline	22/P/2102/OUT	18	Withdrawn
Land At Well Close Winscombe	Outline	22/P/2479/OUT	9 (up to)	Withdrawn
Land South Of Wolvershill Road, Banwell	Outline	15/P/1646/O	250	Withdrawn

Source: North Somerset Council online register (accessed 23/4/24)

5.38 This shows that only 270 dwellings have been approved since April 2023. This level of housing will not boost significantly the delivery of housing in accordance with the NPPF. It is also noteworthy that 160 dwellings were refused and 277 withdrawn.

There is a need for additional housing, including affordable housing in North Somerset

5.39 The Inspector examining the remitted policies of the Core Strategy in 2015 noted that Policy CS13 did not comply with national guidance in that it is not based on a full objective assessment of housing need in the whole of the recognised housing market area. This was resolved with a commitment to an early review, which was due to have been completed by the end of 2018. That did not happen, and the review has still has not been undertaken. It is clear that Policy CS13 is out of date. It is also evident that the policy has not been successful in meeting the need for new housing. The evidence set out above demonstrates a significant shortfall against the requirement of 20,985 new homes which itself was considered a

minimum position by the Inspector[15] examining the remitted Policy CS13. Accordingly, limited weight should attach to it in the application of the 'tilted balance'. It follows that a number of policies which are based upon this housing requirement are also out of date, inconsistent with the NPPF and of limited weight in the tilted planning balance.

There is a need for additional housing, including affordable housing, in Congresbury

5.40 Significant growth is already directed towards the principal town of Weston-super-Mare as well as the tier 2 service centres of Clevedon, Nailsea and Portishead. These settlements are constrained from further significant expansion due to constraints such as the sea, the M5 motorway and NPPF footnote 7 constraints (including the Green Belt, Areas of Outstanding Natural Beauty, and areas of flood risk). Supporting text to Policy CS31 states:

"Clevedon and Portishead are both highly constrained by Green Belt and flood constraints, although there may be opportunities at Nailsea outside the Green Belt."

5.41 It follows that Service Villages will need to play a greater role in accommodating the necessary additional growth in North Somerset, in order to meet the requisite housing land supply and to achieve the Local Plan housing requirement. It is evident from the Core Strategy Key Diagram that at least six of the Service Villages are constrained in full or in part by Green Belt or AONB designations whilst the growth of Yatton is constrained by flood plain. These designations and constraints are set out in footnote 7 of NPPF as being covered by specific policies in the Framework which indicate development should be restricted. No such constraints that apply to Congresbury. This demonstrates that it is not only an appropriate location for development but that it might need to play a greater role in meeting wider growth needs than the more constrained settlements elsewhere within North Somerset.

5.42 Congresbury is a sustainable and appropriate settlement to accommodate a proportion of North Somerset's housing need, its own needs and that of the wider community which it serves.

5.43 Whilst there had been historic growth of the settlement up to 1981, the population has been relatively static since that time. Without new development the longer-term trend of declining household size will lead to reduction in a reduction in the local population, particularly in the younger age groups, which will have adverse economic and social implications for the community. The Congresbury Neighbourhood Plan states:

"There have been a number of developments over the past 20 years, but the population has barely grown. A reduction in household occupancy and change in demographics has been a key factor. The increase in house prices has led to market housing being unaffordable for many families."

5.44 This is recognised as a critical point by the Parish Council. Appendix D of the Congresbury Neighbourhood Plan explains that only 195 dwellings were approved in Congresbury between 2012 and 2018. A review by Lichfields of planning permissions granted since 2018

[15] report on the examination into policy cs13 and supporting text of north somerset council core strategy development plan document (11 march 2015)

indicates that a further 58 dwellings have been approved in Congresbury, as summarised below:

Table 5.9 Developments Approved 2012-2024

Area	Number of Properties	Comment
Details from Neighbourhood Plan Appendix D		
Venus Street	4	2 Alliance Housing for renting and 2 open market houses
Kent Road	10	Open market houses
Well Park	4	Age related single storey dwellings for sale
Mill Lane	29	21 open market houses and 8 Elim Housing
Wrington Road	4	Open market houses
Venus Street (off)	14	10 Open market and 4 affordable housing units
Weston Road	5	5 Open market houses (completion in 2018)
Cobthorn Way (off)	38	27 Open market homes and 11 affordable homes (approved but not built)
Wrington Lane (off)	50	35 Open market and 15 affordable homes (approved but not built)
Bristol Road	21	19 Open market and 2 affordable homes (approved but not built)
Mill Lane (St Congar's Way)	7	7 Open market houses (approved but not built)
Smallway	3	3 Open market houses (approved but not built)
Other (agri prior determination or infill plot)	6	
Sub-total	195	
Details from Lichfields Analysis of North Somerset Online Planning Register		
Station Close	13	Approved at appeal (30% affordable)
Smallway	20	6 affordable units
Adjacent to Hope Cottage	25	100% affordable
Sub-total	58	
Total	**253**	

Source: Appendix D of the Congresbury Neighbourhood Plan and Lichfields Research

5.45 This level of growth is insufficient to maintain the sustainability of Congresbury. Assuming that all of these sites will be developed within the 12 year period[16] this equates to a delivery rate of 21 dwellings per annum. However, it is important to note that the delivery rate between 2012-2018 is 31 dpa and delivery rate between 2018-24 is 12 dpa, a significant reduction.

[16] 12 year period runs from 2012-2024. 2012 was the date that the Congresbury Neighbourhood Plan used as a base date for its data

Appropriateness of Site

Congresbury is a sustainable settlement that can accommodate growth

5.46 The designation of Congresbury as a Service Village in the Core Strategy is a clear recognition of the important and wider function of the settlement and its sustainability credentials. The Vision in the adopted Core Strategy for the Service Villages is for them:

"… to become thriving rural communities and a focal point for local housing needs, services and community facilities by 2026."

5.47 It is clear from the Core Strategy Settlement Hierarchy and Functions Topic Paper that Congresbury is a sustainable settlement. It is the tenth largest settlement in North Somerset with the fifth highest level of self-containment.

5.48 Congresbury has a wide range of services including a primary school, shops, pharmacy, pubs & restaurants as well as recreational facilities. The level of services present in Congresbury is comparable to larger settlements such as Yatton, Long Ashton and Easton in Gordano. The Council's Topic Paper recorded approximately 1,400 employees within the settlement at the base date of the study in 2007.

5.49 The evidence base for the emerging Local Plan also considered Congresbury to be a sustainable settlement. The Spatial Strategy and Capacity paper (November 2023) states in relation to Congresbury and other settlements:

"These are villages considered to be relatively sustainable in their own right with a range of easily accessible services and facilities and good public transport links to towns."

Accessibility

5.50 Benjamin Jackson of Ashley Helme Associated Ltd has provided initial advice in relation to the appeal and notes that the routes to the local facilities benefit from continuous footways, with the exception of The Old Inn, St Andrew Church and Congresbury Playground.

5.51 As set out in Section 2 of this Statement of Case, Congresbury has a wide range of facilities and services that will meet the day to day needs of residents; with the exception of the Shop n Drive Store and Cadbury Garden Centre all of these are within one mile of the appeal site. The National Travel Survey (NTS) 2022 sets out that 83% of journeys less than 1 mile (1.6km) are undertaken by foot. The implication of this is that all of the local facilities are accessible on foot or by bicycle.

5.52 NTS 2022 also states that for journeys less than 1 mile (1.6km), 86% of school children walk. St Andrews Primary School is a 1.27km walk of the appeal site.

5.53 In respect of this issue, the Committee report stated that:

"…The Site is also within an acceptable and practical walking distance of most local services and facilities in Congresbury including convenience store, a bakery, a post office, a takeaway, and a butcher, and the nearby precinct…."

5.54 Therefore, NSC was also of the view that local services and amenities are within a realistic and reasonable walk of the appeal site. NSC was also of the view that the new entrance point into the site has been assesses as safe for pedestrians, cyclists and motorists and that the expected increase in traffic, including AM and PM peak flows would operate well within the road and junction capacities and without any adverse impacts on road safety.

Site-specific constraints

5.55 As detailed below, the site has no constraints which would normally preclude development (subject to conditions and s106). This further reinforces the suitability of the site for housing. This is set out below:

1 It is not covered by any local, national or international ecological designations.

2 Apart from the site boundaries there are no tree or hedgerows within the site.

3 There are no Tree Preservation Orders (TPO) within or on the perimeter of the site.

4 Most of the application site is Flood Zone 1 (FZ1). The north-east corner of the site (about 5% of the site) is on lower-lying land, and this falls within fluvial Flood Zones 3a and 3b. All residential development is located in Flood Zone 1.

5 There are no above ground heritage sites on the site. The closest is Park Farmhouse (UID 1129233), a Grade II listed building which is located approximately 40m north of the site boundary.

6 The site is not in a conservation area.

7 The site is not in a landscape designation. The Landscape Sensitivity Assessment (March 2018) prepared by Wardell Armstrong categorises the site as low sensitivity.

8 The site is not subject to ground contamination.

9 There are no ecology/biodiversity reasons to refuse the application subject to planning conditions/obligations and the off-site mitigation land being provided and managed.

Landscape

5.56 The site is not the subject of any landscape quality designation or within the area of high landscape sensitivity identified in the "made" Congresbury Neighbourhood Plan.

5.57 The NSC 2018 Landscape Sensitivity Assessment (LSA) states at paragraph 6.3.48 in respect of the Appeal site that:

"Land to the south-east, at Park Farm, is generally flat and is well-enclosed by hedgerows and trees. In addition, there is an allocated development site to the south of this land. Owing to the above, this land is of 'low' sensitivity."

5.58 A review of the landscape reason for refusal is provided at paragraphs 5.98-5.109 of this report.

Heritage

5.59 The nearest offsite heritage asset is Park Farmhouse (UID 1129233), a Grade II listed building which is located approximately 40m north of the site boundary.

5.60 It is an agreed point as set out in the reason for refusal that the development would result in 'less than substantial harm' (at the lower end of the bracket) to the significance of Park Farmhouse.

5.61 A review of the heritage reason for refusal is provided at paragraphs 5.110-5.119 of this report.

Socio-economic considerations

Economic Benefits Assessment

Methodology and structure

5.62 The proposed development will deliver a range of economic impacts, at both construction and operational stages. These can be quantified by Lichfields' "Evaluate" methodology which provides an analytical framework for assessing the economic benefits arising from new development.

5.63 This assessment will focus on the total economic benefits generated by the development rather than seeking to break these down into benefits that could be retained in the local area. As such, it is acknowledged that not all of the identified benefits would be retained locally.

Construction impacts

5.64 Based on the application of BCIS data, it is estimated that the proposed development will generate a total capital investment of £11.1 million. It is further estimated that construction will take place over two years.

Direct Employment

5.65 Labour coefficients from the HCA Calculating Cost per Job Best Practice Note (2015) assumes that 19.9 direct FTE construction jobs will be created for every £1 million investment in residential development (using 2011 prices). Using this data, it is calculated that the proposed development could be expected to support 83 gross direct FTE jobs annually over the construction phase.

Indirect and induced employment

5.66 In addition to direct employment opportunities, construction activity involves purchases from a range of suppliers and will therefore support a number of indirect jobs in companies supplying construction materials and equipment.

5.67 Workers spending their wages in local shops, cafes, restaurants and other facilities will help to support the creation of induced jobs. Therefore, businesses in the local area and beyond are also expected to benefit to some extent from temporary increases in expenditure linked to the direct and indirect employment effects of the construction stage.

5.68 Research by CEBR for the National Housing Federation (2022) indicates that the construction industry has an indirect and induced employment FTE multiplier of 1.13 for new housing in the South West. As a result, it is anticipated that the proposed development could support an additional 94 spin-off FTE jobs annually over the construction phase, in

addition to the 83 FTE jobs set out above. These jobs would be distributed across the UK economy.

Economic output

5.69 The construction phase of the proposed development will contribute to local economic output, as measured by Gross Value Added (GVA), a commonly used measure of productivity and economic performance.

5.70 On average, the construction sector in the South West generates an average of £87,328 per annum GVA per FTE worker[17]. However, as this is based 2019 GVA generation figures, an adjustment is required to translate it to 2024 figures[18]. Application of this (adjusted) figure to the number of FTE construction jobs indicates that the proposed development has the potential to deliver an additional £8.5 million of direct GVA per annum during the construction period (£17.0 million GVA in total over the build period).

5.71 In addition, the spin-off impact would equate to an additional £10.85 million of GVA per annum during the build period[19] (£21.7 million GVA over the full construction period).

5.72 The total (direct and indirect) GVA produced would therefore be £19.35 million per annum – equivalent to a total of £38.7 million over the construction period. It should be noted that not all of the GVA impact will be retained locally.

Operational impacts

"First Occupation" expenditure

5.73 Research conducted by Onepoll on behalf of Barratt Homes (2014) suggests that the average homeowner spends approximately £5,500 within 18 months of moving to make the property "feel like home". First occupation expenditure typically involves furnishing and decorating a property and will generate a range of economic benefits for the local economy by supporting jobs within local businesses.

5.74 Applying this average level of one-off expenditure to the proposed 70 dwellings, it is estimated that the development will generate £385,000 of first occupation expenditure. This expenditure will be phased over a period of time, as new homes are built out and occupied. Although not all of this expenditure will be retained locally it will make an important contribution to the local economy.

Ongoing household expenditure

5.75 The ONS Family Spending Survey (2023 edition) provides data on typical patterns of household expenditure by region and socio-economic classification. The likely expenditure by household within the proposed development can be calculated by identifying the socio-

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[17] Experian July 2023.

[18] Uplift of 1.17 applied. Source: Calendar years 2019 to 2022 taken from ONS series MNF2 in data tables: Table O. https://www.ons.gov.uk/file?uri=/economy/grossdomesticproductgdp/datasets/uksecondestimateofgdpdatatables/quarter1jantomar2023quarterlynationalaccounts/quarterlynationalaccountsdatatables.xlsx For years 2023-24 to 2027-28 (2023 to 2027): taken from the Office for Budget Responsibility (OBR) GDP deflator forecasts as of March 2023 Economy Supplementary tables. https://obr.uk/efo/economic-and-fiscal-outlook-march-2023/

[19] This figure is based on research undertaken by CEBR on behalf of the NHF which indicates that £1 of GVA would support £1.28 of indirect GVA for the construction of housing

economic groups that are most likely to reside within the new market and affordable houses and adjusting the average household expenditure figures for these groups to reflect regional expenditure differentials.

5.76 Based on this analysis, it is estimated that the residents of the 70 new homes[20] could generate total gross expenditure of £1.8 million per annum.

5.77 It is recognised that not all residents of the proposed development will be "new" to the local area, as some would move from elsewhere in North Somerset. Whilst it is understood that the distance that households may move varies regionally, the English Housing Survey 2021/22 provides indicates that on average, 17.3% of households living in affordable housing and 30.1% of households living in market housing move more than 10 miles from their home.

5.78 In most cases, when someone moves house, a chain is involved whereby someone else moves into their old property. The implication of this is that new people from outside the area might move into homes that were vacated by people moving locally into new-build housing. Whilst longitudinal datasets on households' moves are not available in England, analysis on Swedish housing data shows that there were between 3.1 and 4.4 moves per new home built[21]. Taking account of this "knock-on" effect and assuming four transactions in each chain increases the estimated level of spending associated with households that previously lived more than ten miles away to approximately £1.3 million per annum. Of this total, c.£465,000 will be retail-related and c.£250,000 will be leisure-related (comprising arts, entertainment & recreation and hospitality & catering). Based on the application of Business Population Estimates for the UK and the Regions (2022 data), it is anticipated that the retail and leisure-related spending will generate 12 jobs (equivalent to 9 FTE jobs). Whilst not all of this expenditure will be retained locally, it will help to support the retail and leisure sectors, both of which are important in North Somerset, accounting for a total of 21,000 jobs[22] – equivalent to 22.9% of total employment in North Somerset[23].

Fiscal impacts

Council Tax

5.79 The calculation of Council Tax income associated with the proposed development is a function of the number of proposed homes within each tax band. Based on the 2024/25 Council Tax charges for the Congresbury Parish, it is estimated that the 70 new dwellings would attract an annual total of c.£143,800 in Council Tax per annum following completion. This figure assumes that no exemptions or discounts are applicable. This additional income would be used to fund the services provided by the Council for residents of the new dwellings.

[20] Comprising 49 open market and 21 affordable homes.
[21] Magnusson Turner, L. (2008). Who Gets What and Why? Vacancy Chains in Stockholm's Housing Market, International Journal of Housing Policy, 8(1), pp. 1-19. http://dx.doi.org/10.1080/14616710701817133
[22] Retail: 8,000 jobs; accommodation and food services: 8,000 jobs; arts, entertainment and recreation: 5,000 jobs. Source: Business Register and Employment Survey 2022
[23] Total 91,750 jobs in 2022 (source: BRES)

New Homes Bonus

5.80 The proposed development could also generate a payment to North Somerset Council of c.£137,300. This figure is based on the national average Band D council tax rate of £1,966 for 2023/24 and includes the additional allowance of £350 per annum for each affordable property provided.

Education

5.81 The Regulation 123 list for North Somerset covers the following:

1 Early years' provision and children's centre services except at Strategic Development Areas;

2 Primary school provision, except at Strategic Development Areas;

3 Secondary school provision, except at the Weston Villages; and,

4 Special Educational Needs and Disabilities (SEND) provision.

5.82 The CIL contribution will therefore provide improvements to the education infrastructure.

5.83 The s106 heads of terms in the committee report included a Home to School Transport financial contribution of £964,536.91 in addition to the CIL payments which (according to the Regulation 123 List) covers primary and secondary school provision. Please refer to paragraphs 5.120-5.132 which deal with the matter under reasons for refusal 3 and 4.

Healthcare

5.84 The Regulation 123 list for North Somerset covers health services and therefore the CIL payment to be paid will provide financial contribution in relation to this aspect. A review of Reasons for Refusal 3 and 4 is set out in paragraphs 5.133-5.147.

Factors Alleged by Council and third parties to justify refusal

5.85 This section reviews the reasons for refusal and addresses why we consider that they are not justified. It addresses reason for refusal 3 first as this considers sustainability matters before considering the topic specific reasons for refusal (landscape and heritage) and then the planning obligation reason for refusal.

Sustainability (Reason for Refusal 3)

5.86 The third reason for refusal states:

"The proposed development would not enhance the overall sustainability of the settlement and substantially exceeds the threshold which defines the appropriate scale of development deemed to be sustainable on the edge of service villages and in the case of Congresbury has inadequate local infrastructure in terms of primary school places and doctors' surgery to serve the scale of development proposed contrary to policies CS14 and CS32 of the North Somerset Core Strategy, policy H1 of the Congresbury Neighbourhood Development Plan 2019-2036."

5.87 As set out above, Congresbury is a sustainable settlement and merits its categorisation as a 'Service Village'. It benefits from a comprehensive range of services and facilities, the majority of which can be reached by walking or cycling via safe routes from the site. The development of this site offers a real opportunity for people to reduce the number of trips that they make by private car.

5.88 Policy CS32 sets out criteria for when development (within or adjacent to the settlement boundary) will be acceptable in the Service Villages. The function of the policy is to enhance the overall sustainability of the settlement. Accordingly, it provides a number of criteria with which the development must adhere. The proposed development adheres to these criteria as follows:

Table 5.10 Consideration of proposed development against CS32 Criteria

Policy CS32 Criteria	Commentary
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.	These are matters that will mostly be agreed through the approval of reserved matters. The landscape evidence for the application demonstrates that the site is appropriate to its context on the edge of the settlement in an area that is defined as having low sensitivity in the Landscape Sensitivity Assessment (March 2018) prepared by Wardell Armstrong on behalf of NSC (which forms part of the evidence for the emerging Local Plan 2039). It does not form part of a valued landscape.
It has regard to the size, type, tenure and range of housing that is required.	These are matters that will be agreed through the approval of reserved matters.
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 has been demonstrated that appropriate mitigation can be provided (through CIL and S106) to mitigate any adverse impacts on services and infrastructure.
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.	The landscape evidence for the application demonstrates that the site is appropriate to its context on the edge of the settlement in an area that is defined as having low sensitivity in the Landscape Sensitivity Assessment (March 2018) prepared by Wardell Armstrong on behalf of NSC (which forms part of the evidence for the emerging Local Plan 2039). It does not form part of a valued landscape.
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.	It is an agreed point between the applicant and NSC that the development would not result in significant adverse cumulative impacts (such as highway impacts).
The location of development maximises opportunities to reduce the need to travel and encourages active travel modes and public transport.	As per Table 2.1 of this Statement, it has been demonstrated that residents will be able to walk to a wide variety of services and facilities within Congresbury.

Policy CS32 Criteria	Commentary
It demonstrates safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance.	As per Table 2.1 of this Statement, it has been demonstrated that residents will be able to walk to a wide variety of services and facilities within Congresbury. Pavements are available to the vast majority of facilities.

Source: NSC Core Strategy

5.89 Beyond the criteria, but still within the policy there is a separate sentence that states that sites outside the settlement boundary in excess of 25 dwellings must be brought forward as allocations through Local Plans or Neighbourhood Plans. It is a fact that the proposed development is larger than 25 dwellings.

5.90 However, the weight given to such restrictions in Policy CS32 is diminished by the fact that the Core Strategy is out of date due to the lack of a four-year housing land supply and persistent under delivery of housing in recent times, which can only be meaningfully be addressed by greenfield sites outside settlement boundaries. Further, there is no reasonable prospect of a new Local Plan being adopted until at least 2026 to address the urgent need for new housing now. The pertinent question therefore is whether the development is of an appropriate scale to be deemed sustainable. It is the Appellant's case (supported by Officers) that the scale of the scheme is sustainable.

5.91 It must also be acknowledged that the site was a draft allocation in the emerging Local Plan and the Council's evidence supported the allocation of the site as a housing development site. The SHLAA (Villages Schedule Nov 2023)(appendix 12) categorised the site as 'potential', one of only three sites in Congresbury that was not dismissed by the assessment. This highlights that the Council's own independent technical assessment itself considered that a development of this scale would be appropriate for the settlement.

5.92 The site was proposed for allocation (site HE20375) as the Council's own evidence[24] (Appendix 11, 12, 13 and 14) demonstrated the suitability of the site for a new housing development. It was only removed as a proposed allocation due to the members decision to refuse permission for application 22/P/0459/OUT.

5.93 Policy H1 (Sustainable Development Location Principles) of the Neighbourhood Plan consists of three strands. The key criterion in relation to sustainability is criterion a) which states that:

"New developments will be supported where they are in locations where residents are able to walk safely and cycle reasonable distances to village facilities and services, have easy access to public transport and therefore minimising the use of private vehicles"

5.94 For the reasons set out above, the development of the appeal site is entirely consistent with criterion a of Policy H1 of the Neighbourhood Plan.

5.95 The development is also in accordance with criterion b) as it will not significantly increase traffic on *"already congested narrow village roads and will not have an impact on the two junctions of B3133 and A370"*.

[24] Strategic Housing Land Availability Assessment November 2023; Strategic Housing Land Availability Assessment Village Schedules November 2023; Spatial Strategy and Capacity November 2023; Residential Proformas for SA

5.96 Criterion c refers to infill development and is not relevant to the appeal site.

5.97 The site is suitable and well connected and the development will enhance the sustainability of Congresbury through the provision of housing in an accessible and sustainable location, to meet the local housing need and to assist in addressing the significant affordability issue in the local authority area.

Landscape Considerations (Reason for Refusal 1)

5.98 The first reason for refusal states:

"The site occupies an elevated position on the edge of the village and the position, scale and extent of the proposed development would have a significant urbanising effect on its rural location, adversely affect the landscape setting of the village and harm the recreational enjoyment of the public footpaths across and adjoining the site contrary to policy CS5 of the North Somerset Core Strategy 2017 and policies DM10 and DM25 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework."

5.99 The site is not the subject of any landscape quality designation and is not within the area of high landscape sensitivity identified in the "made" Congresbury Neighbourhood Plan. It does not form part of a valued landscape.

5.100 The NSC 2018 Landscape Sensitivity Assessment (LSA) states at paragraph 6.3.48 says of the Appeal site that *"Land to the south-east, at Park Farm, is generally flat and is well-enclosed by hedgerows and trees. In addition, there is an allocated development site to the south of this land. Owing to the above, this land is of 'low' sensitivity."*

5.101 Evidence will be provided by Mr Paul Gibbs of David Jarvis Associates on landscape matters.

5.102 Mr Gibbs has indicated that neither he nor NSC consider the site and surroundings to be a valued landscape as protected by paragraph 180a of the NPPF.

5.103 Mr Gibbs further notes that the Council's assertion that the site *"occupies an elevated position"* is misleading. It is correct to say that the site lies above the low-lying valley floor, but the majority of this part of the village is at a similar level to the appeal site, and substantially lower than the steeply rising ground to the north of Urchinwood Manor on the other side of the valley.

5.104 Mr Gibbs' analysis and evidence will explain that there would be a 'significant urbanising effect' on the parts of the site that are proposed to be developed but this is an inevitable consequence of any greenfield development. However, as demonstrated by the LVIA and agreed by NSC, any effects are geographically limited and do not substantially affect the wider landscape.

5.105 Given the small area that is proposed to be developed compared to the existing size of Congresbury, the setting of the settlement as a whole would not be adversely affected. The setting of the area immediately around the site would be altered but again this would be geographically limited to the Zone of Influence defined in the LVIA.

5.106 It is accepted that there would be harm to the recreational enjoyment of the public footpaths across and adjoining the site but this is unavoidable where a PROW changes from being in an open field to being within a development. However, alternative attractive routes are to be provided as part of the development. The impact on the amenity value of the PROW reduces beyond the site boundary as the appeal scheme would be seen in the context of the existing built edge of the village which is currently experienced from the PROW network. Again, this effect on the PROW would be geographically limited to the Zone of Influence defined in the LVIA.

5.107 In terms of the policies specified in the reason for refusal:

Table 5.11 Commentary on NSC Policies in respect of landscape matters

Policy	Commentary
CS5: Landscape and the historic environment	NSC recognise that "*the site has a relatively low sensitivity in the wider landscape hierarchy*" and agreed with the conclusions of the LVIA that the impact to the landscape character of the study area as a result of the proposed development would be Slight Adverse once the mitigation measures have taken time to mature. It is acknowledged by NSC that there would be little effect on views from the Mendip Hills National Landscape.
DM10: Landscape	The proposed development is not within any designated or protected landscape. It is consistent with that adjoining it to the west and south, has a limited effect on tranquillity, provides appropriate boundary treatments conserving and enhancing the hedgerow pattern and would be designed with a sympathetic scheme of material and lighting to avoid unnecessary light pollution. Even if some harm is found to be caused, this can be addressed through mitigation that can be secured by a suitably worded condition.
DM25: Public rights of way, pedestrian and cycle access	The appeal scheme does not propose to divert any PROW. There would be a detrimental effect on the amenity value of the PROW that runs through the site. However, alternative routes are proposed around the north and east of the site through green open spaces in addition to the PROW that is being retained. Beyond the site boundary the effect would be geographically limited to the Zone of Influence defined in the LVIA.

5.108 Photomontages will be provided as part of Mr Gibbs proof of evidence to demonstrate that significant visual effects are limited to the Zone of Influence defined in the LVIA. The proposed development extends the area of built development into what is currently undeveloped agricultural land, but this change is seen as an extension to the village in the context of the existing built edge, and tends to read as infill development. In more distant views the appeal site is barely discernible from the rest of that part of the village.

5.109 NSC asserts in its decision notice that the landscape harm would be significant and demonstrably outweigh the benefits of the development. It is clear from the appellant's professional evidence at application stage (and the recommendation for approval by Council Officers) that the landscape harm is limited and that the use of the PROW would not be adversely affected. It is noted that the amenity value of the PROW will be detrimentally affected but this is for a short length only and alternative routes are to be

provided. The conclusion in terms of planning balance is provided in section 6 of this Statement of Case.

Heritage (Reason for Refusal 2)

5.110 The second reason for refusal states:

"The nature and scale of development on land which is within the setting of the designated heritage asset would cause less than substantial harm to the setting of the designated asset by further eroding the relationship of the grade 2 listed Park Farmhouse from the previously associated farmland contrary to policy CS5 of the North Somerset Core Strategy 2017, policy DM4 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies 2016 and paragraphs 199 and 202 of the National Planning Policy Framework."

5.111 Specific evidence on heritage matters will be provided by Ms Gail Stoten of Pegasus on behalf of the appellant.

5.112 Ms Stoten will demonstrate that in the context of the whole of the significance of the asset, the proposed scheme would result in less than substantial harm at the low end of the spectrum to the Grade II Listed Park Farmhouse. There appears to be agreement between the appellant and the Conservation Advisor to the LPA on this matter. Significant weight should attach to such agreement.

5.113 Ms Stoten will demonstrate that following the development, the physical form of the asset, from which it gains most of its significance, will remain, as will those elements which make the relatively greatest contribution to its significance through setting, comprising its garden areas from where it is best appreciated and understood, and its converted outbuildings which have historic illustrative value as to its function as a farmhouse. Likewise, the remaining formerly historically associated farmland will not be changed.

5.114 Ms Stoten will also explain that the area of the site that will change was part of the earlier parkland, but this cannot be readily understood on the ground. The openness of this area makes a minor contribution to the heritage significance of the Listed Park Farmhouse through setting. The development will result in the change of character of this area and the blocking of some views from the central and southern area of the site to the farmhouse, although views from the northern area will remain, albeit from a smaller area with an open character. Some views from the farmhouse would be foreshortened. Development will also be co-visible in views to the farmhouse from wider areas, although in areas where there is already an existing backdrop of modern development.

5.115 In terms of the policies specified in the reason for refusal Ms Stoten on behalf of the appellant will comment as follows:

Table 5.12 Commentary on NSC Policies in respect of heritage matters

Policy	Commentary
Policy CS5 of the North Somerset Core Strategy 2017	Policy CS5 of the North Somerset Core Strategy does not prohibit harm to heritage assets, with the section relating to the Historic Environment stating:

Policy	Commentary
	"*The council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as conservation areas, listed buildings, buildings of local significance, scheduled monuments, other archaeological sites, registered and other historic parks and gardens.* *"Particular attention will be given to aspects of the historic environment which contribute to the distinctive character of North Somerset, such as the Victorian townscapes and seafronts in Weston and Clevedon."* This cannot prohibit any harm, as this would put it in clear conflict with national policy at the time it was adopted (2017). Furthermore, this policy makes no provision for the weighing of harm against the public benefits of the scheme, so does not accord with the relevant test within the NPPF (paragraph 208)
Policy DM4 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies 2016	A straight reading of this would suggest that any harm to the significance of a listed building through changes in setting would not be acceptable. However, this would put it in conflict with national policy both now and at the time of adoption in 2016 and, as such, the weight that should be given to the policy is considered to be limited.
Paragraphs 199 and 202 of the National Planning Policy Framework	Paragraph 199 and 202 in November 2023 relate to paragraphs 205 and 208 of the December 2023 Framework. Paragraph 205 does not prohibit harm to heritage assets, but rather states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*." Neither does paragraph 208 of the NPPF prohibit harm to heritage assets. Rather, it states: "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*.

5.116 It is clear that the harm to the heritage asset would be 'less than substantial' at the low end of the spectrum. There is agreement between the appellant and the Council's conservation officer on this matter. It is therefore clear that the statutory duty (section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 in relation to preserving or enhancing a heritage asset is technically breached as there is some harm, albeit 'less than substantial' at the low end of the spectrum.

5.117 The weighing of the harm to the heritage asset is carried out in this Statement of Case. Firstly, in line with paragraph 208 of the NPPF there is a need to balance the public benefits of the development against the 'less than substantial harm' that has been

identified. The public benefits of the development include the delivery of up to 70 dwellings, the delivery of 30% of the dwelling as affordable homes, the socio-economic benefits including the delivery of a new children's play area and recreational routes as well as the economic benefits during construction. Even when giving special regard (and great weight[25]) to this low level of harm as required by Section 66(1) of the 1990 Act and the NPPF, the substantial public benefits decisively outweighs this harm. The low level of harm to the setting of a Grade II listed building is necessary to deliver the benefits to the wider community and society as a whole. The tilted balance is not, therefore, displaced.

5.118 The Planning Officer who originally considered this scheme for NSC concluded that the heritage harm was outweighed by the public benefits of the scheme.

5.119 Notwithstanding the above conclusion, the breach of statutory duty will need to be given considerable importance or weight in the overall planning balance and determination of the application. This is considered further in section 6.

Planning Obligations (Reason for Refusal 4 and Part of 3)

5.120 The fourth reason for refusal states:

"The proposed development would not enhance the overall sustainability of the settlement and substantially exceeds the threshold which defines the appropriate scale of development deemed to be sustainable on the edge of service villages and in the case of Congresbury has inadequate local infrastructure in terms of primary school places and doctors' surgery to serve the scale of development proposed contrary to policies CS14 and CS32 of the North Somerset Core Strategy, policy H1 of the Congresbury Neighbourhood Development Plan 2019-2036."

5.121 The third reason for refusal includes the following text:

"The application has failed to make satisfactory provision for mitigating the effect of the scheme on insufficient primary school places and doctors' services contrary to policies CS25 and CS32 of the North Somerset Core Strategy 2017."

5.122 The s106 heads of terms (which was agreed between the appellant and NSC in order for the application to be recommended for approval) included a Home to School Transport financial contribution of £964,536.91 in addition to the CIL payments which (according to the Regulation 123 List) covers primary and secondary school provision. The committee report made clear that appropriate mitigation can be secured:

"Planning obligations or planning conditions can provide appropriate mitigations where required."

5.123 A s106 agreement will be drafted to this effect. However, if the extent of contributions is not agreed then the Inspector will be able to determine the extent of contributions necessary to make the development acceptable in planning terms.

[25] In this regard, the NPPF is consistent with judgments in such cases as Barnwell Manor, Forge Field and Mordue.

Accessibility to Local Schools

5.124 The proposals gain support from Policies CS32 and H1 of the Development Plan as they are within a safe walking distance of the local primary school. The proposals also benefit from being accessible to a secondary school by means of public transport.

5.125 Accordingly, the proposals provide a sustainable and accessible location for development at least insofar as access to educational infrastructure is concerned.

The Sustainability of Congresbury

5.126 Mr Neil Tiley of Pegasus Group will provide evidence on behalf of the appellant in relation to education matters.

5.127 There is a need for additional primary school places within Congresbury or for additional home to school transport places from Congresbury to support the adopted Development Plan and emerging Local Plan, and the Council is obliged to provide this infrastructure by the Development Plan, national policy and the Regulations.

5.128 The provision of additional primary school places would clearly be the most sustainable and desirable option to address the shortfalls. This would however be unviable in the absence of the proposed development and as such this proposal[26] is necessary to secure the viable operation of the infrastructure necessary to enhance the sustainability of the settlement, which represents a benefit of the proposals.

5.129 Alternatively, if the Council consider that it is more appropriate to address the effects of the proposed development and adopted and proposed allocations through the provision of additional places on home to school transport services for primary school pupils, these can be secured through a legal agreement.

Extent of Contributions

5.130 It is unclear how the combined cost of £964,536.91 towards home to school transport for both primary and secondary pupils has been calculated and therefore it cannot be demonstrated that it is necessary to make the development acceptable in planning terms or that it is fairly and reasonably related in scale as required by CIL Regulation 122 and paragraph 57 of the NPPF.

5.131 The sum is stated as being required to cover home to school transport costs for ten years. However, the contribution should only be required to cover three years in accordance with Paragraph 45 of Securing Developer Contributions for Education. The sum should therefore be reduced to £289,261.07 as a maximum.

5.132 In conclusion, there are mechanisms to mitigate the effect of the scheme on educational infrastructure which would mean that the reasons for refusal 3 and 4 insofar as these relate to education fall away. Furthermore, in the event that the Council opts to increase the capacity of the local primary school to accommodate the pupils arising from existing and proposed allocations, the appeal proposal would be necessary to secure the viability of these additional places and so would be beneficial and would further enhance the sustainability of Congresbury.

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[26] Or another of a similar scale.

Healthcare

CIL contribution towards healthcare

5.133 The need to provide mitigation for impacts on medical facilities was not raised by the Council during the application stage as something that was required to make the development acceptable. The Regulation 123 list for North Somerset covers health services and the CIL payment to be paid by the applicant will therefore address this matter. This amounts to £80/sqm for residential development on sites not designated as Strategic Development Areas. A proportion of the levy is to be used to fund local health services.

5.134 The PPG does not permit S106 contributions for infrastructure that is to be funded through the CIL. Therefore, there is no basis for a S106 contribution for health provision. This would directly conflict with Regulations and so the inclusion of a reason for refusal on this basis is ultra vires.

5.135 Therefore, we consider that the CIL payment will mitigate the impact on health services and note it would not be lawful for the Council to seek a S106 payment for something that is already covered by CIL.

Capacity in local GP surgeries

5.136 Notwithstanding the above, Lichfields has carried out analysis to understand whether there is sufficient medical facility capacity in the local area that is easily accessible.

5.137 The former Mendip Vale Medical Practise in Congresbury is now permanently closed. However, there are currently two GP surgeries located within a 3-mile radius of the site. Both form part of the Mendip Vale Medical Practice. In addition, the Mendip Vale Medical Practice (St Georges) is located in Weston-Super-Mare, although it is six miles from the proposed development site it benefits from good public transport connections.

Table 5.13 List of Medical Surgeries within 6 mile radius of the site

Name of Surgery	Postcode	Distance from site	Accepting New Patients?
Mendip Vale Medical Practice (Yatton)	BS49 4ER	2.2 miles	Yes
Mendip Vale Medical Practice (Langford)	BS40 5EL	2.6 miles	Yes
Mendip Vale Medical Practice (St Georges)	BS22 7SB	6 miles	Yes

Source: Lichfields Analysis

5.138 A summary of the accessibility of the three GP surgeries identified above is set out in Table 5.14 below:

Table 5.14 Accessibilty of GP surgeries within a 6 mile radius of the application site

GP Surgery	Accessibility
Mendip Vale Medical	• Accessible via a 48-minute walk or a 13-minute cycle.

GP Surgery	Accessibility
Practice (Yatton) 2.2 miles	• The route from the site to the surgery benefits from pavements on at least one side of the road at all times, although does not benefit from designated cycle lanes. • Accessible via an 8-minute car/taxi journey or a 29-minute bus journey. • The bus journey would involve a 17-minute walk to the nearest bus stop (Station Road), followed by a 5-minute bus journey, and then a 7-minute walk from Cherry Grove to the surgery. The X5 badgerline service runs relatively infrequently, around every hour from Station Road.
Mendip Vale Medical Practice (Langford) 2.6 miles	• Accessible via a 55-minute walk or a 13-minute cycle. • The route from the site to the surgery would require walking along roads with no evident pavements at times (country lanes) and does not benefit from designated cycle lanes. • Accessible via a 6-minute car/taxi journey. • Currently no bus stops within reasonable distance of the site that provide a direct bus service to the surgery.
Mendip Vale Medical Practice (St Georges) 6 miles	• Not located within walking distance of the site, taking over 2 hours to walk. • The surgery can be accessed via a 35-minute cycle, although this would involve cycling along major roads with no designated cycle routes. • Accessible via a 13-minute car/taxi journey. • Multiple bus service options, ranging from 35 to 45-minute journeys. • Quickest bus route would require an 18-minute walk to the nearest bus stop (Congresbury Bridge), followed by a 10-minute bus journey via either the A3 service, the X1 badgerline or the X5 badgerline service. This would be followed by a further 8-minute walk from Terminus B stop to the surgery, which benefits from pavements on at least one side of the road at all times. The A3 and X5 badgerline service run relatively infrequently, every hour from Congresbury Bridge. The X1 badgerline service runs more frequently, every 5-10 minutes from the Congresbury Bridge stop.

Source: Lichfields

5.139 Congresbury Community Transport (CCT) has a 16-seat accessible minibus scheme ("Bluey Bus") providing transport for groups and individuals in and around Congresbury. This service provides access to GP surgeries for those who may be prevented from using other means of transport due to age, mental or physical disability, poverty, or social isolation. WESTlink also runs in this area. This is a bookable bus service that runs without a fixed timetable or route and can be booked by people through the WESTlink app or phone. This service runs between 7am and 7pm Mondays to Saturday and would be another option for residents to travel to the medical surgery.

5.140 NHS Practice Level[27] data was used to identify the total GPs FTE to patient ratio for the identified surgeries in the local area.

[27] Practice Level (January 2024) – Accessed: 20.03.24. https://digital.nhs.uk/data-and-information/data-tools-and-services/data-services/general-practice-data-hub

5.141 Data for Mendip Vale Medical Practice is provided at a group level and does not reflect the provision or capacity within individual surgeries. The group comprises of nine surgeries, six of which are not included in the analysis set out above.

5.142 These surgeries are currently accepting new patients, with registration available via an online form or calling the surgery itself to register. Patients registered with any of the Mendip North Somerset surgeries are part of the wider Mendip North Somerset Medical Practice Primary Care Network and therefore have access to all these surgeries.

5.143 As shown in Table 5.14, the average GPs FTE to patient ratio within the Mendip Vale Medical Practice group is 1,112.5. This is 36% below the ratio of 1753.6 patients to FTE GP in England. Together with the confirmation that new patients are being accepted, this indicates that there is capacity in local surgeries.

Table 5.15 Average FTE GP to patient ratio

Average	Total patients	Total GPs FTE	FTE to patient ratio
Site GP Surgery	46,146	41.5	1,112.5
England	63,153,436	36,013.6	1,753.6

Source: Lichfields and NHS Practice Level Data

5.144 Based on this, and the fact that the surgeries are accepting new patients we conclude that there is sufficient capacity in nearby surgeries and that these are within easy access of the appeal site.

General Health Profile of the Area

5.145 Overall, the local area shows good general health, with 82% of residents reported good/very good general health on the 2021 Census. This is broadly consistent with the regional and national averages as shown in table 5.16 below.

Table 5.16 Comparison of health data

	Congresbury	North Somerset	South West	England
Bad/very bad health	5.0%	5.3%	5.1%	5.2%
Good/very good health	82.0%	81.4%	82.2%	81.8%

Source: Nomis data and Lichfields analysis

5.146 As shown on table 5.17, the local area ranks high on the Index of Multiple Deprivation (IMD), suggesting the area is not considered deprived. The local are also ranks high on the health deprivation metric. This implies the area is less susceptible to health risks from concentration of poverty, unemployment, economic disinvestment, social disorganisation, and general lifestyle disadvantages. These factors are likely to put less demand on health services in the local area.

Table 5.17 Index of Multiple Deprivation (IMD)

LSOA name (2011)	Index of Multiple Deprivation (IMD) Rank *(where 1 is most deprived)*	Health Deprivation and Disability Rank *(where 1 is most deprived)*
North Somerset 014A	19,633 (within 40% least deprived)	22,727 (within 30% least deprived)
North Somerset 014B	26,336 (within 20% least deprived)	26,279 (within 20% least deprived)

Source: English IMD data and Lichfields analysis

5.147 Based on the current provision and capacity of surgeries and the general good health of the area, we conclude that a health contribution is not required. In any event, such a contribution could not be justified given the reliance on CIL funding to support local health provision.

Third Party Comments

5.148 This section addresses the themes that have come through the public consultation. Some of the comments are not material planning considerations and others have already been addressed in this document:

Table 5.18 Response to third party comments

Theme	Response
Loss of Green Space / Field / Path / Public Space	This is covered in previous sections of this statement. The proposed development will result in the loss of an agricultural field but this is not a designated green space or open space. The PROW will be retained and integrated into the development.
Loss of Biodiversity	The committee report noted that adequate mitigation has been put forward to address the loss of bat habitat. It also concluded that there are no ecology/biodiversity reasons to refuse the application subject to planning conditions/obligations and the off-site mitigation land being provided and mitigated.
Inadequate Access	The committee report noted that the entrance point has been assessed as safe for pedestrians, cyclists and motorists. It also stated that the expected increase in traffic, including AM and PM peak flows would operate well within the road and junction capacities and without adverse impact on road safety.
Increased Traffic	
Road Safety Implications	
Lack of Infrastructure within the town	This is covered in previous sections of this statement.
Flooding/Drainage Issues	The officers are satisfied that there are no flooding issues and detailed drainage matters can be agreed via condition.
Greedy Developers/profit driven	This is not a material planning consideration.
Contravenes Neighbourhood Development Plan	This is covered in previous sections of this statement. It is our view that the proposed development is in accordance with the Neighbourhood Plan.
Impact upon historic landscape	This is covered in previous sections of this statement. The conclusion is that there is less than substantial harm at the low end of the spectrum.
Inappropriate Housing	The scale, type and form of housing will be agreed at reserved matters stage and is therefore not a material consideration for this appeal.

5.149 It is clear that nothing new or different has been highlighted by the third party comments and that the comments have either already been covered or are not material planning considerations for this outline application.

6.0 Planning Balance

6.1 This section considers the weight to be afforded to the relevant policies and makes the overall planning balance considering the benefits and harm of the proposal.

6.2 The committee report identified the 'most important policies' and how much weight should be given to them as follows:

"While there are a broad range of planning policies to consider, for the purposes of NPPF para 11, the 'most important policies' for this application are housing policies CS13, CS14, CS32, SA2, H1, H2 and H3, flood risk policy CS3, landscape policies CS5, DM10 and EH4, and ecology policies CS4, DM8 and EH4. The weight that should be given to these policies depends on their age, their consistency with NPPF policies, and whether, or not, they are deemed 'out-of-date'."

"Footnote 8 of the NPPF says the 'most important' policies will be treated as out-of-date where "the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer)". A planning appeal decision in June 2022 for Farleigh Farm, Backwell concluded that the Council's housing land supply was 3.5 years.

"This remains the most recent tested position. As a consequence, the most important policies are therefore deemed out-of-date, and have reduced weight in deciding this application."

"Policy CS13 sets the housing requirement for North Somerset over the CS period, and CS14 is the distribution strategy. CS14 supports 'small-scale' housing development abutting service village settlement boundaries, which CS32 defines as about 25 dwellings, subject to environmental criteria. While the scale of housing conflicts with the development plan, the housing policies are, for the reasons outlined above, deemed to be out-of-date, and have reduced weight in deciding this application. The provision of up to 90 homes (with a policy complaint figure of 30% affordable housing), would be contribute towards the council's housing supply shortfall and this should be given significant weight."

6.3 Table 6.1 provides commentary on the weight to be afforded to these policies.

Table 6.1 Lichfields Commentary on weight to be afforded to policies

Policy	Weight to be afforded
Core Strategy (2006-2026)	
CS13 (Scale of New Housing)	The Inspector examining the remitted policies of the Core Strategy in 2015 noted that CS13 did not comply with national guidance as it was not based on a full objective assessment of housing need in the whole of the recognised HMA. This was resolved with a commitment to an early review, but that did not – and still has not – happened. The supporting text of CS13 notes that a review of this policy would be completed by the end of 2018 (including being based on a NPPF compliant SHMA) with a replacement policy being adopted. After six years, replacement policy has not been adopted.

Policy	Weight to be afforded
	It is clear that CS13 is out-of-date and inconsistent with the NPPF. It is also evident that the policy has not been successful in meeting the need for new housing. Evidence demonstrates a significant shortfall against the requirement of 20,985 new homes over the Core Strategy period. **Very limited weight to be afforded.**
CS14 (Distribution of New Housing)	Very limited weight due to the fact that the spatial strategy put forward by the policy has not been successful in delivering sites to meet the housing requirement. The current spatial strategy is too restrictive and has failed to deliver a minimum amount of housing. The Core Strategy housing policies are not based on an NPPF compliant assessment of housing need as required by paragraph 61 of the NPPF. The settlement boundaries, strategy and distribution of development are inherently linked to the housing requirement in Policy CS13. It is useful to review the Inspector's conclusion in the Fairleigh Farm appeal[28] on this matter. Paragraph 96 and 97 state: *"As the housing requirement figure in Policy CS13 is out of date consideration must be given to whether the spatial strategy, and its supporting policies, including CS Policies CS14, CS31 and CS32, are soundly based. Policy CS14 does not impose a cap on the number of dwellings that can be provided at each level of the settlement hierarchy. Nonetheless the approach to development within the hierarchy has been to set scale thresholds to ensure that development is appropriate to the size and character of the settlement. In this regard Policies CS31 and CS32 provide an allowance for development outside the settlement boundaries of towns and villages. However, the fact that anything above 50 and 25 dwellings respectively must be brought forward through Local or Neighbourhood Plans has constrained the degree to which delivery can be brought forward outside the site allocations process. Therefore, whilst the provision of housing against need has improved, the fact remains that with these policies in place supply has remained well below need.* *"These provisions generally reflect the Framework approach to how sustainable growth it to be achieved by requiring that development be well located in relation to facilities and services. Nonetheless, the evidence before me raises considerable doubts as to whether this strategy can be relied on to support the Government's objective to significantly boost the supply of housing. Specifically, the strict application of Policies CS14 and CS32 is restricting development to the extent that the Council is unable to meet the requirement to provide a 5YHLS. Further, whilst of very limited weight as part of this decision, the fact that the eLP sets out a different spatial strategy, including the suggestion that Backwell could accommodate significant allocations, supports the view that the current strategy cannot accommodate the level of growth required. Therefore, the weight placed on conflict with CS Policy CS32 must be reduced."*

[28] APP/D0121/W/21/3285624

Policy	Weight to be afforded
	Very limited weight to be afforded.
CS32 (Service Village)	The Core Strategy housing policies are not based on an NPPF compliant assessment of housing need as required by paragraph 61 of the NPPF. The settlement boundaries, strategy and distribution of development are inherently linked to the housing requirement contained in Policy CS13. The views of the Inspector in the Fairleigh Farm appeal set out above are pertinent to policy CS32 also. Very limited weight given the persistent poor performance in housing delivery and lack of four-year housing land supply. To boost significantly the supply of housing the service villages need to accommodate more sites, given the constraints that exist at Clevedon, Portishead and Nailsea. **Very limited weight to be afforded.**
CS3 (Environmental Impacts and Flood Risk Management)	Policy in compliance with NPPF. **Full weight to be afforded.**
CS5 (Landscape & Historic Environment)	This policy is consistent with the NPPF from a landscape perspective. However, Policy CS5 does not accord with the NPPF, as it contains no provision for the weighing of heritage harm against public benefits. **Limited weight to be afforded to that part of the policy which fails to comply with NPPF.**
Sites and Policies Plan Part 1 (Development Management Policies)	
DM10 (Landscape)	Policy in compliance with NPPF. **Full weight to be afforded**
DM8 (Nature Conservation)	NPPF and PPG policy on biodiversity has moved on in terms of BNG albeit that the national 10% policy requirement is not applicable for this application due to the date of submission of the application. However, **moderate weight** should still be afforded to this policy as the policy is still in general conformity with the NPPF's aims and objectives of conserving and enhancing the natural environment and does seek to enhance habitats.
Sites and Policies Plan Part 2 (Site Allocations Plan)	
SA2 (Settlement Boundaries)	The policies and allocations in the plan have failed to deliver housing to meet the housing required. The policy is to be read in collaboration with the Core Strategy policies and it is clear that the CS polices in relation to housing are out-of-date and inconsistent with the NPPF. The settlement boundaries arise from a housing requirement which is out of date and has not delivered. Housing is required outside these settlement boundaries. **Very limited weight to be afforded**
Congresbury Neighbourhood Plan	

Policy	Weight to be afforded
H1 (Sustainable Development Location Principles)	The Neighbourhood Plan has been prepared in accordance with the Core Strategy. As explained above, the Core Strategy can only be afforded very limited weight due to it not being in accordance with the NPPF. As a result, **only very limited weight** can be afforded to the Neighbourhood Plan policies. Despite this, we consider that the appeal site is in general conformity with the policies of the Neighbourhood Plan.
H2 (Sustainable Development Site Principles)	
H3 (Housing Allocations)	
EH4 (Landscape and Wildlife Preservation Measures)	

6.4 In summarising the officer stated:

"The scale of the proposed development conflicts with the relevant housing policies CS14 and CS32 in the development plan. As outlined in the report, the Council cannot demonstrate a five-year housing land supply, with the most recent tested position indicating supply stands at around 3.5 years. In the absence of a 5 year housing land supply, paragraph 11 of the NPPF deems that the policies which are most important for determining the application are out of date which means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

"The delivery of up to 90 new homes is a benefit that should be afforded substantial weight. It would provide a significant contribution to the council's housing land supply in accordance with the Government's objective of significantly boosting the supply of homes, as set out in paragraph 60 of the NPPF. The proposed development would also provide the policy-compliant figure of 30% affordable housing. This further benefit too should also be afforded significant weight.

"The provision of up to 90 new homes would give rise to some economic benefits as a result of the temporary jobs created during the construction phase. Due to its relatively temporary nature this is afforded limited weight in favour of the development.

"The proposal would harm the appearance of the site, but there are no statutory landscape designations affecting the site. Limited weight is therefore given to the landscape impact. In terms of the test set out para 11 of the NPPF, this harm is not so adverse as to override the benefits of the development.

"In the case of the impact of the development on the setting of the Grade II Listed Building, the degree of harm is at the lower end of 'less than substantial harm'. Great weight has been given to this impact in accordance with NPPF para 199 however when assessed against the test in NPPF para 202, the lower level of harm caused to the asset's significance as a result of the proposed development is outweighed by the public benefits of the scheme arising primarily from the delivery of more affordable homes and the contribution to the Council's housing supply shortfall.

"In terms of ecology, the proposal would result in a net loss of bat foraging habitat within the site. Natural England is however satisfied that the applicant's proposed off-site habitat to replace that lost to the proposed development, which is nearer to the SAC, directly connected to the Congresbury Yeo, and also other land which is managed specifically for horseshoe bats is suitable mitigation. It is therefore concluded that the identified impacts on the North Somerset and Mendip Bats Special Area of Conservation can be appropriately mitigated with measures secured via planning conditions and through S.106 agreement. This impact is given moderate weight and the opportunity to provide appropriate mitigation significant weight.

"There are no overriding adverse transport, traffic, flood risk, drainage, agricultural land quality, or neighbour related impacts arising from the proposed development which would outweigh the benefits. Planning obligations or planning conditions can provide appropriate mitigations where required.

"In conclusion, the building of more homes both market and affordable in a relatively sustainable location against a five-year housing land supply deficit are matters of significant weight in favour of the application. The adverse impacts which have been identified do not significantly and demonstrably outweigh these benefits." (Emphasis added)

Heritage Impacts versus Public Benefits

6.5 As set out in Section 5 of this Statement, harm to the heritage asset has been confirmed to be 'less than substantial' at the low end of the spectrum. When giving special regard to this low level of harm as required by Section 66(1) of the 1990 Act, the substantial public benefits decisively outweighs this harm (to which considerable importance should be attached). The low level of harm to the setting of a Grade II listed building is necessary to deliver the benefits to the wider community and society as a whole. Notwithstanding this, the harm will need to be given considerable importance or weight in the overall planning balance and determination of the appeal.

Presumption in favour of sustainable development

6.6 As set out in Section 5 of this Statement, it has been clearly demonstrated that the Council cannot demonstrate a four-year housing land supply and that there is historic evidence of under delivery of housing. As a result the policies which are most important for determining applications are out-of-date and the presumption in favour of sustainable development is enacted (paragraph 10). In accordance with paragraph 11 of the NPPF, this means granting permission unless:

i *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed[7]; or*

ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

6.7 Footnote 7 states that:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change."

6.8 It is clear that the site is not a Footnote 7 policy area; this was confirmed by the committee report:

"Assets of particular importance' are defined in Footnote 7 of the NPPF as: habitats sites, Sites of Special Scientific Interest; Green Belt: Areas of Outstanding Natural Beauty; designated heritage assets and areas at risk of flooding. None of these assets would provide a clear reason for refusal in this case."

6.9 It therefore needs to be considered whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The benefits and harm of the scheme are as follows:

Table 6.2 Consideration of weight against benefits/harm

Benefit/Harm	Weight afforded by officer	Weight afforded by Lichfields
Benefits		
The delivery of up to 70 dwellings;	Substantial weight	Substantial weight
The delivery of the policy-compliant figure of 30% affordable homes	Substantial weight	Substantial weight
Economic benefits during construction	Limited weight	Moderate weight
Socio-economic benefits (including new play area)	-	Moderate weight
Harm		
Landscape impact	Limited weight	Limited weight
Impact on the setting of the Grade II listed building	Great weight	Great weight to the breach of statutory duty but actual harm to the setting is less than substantial

Benefit/Harm	Weight afforded by officer	Weight afforded by Lichfields
Harm to Ecology	Moderate weight to the impact and the opportunity to provide appropriate mitigation significant weight	Moderate weight but not necessarily a harmful impact due to the mitigation provided

Source: Lichfields

6.10 The officer only afforded limited weight to economic benefits during construction. However, we consider that this should be given moderate weight as without this development the economic benefits would not be felt in Congresbury itself. The officer did not afford any weight to the socio-economic benefits but we consider that this should be afforded moderate weight given that new play facilities and walking routes will be created that can be used by existing residents as well as the new residents.

6.11 The officer concluded that:

"In conclusion, the building of more homes both market and affordable in a relatively sustainable location against a five-year housing land supply deficit are matters of significant weight in favour of the application. The adverse impacts which have been identified do not significantly and demonstrably outweigh these benefits."

6.12 To summarise, Lichfields notes that the site is in a highly sustainable location within close proximity to a wide range of day-to-day services and facilities. The new residents will be able to access these services and facilities via active travel modes, demonstrating a real opportunity to reduce the need to use the private car. The site is not subject to any major ecological, environmental or landscape constraints and is not the subject of any sensitive designations.

6.13 The suitability and sustainability of the site should be viewed in the context of the critical housing need in North Somerset and Congresbury specifically including affordable housing which has been exacerbated by the acute affordability issues that exist in North Somerset. The appeal development constitutes a modest development which integrates well with the existing settlement and will have a provide of house types and sizes to meet various needs. It will include a children's play area that will benefit existing residents too, noting that currently the closest play area is 645m away. Impacts on local infrastructure are adequately mitigated by CIL and s106 contributions.

6.14 Whilst the site is outside the settlement boundary and is not allocated in the existing development plan, NSC has previously proposed the site as a draft allocation and recommended approval of the planning application. This demonstrates the suitability and sustainability of the site for a well-designed housing development that will have long lasting benefits.

6.15 Lichfields agrees with the conclusion of the officer in that the policies that are most relevant for the determination of the application are out-of-date (in accordance with paragraph 11d of the NPPF) for the aforementioned reasons. The site is in a sustainable location, there are limited constraints (and any constraints can be mitigated) and the benefits of the development clearly outweigh the adverse impacts (which are limited in nature), especially in the context of North Somerset's consistent poor record on housing delivery. The development of the site will assist in significantly boosting the supply of homes in

accordance with paragraph 60 of the NPPF. All of this weights in favour of allowing the appeal, subject to conditions and a S106 agreement.

Appendix 1 – List of all plans, drawings and documents sent to the LPA as part of the application.

Appendix 2 – List of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.

Appendix 3 - List of all plans, drawings and documents upon which the LPA made their decision.

Appendix 4 - MR50001/1100 – Revised Sketch Layout

Appendix 5 – Planning & Regulatory Committee Report 11 October 2023

Appendix 6 - Planning & Regulatory Committee Update Sheet 11 October 2023

Appendix 7 – Committee Report for Planning & Regulatory Committee Report for 15 November 2023

Appendix 8 - Planning and Regulatory Committee Update Sheet 15 November 2023

Appendix 9 – Lichfields Start to Finish

Appendix 10 - Inspectors Report on the Examination of Policy CS13 of the Core Strategy

Appendix 11- SHLAA November 2023

Appendix 12 – SHLAA Village Schedules 2023

Appendix 13 – Spatial Strategy & Capacity November 2023

Appendix 14 - Residential Proformas for SA (HE20375)

Appendix 15 – Appellant Representations to Local Plan 2039 Reg 18 and Reg 19 Consultations

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LICHFIELDS

Statement of Case Appendix 1

List of all plans, drawings and documents sent to the LPA as part of the application

LICHFIELDS

List of all plans, drawings and documents sent to the LPA as part of the application.

Table 1 – Submitted plans, drawings and documents

Document/Drawing	Reference	Revision	Date
Application Form	PP-11051181	-	17.02.22
Covering Letter	61260/01/JCO/CK/20588131v1	Version 1	January 2022
Site Location Plan	MR50001_1000	-	01.03.22
Framework Plan	MR50001 Framework Plan_25.02.2021	-	25.02.21
Design and Access Statement	FINAL 03.06.21	A	03.06.21
Planning Statement	20588840v2	Version 2	January 2022
Statement of Community Involvement	20588592v1	Version 1	January 2022
Ecological Impact Assessment (part 1)* *please note part 2 was submitted after the original application and appears in the *"list of additional plans, drawings and documents sent to the LPA but which did not form part of the original application."*	210516_P1031_EcIA_Final1	Final	16.05.21
Landscape and Visual Impact Assessment	011_110 LVIA	-	23.11.20
Transport Assessment (including access arrangement)	10173/1	-	April 2021
Travel Plan Framework	10173/3	-	April 2021
Flood Risk Assessment & Drainage Strategy	20116	Rev 2	December 2020
Heritage Statement	Andrewjo1-409961	-	November 2020
Energy Statement	April 2021	-	-
Arboricultural Information including Arboricultural Constraints Report and Arboricultural Impact Assessment	D14 425 (Note that Arboricultural Constraints Report is reference D14 425 02 and Arboricultural Impact Assessment is reference D14 425 P3	-	October 2020
Topographical Survey	A980/11216/1	Rev A	October 2019
Phase 1 Site Investigation – Preliminary Risk Assessment	E05481-CLK-00-XX-RP-G-0001	S2 P01	12.10.20

Document/Drawing	Reference	Revision	Date
Lighting Impact Assessment – Lighting Baseline	4206	0.1	21.04.21

Source: Lichfields

LICHFIELDS

Statement of Case Appendix 2

List of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application

LICHFIELDS

List of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.

Table 1 - Submitted plans, drawings and documents which did not form part of original submission

Date of Submission	Document/Drawing	Reference
02.03.2022	Ecology ECIA Final Part 2 of 2	-
28.03.2022	Amended Site Location Plan (Removing grid references as per Case Officer's request).	MR50001_1000A
14.04.2022	Site Notice Location Plan	MR50001-1001-Site Notice Location
14.04.2022	Scan of Notice	-
14.04.2022	Confirmation of Site Notice	-
14.04.2022	Photo evidence of Notice (3 images)	-
20.07.2022	Letter to Case Officer Neil Underhay dated 20/07/22 – Response to Consultee Comments	25609284v4
20.07.2022	Note on S106 Requests dated 17/7/22 (Appendix 1 to letter dated 20/07/22)	25613519v1
21.07.2022	Highways Report	1814/1
21.07.2022	Travel Plan	1814/2
16.09.2022	Shadow HRA	-
15.11.2022	Letter (dated 7/11/22) from Education Facilities Management Partnership Limited in relation to School-Transport Contribution Costs	-
13.01.2023	Letter (dated 13/01/23) from Education Facilities Management Partnership Limited in relation to School-Transport Contribution Costs Follow-Up	-
20.01.2023	Letter to Case Officer Neil Underhay - Applicant Rebuttal	26008999v2
20.01.2023	Green Infrastructure Parameter Plan	MR50001
20.01.2023	Development Extant Parameter Plan	MR50001
20.01.2023	Density Parameter Plan	MR50001
20.01.2023	Building Heights Parameter Plan	MR50001
20.01.2023	Access & Movement Parameter Plan	MR50001
20.01.2023	Framework Plan	MR50001 December 2022_V2
20.01.2023	Masterplan	MR50001 December 2022-V2
20.01.2023	Design and Access Statement	Final Rev B
20.01.2023	Flood Risk Assessment & Drainage Strategy	20116 Rev 3 (replaces 20116 Rev 2)
20.01.2023	Socio-economic infographic	LF61260-01

Date of Submission	Document/Drawing	Reference
27.02.2023	List of application documents dated 27/02/23	61260/01/JCO/TR 26348186v1
28.02.2023	Offset Site Location (Location of the proposed off-site bat mitigation)	22/02/23
03.07.2023	Reservoir Flood Risk Report	100381628GX01
11.08.2023	Technical Note: Response to ecological comments made by the Environment Agency	230809_P1031_Mulberry Rd_Ecology Response Three_Aug 2023_Final: August 2023

Source: Lichfields

LICHFIELDS

Statement of Case Appendix 3

List of all plans, drawings and documents upon which the LPA made their decision

LICHFIELDS

List of all plans, drawings and documents upon which the LPA made their decision.

Table 1 - Plans, drawings and documents upon which the LPA made their decision

Document	Reference	Version	Date
Site Location Plan	MR50001_1000	Rev A	28.03.22
Topographical Survey Drawing	A980/11216/1	Rev A	October 2019
Framework Plan	MR50001	V2	December 2022
Proposed Access Arrangements: Option 1	1814/01	Rev A	October 2022
Offset Site Location (Location of the proposed off-site bat mitigation)	22.02.23	-	22.02.23
Planning Statement	20588840v2	V2	January 2022
Design & Access Statement	-	Rev B	12.12.22
Ecological Impact Assessment Report	210516_P1031_EcIA_Final1	-	May 2021
Flood Risk Assessment & Drainage Strategy	20116	Rev 3	December 2020
Reservoir Flood Risk Report	100381628GX01	-	30.06.23
Technical Note: Response to ecological comments made by the Environment Agency	230809_P1031_Mulberry Rd_Ecology Response Three_Aug 2023_Final: August 2023	-	09.08.23
Heritage Statement	Andrewjo1-409961	-	November 2020
Statement of Community Involvement	20588592v1	V1	January 2022
Highways Report	1814/1	-	June 2022
Travel Plan	1814/2	-	June 2022
Landscape and Visual Impact Assessment - Baseline Study	011_110 LVIA	-	November 2020
Lighting Impact Assessment – Lighting Baseline	4206	0.1	21.04.21
Preliminary Risk Assessment (Phase 1 Desk Study)	E05481-CLK-00-XXRP-G-0001	S2 P01	12.10.20
Energy Statement	-	-	April 2021
EIA Screening Request			27.05.21
(Bristol Water) Asset Plan			05.07.23
Habitats Regulations Assessment* *Please note this was a LPA document and does not appear on the LPA online register. It has not been provided to the appellant and should be supplied by the LPA.	-		February 2023
Arboricultural Information including Arboricultural Constraints Report and Arboricultural Impact Assessment	D14 425 02 D14 425 P3	- P3	October 2020

Source: Lichfields

Statement of Case Appendix 4

MR50001/1100 – Revised Sketch Layout

This plan is provided as an illustration only, without the benefit of full due diligence. No reliance should be placed on the accuracy of this plan.

Job.No|Drawing No.|Project

MR50001|1100

Mulberry Road, Congresbury

Drawing Title

Revised Sketch Layout

Date: Nov 2022 Scale: 1:500 Drawn by: TF

M7 Design

A Division of M7 Planning Limited

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LICHFIELDS

Statement of Case Appendix 5

Planning & Regulatory Committee Report 11 October 2023

SECTION 1 – ITEM 6

Application No: 22/P/0459/OUT

Proposal: Outline planning application for the erection of up to 90no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

Site address: Land north of Mulberry Road, Congresbury, BS49 5HD

Applicant: M7 Planning Limited and M7 SW LLP

Target date: 1.6.22

Extended date: TBC

Case officers: Neil Underhay/Anette De Klerk

Parish/Ward: Congresbury/Congresbury and Puxton

Ward Councillors: Councillor Dan Thomas

REFERRED BY COUNCILLOR THOMAS

Summary of recommendation

It is recommended that, subject to the completion of a legal agreement, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The site comprises a large agricultural field (approximately 3.3 hectares in area) which is used for sheep grazing, with grass cut for silage 1 or 2 times a year. The west, south and part of the north facing boundaries adjoin housing in the Congresbury Settlement Boundary. Most of the north and the east boundary adjoins agricultural land.

A topographical survey shows that the highest point of the site is in the south-east corner, and this is about 13.8 metres Above Ordnance Datum (AOD). Site levels fall across the site from west to east, with the lowest part of the site at 7.9 AOD in the north-east corner. A small pond is in this area.

The site is typical of the surrounding agricultural field pattern, with field boundaries defined by mature native hedgerows interspersed with trees. Park Farm Grade II Listed Building is close to the north-west part of the site. The western and southern boundaries adjoin two-storey housing in Park Road, Mulberry Road, and Potter's View respectively. The field boundaries define, in many cases, the rear boundaries of adjoining residential

development. The vegetation along some residential boundaries is quite sparse, allowing residents a clear view into the field.

There are two adopted Public Rights of Way (PRoW) crossing the site (reference numbers AX16/8/30 and AX16/29/10). There is a grassed track which leads to the site from Mulberry Road between number 19 and Roebourne House, albeit it has locked gates at either end. There is a separate gateway in the south-east corner of the site, which appears to be the current farm access. The north-west part of the site is connected to Park Road, via an enclosed footpath passing between two adjoining houses.

The Application

Outline planning permission is sought to develop the site for up to 90 homes including 30% of the dwellings as affordable housing. Other elements include public open space, a children's play area, landscaping, sustainable urban drainage system and engineering works. Layout, design and appearance and landscaping are set aside for a separate 'Reserved Matters' application, although vehicle access to the site is included in this application (from Mulberry Road). The proposed access comprises a 5.5-metre-wide road with an adjacent 2m footway on the western side of the road, in between number 19 and Roebourne House. The PRoW which enters the site at its north-west point (from Park Road) would be retained.

The application is supported by various technical documents including, but not limited to, a Transport Assessment; Landscape and Visual Impact Assessment; Ecological Assessment, Flood Risk Management Plan and Design and Access Statement, and 'Parameter Plans' showing amongst other matters the housing density and green infrastructure. An indicative 'Masterplan' is also provided.

An Environmental Impact Assessment (EIA) was submitted with the planning application. This requires the Council to determine whether, or not, the proposal is EIA Development. This is addressed the Appendix 1 of the report. The conclusion is that the proposal is below the thresholds at which EIA Screening is required and that the proposal is not 'EIA' development.

Relevant Planning History

The following are the most recent relevant applications:

Year: 2000
Reference: 00/P/0139/O
Proposal: Residential development of 25 dwellings
Decision: Withdrawn

Year: 1999
Reference: 99/P/1226
Proposal: Residential Development of 25 dwellings
Decision: Refused and appeal dismissed in April 2000

Policy Framework

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017) – Referred to as 'CS'

The following policies are particularly relevant to this proposal:

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) – Referred to as 'DMP'

The following policies are particularly relevant to this proposal:

DM1 Flooding and drainage
DM2 Renewable and low carbon energy
DM3 Conservation Areas
DM4 Listed Buildings
DM5 Historic Parks and Gardens
DM6 Archaeology
DM7 Non-designated heritage assets
DM8 Nature Conservation
DM9 Trees
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
DM32 High quality design and place making
DM34 Housing type and mix
DM36 Residential densities
DM40 Retirement accommodation and supported independent living for older and vulnerable people
DM42 Accessible and adaptable housing and housing space standards

DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018) – Referred to as 'SAP'

The following policies are particularly relevant to this proposal:

SA1	Allocated residential sites (10 or more units)
SA2	Settlement boundaries

The Congresbury Neighbourhood Plan (2019-2036) (CNP)

The Congresbury Neighbourhood Plan (referred to as 'CNP') was made at Council on 12 November 2019 following the successful referendum result on 19 September 2019.

The following policies are particularly relevant to this proposal:

Policy H1	Sustainable Development Location Principles
Policy H2	Sustainable Development Site Principles
Policy H3	Housing Allocations
Policy EH4	Landscape and Wildlife Preservation Measures

Other material policy guidance

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

1 Introduction
2 Achieving Sustainable Development
3 Plan-making
4 Decision-making
5 Delivering a sufficient supply of homes
8 Promoting healthy and safe communities
9 Promoting sustainable transport
12 Achieving well designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Travel Plans SPD (adopted February 2023)
- 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)

Emerging Local Plan

The North Somerset Local Plan 2038 Consultation Draft Preferred Options policy LP4 schedule 1 identifies the site (referred to as Pineapple Farm) as a proposed housing site with capacity for 90 homes.

Consultations

The applicant submitted a 'Statement of Community Involvement' (January 2022) setting out the consultation carried out at the pre-application stage. The comments received are summarised in Appendix 2 of this report. The SCI responds to those consultation responses and identifies where the planning application addresses the issues raised. These are considered in the Planning Issues section of this report.

Third parties

Copies of representations received in response to the planning application can be viewed on the council's website. This report contains summaries only.

At the time of preparing this report, the Council has received 1119 public comments.

1107 letters of objection have been received. The principal planning points made are as follows.

- The scale of housing conflicts with North Somerset Council policies CS14, CS32 and CS33. The proposal should therefore be refused as a matter of principle.
- The Congresbury Neighbourhood Development Plan allocates several sites for housing, in addition to housing allocations in the North Somerset Sites Allocations Plan. This site is not identified for housing, and it is not required for housing.
- The proposal would harm the characteristics and features of the 'J2: River Yeo Rolling Valley Farmland' Landscape Character Assessment Area,
- Both the views into and views out of the AONB will be affected,
- The development would destroy this unique character and the historic connection between the rural, open countryside and the historic farmstead and listed farm building.
- The proposal would result in the loss of an attractive green space, which is crossed by public footpaths and is well used by walkers due to its quiet and peaceful ambience and its connection to the wider rural landscape, which is also accessed by a network of green paths.
- The site provides an important feeding and foraging habitat for bats, amphibians, reptiles, insects, and other wildlife, which cannot be mitigated by the proposed developed. The proposal is contrary to policy CS4 of the North Somerset Core Strategy.
- The vehicles access points to serve the proposed development is substandard in terms of its width and geometry. The connecting access road also unable to satisfactorily cater for the level of additional traffic, due to their width, alignments,

visibility, junctions, restricted usable width due to the volume of on-street parking, all of which would cause harm to road and pedestrian safety and convenience.

- The site is not in a sustainable location in terms of its connectivity to local services and facilities (particularly schools and healthcare facilities), and it would be over-reliant of vehicle access. Local bus services have also been reduced, with further cuts planned, making this site truly car reliant.
- The site is in Flood Zone 2 and close to areas that are in Flood Zone 3. The site is susceptible to localised flooding during sustained wet weather and it is not suitable for housing. Its development could also harm water quality, particularly local water courses, which would be detrimental to wildlife
- Local sewer infrastructure, particularly foul sewer systems, are outdated and have limited capacity, which could be overloaded by the extra demands placed on them.
- The site is Grade 2 agricultural land, which falls into the category of 'Best and Most Versatile' farmland. This makes it an important resource, which should be retained.
- A planning appeal for 25 dwellings was dismissed in 1999, due to its impact on landscape character and the setting of a Grade II Listed building at Park Farm. A much larger proposal can only exacerbate such harm.
- The construction and operational stages will give rise to noise, air and light pollution
- The immediacy of the proposed housing to neighbouring residents would cause overlooking and a loss of privacy, to the detriment of their living conditions.

8 letters of support have been received. The principal planning points made are as follows:

- North Somerset Council has long under-provided the level of new housing that is needed.
- There is a substantial need for more housing: both market and 'affordable', which this scheme would deliver.
- The scheme delivers both and its adverse environmental impacts can be mitigated.

<u>Congresbury Parish Council</u>

The Parish Council's full comments are set out in appendix 1. They can be summarised as follows:

The Parish Council objects for the following reasons:

- The proposal on accounts of its scale and location outside the Congresbury Settlement Boundary conflicts with policies CS14 and CS32 of the North Somerset Core Strategy.

- The proposal conflicts with policies H1a of the Congresbury Neighbourhood Development Plan (CNDP) because it would exacerbate traffic impacts on the A370 / B3133 Smallway and A370 / B3133 High Street traffic junctions, which are already operating near to or over capacity. The Parish Council (PC) also has concerns about the impact of the proposal on the wider road network and certain junctions, and it considers the limited width of Mulberry Road, including pinch-points, roadside

parking, the swept path analysis, is not suitable for the projected level of traffic that would arise from the proposed development.

- The proposed development is removing a large amenity green space that is connected to footpaths along the river and into the village. The plans will urbanise the east side of Congresbury. Residents of streets including Park Road, Dickenson's Grove, Cadbury and Bramley Square, Homefield and Brinsea Road will have further to walk to access our green and open spaces. This goes against the Congresbury vision to ensure sites are accessible to all. The PC objects to moving the public footpath that stretches across the field and is a very well used amenity by the village.

- The north-east corner of the site is in flood zone 3 and during peak rainfall, the field contain surface water as infiltration rates are poor, and water will need to be removed from site, without adding additional pressure on local water courses. The Parish Council considers the size of the attenuation pond would out of character (impact on Park Farm listed buildings) and gives rise to safety concerns given the nearby proposed revised public footpath. It also has concerns about the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.

- An appeal decision from 2000 (APP/D0121/A/99/1031669) for a 25-house development was dismissed. The appeal decision refers to the Park Farmhouse as a Grade II Listed building and that special regard is paid to the desirability of preserving the setting of the listed building. The construction of the proposed development and the means to it would visually and separate the farmhouse from the previously associated farmland and would thus have a harmful effect on the setting of the listed building. The Parish Council considers that if the development is permitted by North Somerset Council the green buffer outlined would not be adequate and as a minimum must be substantially increased to the top section of the field adjacent to the historic Park Farm. In addition, landscaping must be provided to vision screen completely the development from the heritage asset.

- The bat surveys were undertaken in 2019/20 and further bat surveys should have been undertaken, as the site is in such a sensitive location for bats. Off-site bat mitigation is required, but the application does not include this. Other concerns including the impact on bats include methods to reduce light spill from the development, and insufficient information to demonstrate how dark corridors would be achieved.

- Concerns regarding the capacity of surface water and foul sewers to cater for the extra demands placed on it.

- The development should incorporate houses that are suitable for older people. Notwithstanding the applicant's intention to provide a mix of 1 to 4 bed dwellings, they expect a firmer commitment to this breakdown, which has not been provided. They also note a discrepancy in the proposed density of the development amongst

the application documents and expect this to be clarified (CRAG below make the same comment).

- The regime to maintain the proposed children's play area, informal footpaths and public open space are not specified.

- There are misleading and inaccurate statements about the proposed housing density.

In response to further information submitted the Congresbury Parish Council raised the following objections:

- Proposed development does not adhere to current planning policies of North Somerset Council and Congresbury Parish Council. The application fails Vision 6 of North Somerset Core Strategy for Service Villages Sates and Policy SC14. There is no evidence to support the need for development outside of the settlement boundary and site is not currently listed on the North Somerset Site allocation schedule. Proposals go against policies H1 (b) Sustainable Development and Location Principles, H2 (b) Sustainable Development Site Principles and Policy H3 Housing Allocations in the Congresbury Parish Council Neighbourhood Development Plan 2018-2036.

- Proposed development is out of character for the village and has an impact on the visual nature of the village boundary. Proposed buildings are at a too high density for a rural village, lacks proposals for bungalows and new proposals for 2.5 storey homes are out of character.

- Concerns raised regarding number of highway safety issues. The development poses a danger to those entering and exiting the site as access road is inadequate. The pedestrian crossing on B3133 is inadequate. Increased traffic on the B3133 adding to issues at the junction on A370.

- The development will have an adverse impact on the ecology and environment. Protected Bat species and other wildlife including slowworms and possible otter habitats will be harmed. This loss of habitat for protected species means this is not a sustainable development.

- Proposal is inadequate in its design for drainage, flooding, wastewater and pollution prevention. There are issues with attenuation pond related to safety and visual impacts.

- Proposal would increase the urbanisation of a rural community and reduce the green space available to residents of Congresbury. Lead to reduced access to green and open spaces and the moving of the public footpath contrary to the 'Congresbury Neighbourhood Development Plan Community Action T2 (f) to

maintain and wherever possible improve the network of public rights of way within the village.

- Concerns regarding the impact on heritage in this area. The green buffer outlined in the Heritage Statement would not be adequate and as a minimum must be substantially increased to the top section of the field adjacent to the historic Park Farm and landscaping must be provided to vision screen completely the development from the heritage asset.

Congresbury Residents Action Group (CRAG)

The application should be refused on the following grounds:

1. Non-compliance with planning policies and creation of a planning precedent
2. Adverse impact on landscape
3. Adverse ecology consequences, particularly because it would result in the loss of a valuable bat habitat which cannot be replaced in the site, the so-called dark corridors in the site are unlikely to be achievable and inadequate information has been provided in respect of the off-site mitigation in terms of its location, biodiversity value and on-going management. No evidence is provided to show that a Habitat Regulations Assessment has been adopted by North Somerset Council.
4. North Somerset Council should be applying a Biodiversity Net Gain requirement of at least 10% if this application is to be approved.
5. The developer must take 'appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects' both during and after construction, and that they should have surveyed the habitat and undertaken a presence/absence survey; however, EAD Ecology's Ecological Impact Assessment (EIA) did not include otter surveys.
6. The applicant should be required to commit to measures to avoid and mitigate against otter disturbance, for example, providing fencing and funding for new otter holts, and new wet woodland / wetland creation as offsite mitigation in the immediate vicinity of the development site.
7. Flood risk and drainage issues
8. Significant travel and transport issues, resulting in an unsafe and unsustainable development.
9. Development on the site has been previously considered and dismissed in the 2000 housing appeal
10. The local primary school is already at its capacity such that the proposal would result in pupils having to be transported out of Congresbury to other schools. This compounds the unsustainable nature of the proposal.
11. The development goes against the landscape character of the area and is outside the village development boundary, but even without this, the net density of 51 units per hectare is too high for village fringe, and 2.5 storey houses at the outer village perimeter is unacceptable for the character of the area, push light higher which will

add to light pollution and impact on bats, and may open up the field beyond to potential future development.

12. The previous planning appeal to build up to 25 units was refused due to impacts on the countryside and heritage – this remains the same.

The following additional comments/objections were received by CRAG in response to further information submitted:

- Site only included in the Preferred Options consultation document because it was submitted by developer through the Local Plan 'calls for sites' process. At present time only the adopted Local Plan should determine decisions and weight should be given to polices CS32 and DM8. Site is not in an appropriate location for development.
- Revised access plan cannot be considered acceptable before the results of a Stage 1 RSA are published. Concerns regarding the lack of public transportation and sustainable transport in the area.
- Development would destroy site's Historic Landscape Characterisation.
- Questions the public benefit of the scheme as it does not 'outweigh the harm' it would do to a designated heritage asset. Enhanced screening would damage present surroundings of designated heritage asset.
- Site contains an archaeological Monument (MNS2254 in the North Somerset Council Historic Environment Record). The EIA and proposed development design do not recognise or propose to conserve/retain these important heritage features nor the historic right of way.
- Loss of established bat habitat in such a strategically important location for bats is unacceptable. Mitigation measures are insufficient and offsite mitigation not provided for the loss of grassland habitat or disturbance to range of species such as grass snake, slow worms and otters both during and after development work.
- Development of the proposed application site prior to the improvement of mitigation land is unacceptable. Any proposed improvements must be guaranteed to be in perpetuity. Proposed 'dark corridors' for bats not achievable due to lit pedestrian routes and taller houses of 2.5 storeys spilling light. This impact has not been assessed in the HRA.
- Proposed offsite mitigation not adequate, unclear how site can be enhanced and its location within Flood Zone 3/flood water storage area indicated high probability of flooding
- Drainage issues should be addressed as part of planning application and not left for reserved matters, concerns remain regarding increased flood risk, lack of pollution prevention and sewage removal from site.

Their full comments elaborate these points in more details and can be viewed on the Council's website.

Natural England

Following receipt of further information from EAD Ecology on 21/02/2023 (Shadow Habitats Regulations Assessment, dated February 2023) and on 11/08/2023 (Technical Note, dated 9th August 2023), Natural England is satisfied that the specific issues raised in previous correspondence relating to this development have been resolved. NE therefore considers that the identified impacts on the North Somerset and Mendip Bats Special Area of Conservation can be appropriately mitigated with measures secured via planning conditions or obligations as advised and withdraw its objection.

The applicant's proposed off-site habitat to replace that is lost to the proposed development, which is nearer to the SAC, is directly connected to the Congresbury Yeo, and also other land which is managed specifically for Horseshoe bats is suitable mitigation. The HEP calculations both in respect of on-site and off-site replacement habitat are accepted. If planning permission is granted planning conditions will be required to secure:

i) Submission of a Construction and Ecological Management Plan, to protect existing habitats on site and ensure the protection of Priority Species;
ii) Submission of a Landscape and Ecological Management Plan for the development site, to ensure implementation of the commitments in the Ecological Constraints and Opportunities Plan and planting of new landscaping at the earliest opportunity following Commencement of Development;
iii) Submission of a Greater Horseshoe Bat Management Plan to ensure implementation of the objectives for off-site mitigation at the earliest opportunity, following the grant of any planning permission.

Notwithstanding this, North Somerset Council is responsible for producing a Habitats Regulations Assessment under Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

Environment Agency

No objection providing that the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met and subject to the conditions in the Recommendation below, included within the Decision Notice

Wessex Water

The applicant proposes the surface water generated by the developed site will be attenuated on site within a detention basin with an outfall to local watercourse at a restricted rate of 9 litres/second. Where elements of this system are offered for adoption by Wessex Water the system must be in accordance with Sewerage Sector Guidance and the Design and Construction Guidance. If the application gains outline approval, Wessex

Water expect to see SuDS components designed with multiple benefits included in future detailed applications (in line with Wessex Water's SuDS Adoption requirements).

The applicant's foul drainage strategy proposes the foul drainage from the site drains to a new on-site pumping station with flows pumped to the existing public foul network in Mulberry Road. Further appraisal of this strategy will be required if the application gains approval. Sewer network computer modelling will assess the impact of the additional flows on the downstream catchment and determine a point of discharge to the public foul sewer. If detriment to existing levels of service are predicted, Wessex Water may require additional storage at the site's proposed pumping station to limit the impact on the downstream network. Any additional storage will be funded by Wessex Water through the current charging scheme. This can be addressed through a planning condition.

Bristol Water: No objection.

Avon & Somerset Police: No objections, although preliminary comments are made regarding layout should outline permission be granted.

Planning Issues

The principal planning issues in this case are (1) the principle of development; (2) transport and traffic; (3) flood risk and drainage; (4) impact on the character and appearance of the area; (5) ecology; (6) density, mix and tenure, (7) heritage assets; (8) other matters.

Issue 1: The principle of development

Planning law (the Town and Country Planning Act 1990, section 70(2) and Planning and Compulsory Purchase Act 2004, section 38(6)) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Housing supply is one such consideration.

Paragraphs (paras) 7 and 8 of the National Planning Policy Framework ('the NPPF') says the purpose of the planning system is to contribute to sustainable development, which has three overarching objectives: economic, social, and environmental. Para 9 says these objectives should be delivered through development plans and through policies in the NPPF. Para 11 says planning decisions should apply a presumption in favour of sustainable development. Whether a development is sustainable, or not, should be judged against policies in the NPPF, taken as a whole.

While there are a broad range of planning policies to consider, for the purposes of NPPF para 11, the 'most important policies' for this application are housing policies CS13, CS14, CS32, SA2, H1, H2 and H3, flood risk policy CS3, landscape policies CS5, DM10 and EH4, and ecology policies CS4, DM8 and EH4. The weight that should be given to these policies depends on their age, their consistency with NPPF policies, and whether, or not, they are deemed 'out-of-date'.

Footnote 8 of the NPPF says the 'most important' policies will be treated as out-of-date where "the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer)". A planning appeal decision in June 2022 for Farleigh Farm, Backwell concluded that the Council's housing land supply was 3.5 years.

This remains the most recent tested position. As a consequence, the most important policies are therefore deemed out-of-date, and have reduced weight in deciding this application.

In this scenario para 11d of the NPPF says planning permission should be granted for sustainable development unless:

> *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
> *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

'*Assets of particular importance'* are defined in Footnote 7 of the NPPF as: habitats sites, Sites of Special Scientific Interest; Green Belt: Areas of Outstanding Natural Beauty; designated heritage assets and areas at risk of flooding. None of these assets would provide a clear reason for refusal in this case.

Policy CS13 sets the housing requirement for North Somerset over the CS period, and CS14 is the distribution strategy. CS14 supports 'small-scale' housing development abutting service village settlement boundaries, which CS32 defines as about 25 dwellings, subject to environmental criteria. While the scale of housing conflicts with the development plan, the housing policies are, for the reasons outlined above, deemed to be out-of-date, and have reduced weight in deciding this application. The provision of up to 90 homes (with a policy complaint figure of 30% affordable housing), would be contribute towards the council's housing supply shortfall and this should be given significant weight.

It should also be noted that the emerging local plan identifies the site (referred to as 'Pineapple Farm') as a proposed housing site with a notional capacity for 90 homes. Whilst this is still an emerging plan it is nevertheless a material consideration to be taken into account.

Issue 2: Transport and Traffic

Policies CS10 and DM24 support development that is safe, and which allows for a choice of travel modes, while DM25 promotes the protection and enhancement of public rights of way. A Transport Assessment (TA) and Travel Plan (TP) has been provided with the application, in accordance with Policy DM26 (Travel Plans).

The expected increase in traffic, including AM and PM peak flows would operate well-within the road and junction capacities and without any adverse impact on road safety. The site is also within an acceptable and practical walking distance of most local services and facilities in Congresbury including a convenience store, a bakery, a post office, a takeaway, and a butcher, and the nearby precinct. Brinsea Road (north and south bound) bus stop are about 400 metres from the site and these stops are serviced by the 'A2' service. The 'X1' Weston Super Mare to Bristol service stops at Station Road (approximately 1.4km walking distance), with services every 15 minutes during the day.

Pedestrian routes to these facilities are well-lit and adequately surfaced. The safety of more pedestrians crossing Brinsea Road to reach these facilities is, however, contingent

on a new pedestrian crossing being provided in Brinsea Road and the developer would be required to meet the full costs of delivering this crossing. The exact location and type of crossing (either signal controlled or a zebra type) would need to be determined by the Council's planned traffic calming works in Brinsea Road.

Vehicle access to the site is from Mulberry Road. Full details of the design of the access road and visibility splays are provided as part of the application. This shows:

- A minor re-alignment of the initial section of the access road into the site from Mulberry Road, in that a 2 metres wide footpath alongside the road is required. The proposed alignment would partly encroach into the side and front to the adjoining house at 19 Mulberry Road.
- The mouth of the access road, nearest to Mulberry Road, would be 6.7 metres wide, whereas the remainder of its width is 5.5 metres.
- Pedestrians are given priority across the mouth of the vehicle access through a continuous footpath in accordance with NSC's active travel first approach.

The entrance point has been assessed as safe for pedestrians, cyclists, and motorists. While the site is within the statutory walking distance of the nearest primary school (up to 2 miles), it is at full capacity and is projected to remain so. Primary school age pupils would therefore need to attend another primary school(s) outside the statutory walking distance. Home to school travel costs for primary and secondary school children would therefore need to be met by the developer. It is not ideal for pupils to be transported to other schools, but planning policy allows for such outcomes to be mitigated. The same applies to secondary aged pupils. The travel costs would need to be provided through a S106 financial contribution. This and other transport related development requirements that arise from this proposal are set out below:

- Home to School Transport cost of £964,536.91. This covers a 10-year period, which is the standard length of time that can reasonably be claimed for.
- Public Transport contribution of £100,000 to provide support to local bus service(s) operating in the immediate community.
- Public Transport contributions of £40,000 for bus-stop improvements
- Traffic Regulation Order (TRO) contribution of £3,600 for parking restrictions around site access road.
- Strawberry Line signage improvement contribution of £2,000.
- Sustainable Travel Vouchers at £150/dwelling.

In the case of the TRO funding, this would be used to carry out double yellow lining near to the access point in Mulberry Road, should the need arise. The sum concerned could however be held for 10 years, which would allow for monitoring to see if parking restrictions were, in fact, necessary.

One of the PRoW's crosses the site on a diagonal south-east to north-west alignment. The other is from north to south close to the east facing site boundary. The relationship of any new development to the public footpaths would be addressed at the reserved matters

stage. Any proposal to divert a public footpath would require separate approval from a formal process that is separate to the planning application process.

There are no transport and traffic reasons to refuse the application subject to the appropriate planning obligations, and planning conditions and the proposals comply with development plan polices identified above.

Issue 3: Flood Risk and drainage

All forms of flood risk affecting a development site should be considered including tidal, fluvial and reservoir breach. Most of the application site is Flood Zone 1 (FZ1). This is the lowest flood risk classification and there is no in-principle objection to housing being built in FZ1. The north-east corner of the site (about 5% of the site) is on lower-lying land, and this falls within fluvial Flood Zones 3a and 3b. The applicant's parameter plans show that this area is to be used as public open space and flood attenuation areas, which are acceptable uses in FZ3a/3b.

Flood risk mapping also shows that about 30% of the application site is an area at potential risk of reservoir flooding from Blagdon Lake, should it fail. Government advice identifies 3 categories of reservoir risk designation: 'high risk'; 'not high risk'; and 'not determined yet'. In this respect the National Planning Policy Guidance (NPPG) makes clear that *"…if development is to be considered in an area at risk of reservoir flooding that the developer should contact the reservoir owners to understand the flood risk in more detail and how development could be affected."*

The owners of Blagdon Lake are Bristol Water. The applicant was advised by them to seek their own advice on the risk of reservoir flooding from an 'All Reservoirs Panel Engineer' from the government accredited list. Subsequently the applicants submitted a Reservoir Flood Risk Report dated 30th June 2023, prepared by a member of the panel. The conclusions reached in the report are summarised as follows:

- *The available government maps overestimate the flood risk extent that can be anticipated as a result of failure of Blagdon dam due to conservative assumptions used in the specification for the hydraulic modelling. It cannot be said that there is no reservoir flood risk to the development area but only a small fraction of the area could conceivably be affected.*
- *The annual probability of the risk occurring at the site is in the order of 1 in 100,000 which is not a societal risk normally considered as a constraint to housing development. Societal expectations of the government in keeping people safe from flooding does not usually extend to consideration of events of such low probability.*
- *There is a theoretical risk that the development could impose a requirement for safety improvements at Blagdon dam which would a matter for Bristol Water to consider. It is anticipated that the chance of the development materially affecting the safety management of the reservoir would be virtually nil given the existing high level of hazard posed by the reservoir and the very small additional hazard associated with the development.*

Bristol Water has raised no objection to the conclusion reached in the report. Whilst the Council's Flood Risk Management Team acknowledge that the risk of reservoir flooding is low, it is considered that a residual risk remains. The residual risk is present for the lifetime of the development i.e. 100 years and over that time the condition of the reservoir bank

may deteriorate. The most practicable way to manage the risk is to make the properties potentially impacted resilient to flood risk. This can be addressed through a planning condition and at the reserved matters stage..

Notwithstanding this, policy CS3 and the NPPF requires applicants for major housing development, such as this, to provide a Flood Risk Assessment (FRA) to demonstrate that the proposed development includes measures to reduce the risk of the site from being flooded, and to prevent the development from increasing flood risk beyond the application site, taking account of future climate change projections.

The applicant's FRA contends that the proposed homes will be flood-free for the 100-year (plus Climate Change) and 1000-year events, and that safe routes of access and egress can be provided. The Council Flood Risk Management Team agree with these conclusion, but final technical and management details of a surface water drainage scheme would be required as part of a reserved matters application. This can be dealt with through planning conditions.

Some objectors say the lack of permeability caused by the local ground conditions may result in a larger and deeper water attenuation area than that shown in the indicative Master Plan. Others say a pond adjacent to public footpaths and public open space raises safety issues. The precise size of the pond would be determined by technical information to accompany a reserved maters application. This would need to agree its depth, gradient, profile, discharge points and flow rates into nearby water courses, and ongoing management/maintenance regimes, and include public safety measures. There is no reason at this time to consider it could not be made safe.

To meet the foul drainage requirements, a new pumping station would be required to discharge to the existing foul sewer network in Mulberry Road. Wessex Water confirmed that it does not object to the principle of the development, but it does require further appraisal work to assess the impact of the additional flows on the downstream catchment and determine a point of discharge to the public foul sewer. This could potentially require additional storage at the site's proposed pumping station to limit the impact on the downstream network. This matter can be controlled under a planning condition.

There are no flood or drainage related reasons to refuse the application and any residual matters can be controlled through planning conditions.

Issue 4: Effect of the proposed development on the character and appearance of the area

Policy CS5 *('Landscape and the historic environment'*) is concerned with landscape character, in terms of protecting and enhancing the distinctiveness, diversity and quality of North Somerset's landscape and townscape. This is translated into practical guidance by policy DM10 *('Landscape'*). This policy says development proposals should not cause unacceptable adverse impacts on the designated landscape character, to respect the tranquillity of the area, conserve natural or semi-natural characteristics and be carefully integrated in to natural and built environments. An assessment on what is an unacceptable adverse impact typically rests with the scale, type, and location of the proposed development. CS5 and DM10 accord with para 8c and 130c of the NPPF. To that extent they should still be given significant weight.

Policies CS5 and DM10 refer to the 'North Somerset Landscape Character Assessment Supplementary Planning Document' 2018 (LCA). DM10 says development should not have an unacceptable adverse impact on the designated landscape character as defined in the LCA. The site forms part of the *'J2 River Yeo Rolling Valley Farmland'* Landscape Character Area, which is an extensive area of undulating lowland. Its key characteristics include a gentle rolling landform, rural pastoral landscape, irregular medium sized fields, small orchards, and scattered farmsteads. The site is in an area described as of *'moderate'* character, with the landscape in *'good'* condition. The landscape strategy is to conserve the peaceful, rural nature of the landscape with intact pasture and field boundaries.

The Council's 2018 Landscape Sensitivity Assessment (LSA) is also a material consideration. It is part of the evidence base for the emerging local plan. It was carried out by independent consultants for the Council and its aim is to provide a context for the allocation of sites for housing development and a sound basis on which decision making can be informed with regard to ongoing and future site assessment and the determination of potential planning applications.

Land in the LSA is either categorised as having a: "High", "Medium" or "Low" sensitivity. Land with a low sensitivity may be considered suitable as potential housing land, subject to other planning issues. The LSA says (para 6.3.48) *"Land to the south-east, at Park Farm, is generally flat and is well-enclosed by hedgerows and trees. In addition, there is an allocated development site to the south of this land. Owing to the above, this land is of '**low'** sensitivity."*

Some objectors say a low sensitivity does not reflect how it is perceived and used, and its sensitivity is higher than is categorised in the LSA. They say it should not be allocated for development, despite it being identified for housing in the emerging local plan. Other objectors point out that that the planning appeal was dismissed in 2000 because that proposal was judged to harm the rural character of the landscape, and nothing has changed in that respect. They say this proposal, because it is a much larger scheme than the dismissed appeal, would have a more harmful impact on the appearance of the area.

The applicant's Landscape and Visual Impact Assessment (LVIA) considers the projected impact of the proposed development on the appearance and character of the area. It includes a good range of viewpoints of the site, and the likely impact of the proposed development on the character and appearance of the area can be anticipated. Some further close or mid-range viewpoints of the site, such as views from PRoW's further from the sight might enhance the overall understanding to some extent, but not significantly. The scope of the LVIA is therefore acceptable and conclusions accepted.

The AONB is about 3.5 kms from the appeal site at its nearest point. Elevated views from the AONB towards the application site may identify the development in the wider landscape but at this distance it is likely to appear as a slither of development in a much wider vista, including other built-up areas such as Langford and Congresbury.

The proposal would change the character and appearance of the site from a green rural edge to an extension of the built-up area. This will harm its character and appearance to some extent making it contrary to the referred planning policies. This harm should, however, be contextualised in that the site is not subject to statutory landscape designations and has a relatively low sensitivity in the wider landscape hierarchy. The level

of landscape harm is, therefore, no greater than moderate overall, notwithstanding the local sensitivity to the proposed development. The site is too distant from the Mendip Hills AONB to have any more than a very low impact on views from it.

Issue 5: Ecology

The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. The Conservation of Habitats and Species Regulations 2017 also apply. Its objective is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora, and it sets out legislative protection measures for such habitats and species. These Regulations provide protection for designated sites supporting internationally important habitats or populations known as 'European Sites'.

Core Strategy policy CS4 ('Nature Conservation') requires biodiversity to be protected, maintained and enhanced, ensuring that biodiversity net loss is avoided and net gains are achieved wherever possible. CS4 translates into practical guidance through policy DM8 ('Nature Conservation') of the DMP. DM8 says development which could harm legally protected species, or Section 41 'Priority' species and habitats will not be permitted unless the harm can be avoided or mitigated by appropriate measures. Furthermore, development proposals should:

- ensure that compensatory provision, within the site or immediate vicinity, of at least equivalent biodiversity value, should be provided where the loss of habitats is unavoidable.
- Provide long-term management of retained and newly created features of importance to wildlife.
- Monitor key species to evaluate the impact of site management.

Policy EH4 of the CNP is also relevant. It says development proposals should (including but not limited to):

- maintain and enhance the connectivity of all green corridors and not result in the loss or deterioration of irreplaceable habitats,
- be designed to limit the impact of light pollution from artificial light on local amenity and nature conservation.
- include natural landscaping using native species and incorporate existing hedgerows, wetland areas and other wildlife features where it is practicable to do so

Policies CS4 and DM8 are NPPF compliant having regard to para 174d, 179b and 180a. To that extent, they should be given significant weight.

The North Somerset and Mendip Bats Special Area of Conservation (Bat SAC) Guidance on Development: SPD (2018) is also relevant. This relates to the populations of greater and lesser horseshoe bats associated with the various components of the Bat SAC. A key component of this guidance is for the mitigation for bats set out in a Habitat Evaluation Procedure (HEP). This has an accompanying 'calculator' to determine the quantity of replacement habitat required for lesser and greater horseshoe bats.

The application site is about 900 metres from the Kings Wood and Urchin Wood Site of Special Scientific Interest (SSSI). This is part of the North Somerset and Mendip Bats

Special Area of Conservation (SAC) and is in an area known to be particularly important for foraging horseshoe bats. The site is also within consultation band A of the North Somerset and Mendip Bats SAC Guidance Supplementary Planning Document.

The applicant has carried out bat detector surveys. This shows multiple bat species forage or commute within the site. Common pipistrelle and soprano pipistrelle were the most abundant species recorded, but greater and lesser horseshoe bats were also recorded at the site. The applicant's Ecological Impact Assessment identifies several opportunities to retain key features within the site to create 'green corridors' to retain foraging routes and connectivity between the habitat features within the site. Notwithstanding this, the development would result in a significant loss of bat habitat equivalent to approximately 1.75 hectares of land. This cannot be re-created on the development site, and offsite mitigation would be required to ensure the favourable conservation status of these European Protected Species is achieved.

The applicants' shadow Habitats Regulations Assessment (HRA) proposes off-site mitigation to the south of Millennium Mews and north of the River Yeo. The site is approximately 475m to the north of the proposed development site and it is crossed by three Public Rights of Way (AX16/4/20; AX16/27/20 and AX16/2/10), one of which passes diagonally through its centre, the two others are along the site boundaries. The mitigation land is in Zone A of the North Somerset and Mendip Bats SAC. It is also close to other mitigation land associated with the development at Furnace Way, including habitat mitigation land that is managed by Yatton and Congresbury Wildlife Action Group (YACWAG).

Management measures for the mitigation land include:

- low intensity conservation grazing, and retention/enhancement of the boundary habitats, including planting of scattered shrubs and trees adjacent to the northeast boundary to provide sheltered habitat for invertebrates.
- Some fencing-off (segregation) of the land
- grassland enhancement management
- public access retained with signage provided, to discourage walkers from trampling the conservation grassland.

In-perpetuity management and monitoring proposals for the offset site would be specified in a Greater Horseshoe Bat Management Plan, to be secured through a Section 106 agreement. Natural England has no objections to the application subject to mitigation measures subject to the inclusion of minor additional information in the shadow HRA.

In terms of other ecology effecting the planning application site, the other conclusions of the Ecological Impact Assessment were that

- The pond on site and further ponds / drainage channels identified off-site within 250m, provided suitable breeding habitat for amphibians, including great crested newt which is a legally protected Priority Species.
- Grass snake and slow worm were recorded on the site.
- The site provided suitable nesting and foraging habitat for common/widespread bird species, including dunnock.
- Unsuitable nesting habitat for a Schedule 1 bird species.
- Survey indicates dormouse were absent from the site.

- No badger setts were recorded within the site boundary.

Policy requires development proposals to avoid, mitigate and, as a last resort, compensate for any negative effects on reptiles. Observations from Natural England indicate that areas with the open space on site provide scope to protect and avoid harm to slow worms, and these areas should be managed for reptiles and not be accessible to the public.

Overall, it is concluded that there are no ecology/biodiversity reasons to refuse the application subject to planning conditions/obligations and the off-site mitigation land being provided and managed.

Issue 6: Density, mix and tenure

Some objectors say the number of dwellings proposed on this site is excessive, the density is too high and the scheme would out of character with the lower density edge of village. Policy DM36 ('Residential densities') of the Sites and Policies Plan seeks to strike a balance between optimising the potential of the site to accommodate whilst protecting or enhancing the distinctiveness and character of the area.

Up to 90 dwellings on a site that is approximately 3.3 hectares equates to a gross density of circa 27 dwellings per hectare (dph). The net density excluding areas of public open space, surface water attenuation, landscape buffers and roads is however about 44 dph. This is a higher density than nearby housing, but it is not excessively high. Up to 90 dwellings accords with the notional target for this site in the emerging development plan. The acceptability of a scheme will depend on the design, scale, and layout of housing and green spaces, all of which are reserved matters.

The applicant's parameter plans show the extent of building plots within the site, building heights, movement, and green infrastructure. An indicative Master Plan is also included with the application but is not binding on the applicant nor the Council. Officers have, nevertheless, provided some feedback on this to the applicants, which indicated it is unlikely to be supported in its current guise. There is no reason to suppose these matters could not be resolved through reserved matters.

Policies CS15 (Mixed and Balanced Communities) and DM34 (Housing Type and Mix) require development proposals to contribute to a mix of housing types, by reducing the proliferation of dominant housing types in neighbourhoods and encouraging a broader range and better balance of housing that better meet housing needs, contributes to an improved local environment, and support greater community cohesion.

The applicant's Design and Access Statement proposes a mix of 1 to 4-bedroom homes, with a policy (CS16) compliant 30% of the dwellings being 'affordable housing', subject to viability, which CS16 allows for. The range of house sizes and tenure does suggest a good mix of properties that would meet the desired aims of CS15, CS16 and DM34. The housing mix and tenure is broadly acceptable, but this is a consideration for a reserved matters application.

Issue 7: Heritage Assets

A geophysical survey of the site in November 2020 indicated no evidence of structures or features of archaeological interest. Further analysis through trenching works should,

however, be undertaken and the results issued, as this could have a bearing on a reserved matters application, particularly the layout of the development. This can be addressed through a planning condition.

The application site contains no above-ground designated Heritage Assets and there are no scheduled monuments on or close to the site. The site is not located in a conservation area and has no obvious intervisibility with the Congresbury Conservation Area, which begins approximately 325m to the north of the site.

The nearest Listed Building to the site is Park Farmhouse which is a Grade II listed building approximately 40m north of the site boundary. The proposed development will alter the rural landscape to the south of the listed building. The application site was formerly part of a larger medieval deer park, which was originally associated with the historic farmstead. The proposal would harm the setting of the listed building, but this is considered at the lower end of 'less than substantial harm'. This harm is, nevertheless, contrary to policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Part (1) Section 66 of the of The Planning (Listed Buildings and Conservation Areas) Act 1990, requires that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority…shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Para 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Para 202 of the NPPF requires that where a development proposal would "lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

In the 2000 appeal decision for 25 dwellings the Planning Inspector considered that proposal would have harmed the setting of the listed building, not least because vehicle access to the site would have passed through the curtilage of the listed building, cutting the main farmhouse off visually from is associated historic barns.

While the current proposal is a much larger in comparison, it is separated from the listed building, and vehicle access to it is from Mulberry Road. The applicant's Green Infrastructure Parameter Plan shows that the northern extent of the proposed housing is set back about 30 metres from the northern site boundary and curtilage of the Park Farmhouse. This margin would comprise linear public open space and a green buffer. This distance and soft green edge would mitigate the impact of the proposal on the setting of the listed building. This can be further addressed at the reserved matter stage.

Due regard has been given to the desirability of preserving the building and its setting and great weight needs to be given it its conservation. However, the level of harm is at the lowest end of less than substantial. This is considered further in the planning balance at the conclusion of this report.

Other Listed Buildings near to the application include Collin's Bridge, over the River Yeo (150m north west); Yeoman's Orchard (160m south); and Pineapple Farmhouse (125m south). These are not considered to be harmed by the proposal.

Issue 8: Other matters

Impact of the development on the living conditions of near neighbours

The west, south and part of the north boundaries of the application site adjoin housing in Park Road, Mulberry Road, Potters View respectively. In most cases, the dwellings that adjoin the application site have rear habitable windows and rear gardens facing the site. Some neighbours have raised concern about new dwellings being built too close to their boundaries, and the potential adverse impacts such as being over-bearing, resulting in a loss of privacy, and/or reducing their views of the countryside.

The layout and appearance of the development are reserved matters and the impacts of the development on the living conditions of near neighbours would therefore be considered at that stage. The Council's Residential Design Guidance SPD sets out the standards that are expected to be achieved to maintain acceptable mutual living conditions. There is no reason to consider that the development could not be designed to achieve an acceptable relationship to the living conditions of its neighbours.

Agricultural Land Classification

Paragraph 174b of the NPPF says 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…" About 80% the site is potentially Grade 2 agricultural land ('Very Good Quality') with the rest being Grade 3. Grade 3 agricultural land is divided into sub-grades 3a (good quality) and 3b (moderate quality) respectively. It is not known whether the Grade 3 land is graded 3a or 3b, which is usually established by a combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land The loss of Grade 2 agricultural land is a material consideration that weighs against the proposal but is not sufficient to warrant refusal of the application.

Potential for Ground Contamination

The site comprises undeveloped land with no evidence of potentially contaminative processes or materials within or adjacent to the site. The applicants have submitted a preliminary assessment to determine the potential risks from contamination and to identify potential geotechnical risks and constraints. The report says that to identify actual ground conditions and to confirm the assumptions drawn from the desk study, an intrusive investigation would be required. This can be secured through planning conditions.

Trees

There are no Tree Preservation Order affecting the site and there are no adverse impacts on trees to warrant reasons for refusal. An arboricultural report would however be required as part of a reserved matters application, identifying how trees would be retained

during development. Landscaping is a reserved matter and will be required to show all vegetation to be retained and new planting.

Housing Design Requirements

Policy DM42 requires dwellings to comply with the DCLG's *'Technical housing standards – nationally described space standards'.* This requirement can be controlled through a planning condition. DM42 also requires housing proposals to include a proportion of dwellings constructed to Category 2 standard of the Building Regulations. These requirements can be addressed through planning conditions and a reserved matters application.

Policy CS2 of the Core Strategy requires that 15% of the ongoing energy requirement for the use of the development should be met through micro-renewable technologies. This requirement is over and above energy savings that can be made through the design and construction of dwellings, which is often referred to as the 'fabric first' approach. The Council's 'Creating Sustainable Buildings and Places in North Somerset SPD' 2021 advises that developers should choose a renewable energy technology that gives the best performance, is cost effective and has no insurmountable impacts on the surrounding area. The process for determining which technology is used should be detailed within the sustainability/energy statement. This requirement can be also addressed through planning conditions and addressed through a reserved matters application.

Issue 9: Planning Obligations and Community Infrastructure Levy (CIL)

The Council's Community Infrastructure Levy (CIL) which commenced in 2018, applies a standard charge which developers must comply with. This requires developers to pay towards the cost of infrastructure, the demand on which would be increased by the proposal. Money from CIL can be used towards the following: education; community and leisure uses, green infrastructure, flood risk and drainage, transport and travel, and a range of other services including health services.

Planning (Section 106) obligations are separate to CIL. These can also apply depending on the projected impacts of the proposal. For a matter to be dealt with under S106, it must be:

(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.

Planning obligations required for transport and travel matters in this case include:

- Home to School Transport
- Public transport to provide support to local bus service(s) operating in the immediate community.
- Public transport contributions for bus-stop improvements
- Traffic Regulation Order (TRO) contribution for parking restrictions around site access road – should this be required.
- Strawberry Line signage improvement contribution

- Sustainable Travel Vouchers
- 30% of the dwellings to be as 'affordable housing' to be on site as part of the development. The applicant would have to demonstrate viability issues for the Council to consider a lower percentage
- Delivery of Neighbourhood Open Space, Woodland, and an equipped Play Area together with commuted maintenance sums
- Delivery of off-site Bat Mitigation land with a management / maintenance plan

The applicant confirmed their agreement to meet these requirements. The applicant has also offered £150,000 towards the cost of building a medical centre that is currently proposed under a separate planning application for 47 dwellings and a medical centre surgery on land off Smallway, Congresbury (planning application number 22/P 1142/FUL). It has not been demonstrated how it meets the above test and therefore is not given weight at this stage.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

Equalities assessment

The Equalities Act 2010 sets out the Public Sector Equalities Duty ("PSED"). Case law has established that this duty is engaged when planning applications are determined and consequently this duty has been applied in the determination of this application. Due regard has been paid to the need to eliminate discrimination and promote equality with regard to those with protected characteristics.

Conclusion and Planning Balance

The scale of the proposed development conflicts with the relevant housing policies CS14 and CS32 in the development plan. As outlined in the report, the Council cannot demonstrate a five-year housing land supply, with the most recent tested position indicating supply stands at around 3.5 years. In the absence of a 5 year housing land supply, paragraph 11 of the NPPF deems that the policies which are most important for determining the application are out of date which means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

The delivery of up to 90 new homes is a benefit that should be afforded substantial weight. It would provide a significant contribution to the council's housing land supply in

accordance with the Government's objective of significantly boosting the supply of homes, as set out in paragraph 60 of the NPPF. The proposed development would also provide the policy-compliant figure of 30% affordable housing. This further benefit too should also be afforded significant weight.

The provision of up to 90 new homes would give rise to some economic benefits as a result of the temporary jobs created during the construction phase. Due to its relatively temporary nature this is afforded limited weight in favour of the development.

The proposal would harm the appearance of the site, but there are no statutory landscape designations affecting the site. Limited weight is therefore given to the landscape impact. In terms of the test set out para 11 of the NPPF, this harm is not so adverse as to override the benefits of the development.

In the case of the impact of the development on the setting of the Grade II Listed Building, the degree of harm is at the lower end of 'less than substantial harm'. Great weight has been given to this impact in accordance with NPPF para 199 however when assessed against the test in NPPF para 202, the lower level of harm caused to the asset's significance as a result of the proposed development is outweighed by the public benefits of the scheme arising primarily from the delivery of more affordable homes and the contribution to the Council's housing supply shortfall.

In terms of ecology, the proposal would result in a net loss of bat foraging habitat within the site. Natural England is however satisfied that the applicant's proposed off-site habitat to replace that lost to the proposed development, which is nearer to the SAC, directly connected to the Congresbury Yeo, and also other land which is managed specifically for horseshoe bats is suitable mitigation. It is therefore concluded that the identified impacts on the North Somerset and Mendip Bats Special Area of Conservation can be appropriately mitigated with measures secured via planning conditions and through S.106 agreement. This impact is given moderate weight and the opportunity to provide appropriate mitigation significant weight.

There are no overriding adverse transport, traffic, flood risk, drainage, agricultural land quality, or neighbour related impacts arising from the proposed development which would outweigh the benefits. Planning obligations or planning conditions can provide appropriate mitigations where required.

In conclusion, the building of more homes both market and affordable in a relatively sustainable location against a five-year housing land supply deficit are matters of significant weight in favour of the application. The adverse impacts which have been identified do not significantly and demonstrably outweigh these benefits.

Recommendations

Subject to

a) the completion of the HRA and inclusion of any additional planning conditions required as a result, and

b) the completion of a section 106 legal agreement securing financial contributions towards

- Home to School Transport costs; local public transport services; local bus stop improvements; Traffic Regulation Order for parking restrictions around site access road (should it be considered necessary); Strawberry Line signage improvements; and Sustainable Travel Vouchers for the occupants of the development; and
- 30% of the dwellings to be as 'affordable housing' to be on site as part of the development.
- Neighbourhood Open Space to be provided in the site together with maintenance sums
- 'Woodland' areas in the site achieved through new planting
- A Play Area to be provided in the site including maintenance sums
- No development to take place on the development site until the off site mitigation land has been provided and laid out in accordance with an approved 'Greater Horseshoe Bat Management Plan' in the off-site mitigation land and provision made for its management for ecological purposes for a minimum of 30 years

- the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local member

Outline / Time Limits

1. Approval of the details of the layout, scale, appearance of the building(s) the and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority, in writing before any development is commenced.

   Reason: The application was submitted as an outline application and in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of two years from the date of this permission.

   Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.

   Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

Approved Documents

4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan Rev A, 28th March 2022
A980/11216/1 Rev A - Topographical Survey Drawing
Framework Plan December 2022_V2
1814/01 Rev A - Proposed Access Arrangements: Option 1, October 2022
Masterplan December 2022 – V2
Development Extent Parameter Plan December 2022
Green Infrastructure Parameter Plan December 2022
Density Parameter Plan December 2022
Building Heights Parameter Plan December 2022
Access & Movement Parameter Plan December 2022
Offset Site Location (Location of the proposed off-site bat mitigation) 22nd February 2023

Planning Statement, January 2022
Design & Access Statement Rev B, 12th December 2022
Ecological Impact Assessment Report Ref: 210516_P1031_EcIA_Final1, May 2021
Flood Risk Assessment & Drainage Strategy Project no. 20116 Rev 3, December 2020
Reservoir Flood Risk Report by Mott and MacDonald dated 30 June 2023
Technical Note: Response to ecological comments made by the Environment Agency, 9th August 2023
Heritage Statement, November 2020.
Statement of Community Involvement, January 2022
Highways Report, June 2022
Travel Plan, June 2022
Landscape and Visual Impact Assessment - Baseline Study, November 2020
Lighting Impact Assessment – Lighting Baseline, 21st April 2021
Preliminary Risk Assessment (Phase 1 Desk Study) Report no. E05481-CLK-00-XX-RP-G-0001, 12th October 2020
Energy Statement, April 2021
EIA Screening Request, 27th May 2021
(Bristol Water) Asset Plan, 5th July 2023
Habitats Regulations Assessment: February 2023
Arboricultural Constraints Report Ref: D14 425 02 & Arboricultural Impact Assessment Ref: D14 425 P3, October 2020
Reason: For the avoidance of doubt and in the interests of proper planning.

Construction Management Plan

5. No phase or component of development shall be commenced, including demolition, ground works or vegetation clearance, until a Construction Environmental Management Plan (CEMP) for that phase of development / element has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

(a) the location where site operatives and visitor vehicle parking shall take place on the site
(b) the location of the site compound for the loading, unloading and storage of plant and materials including waste materials, and temporary site offices.

(c) the routing of construction traffic within a 400 metres radius of the site including an existing condition survey of all highway infrastructure on those access routes in that radius
(d) the erection and maintenance of security hoarding
(e) the means to reduce mud and debris from the site being deposited on the road network, including details of road cleaning and/or wheel wash facilities
(f) measures to control the emission of dust and dirt during construction.
(g) measures to control noise from works on the site
(h) detailed measures including interceptors to prevent silt, fuel, chemicals, or other contaminants from entering the water environment, including storage and disposal facilities for contaminants during construction.
(i) managing complaints
(j) details of measures to avoid harm to protected species and their habitats during construction. This shall include the following:

i) Risk assessment of potentially damaging construction activities.
ii) Identification of "biodiversity protection zones" based on up-to-date survey information and pre-commencement surveys, where appropriate, for habitats and protected and notable species.
iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
iv) The location and timings of sensitive works to avoid harm to biodiversity features.
v) The times during which construction when specialist ecologists need to be present on site to oversee works.
vi) Responsible persons and lines of communication.
vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
viii) Use of protective fences, exclusion barriers and warning signs if applicable.
ix) Details of monitoring and remedial measures, including compliance reporting to the Local Planning Authority.

The development shall be carried out in accordance with the approved CEMP.

Reason: This needs to be a pre-commencement planning condition, because it is in the interests of public safety and to minimise the impact on the development of nearby residents as required by Policies CS3 & CS10 of the North Somerset Core Strategy, and to comply with the Habitats and Species Regulations (2010) and ensure the survival of rare or protected species, and the protection of a Wildlife Site in accordance with Policy CS4: Nature Conservation in the adopted North Somerset Core Strategy.

Access/Visibility Splays/Parking

6. No dwelling shall be occupied until details of a car club scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, has been submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise (where applicable):

- The allocation of 1 car club parking space
- The provision of 1 vehicle
- Provision of car club membership for all eligible residents of the development for a minimum of three years
- Promotion of the scheme
- The duration of the scheme

Reason: To reduce the need for excessive ownership and reduce vehicle emissions in accordance with policies CS3 and CS10 of the North Somerset Core Strategy.

7. No dwelling shall be occupied until a new pedestrian crossing on Brinsea Road of a type and location to be approved by the Local Planning Authority has been completed and is available for use. Details of the type and location of the crossing shall include any associated works in the public highway.

   Reason: To ensure that a safe crossing point is provided to mitigate the extra pedestrian movements that will arise from the development crossing the busy B3133, and in accordance with policy CS10 of the North Somerset Core Strategy.

8. No dwelling shall be occupied until the work to form the new consolidated access to the site from Mulberry Road has been completed in accordance with the approved drawings (refer to condition 4); and pedestrian and vehicle access to that dwelling, including on-site car and cycle parking has been provided in accordance with approved reserved matters. Once provided cycle and parking spaces for each dwelling shall be retained.

   Reason: To ensure that appropriate access is provided to each dwelling and that adequate parking facilities are retained, in accordance with policies CS10 and CS11 of the North Somerset Core Strategy and DM28 of the North Somerset Sites and Policies Plan Part 1.

9. The visibility splay as shown in drawing number 1814/01 Rev A 'Proposed Access Arrangements: Option 1' 'shall be kept free at all times of any structure, erection, or planting exceeding 600 mm in height above the ground levels of the visibility splay.

   Reason: To preserve sight lines in the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1 – development management policies.

10. No dwelling shall be occupied until details which demonstrate that adequate vehicle access and vehicle and cycle parking is provided for the occupants of the dwelling at 19 Mulberry Road. If this requires works to be carried out within the application site to meet these requirements, these must be complete before the any dwelling is occupied.

    Reason: The works to form the vehicle access into the site removes part of the side and front garden of 19 Mulberry Road including an existing driveway access point. If this leaves that property without adequate on-plot access and parking, that will need to be mitigated, in accordance with policy CS11 of the North Somerset Core Strategy and DM28 of the North Somerset Sites and Policies Plan Part 1.

Finished Levels

11. Details to be submitted under condition 1 shall include the current and proposed finished ground levels across the site; the slab, floor and the ridge levels of the proposed dwellings in relation to the ridge height of at least 2 adjoining building and fixed datum points. The development shall be carried out in accordance with the approved details.

    Reason: To ensure that the finished height of the development is clear and is contextualised in accordance with policy CS12 of the North Somerset Core Strategy and DM32 of the North Somerset Sites and Policies Plan Part 1.

Flood Prevention / Drainage

12. No works to take place within 8m from the embankment toe on the landward side. This zone must be kept free from structures and obstructions, including channel planting.

    Reason: To ensure operational access is maintained at the Gooseum Rhyne Flood Storage Area and along the Congresbury Yeo watercourse.

13. No works to take place within the off-site habitat enhancement area until the 'Greater Horseshoe Bat Management Plan' has been submitted to, and approved in writing by, the LPA with consultation from the Environment Agency. The plan must follow the information outlined within the submitted Ecology Response Report dated 09 August 2023 (ref: 230809_P1031_Mulberry Rd_Ecology Response Three_Aug2023_Final: August 2023).

    Reason: To ensure operational access is maintained to Environment Agency assets.

14 No above ground-work shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

    i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

    ii. include a timetable for its implementation.

The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies).

15. No above ground-work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:

    a) a timetable for its implementation and maintenance during construction and handover; and
    b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

    Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

16. No above ground works shall be commenced until details of appropriate flood resilience and resistance measures, together with a programme of implementation and a programme of maintenance for the lifetime of the development, have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, such works shall be carried out in accordance with the approved details and programmes.

    Reason: To reduce the risk of flooding to the development from reservoir flood risk, and in accordance with paragraph 163 of the National Planning Policy Framework policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies)

17. No dwelling shall be occupied until a scheme for the disposal of foul water has been submitted to and approved by the Local Planning Authority. The approved details shall be completed for each dwelling before that dwelling is occupied.

    Reason: To prevent pollution of the water environment in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012) and Policy CS/3 of the North Somerset Core Strategy.

Landscaping and Trees

18. Details to be submitted under condition 1 shall include a hard and soft landscaping scheme. This shall include details of all public and private landscaping areas, details of the location, equipment, and boundary fencing of any play area to be provided at the site, details of all trees, hedgerows, and other planting to be retained; the proposed finished ground levels; a planting specification to show numbers, size, species and positions of all new trees and shrubs to be planted, and details of all hard surfacing. New planting in relation to the location of any retained or new below ground services such as pipes, cables, manholes and any associated easements shall also be shown. The hard and soft landscaping scheme shall be carried out in accordance with the approved details, specifications, and a programme of implementation.

    Reason: To ensure a satisfactory landscaping scheme is implemented and maintained in the interests of the character and biodiversity value of the development area, and in accordance with policies CS4, CS5, CS9 and CS12 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

19. All works comprised in the approved details of soft landscaping shall be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

    Reason: To ensure that a satisfactory landscaping scheme is implemented, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

20. Trees, hedges, and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may reasonably specify.

    Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

21. No development, including site preparation or site clearance shall commence until an Arboricultural Method Statement Report with Tree Survey and Tree Protection Plan showing the location and design of tree and hedge protection fencing has been submitted to and agreed in writing by the Local Planning Authority and the agreed tree and hedge protection has been erected around existing trees and hedges to be retained. Unless otherwise specified, the fencing shall be as shown in Figure 2 of BS5837:2012 ‘Trees in relation to design, demolition and construction –

Recommendations' and shall be erected to achieve root protection areas in accordance with BS5837:2012 root protection area calculations and the location of the fencing shall be informed by the recommendations of BS5837:2012.

This fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree or hedge. No equipment, machinery or structure shall be attached to or supported by a retained tree or hedge. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

The Local Planning Authority is to be advised prior to development commencing of the fact that the tree and hedge protection measures as required are in place and available for inspection.

Reason: These details need to be agreed before development commences to ensure that trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD. The details are required prior to commencement of development because the development/construction works have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

22. Prior to the commencement of development, a detailed Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a detailed scheme of mitigation, compensation, habitat management, and biodiversity net gain and enhancement measures including a timetable for the monitoring, management responsibilities, and maintenance and grazing schedules for all landscape and ecological areas including but not limited to planting and habitat creation, essential mitigation and enhancements, flood compensation areas, attenuation basins, grazing areas identified, and other requirements set out within the approved plans. This shall include planting specifications comprising locally appropriate native species; annual habitat management prescriptions; table of works and monitoring regimes; and location and installation prescriptions of species-specific mitigation and enhancements.. The development shall be implemented in accordance with the approved details.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.

Lighting

23. No external lighting shall be installed within the site, including external lighting on the outside walls of dwellings or other domestic buildings, or other lighting elsewhere in the site, until a 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify:

(i) the type, location, and height of the proposed lighting;
(ii) existing lux levels affecting the site;
(iii) the proposed lux levels as a result of the light; and
(iv) lighting contour plans.

These details shall include an assessment on the retained bat habitats and commuting routes on the site which shall be maintained at or below 0.5 lux within the defined bat corridor width at ground level and upwards to two metres. This lighting scheme shall be implemented and no changes shall be made to this without the prior written approval of the Local Planning Authority.

All external lighting shall be installed and operated in accordance with the approved details.

Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Ground Conditions

24 No phase or component of development below ground level shall take place until an assessment of the nature and extent of contamination on the site has been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether, or not, it originates on the site. Moreover, it shall include:
i. a survey of the extent, scale, and nature of contamination.
ii. an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, and archaeological sites and ancient monuments.

Reason: A pre-commencement condition is necessary to ensure that the land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy.

25. Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no phase or element of development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the

natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land relation to the intended use of the land after remediation. The development shall take place in accordance with the approved remediation scheme. Reason: To ensure that land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy.

Archaeology

26. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

27. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the previous condition and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

Renewable Energy

28. The dwellings hereby permitted shall not be occupied until measures to generate 15% of the energy required in the use of the development (measured in kilowatt hours - KWh) through micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To secure a high level of energy saving by reducing carbon emissions in accordance with policies CS1 and CS2 of the North Somerset Core Strategy.

Technical Housing Standards

29. All dwellings shall comply with the DCLG 'Technical housing standards 2015 (as amended) - nationally described space standards', unless otherwise authorised by the Local Planning Authority.

Reason: To ensure dwellings provide acceptable standards of accommodation in accordance with policy DM42 of the adopted Development Management Sites and Policies Plan part 1.

Accessible Homes

30. A minimum of 17% of the dwellings shall be constructed to comply with 'accessible and adaptable housing standards' contained in The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings. The location of these dwellings shall be provided together with details of how they will comply with the said standards. The approved details shall be fully implemented before these dwellings are occupied.

Reason: To ensure that sufficient accessible housing is provided in accordance with Policy DM42 of the North Somerset Sites and Policies Plan (Part 1 - Development Management Policies and the North Somerset Accessible Housing Needs Supplementary Planning Document April 2018.

Permitted Development

31. Permitted Development 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no electricity sub-station or gas governor shall be erected on any part of the development site hereby permitted, without the prior written permission of the Local Planning Authority.

Reason: In the interests of protecting the living conditions of neighbouring residents in accordance with policies DM32 and DM37 the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

Appendix 1: Comments from Congresbury Parish Council

1.0 Congresbury Parish Council objections

Congresbury Parish Council objects to the full planning application22/P/0459/OUT. The application for outline planning for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.
Congresbury Parish Council recommends and expects North Somerset Council to refuse planning permission as this application would not adhere to North Somerset Council or Congresbury Parish Council policy and does not adhere to national policy. We expect North Somerset Council to demonstrate that it would not allow any development outside Congresbury settlement boundary until the Parish Council, representing the village decides it is the right time and the right place for development.
Congresbury Parish Council objects to this development according to the following issues.
This development does not adhere to the following:

- **North Somerset Core Strategy –** This development is against the policies and principles set out in North Somerset Core Strategy. The development has not got support of the local population, will not provide any long-term job opportunities, and will not protect the character of the community.
  Vision 6 of North Somerset Core Strategy for Service Villages Sates 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'. The Parish Council fails to see how an additional 90 dwellings in this location will comply with this vision especially with regard to protecting the character of our village.

- **Settlement Boundary** – There is no evidence to support the need for development outside of the settlement boundary. North Somerset Council CS14 states 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. 'The proposed development cannot be described as a small-scale development and therefore the application must be dismissed.
  The proposed site is not currently listed on the North Somerset Site allocation schedule. Although the Parish Council was shocked to see that the site has been added to Schedule 1 of the North Somerset Plan Preferred Options consultation document. It is expected that Congresbury residents will strongly oppose this listing during the public consultation phase of the Local Plan.

- **Congresbury Parish Council Neighbourhood Development Plan 2018-2036**

  The Congresbury Neighbourhood Plan went to referendum on Thursday 19 September 2019, and 86% voted in favour of the plan meaning the plan was approved. This means that the plan now has the full weight of the development plan in decision making. The plan was formally 'made' by North Somerset Council at the Full Council meeting of on 12 November 2019. The proposed Development goes against Policies.

- H1 (b) Sustainable Development and Location Principles

The Highways and Transport Evidence Base Report of the Neighbourhood Development Plan states that the two junctions of A370 / B3133 Smallway and A370 / B3133 High Street are operating over or close to capacity and therefore preferred developments will be in areas that will have the least impact on these junctions. Consideration is also needed regarding traffic from surrounding villages such as Churchill, Langford and Yatton. Approved and proposed developments in these locations will significantly increase the traffic along the B3133 thereby exacerbating congestion at the A370/B3133 junctions. This has exponentially increased since the plan was approved with a number of new developments in Churchill, Sandford, Langford and Yatton. All of these have adversely impacted on the junctions and plans for further development in these areas will further adversely impact on traffic congestion in our village.

- H2 (b) Sustainable Development Site Principles

North Somerset district is home to an above average proportion of older residents (North Somerset Housing Strategy 2016–21). The Strategy indicates that an additional 4,600 homes specifically for older people with varying levels of support, ranging from leasehold schemes for the elderly through to housing for people suffering from dementia, will be required over the period 2016 – 2036. Congresbury has a limited supply of bungalows, and many are located at the fringes of the village, therefore any development with a proportion of suitable houses for older residents will be supported. The Neighbourhood Development Plan resident consultation had a large number of respondents outlining their concerns that there is very little housing available for young persons. It is noted that the proposal has indicated that there will be an opportunity to re-balance the housing stock to encourage diversity and that a mix of 1,2-,3- and 4-bedroom homes will be provided including those catering for first-time buyers and the elderly. However, there is no indication of the details of the mix and outlining planning permission should not be given until a more detailed plan has been provided with a firm agreement to honour this statement.

M7 Planning Limited and M7 SW LLP have made contradictory statements in their documentation about the density of the housing. In the Design and Access Statement page 26 it is stated that the density will be up to 44dph. In the Planning Statement page 6 it states that the proposed development will incorporate medium densities. A density of less than 30 units per hectare are proposed for the development. This discrepancy is totally unacceptable and must be clarified. The proposed number of 90 dwellings is unacceptable in such a rural setting where adjacent land has been classified as medium sensitivity from the document**- Identified Landscape Sensitivity Assessment Areas (Wardell Armstrong – Landscape Sensitivity Assessment March 2018).**

- Policy H3 Housing Allocations

Policy H3 allocates development sites in Congresbury. The sites have been allocated as they are considered to be in sustainable locations.

Many areas of the village were considered for possible development, and it was concluded that there is scope for development west of the village centre, along the A370. During the lengthy consultation process over 25 potential sites were looked at and analysed with input from residents, local landowners, and potential developers. From this in-depth process it was concluded that any development east of Park Road

would harm the important landscape of the Yeo Valley. Access from Park Road would also be a problem and would affect the operation of the A370/B3133 High Street junction.

The Neighbourhood Development Plan concluded that there are other locations to develop in a more strategic and sustainable way.

Congresbury Neighbourhood Plan contains the vision for Congresbury which includes that.

- Congresbury will continue to be a safe and pleasant place to live and will aspire to achieving a sustainable infrastructure that minimises its carbon footprint and maximises the opportunity for recycling. The green spaces within the village will be made accessible and will be maintained for the benefit of all.
- Any future developments should be appropriate to the existing character and needs of the village.

- **Urbanisation of a rural community**
  The proposed development is removing a large amenity green space that is connected to footpaths along the river and into the village. This is out of character for Congresbury which is a village that has good access to green and open spaces. The plans will effectively be urbanisation of the east side of Congresbury. Residents of streets including Park Road, Dickinson's Grove, Cadbury and Bramley Square, Homefield and Brinsea Road will have further to walk to access our green and open spaces. This goes against the Congresbury vision to ensure sites are accessible to all. Congresbury Parish Council would object to moving the public footpath that stretches across the field and is a very well used amenity by the village.

  Congresbury Neighbourhood Development Plan Community Action T2 (f) has the action to maintain and wherever possible improve the network of public rights of way within the village. The proposed site is also a key link to access the 2 Rivers Way and any proposal to reduce access must be opposed.

- **Flooding**
  The majority of the site is slightly elevated compared to land further north-east of the site that is classified as flood zone 3. The north east corner substantially falls away from the rest of the land and is within flood zone 3. During peak rainfall, the field does contain surface water as infiltration rates are poor due to the underlying clay soil. The Parish Council would then agree with the flood report that infiltration of excess water is not possible and would need to be removed from site, without adding additional pressure on local water courses. It should be noted that the flood report was a desk top study and the Parish Council would have preferred a local study to be undertaken. The proposal from the developer is the building of an attenuation pond and then discharge at greenfield rates. The Parish Council would raise objections to the attenuation pond, location and size, being out of character (impact on Park Farm listed buildings) and safety concerns given the nearby proposed revised public footpath. The information provided does not provide any details of whether the pond would need a pump to drain water from the site (if so, increasing carbon emissions and adding to the climate emergency). The Parish Council would have serious concerns of the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.

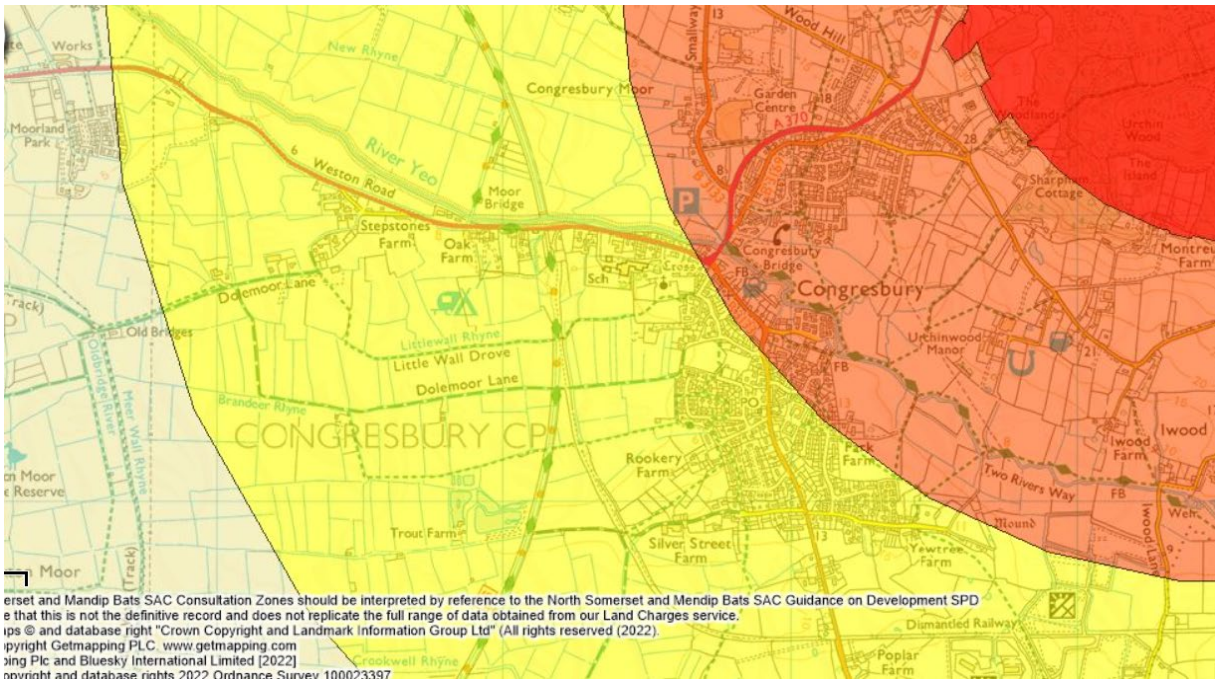
The area is also subject to flooding if the dam failed at Blagdon Lake. It is disappointing that the developer has stated inaccurate facts such as the asset is 'publicly funded' which it is not. This leads us to question how accurate the report is.

- **Heritage**
  An appeal APP/D0121/A/99/1031669 for a proposed development by Bryant Homes Limited South-west was dismissed and planning permission refused in April 2000. Although planning policy has changed over the past 20 years, the Parish Council believes that several conclusions from the appeal decision are still relevant to this application.
  The appeal decision refers to the Park Farmhouse as a Grade II Listed building and that special regard is paid to the desirability of preserving the setting of the listed building. The construction of the proposed development and the means to it would visually and actually separate the farmhouse from the previously associated farmland and would thus have a harmful effect on the setting of the listed building.

  The recommendations from the Heritage Statement by Andrew Josephs Associates states that the location of the housing within the development should stand off the boundary with Park Farmhouse, leaving a green buffer. The southern boundary equally should retain a green corridor of open space or gardens to retain the historical alignment of the former park's southern boundary in the modern landscape.

  The Parish Council considers that if the development is permitted by North Somerset Council the green buffer outlined would not be adequate and as a minimum must be substantially increased to the top section of the field adjacent to the historic Park Farm. In addition, landscaping must be provided to vision screen completely the development from the heritage asset.

- **Ecology**
  The applicant has provided a comprehensive Ecological Impact Assessment. The Parish Council is disappointed that the bat surveys were undertaken in 2019/20 and would have expected further bat surveys to be undertaken especially as the site is in such a sensitive location with bat consultation zones A and B as shown below.



Paragraph 4.2.1 states 'To mitigate the residual loss of greater horseshoe foraging habitat, off-site habitat enhancement/creation measures ('off-setting') on a site under the control of the applicant would be implemented directly by the applicant or if a suitable mechanism was available, via a financial contribution to North Somerset Council. The off-set site would be within the greater horseshoe bat Consultation Zone A and would be managed in perpetuity under a greater horseshoe bat Management Plan. The Management Plan would be approved by North Somerset Council and secured through S.106 agreement. The off-set would be secured prior to commencement of development. Based on the outline development proposals and assuming conversion of arable/grassland-ley to meadow (managed specifically for greater horseshoe bat) the off-set site would need be approximately 1.75ha (refer to Appendix 14 for HEP calculation). The quantum of land conversion required for the off-set would be confirmed using the HEP metric.'

There appears to be no indication of where the off-site habitat enhancement on a site controlled by the applicant would be located and how this could be secured in perpetuity. The Parish Council believes that the green corridors outlined in the current application are not adequate for this off-setting. Until a Management Plan has been provided that provides further information the proposed application should not be approved.

In addition, the outline application does not include building orientation plans, methods to be employed to avoid or reduce spill from within buildings, use of landscaping and planting to protect and/or create dark corridors on site and how the grazed pasture/wild meadow of the current site could be replaced. These items are outlined in the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document.

Congresbury Parish Council is proud to have such important bat conservation sites within our district and firmly believes that everything possible must be done to protect these areas for our future generations.

The Ecological Impact Assessment provided also appears to have only concentrated on the proposed development site and has not provided an assessment of the impact on the surrounding area. The impact on the river ecosystem would, we consider be an essential part of a report of this kind taking into account the importance of the ecology.

- **Traffic**
  M7 Planning Limited has provided a Technical Transport Assessment together with a Road Safety Audit report. The Parish Council objects to the report produced, especially the two leading statements in paragraph 1.1.8 (page 2) as we believe there are issues of access to the site and the traffic from the site will impact local capacity and residents (increasing the risk of accidents in Park Road and Venus Street).

  We have serious comments on a number of subjects that have not been accurately considered.

1. JB Bartlett Consulting Ltd completed the Road Safety Audit: Item 3.2 states 'No information has been provided in terms of the scale and type of the proposed development that the link will be used to access. While the proposed access is probably acceptable for a small number of residential units the lack of pedestrian

facilities to eastern side of the proposed access combined with localised pinch point and nature of Mulberry Road itself would not lend itself to a significant development.'

The Designers' response states 'Drawing 10173/300 shows the swept paths, which confirms the adequacy of the layout. The Audit Brief at 2.2.4 details the level of development, and the additional pedestrian access points.

This response may address the access point but does not make any reference to the pinch points and the nature of Mulberry Road. The photo below was taken on 18th March 2022 at 18.19. This photo shows a typical situation with cars parked along the road and on pavements. When the original houses were built in the 1960's the drives would have been for a single car. Many of the houses have extended this capacity but as the photograph shows this is still not adequate. Therefore, the Parish Council is in agreement with the safety audit statement that the nature of Mulberry Road is not adequate to support the proposed development of 90 dwellings.

The developer has demolished the garage and parking space at number 19 Mulberry Road. This means the new home owner (if owning a car) will need to park on the road. This would have an unacceptable impact on the traffic flow in and out of the proposed access point.

2. The Traffic Assessment states that 'The impact in absolute terms at the following junctions and links to demonstrate that the traffic impact at all locations will be acceptable, and that in the context of NPPF paragraph 108 that there will not be a severe residual cumulative impact.

The junctions and links feeding them being at: i) B3133 / Park Road, ii) B3133 / Venus Street, iii) A370 / B3133 High Street (Congresbury Cross), and iv) A370 / B3133 Smallway. 6.3.6
Junctions (i) and (ii) are the first junctions either side of the site access to the north, and side. The impact of the development being diminished at the A370 junctions (iii) and (iv) due to the levels of traffic bound for the south onto the A38 that will avoid the A370, and then at junction (iii) due to the levels of traffic that will route to and from the west avoiding the A370/B3133 Smallway junction.'

Local knowledge suggests that the statement that most of the traffic would go south to the A38 and therefore avoid the A370 is incorrect. Most of the traffic from the village uses the A370 is commute into Bristol rather than the A38. This is due to the nature of Stock Lane and the constant delays caused by the amount of large HGV vehicles using this road and the difficulty caused by the narrow road. There are constant long delays as large vehicles are unable to pass each other at the numerous pinch points. Due to this the Parish Council believes further work needs to be completed to assess accurately the impact at the A370 junction with Brinsea Road.

Mark Baker Consultancy Ltd also lists the absolute impact by junction being:

6.6.1 The absolute impact by junction being:

	A.M Peak		P.M Peak	
	Arr	**Dep**	**Arr**	**Dep**
B3133 / Park Road (88%)	10	25	22	13
B3133 / Venus Street (10%)	1	3	2	2
A370/B3133 Smallway (32%)	4	9	9	5
A370/B3133 High Street (88%)	10	25	22	13

6.6.2 The absolute impact by link expressed as vehicles per hour being:

Technical Report 10173/1
April 2021
Page 25

The Parish Council believes that this table is inaccurate as local knowledge would indicate that most vehicles would use the Venus Street junction to join the B3133 rather than attempt to negotiate the longer route of Park Road which again has lots of parked cars along the route. The figures in the table above should be switched for an accurate representation.
The Venus Street junction has very poor visibility with badly maintained verges and therefore the Parish Council would expect that as part of any development that a plan is put in place and funded by the Developer to improve this junction. This junction needs to be considered as part of the Road Safety Audit to outline the issues and recommend suitable provisions to ensure that vision both ways is improved.

- **Infrastructure**
  Congresbury Parish Council would also request that further information is provided:
  - From Bristol Water to ensure that there is sufficient capacity to supply these additional homes and would not cause reduce water pressure to other residents in Congresbury.
  - Also that there is sufficient capacity to cope with the additional sewage the site will produce. There have been previous issues regarding the foul sewers from Brinsea Road with frequent blockages. There are concerns from residents that any additional capacity would cause deterioration to the rest of the village.
  - To alleviate serious concerns for the Parish Council about the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.
  - On the regime to inspect and maintain the proposed children's play area and the informal footpaths and public open space. The applicants Planning Statement contains no information on how this would be managed in perpetuity and as no specific community consultation has taken place on these items, the applicant has received no feedback on whether these areas would be a used and provide a valued community asset.

- **Local Opinion** - The development goes against local opinion. The agent has not provided any evidence of a public consultation and the results of this process. The Parish Council believes that the majority of Congresbury residents do not support this development

- **Misleading planning statement**
  Congresbury Parish Council would like to highlight that M7 Planning Statement is inaccurate. Within this statement there are misleading statements:
  - Including claims about the housing density (paragraph 3.14 states 30, while in the Design and Access Statement page 26 it is stated that the density will be up to 44 dph.
  - Paragraph 4.4 indicates that the development is permitted within the Congresbury Neighbourhood Development Plan, but this is false. The development is not identified in the plan and goes against this legal document.

2.0 Final statement

Congresbury Parish Council objects to the full planning application22/P/0459/OUT. The application for outline planning for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

We recommend and expect North Somerset Council to refuse this application due to contravening national and local planning policies and Congresbury Neighbourhood Development Plan. The proposed number of 90 dwellings is unacceptable in such a rural setting where adjacent land has been classified as medium sensitivity. The Parish Council agrees with the Safety Audit traffic statement that the nature of Mulberry Road is not adequate to support the proposed development of 90 dwellings. The proposed development is also damaging to the landscape and has an adverse impact on the local community and supporting infrastructure.
Instead of working with the community as intended by the provision of our Neighbourhood Development Plan, the applicant has decided that the village needs these houses in this

location. The agent has not outlined why it has chosen this location in preference to other more sustainable locations within North Somerset that have better employment opportunities. The Parish Council strongly believes that any planning decisions must be community and plan led rather than developer led.

The Parish Council agrees with the closing statement of the appeal APP/D0121/A/99/1031669 decision in 2000 that states ‘Furthermore, and of such concern that it overrides all other considerations, the development would have a serious adverse effect on the character of Congresbury and the surrounding countryside.’ This is just as relevant and important to Congresbury residents as it was over 20 years ago.

LICHFIELDS

Statement of Case Appendix 6

Planning & Regulatory Committee Update Sheet 11 October 2023

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

11 OCTOBER 2023

<u>Section 1</u>

Item 6 – 22/P/0459/OUT – Land north of Mulberry Road, Congresbury

Additional Third Party comments

One additional letter of objection has been received. The principal planning points made are as follows:

- Traffic impacts on Park Road and Mulberry Road.
- Adverse impact on flooding, the environment and ecology – especially bat foraging.

Updated transport information

<u>Bus services</u>

The A2 and 128 bus services no longer operate from the Brinsea Road (north and south bound) bus stops that are 400m from the site. The nearest bus stop with scheduled services remains within walking distance(1.4km). These include the X1 Weston to Bristol service operating every 15 minutes during the day, the A3 Bristol Airport Flyer to Weston and the X5 Weston to Portishead via Yatton (inc. station) and Clevedon both operating hourly.

In addition, the whole of Congresbury is in the Westlink Demand Responsive Transport Zone operating Monday – Saturday 7:00hrs-19:00 hrs. The £100,000 (£25,000 per year for 4 years) bus service contribution required from the development would be put towards a continued public transport service in this location. This is in addition to the £40,000 bus infrastructure contribution for bus stop improvements."

LICHFIELDS

Statement of Case Appendix 7

Planning & Regulatory Committee Report 15 November 2023

Section 1

North Somerset Council

ITEM 6

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 15 NOVEMBER 2023

SUBJECT OF REPORT: Application 22/P/0459/OUT Outline planning application for the erection of up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

Site address: Land north of Mulberry Road, Congresbury, BS49 5HD

TOWN OR PARISH: Congresbury

OFFICER/MEMBER PRESENTING: HEAD OF PLANNING

KEY DECISION: NO

RECOMMENDATIONS

Subject to:

a) the completion of the HRA and inclusion of any additional planning conditions required as a result, and

b) the completion of a section 106 legal agreement securing financial contributions towards

- Home to School Transport costs; local public transport services; local bus stop improvements; Traffic Regulation Order for parking restrictions around site access road (should it be considered necessary); Strawberry Line signage improvements; and Sustainable Travel Vouchers for the occupants of the development; and
- 30% of the dwellings to be as ‘affordable housing’ to be on site as part of the development.
- Neighbourhood Open Space to be provided in the site together with maintenance sums
- ‘Woodland’ areas in the site achieved through new planting
- A Play Area to be provided in the site including maintenance sums
- No development to take place on the development site until the off site mitigation land has been provided and laid out in accordance with an approved 'Greater Horseshoe Bat Management Plan' in the off-site mitigation land and

provision made for its management for ecological purposes for a minimum of 30 years

- the application be **APPROVED** subject to conditions as specified in annex 1, together with any additional conditions or amendments required as a result of further information or clarification and agreed with the Chairman, Vice-Chairman and local member.

1. SUMMARY OF REPORT

The application was considered by the Committee at its meeting on 11th October where it was resolved that the application should be refused. As the Committee resolution was contrary to the officers' recommendation, the application was held over to a future meeting in accordance with council procedure to enable the issues raised to be considered before the Committee confirms its decision. The report to the Committee on 11th October together with the update sheet for that meeting are attached as annexes 1 and 2. The officers' recommendation is unchanged, but comments are provided on the reasons for refusal proposed by the Committee. The applicant has made written submissions since the previous committee meeting and has amended the proposal to "up to 70" dwellings.

2. POLICY

As set out in the report to the Planning and Regulatory Committee report of 11th October attached as Annex 1.

3. DETAILS

The application as submitted and considered by the committee at its last meeting was for outline planning permission and sought to develop the site for up to 90 homes including 30% of the dwellings as affordable housing. Since the last meeting of the committee the applicant has written to make various observations (summarised below) but also amending the proposal to up to 70 homes. This is reflected in an amended description above. Other elements of the proposal include public open space, a children's play area, landscaping, sustainable urban drainage system and engineering works. Means of access is submitted for approval at this stage with layout, design and appearance and landscaping reserved for later consideration at the reserved matters stage. The proposed access comprises a 5.5-metre-wide road with an adjacent 2m footway on the western side of the road, in between number 19 and Roebourne House.

The application was considered by the Committee at its 11th October where it was resolved that it should be refused as contrary to various polices as follows:

1. The development would add significantly to North Somerset's carbon emissions, contrary to the Council's core principle of addressing the challenge of Climate Change. It would only provide for the minimum requirement for renewable energy. The site is in an unsustainable location with inadequate bus services, no places for children in local schools and no doctors surgery in the village with no scheduled bus service between Congresbury and the surgery in Langford contrary and the proposed development is contrary to policies CS1, CS2 and CS10 of the North Somerset Core Strategy 2017 and policy DM24 of the Sites and Policies Plan Part : Development Management

policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework.

2. The proposed development would do clear and demonstrable harm to the both the natural environment and wildlife, the landscape and the character of the neighbourhood. The site is situated on an elevated field above the Yeo Valley. The position, scale and extent of the proposed development would have a significant urbanising effect on its rural location beyond the settlement boundary. There would be potential adverse effects on wildlife, including the bat population which is already under threat from other developments and the proposed mitigation measures are not sufficient to reduce the harm and the proposed development is contrary to policies CS4, CS5 and CS14 of the North Somerset Core Strategy 2017 and policies DM32 and DM36 of the Sites and Policies Plan Part : Development Management policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework.

Comments on reasons for refusal

The Committee's resolution to refuse the application was based on the broad policy areas as cited above. As the Committee resolution was contrary to the officers' recommendation, the application was held over to a subsequent meeting in accordance with the Council's procedures to allow the issues raised to be considered. The report to the Committee on 11th October (annex 1) sets out the relevant policies and assesses the proposals against them.

The Committee is entitled to depart from its officers' recommendation for good planning reasons which will be open to public scrutiny and the resulting decision will have to be justified by giving evidence in the event of any subsequent appeal. Officers, with legal advice, have considered the reasons for refusal above and give the following further advice.

Reason 1

In terms of the current development plan, the Council's principles for addressing the challenge of climate change are set out in Core Strategy policies CS1 and CS2 and Sites and Polices Plan policy DM2. The details to show compliance with those polices would come forward at the detailed design stage, through for example the use of renewable energy as required by recommended in condition 28. Financial contributions would also be secured for public transport and bus stop improvements and to the provision of Neighbourhood Open Space through the proposed S106 agreement. These provisions would meet the criteria of policies CS1, CS2 and DM2. By meeting these requirements, regardless of whether they are or are not the minimum requirements, the application has done what is required to comply with those policies.

Congresbury is defined as a "service village" in the Core Strategy on the basis that it provides a service role function beyond its immediate locality. The policy allows for developments of up to about 25 dwellings adjoining settlement boundaries subject to the criteria set out in the policy. Sites in excess of that should be brought forward through the development plan process. The committee's proposed reasons for refusal do not refer to policy CS32. Notwithstanding this, as set out in the officer's report to the October Committee meeting, the council's housing supply shortfall means that full weight cannot be

given to policy CS32 and it is necessary to demonstrate that the adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.

The concern about the adequacy of the village's infrastructure is understood but the appropriate approach is to require the necessary contributions to be made under a Section 106 agreement as recommended. If adequate contributions cannot be secured to mitigate the particular deficiencies of the proposal, this can be specified in the reasons for refusal. The applicant has already agreed to make significant infrastructure contributions as set in Issue 9 of the October Committee report. These obligations together with the design of the access are considered sufficient to satisfy policy DM24 in respect of transport.

Further information about the school, doctors and transport matters are given later in this report.

Reason 2

It is possible in planning terms to refuse planning permission on the basis of the scheme's impact on the landscape and the harm it will cause to its enjoyment as a recreational resource by the public, provided it can be demonstrated that the adverse impact would significantly and demonstrably outweigh the benefits of the development. Although the landscape is not "designated", the site is elevated and the impact of development on the wider landscape was addressed in the previous appeal decision in 2000. The site is also traversed and bounded by two well used public rights of way that give access to the wider network and it has been argued that the scheme would adversely affect the ambience of enjoyment of each of them. This would be contrary to policies contained in the NPPF and the Development Management Policies policy DM25.

The impact on the character of the neighbourhood would need clear evidence and explanation. If for example, the concern relates to the nearby listed building then that should be made clear. As set out in the October committee report there would be some harm, albeit at the lower end of less than substantial, to the setting of the Grade 2 listed Park Farmhouse. The officer's report however concluded that this harm was outweighed by the public benefits of the development in accordance with the test set out in the NPPF.

Both the Council's ecological consultant and Natural England are satisfied that the scale and type of the proposed ecological enhancement, together with on-going management proposals, complies with the relevant requirements and polices. Replacement habitat and enhancement measures are proposed and therefore, they consider that the proposals will comply with the NPPF and policies CS4 and DM8 on the basis that appropriate management measures can be secured by condition and planning obligation. It is therefore likely that a refusal reason referring to the impact of the scheme on wildlife could be deemed unreasonable.

Applicant's comments

The applicant's agent has written in response to the Committee's resolution indicating that he does not wish to reiterate the same points made at the Committee meeting other than to state that there are no material planning considerations that would justify a departure from the NPPF in this instance. The applicant is aware of the strong feelings in the local community regarding the proposals, with the key concerns summarised in the hand-out

prepared by Congresbury Residents Action Group (CRAG) and distributed to members at the Committee meeting by a member of the public.

The applicant has provided a brief response (reproduced below) to each point of concern which the applicant hopes may provide the necessary comfort to the Committee to follow the Officers' recommendation.

CRAG Concern	**Applicant response**
Site is outside the settlement boundary	The settlement boundary forms part of the bundle of most relevant policies that are out-of-date as the Council cannot demonstrate a 5 year land supply. It cannot form a reason for refusal.
Proposed density is unsuitable	It is within the gift of the Council to reduce the density and height of development – these are matters that are to be determined at reserved matters stage.
Conflict with Policy 32	The application proposal is not seeking permission via Policy 32 – the tilted balance i.e. Paragraph 11 of NPPF is triggered. In any event, Policy 32 also forms part of the bundle of policies that are out-of-date.
Contradicts Neighbourhood Plan	The Neighbourhood Plan is time expired. We fully understand the frustration on this point, but would point out that plan making is a continuous process and has to be revised - the need to accommodate growth does not pause/stall.
Extreme urbanisation	The proposal is entirely appropriate to its setting. Congresbury is not a small rural village – it is a 'Service Village' that is intended to be a focal point for local housing need, services and community facilities. In any event, it is entirely within the gift of the Council to reduce the number of dwellings delivered on-site at reserved matters stage. Congresbury is an appropriate location to accommodate meaningful growth. The proposal is not a speculative application but one which responds to evidenced need and context. The applicant does not intend to divert the PROW – suggestions to the contrary are factually incorrect.
Loss of Historic Landscape	Council's own evidence categorises landscape value of the site as 'poor'. Previous appeal decision was for a very different scheme with vehicular access cutting through the curtilage of the listed building. It was also determined within a very different policy context. No meaningful parallels can be drawn. This line of argument will not hold up to scrutiny.
Loss of Ecology	Both NE and the Council ecologist support the scheme. Contrary to local views, the proposal will lead to biodiversity net gain. Suggestions that the EA has concerns are out-of-date and do not reflect the latest position reached.
Flood Risk	All homes are proposed in flood zone 1 – All flood modelling takes account of climate change. There is simply no basis to suggestions that the proposal would flood, lead to increased flooding elsewhere or that it would lead to sewer flooding. The

	responses from the respective statutory consultees on these matters are available for all to see.
Transportation impacts	The Council's highways department agree that there is surplus capacity to accommodate the predicted vehicular movements.

The applicant's letter goes on to say that there were wider concerns expressed by CRAG, namely why school children were being bussed beyond the immediate catchment and there being no GP surgery. It is the applicant's desire for the school children generated by the proposed development to attend the local school. Indeed, the applicant has indicated it is prepared to make a financial contribution to deliver additional capacity at the local schools. In respect of the absence of a GP surgery, the applicant reconfirms it is offering £150,000 towards the delivery of a new medical centre. This, combined with contributions from other developments in and around Congresbury it argues can make a difference.

The applicant points the emerging Local Plan (agreed by the Executive on 18th October for consultation later in November) identifies the site as a proposed allocation for up to 70 dwellings. It argues that the plan making process is evidence led and the application site is one of, if not the most appropriate sites to accommodate growth in Congresbury. The planning application has been amended to up to 70 homes to reflect this.

Further information

In the light of the issues raised by the committee at the previous meeting, further information and clarification can be provided on school, health and transport provision as follows:

Primary school capacity

The nearest primary school to the site is St Andrew's Primary School, which has a current capacity of 210 pupils (an annual admission of 30). It is not currently oversubscribed but is close to capacity.

The school has previously had a capacity of 315 pupils, taking an intake of up to 45 pupils per annum. The school is now an academy and as such arrangements regarding the overall capacity and annual admission number are determined by the Multi-Academy Trust that the school belongs to, not the Council. Since the reduction in overall pupil capacity some of the classrooms have been repurposed for uses such as an ICT suite and staffing levels have been reduced accordingly.

Whilst the school has physical accommodation that could be brought back in to use with the appropriate capital funding and could employ additional teaching and support staff subject to revenue budgets, it would be likely require the full intake of 45 per annum (and a total of 315 in the school overall) to consider this a viable proposal.

The Local Education Authority forecast that a site of 90 dwellings in this location would generate a peak of 43 pupils in total across all primary year groups. When added to the current number of pupils attending the school this could render any expansion unfeasible as the 315 pupils needed to fill it would not be reached. If the dwelling numbers are reduced to a site of 70 units as now proposed the peak amount of pupils would be 33.

If St Andrew's Primary were to become full to its current capacity of 210 pupils (as is predicted) and be unable to expand, there is no certainty whether children arising from the new development would be able to secure a place at the school, particularly those in older age groups than reception year. Over time it could be expected that new children born to residents of houses within the proposed development would secure places at the school, by being within the First Geographical Area (FGA) and within shorter distances than many of the existing properties within the FGA. That said, it is equally possible that children in the village who live further away from the school and who currently might secure a place may not be able to in future when they reach school age. This could result in children from Congresbury FGA having to be transported out of the area to attend another primary school.

The expansion of schools is a matter usually funded through the Community Infrastructure Levy (CIL) whilst Home to School Transport costs, where required, are secured through S106 agreements. This development would be expected to generate approximately £486,000 in CIL receipts for a 70 home scheme with 30% affordable housing based on an assumed dwelling size. The original scheme for up to 90 homes would have generated approximately £625,000 based on the same assumptions.

It should also be noted that there are other sites in Congresbury either with an application under consideration, allocated for residential use in adopted development plan documents (including the Congresbury Neighbourhood Plan) and proposed in the emerging Local Plan 2039 all of which will likely generate additional pupils. Depending on the rates of development and the approach taken to school expansion, this could contribute towards making expansion of the school viable. If not it could exacerbate the need to transport children out of the village if the sustained critical mass needed to justify expansion is not achieved.

Doctors' surgery

It is understood that the Congresbury GP surgery is operated by the Mendip Vale Medical Practice and is closed to patients, having been repurposed for administrative use to free space for additional practitioners/consulting rooms at its surgery in Yatton.

The practice has previously provided evidence that neither of its surgeries in Yatton or Congresbury were suitable for modern practice and do not fit the profile of the NHS Five Year Forward Plan. This envisages local hubs that facilitate co-location of facilities and integrated services such as social and medical facilities, pharmacies, and specialist functions (similar to their surgery at Langford). These are not easily provided in small premises.

In respect of the absence of a GP surgery in Congresbury, the applicant has offered £150,000 towards the delivery of a new medical centre. This figure would be inadequate on its own to fund a new surgery, but the applicant is aware of the proposal to provide a new medical centre as part of another application on land off Smallway at Congresbury. It has been suggested this sum could contribute to that provision if approved. That application (which includes 47 houses) is still under consideration but it should be noted that Congresbury Parish Council does not support the proposal. Nor has the NHS, to date, confirmed its support for that proposal, instead indicating a number of challenges that would need to be overcome.

It should also be noted that North Somerset's CIL criteria indicate that health services like school expansion will be funded through CIL, not by means of s106 agreements. As

indicated above the applicant has indicated a willingness to contribute through a s106 agreement towards a new surgery. It may be possible to seek that such a sum is paid to the Council to assist health provision in the future to be returned if unspent within an agreed period. Alternatively, it might be possible to agree a provision that the sum can be called upon by the Council should a site be identified and granted planning permission within an agreed period provided the contribution meets the relevant tests set out in the regulations. It has not been demonstrated how it meets the above test and therefore is not given weight at this stage

Public transport

The committee was updated on public transport provision at the last meeting (Annex 2 below). These include the X1 Weston to Bristol service operating every 15-20 minutes during the day, the A3 Bristol Airport Flyer to Weston and the X5 Weston to Portishead via Yatton (inc. station) and Clevedon both operating hourly. The nearest bus stop to the site with scheduled services is within walking distance (1.4km).

In addition, the whole of Congresbury is in the Westlink Demand Responsive Transport Zone operating Monday – Saturday 7:00hrs-19:00 hrs. The £100,000 (£25,000 per year for 4 years) bus service contribution required from this development would be put towards a continued public transport service in this location. This is in addition to the £40,000 bus infrastructure contribution for bus stop improvements.

Westlink, potentially offers a direct bus link to services (including doctors' surgeries) whilst the (X5 and A3) would enable access to the surgery in Yatton albeit involving a walk to and from the bus stops at either end of the journey.

4. CONSULTATION

Details of consultation responses are in the Committee report in Annex 1.

5. FINANCIAL IMPLICATIONS

The national Planning Guidance makes it clear that LPAs are at risk of an award of costs against them on appeal if they are deemed to have acted unreasonably.

6. EQUALITY IMPLICATIONS

As set out in the Committee report in Annex 1.

7. CORPORATE IMPLICATIONS

As set out in the previous Committee report in Annex 1.

8. OPTIONS CONSIDERED

Planning applications can either be approved or refused.

AUTHOR Richard Kent. Head of Planning

BACKGROUND PAPERS

Planning and Regulatory Committee report 11th October 2023, update sheet and draft minutes.

The planning application can be viewed at 22/P/0459/OUT

ANNEX 1

SECTION 1 – ITEM 6

Application No: 22/P/0459/OUT

Proposal: Outline planning application for the erection of up to 90no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

Site address: Land north of Mulberry Road, Congresbury, BS49 5HD

Applicant: M7 Planning Limited and M7 SW LLP

Target date: 1.6.22

Extended date: TBC

Case officers: Neil Underhay/Anette De Klerk

Parish/Ward: Congresbury/Congresbury and Puxton

Ward Councillors: Councillor Dan Thomas

REFERRED BY COUNCILLOR THOMAS

Background

The application was refused contrary to officer recommendation at the meeting on 11 October. As the resolution is contrary to the officer recommendation the application has to be brought back for the decision to be made.

Summary of recommendation

It is recommended that, subject to the completion of a legal agreement, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The site comprises a large agricultural field (approximately 3.3 hectares in area) which is used for sheep grazing, with grass cut for silage 1 or 2 times a year. The west, south and part of the north facing boundaries adjoin housing in the Congresbury Settlement Boundary. Most of the north and the east boundary adjoins agricultural land.

A topographical survey shows that the highest point of the site is in the south-east corner, and this is about 13.8 metres Above Ordnance Datum (AOD). Site levels fall across the site from west to east, with the lowest part of the site at 7.9 AOD in the north-east corner. A small pond is in this area.

The site is typical of the surrounding agricultural field pattern, with field boundaries defined by mature native hedgerows interspersed with trees. Park Farm Grade II Listed Building is close to the north-west part of the site. The western and southern boundaries adjoin two-storey housing in Park Road, Mulberry Road, and Potter's View respectively. The field boundaries define, in many cases, the rear boundaries of adjoining residential development. The vegetation along some residential boundaries is quite sparse, allowing residents a clear view into the field.

There are two adopted Public Rights of Way (PRoW) crossing the site (reference numbers AX16/8/30 and AX16/29/10). There is a grassed track which leads to the site from Mulberry Road between number 19 and Roebourne House, albeit it has locked gates at either end. There is a separate gateway in the south-east corner of the site, which appears to be the current farm access. The north-west part of the site is connected to Park Road, via an enclosed footpath passing between two adjoining houses.

The Application

Outline planning permission is sought to develop the site for up to 90 homes including 30% of the dwellings as affordable housing. Other elements include public open space, a children's play area, landscaping, sustainable urban drainage system and engineering works. Layout, design and appearance and landscaping are set aside for a separate 'Reserved Matters' application, although vehicle access to the site is included in this application (from Mulberry Road). The proposed access comprises a 5.5-metre-wide road with an adjacent 2m footway on the western side of the road, in between number 19 and Roebourne House. The PRoW which enters the site at its north-west point (from Park Road) would be retained.

The application is supported by various technical documents including, but not limited to, a Transport Assessment; Landscape and Visual Impact Assessment; Ecological Assessment, Flood Risk Management Plan and Design and Access Statement, and 'Parameter Plans' showing amongst other matters the housing density and green infrastructure. An indicative 'Masterplan' is also provided.

An Environmental Impact Assessment (EIA) was submitted with the planning application. This requires the Council to determine whether, or not, the proposal is EIA Development. This is addressed the Appendix 1 of the report. The conclusion is that the proposal is below the thresholds at which EIA Screening is required and that the proposal is not 'EIA' development.

Relevant Planning History

The following are the most recent relevant applications:

Year: 2000
Reference: 00/P/0139/O
Proposal: Residential development of 25 dwellings

Decision: Withdrawn

Year: 1999
Reference: 99/P/1226
Proposal: Residential Development of 25 dwellings
Decision: Refused and appeal dismissed in April 2000

Policy Framework

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017) – Referred to as 'CS'

The following policies are particularly relevant to this proposal:

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) – Referred to as 'DMP'

The following policies are particularly relevant to this proposal:

DM1 Flooding and drainage
DM2 Renewable and low carbon energy
DM3 Conservation Areas
DM4 Listed Buildings
DM5 Historic Parks and Gardens
DM6 Archaeology
DM7 Non-designated heritage assets
DM8 Nature Conservation
DM9 Trees
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
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM40	Retirement accommodation and supported independent living for older and vulnerable people
DM42	Accessible and adaptable housing and housing space standards
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018) – Referred to as 'SAP'

The following policies are particularly relevant to this proposal:

SA1	Allocated residential sites (10 or more units)
SA2	Settlement boundaries

The Congresbury Neighbourhood Plan (2019-2036) (CNP)

The Congresbury Neighbourhood Plan (referred to as 'CNP') was made at Council on 12 November 2019 following the successful referendum result on 19 September 2019.

The following policies are particularly relevant to this proposal:

Policy H1	Sustainable Development Location Principles
Policy H2	Sustainable Development Site Principles
Policy H3	Housing Allocations
Policy EH4	Landscape and Wildlife Preservation Measures

Other material policy guidance

National Planning Policy Framework (NPPF) (2023)

The following sections are particularly relevant to this proposal:

1	Introduction
2	Achieving Sustainable Development
3	Plan-making
4	Decision-making
5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities
9	Promoting sustainable transport
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Travel Plans SPD (adopted February 2023)
- 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)

Emerging Local Plan

The North Somerset Local Plan 2038 Consultation Draft Preferred Options policy LP4 schedule 1 identifies the site (referred to as Pineapple Farm) as a proposed housing site with capacity for 90 homes.

Consultations

The applicant submitted a 'Statement of Community Involvement' (January 2022) setting out the consultation carried out at the pre-application stage. The comments received are summarised in Appendix 2 of this report. The SCI responds to those consultation responses and identifies where the planning application addresses the issues raised. These are considered in the Planning Issues section of this report.

Third parties

Copies of representations received in response to the planning application can be viewed on the council's website. This report contains summaries only.

At the time of preparing this report, the Council has received 1119 public comments.

1107 letters of objection have been received. The principal planning points made are as follows.

- The scale of housing conflicts with North Somerset Council policies CS14, CS32 and CS33. The proposal should therefore be refused as a matter of principle.
- The Congresbury Neighbourhood Development Plan allocates several sites for housing, in addition to housing allocations in the North Somerset Sites Allocations Plan. This site is not identified for housing, and it is not required for housing.
- The proposal would harm the characteristics and features of the 'J2: River Yeo Rolling Valley Farmland' Landscape Character Assessment Area,
- Both the views into and views out of the AONB will be affected,
- The development would destroy this unique character and the historic connection between the rural, open countryside and the historic farmstead and listed farm building.
- The proposal would result in the loss of an attractive green space, which is crossed by public footpaths and is well used by walkers due to its quiet and peaceful

ambience and its connection to the wider rural landscape, which is also accessed by a network of green paths.

- The site provides an important feeding and foraging habitat for bats, amphibians, reptiles, insects, and other wildlife, which cannot be mitigated by the proposed developed. The proposal is contrary to policy CS4 of the North Somerset Core Strategy.
- The vehicles access points to serve the proposed development is substandard in terms of its width and geometry. The connecting access road also unable to satisfactorily cater for the level of additional traffic, due to their width, alignments, visibility, junctions, restricted usable width due to the volume of on-street parking, all of which would cause harm to road and pedestrian safety and convenience.
- The site is not in a sustainable location in terms of its connectivity to local services and facilities (particularly schools and healthcare facilities), and it would be over-reliant of vehicle access. Local bus services have also been reduced, with further cuts planned, making this site truly car reliant.
- The site is in Flood Zone 2 and close to areas that are in Flood Zone 3. The site is susceptible to localised flooding during sustained wet weather and it is not suitable for housing. Its development could also harm water quality, particularly local water courses, which would be detrimental to wildlife
- Local sewer infrastructure, particularly foul sewer systems, are outdated and have limited capacity, which could be overloaded by the extra demands placed on them.
- The site is Grade 2 agricultural land, which falls into the category of 'Best and Most Versatile' farmland. This makes it an important resource, which should be retained.
- A planning appeal for 25 dwellings was dismissed in 1999, due to its impact on landscape character and the setting of a Grade II Listed building at Park Farm. A much larger proposal can only exacerbate such harm.
- The construction and operational stages will give rise to noise, air and light pollution
- The immediacy of the proposed housing to neighbouring residents would cause overlooking and a loss of privacy, to the detriment of their living conditions.

8 letters of support have been received. The principal planning points made are as follows:

- North Somerset Council has long under-provided the level of new housing that is needed.
- There is a substantial need for more housing: both market and 'affordable', which this scheme would deliver.
- The scheme delivers both and its adverse environmental impacts can be mitigated.

Congresbury Parish Council

The Parish Council's full comments are set out in appendix 1. They can be summarised as follows:

The Parish Council objects for the following reasons:

- The proposal on accounts of its scale and location outside the Congresbury Settlement Boundary conflicts with policies CS14 and CS32 of the North Somerset Core Strategy.

- The proposal conflicts with policies H1a of the Congresbury Neighbourhood Development Plan (CNDP) because it would exacerbate traffic impacts on the A370 / B3133 Smallway and A370 / B3133 High Street traffic junctions, which are already operating near to or over capacity. The Parish Council (PC) also has concerns about the impact of the proposal on the wider road network and certain junctions, and it considers the limited width of Mulberry Road, including pinch-points, roadside parking, the swept path analysis, is not suitable for the projected level of traffic that would arise from the proposed development.

- The proposed development is removing a large amenity green space that is connected to footpaths along the river and into the village. The plans will urbanise the east side of Congresbury. Residents of streets including Park Road, Dickenson's Grove, Cadbury and Bramley Square, Homefield and Brinsea Road will have further to walk to access our green and open spaces. This goes against the Congresbury vision to ensure sites are accessible to all. The PC objects to moving the public footpath that stretches across the field and is a very well used amenity by the village.

- The north-east corner of the site is in flood zone 3 and during peak rainfall, the field contain surface water as infiltration rates are poor, and water will need to be removed from site, without adding additional pressure on local water courses. The Parish Council considers the size of the attenuation pond would out of character (impact on Park Farm listed buildings) and gives rise to safety concerns given the nearby proposed revised public footpath. It also has concerns about the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.

- An appeal decision from 2000 (APP/D0121/A/99/1031669) for a 25-house development was dismissed. The appeal decision refers to the Park Farmhouse as a Grade II Listed building and that special regard is paid to the desirability of preserving the setting of the listed building. The construction of the proposed development and the means to it would visually and separate the farmhouse from the previously associated farmland and would thus have a harmful effect on the setting of the listed building. The Parish Council considers that if the development is permitted by North Somerset Council the green buffer outlined would not be adequate and as a minimum must be substantially increased to the top section of

the field adjacent to the historic Park Farm. In addition, landscaping must be provided to vision screen completely the development from the heritage asset.

- The bat surveys were undertaken in 2019/20 and further bat surveys should have been undertaken, as the site is in such a sensitive location for bats. Off-site bat mitigation is required, but the application does not include this. Other concerns including the impact on bats include methods to reduce light spill from the development, and insufficient information to demonstrate how dark corridors would be achieved.

- Concerns regarding the capacity of surface water and foul sewers to cater for the extra demands placed on it.

- The development should incorporate houses that are suitable for older people. Notwithstanding the applicant's intention to provide a mix of 1 to 4 bed dwellings, they expect a firmer commitment to this breakdown, which has not been provided. They also note a discrepancy in the proposed density of the development amongst the application documents and expect this to be clarified (CRAG below make the same comment).

- The regime to maintain the proposed children's play area, informal footpaths and public open space are not specified.

- There are misleading and inaccurate statements about the proposed housing density.

In response to further information submitted the Congresbury Parish Council raised the following objections:

- Proposed development does not adhere to current planning policies of North Somerset Council and Congresbury Parish Council. The application fails Vision 6 of North Somerset Core Strategy for Service Villages Sates and Policy SC14. There is no evidence to support the need for development outside of the settlement boundary and site is not currently listed on the North Somerset Site allocation schedule. Proposals go against policies H1 (b) Sustainable Development and Location Principles, H2 (b) Sustainable Development Site Principles and Policy H3 Housing Allocations in the Congresbury Parish Council Neighbourhood Development Plan 2018-2036.

- Proposed development is out of character for the village and has an impact on the visual nature of the village boundary. Proposed buildings are at a too high density for a rural village, lacks proposals for bungalows and new proposals for 2.5 storey homes are out of character.

- Concerns raised regarding number of highway safety issues. The development poses a danger to those entering and exiting the site as access road is inadequate.

The pedestrian crossing on B3133 is inadequate. Increased traffic on the B3133 adding to issues at the junction on A370.

- The development will have an adverse impact on the ecology and environment. Protected Bat species and other wildlife including slowworms and possible otter habitats will be harmed. This loss of habitat for protected species means this is not a sustainable development.

- Proposal is inadequate in its design for drainage, flooding, wastewater and pollution prevention. There are issues with attenuation pond related to safety and visual impacts.

- Proposal would increase the urbanisation of a rural community and reduce the green space available to residents of Congresbury. Lead to reduced access to green and open spaces and the moving of the public footpath contrary to the 'Congresbury Neighbourhood Development Plan Community Action T2 (f) to maintain and wherever possible improve the network of public rights of way within the village.

- Concerns regarding the impact on heritage in this area. The green buffer outlined in the Heritage Statement would not be adequate and as a minimum must be substantially increased to the top section of the field adjacent to the historic Park Farm and landscaping must be provided to vision screen completely the development from the heritage asset.

<u>Congresbury Residents Action Group (CRAG)</u>

The application should be refused on the following grounds:

1. Non-compliance with planning policies and creation of a planning precedent
2. Adverse impact on landscape
3. Adverse ecology consequences, particularly because it would result in the loss of a valuable bat habitat which cannot be replaced in the site, the so-called dark corridors in the site are unlikely to be achievable and inadequate information has been provided in respect of the off-site mitigation in terms of its location, biodiversity value and on-going management. No evidence is provided to show that a Habitat Regulations Assessment has been adopted by North Somerset Council.
4. North Somerset Council should be applying a Biodiversity Net Gain requirement of at least 10% if this application is to be approved.
5. The developer must take 'appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects' both during and after construction, and that they should have surveyed the habitat and undertaken a presence/absence survey; however, EAD Ecology's Ecological Impact Assessment (EIA) did not include otter surveys.
6. The applicant should be required to commit to measures to avoid and mitigate against otter disturbance, for example, providing fencing and funding for new otter

holts, and new wet woodland / wetland creation as offsite mitigation in the immediate vicinity of the development site.

7. Flood risk and drainage issues
8. Significant travel and transport issues, resulting in an unsafe and unsustainable development.
9. Development on the site has been previously considered and dismissed in the 2000 housing appeal
10. The local primary school is already at its capacity such that the proposal would result in pupils having to be transported out of Congresbury to other schools. This compounds the unsustainable nature of the proposal.
11. The development goes against the landscape character of the area and is outside the village development boundary, but even without this, the net density of 51 units per hectare is too high for village fringe, and 2.5 storey houses at the outer village perimeter is unacceptable for the character of the area, push light higher which will add to light pollution and impact on bats, and may open up the field beyond to potential future development.
12. The previous planning appeal to build up to 25 units was refused due to impacts on the countryside and heritage – this remains the same.

The following additional comments/objections were received by CRAG in response to further information submitted:

- Site only included in the Preferred Options consultation document because it was submitted by developer through the Local Plan 'calls for sites' process. At present time only the adopted Local Plan should determine decisions and weight should be given to polices CS32 and DM8. Site is not in an appropriate location for development.
- Revised access plan cannot be considered acceptable before the results of a Stage 1 RSA are published. Concerns regarding the lack of public transportation and sustainable transport in the area.
- Development would destroy site's Historic Landscape Characterisation.
- Questions the public benefit of the scheme as it does not 'outweigh the harm' it would do to a designated heritage asset. Enhanced screening would damage present surroundings of designated heritage asset.
- Site contains an archaeological Monument (MNS2254 in the North Somerset Council Historic Environment Record). The EIA and proposed development design do not recognise or propose to conserve/retain these important heritage features nor the historic right of way.
- Loss of established bat habitat in such a strategically important location for bats is unacceptable. Mitigation measures are insufficient and offsite mitigation not provided for the loss of grassland habitat or disturbance to range of species such as grass snake, slow worms and otters both during and after development work.
- Development of the proposed application site prior to the improvement of mitigation land is unacceptable. Any proposed improvements must be guaranteed to be in perpetuity. Proposed 'dark corridors' for bats not achievable due to lit pedestrian

routes and taller houses of 2.5 storeys spilling light. This impact has not been assessed in the HRA.

- Proposed offsite mitigation not adequate, unclear how site can be enhanced and its location within Flood Zone 3/flood water storage area indicated high probability of flooding
- Drainage issues should be addressed as part of planning application and not left for reserved matters, concerns remain regarding increased flood risk, lack of pollution prevention and sewage removal from site.

Their full comments elaborate these points in more details and can be viewed on the Council's website.

Natural England

Following receipt of further information from EAD Ecology on 21/02/2023 (Shadow Habitats Regulations Assessment, dated February 2023) and on 11/08/2023 (Technical Note, dated 9th August 2023), Natural England is satisfied that the specific issues raised in previous correspondence relating to this development have been resolved. NE therefore considers that the identified impacts on the North Somerset and Mendip Bats Special Area of Conservation can be appropriately mitigated with measures secured via planning conditions or obligations as advised and withdraw its objection.

The applicant's proposed off-site habitat to replace that is lost to the proposed development, which is nearer to the SAC, is directly connected to the Congresbury Yeo, and also other land which is managed specifically for Horseshoe bats is suitable mitigation. The HEP calculations both in respect of on-site and off-site replacement habitat are accepted. If planning permission is granted planning conditions will be required to secure:

i) Submission of a Construction and Ecological Management Plan, to protect existing habitats on site and ensure the protection of Priority Species;
ii) Submission of a Landscape and Ecological Management Plan for the development site, to ensure implementation of the commitments in the Ecological Constraints and Opportunities Plan and planting of new landscaping at the earliest opportunity following Commencement of Development;
iii) Submission of a Greater Horseshoe Bat Management Plan to ensure implementation of the objectives for off-site mitigation at the earliest opportunity, following the grant of any planning permission.

Notwithstanding this, North Somerset Council is responsible for producing a Habitats Regulations Assessment under Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

Environment Agency

No objection providing that the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met and

subject to the conditions in the Recommendation below, included within the Decision Notice

Wessex Water

The applicant proposes the surface water generated by the developed site will be attenuated on site within a detention basin with an outfall to local watercourse at a restricted rate of 9 litres/second. Where elements of this system are offered for adoption by Wessex Water the system must be in accordance with Sewerage Sector Guidance and the Design and Construction Guidance. If the application gains outline approval, Wessex Water expect to see SuDS components designed with multiple benefits included in future detailed applications (in line with Wessex Water's SuDS Adoption requirements).

The applicant's foul drainage strategy proposes the foul drainage from the site drains to a new on-site pumping station with flows pumped to the existing public foul network in Mulberry Road. Further appraisal of this strategy will be required if the application gains approval. Sewer network computer modelling will assess the impact of the additional flows on the downstream catchment and determine a point of discharge to the public foul sewer. If detriment to existing levels of service are predicted, Wessex Water may require additional storage at the site's proposed pumping station to limit the impact on the downstream network. Any additional storage will be funded by Wessex Water through the current charging scheme. This can be addressed through a planning condition.

Bristol Water: No objection.

Avon & Somerset Police: No objections, although preliminary comments are made regarding layout should outline permission be granted.

Planning Issues

The principal planning issues in this case are (1) the principle of development; (2) transport and traffic; (3) flood risk and drainage; (4) impact on the character and appearance of the area; (5) ecology; (6) density, mix and tenure, (7) heritage assets; (8) other matters.

Issue 1: The principle of development

Planning law (the Town and Country Planning Act 1990, section 70(2) and Planning and Compulsory Purchase Act 2004, section 38(6)) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Housing supply is one such consideration.

Paragraphs (paras) 7 and 8 of the National Planning Policy Framework ('the NPPF') says the purpose of the planning system is to contribute to sustainable development, which has three overarching objectives: economic, social, and environmental. Para 9 says these objectives should be delivered through development plans and through policies in the NPPF. Para 11 says planning decisions should apply a presumption in favour of

sustainable development. Whether a development is sustainable, or not, should be judged against policies in the NPPF, taken as a whole.

While there are a broad range of planning policies to consider, for the purposes of NPPF para 11, the 'most important policies' for this application are housing policies CS13, CS14, CS32, SA2, H1, H2 and H3, flood risk policy CS3, landscape policies CS5, DM10 and EH4, and ecology policies CS4, DM8 and EH4. The weight that should be given to these policies depends on their age, their consistency with NPPF policies, and whether, or not, they are deemed 'out-of-date'.

Footnote 8 of the NPPF says the 'most important' policies will be treated as out-of-date where "the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer)". A planning appeal decision in June 2022 for Farleigh Farm, Backwell concluded that the Council's housing land supply was 3.5 years. This remains the most recent tested position. As a consequence, the most important policies are therefore deemed out-of-date, and have reduced weight in deciding this application.

In this scenario para 11d of the NPPF says planning permission should be granted for sustainable development unless:

> *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
> *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

'*Assets of particular importance'* are defined in Footnote 7 of the NPPF as: habitats sites, Sites of Special Scientific Interest; Green Belt: Areas of Outstanding Natural Beauty; designated heritage assets and areas at risk of flooding. None of these assets would provide a clear reason for refusal in this case.

Policy CS13 sets the housing requirement for North Somerset over the CS period, and CS14 is the distribution strategy. CS14 supports 'small-scale' housing development abutting service village settlement boundaries, which CS32 defines as about 25 dwellings, subject to environmental criteria. While the scale of housing conflicts with the development plan, the housing policies are, for the reasons outlined above, deemed to be out-of-date, and have reduced weight in deciding this application. The provision of up to 90 homes (with a policy complaint figure of 30% affordable housing), would be contribute towards the council's housing supply shortfall and this should be given significant weight.

It should also be noted that the emerging local plan identifies the site (referred to as 'Pineapple Farm') as a proposed housing site with a notional capacity for 90 homes. Whilst this is still an emerging plan it is nevertheless a material consideration to be taken into account.

Issue 2: Transport and Traffic

Policies CS10 and DM24 support development that is safe, and which allows for a choice of travel modes, while DM25 promotes the protection and enhancement of public rights of

way. A Transport Assessment (TA) and Travel Plan (TP) has been provided with the application, in accordance with Policy DM26 (Travel Plans).

The expected increase in traffic, including AM and PM peak flows would operate well-within the road and junction capacities and without any adverse impact on road safety. The site is also within an acceptable and practical walking distance of most local services and facilities in Congresbury including a convenience store, a bakery, a post office, a takeaway, and a butcher, and the nearby precinct. Brinsea Road (north and south bound) bus stop are about 400 metres from the site and these stops are serviced by the 'A2' service. The 'X1' Weston Super Mare to Bristol service stops at Station Road (approximately 1.4km walking distance), with services every 15 minutes during the day.

Pedestrian routes to these facilities are well-lit and adequately surfaced. The safety of more pedestrians crossing Brinsea Road to reach these facilities is, however, contingent on a new pedestrian crossing being provided in Brinsea Road and the developer would be required to meet the full costs of delivering this crossing. The exact location and type of crossing (either signal controlled or a zebra type) would need to be determined by the Council's planned traffic calming works in Brinsea Road.

Vehicle access to the site is from Mulberry Road. Full details of the design of the access road and visibility splays are provided as part of the application. This shows:

- A minor re-alignment of the initial section of the access road into the site from Mulberry Road, in that a 2 metres wide footpath alongside the road is required. The proposed alignment would partly encroach into the side and front to the adjoining house at 19 Mulberry Road.
- The mouth of the access road, nearest to Mulberry Road, would be 6.7 metres wide, whereas the remainder of its width is 5.5 metres.
- Pedestrians are given priority across the mouth of the vehicle access through a continuous footpath in accordance with NSC's active travel first approach.

The entrance point has been assessed as safe for pedestrians, cyclists, and motorists. While the site is within the statutory walking distance of the nearest primary school (up to 2 miles), it is at full capacity and is projected to remain so. Primary school age pupils would therefore need to attend another primary school(s) outside the statutory walking distance. Home to school travel costs for primary and secondary school children would therefore need to be met by the developer. It is not ideal for pupils to be transported to other schools, but planning policy allows for such outcomes to be mitigated. The same applies to secondary aged pupils. The travel costs would need to be provided through a S106 financial contribution. This and other transport related development requirements that arise from this proposal are set out below:

- Home to School Transport cost of £964,536.91. This covers a 10-year period, which is the standard length of time that can reasonably be claimed for.
- Public Transport contribution of £100,000 to provide support to local bus service(s) operating in the immediate community.
- Public Transport contributions of £40,000 for bus-stop improvements
- Traffic Regulation Order (TRO) contribution of £3,600 for parking restrictions around site access road.
- Strawberry Line signage improvement contribution of £2,000.

- Sustainable Travel Vouchers at £150/dwelling.

In the case of the TRO funding, this would be used to carry out double yellow lining near to the access point in Mulberry Road, should the need arise. The sum concerned could however be held for 10 years, which would allow for monitoring to see if parking restrictions were, in fact, necessary.

One of the PRoW's crosses the site on a diagonal south-east to north-west alignment. The other is from north to south close to the east facing site boundary. The relationship of any new development to the public footpaths would be addressed at the reserved matters stage. Any proposal to divert a public footpath would require separate approval from a formal process that is separate to the planning application process.

There are no transport and traffic reasons to refuse the application subject to the appropriate planning obligations, and planning conditions and the proposals comply with development plan polices identified above.

Issue 3: Flood Risk and drainage

All forms of flood risk affecting a development site should be considered including tidal, fluvial and reservoir breach. Most of the application site is Flood Zone 1 (FZ1). This is the lowest flood risk classification and there is no in-principle objection to housing being built in FZ1. The north-east corner of the site (about 5% of the site) is on lower-lying land, and this falls within fluvial Flood Zones 3a and 3b. The applicant's parameter plans show that this area is to be used as public open space and flood attenuation areas, which are acceptable uses in FZ3a/3b.

Flood risk mapping also shows that about 30% of the application site is an area at potential risk of reservoir flooding from Blagdon Lake, should it fail. Government advice identifies 3 categories of reservoir risk designation: 'high risk'; 'not high risk'; and 'not determined yet'. In this respect the National Planning Policy Guidance (NPPG) makes clear that *"…if development is to be considered in an area at risk of reservoir flooding that the developer should contact the reservoir owners to understand the flood risk in more detail and how development could be affected."*

The owners of Blagdon Lake are Bristol Water. The applicant was advised by them to seek their own advice on the risk of reservoir flooding from an 'All Reservoirs Panel Engineer' from the government accredited list. Subsequently the applicants submitted a Reservoir Flood Risk Report dated 30th June 2023, prepared by a member of the panel. The conclusions reached in the report are summarised as follows:

- *The available government maps overestimate the flood risk extent that can be anticipated as a result of failure of Blagdon dam due to conservative assumptions used in the specification for the hydraulic modelling. It cannot be said that there is no reservoir flood risk to the development area but only a small fraction of the area could conceivably be affected.*
- *The annual probability of the risk occurring at the site is in the order of 1 in 100,000 which is not a societal risk normally considered as a constraint to housing development. Societal expectations of the government in keeping people safe from flooding does not usually extend to consideration of events of such low probability.*

- *There is a theoretical risk that the development could impose a requirement for safety improvements at Blagdon dam which would a matter for Bristol Water to consider. It is anticipated that the chance of the development materially affecting the safety management of the reservoir would be virtually nil given the existing high level of hazard posed by the reservoir and the very small additional hazard associated with the development.*

Bristol Water has raised no objection to the conclusion reached in the report. Whilst the Council's Flood Risk Management Team acknowledge that the risk of reservoir flooding is low, it is considered that a residual risk remains. The residual risk is present for the lifetime of the development i.e. 100 years and over that time the condition of the reservoir bank may deteriorate. The most practicable way to manage the risk is to make the properties potentially impacted resilient to flood risk. This can be addressed through a planning condition and at the reserved matters stage..

Notwithstanding this, policy CS3 and the NPPF requires applicants for major housing development, such as this, to provide a Flood Risk Assessment (FRA) to demonstrate that the proposed development includes measures to reduce the risk of the site from being flooded, and to prevent the development from increasing flood risk beyond the application site, taking account of future climate change projections.

The applicant's FRA contends that the proposed homes will be flood-free for the 100-year (plus Climate Change) and 1000-year events, and that safe routes of access and egress can be provided. The Council Flood Risk Management Team agree with these conclusion, but final technical and management details of a surface water drainage scheme would be required as part of a reserved matters application. This can be dealt with through planning conditions.

Some objectors say the lack of permeability caused by the local ground conditions may result in a larger and deeper water attenuation area than that shown in the indicative Master Plan. Others say a pond adjacent to public footpaths and public open space raises safety issues. The precise size of the pond would be determined by technical information to accompany a reserved maters application. This would need to agree its depth, gradient, profile, discharge points and flow rates into nearby water courses, and ongoing management/maintenance regimes, and include public safety measures. There is no reason at this time to consider it could not be made safe.

To meet the foul drainage requirements, a new pumping station would be required to discharge to the existing foul sewer network in Mulberry Road. Wessex Water confirmed that it does not object to the principle of the development, but it does require further appraisal work to assess the impact of the additional flows on the downstream catchment and determine a point of discharge to the public foul sewer. This could potentially require

additional storage at the site's proposed pumping station to limit the impact on the downstream network. This matter can be controlled under a planning condition.

There are no flood or drainage related reasons to refuse the application and any residual matters can be controlled through planning conditions.

Issue 4: Effect of the proposed development on the character and appearance of the area

Policy CS5 *('Landscape and the historic environment'*) is concerned with landscape character, in terms of protecting and enhancing the distinctiveness, diversity and quality of North Somerset's landscape and townscape. This is translated into practical guidance by policy DM10 *('Landscape'*). This policy says development proposals should not cause unacceptable adverse impacts on the designated landscape character, to respect the tranquillity of the area, conserve natural or semi-natural characteristics and be carefully integrated in to natural and built environments. An assessment on what is an unacceptable adverse impact typically rests with the scale, type, and location of the proposed development. CS5 and DM10 accord with para 8c and 130c of the NPPF. To that extent they should still be given significant weight.

Policies CS5 and DM10 refer to the 'North Somerset Landscape Character Assessment Supplementary Planning Document' 2018 (LCA). DM10 says development should not have an unacceptable adverse impact on the designated landscape character as defined in the LCA. The site forms part of the *'J2 River Yeo Rolling Valley Farmland'* Landscape Character Area, which is an extensive area of undulating lowland. Its key characteristics include a gentle rolling landform, rural pastoral landscape, irregular medium sized fields, small orchards, and scattered farmsteads. The site is in an area described as of *'moderate'* character, with the landscape in *'good'* condition. The landscape strategy is to conserve the peaceful, rural nature of the landscape with intact pasture and field boundaries.

The Council's 2018 Landscape Sensitivity Assessment (LSA) is also a material consideration. It is part of the evidence base for the emerging local plan. It was carried out by independent consultants for the Council and its aim is to provide a context for the allocation of sites for housing development and a sound basis on which decision making can be informed with regard to ongoing and future site assessment and the determination of potential planning applications.

Land in the LSA is either categorised as having a: "High", "Medium" or "Low" sensitivity. Land with a low sensitivity may be considered suitable as potential housing land, subject to other planning issues. The LSA says (para 6.3.48) *"Land to the south-east, at Park Farm, is generally flat and is well-enclosed by hedgerows and trees. In addition, there is an allocated development site to the south of this land. Owing to the above, this land is of '**low'** sensitivity."*

Some objectors say a low sensitivity does not reflect how it is perceived and used, and its sensitivity is higher than is categorised in the LSA. They say it should not be allocated for development, despite it being identified for housing in the emerging local plan. Other objectors point out that that the planning appeal was dismissed in 2000 because that proposal was judged to harm the rural character of the landscape, and nothing has

changed in that respect. They say this proposal, because it is a much larger scheme than the dismissed appeal, would have a more harmful impact on the appearance of the area.

The applicant's Landscape and Visual Impact Assessment (LVIA) considers the projected impact of the proposed development on the appearance and character of the area. It includes a good range of viewpoints of the site, and the likely impact of the proposed development on the character and appearance of the area can be anticipated. Some further close or mid-range viewpoints of the site, such as views from PRoW's further from the sight might enhance the overall understanding to some extent, but not significantly. The scope of the LVIA is therefore acceptable and conclusions accepted.

The AONB is about 3.5 kms from the appeal site at its nearest point. Elevated views from the AONB towards the application site may identify the development in the wider landscape but at this distance it is likely to appear as a slither of development in a much wider vista, including other built-up areas such as Langford and Congresbury.

The proposal would change the character and appearance of the site from a green rural edge to an extension of the built-up area. This will harm its character and appearance to some extent making it contrary to the referred planning policies. This harm should, however, be contextualised in that the site is not subject to statutory landscape designations and has a relatively low sensitivity in the wider landscape hierarchy. The level of landscape harm is, therefore, no greater than moderate overall, notwithstanding the local sensitivity to the proposed development. The site is too distant from the Mendip Hills AONB to have any more than a very low impact on views from it.

Issue 5: Ecology

The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. The Conservation of Habitats and Species Regulations 2017 also apply. Its objective is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora, and it sets out legislative protection measures for such habitats and species. These Regulations provide protection for designated sites supporting internationally important habitats or populations known as 'European Sites'.

Core Strategy policy CS4 ('Nature Conservation') requires biodiversity to be protected, maintained and enhanced, ensuring that biodiversity net loss is avoided and net gains are achieved wherever possible. CS4 translates into practical guidance through policy DM8 ('Nature Conservation') of the DMP. DM8 says development which could harm legally protected species, or Section 41 'Priority' species and habitats will not be permitted unless the harm can be avoided or mitigated by appropriate measures. Furthermore, development proposals should:

- ensure that compensatory provision, within the site or immediate vicinity, of at least equivalent biodiversity value, should be provided where the loss of habitats is unavoidable.
- Provide long-term management of retained and newly created features of importance to wildlife.
- Monitor key species to evaluate the impact of site management.

Policy EH4 of the CNP is also relevant. It says development proposals should (including but not limited to):

- maintain and enhance the connectivity of all green corridors and not result in the loss or deterioration of irreplaceable habitats,
- be designed to limit the impact of light pollution from artificial light on local amenity and nature conservation.
- include natural landscaping using native species and incorporate existing hedgerows, wetland areas and other wildlife features where it is practicable to do so

Policies CS4 and DM8 are NPPF compliant having regard to para 174d, 179b and 180a. To that extent, they should be given significant weight.

The North Somerset and Mendip Bats Special Area of Conservation (Bat SAC) Guidance on Development: SPD (2018) is also relevant. This relates to the populations of greater and lesser horseshoe bats associated with the various components of the Bat SAC. A key component of this guidance is for the mitigation for bats set out in a Habitat Evaluation Procedure (HEP). This has an accompanying 'calculator' to determine the quantity of replacement habitat required for lesser and greater horseshoe bats.

The application site is about 900 metres from the Kings Wood and Urchin Wood Site of Special Scientific Interest (SSSI). This is part of the North Somerset and Mendip Bats Special Area of Conservation (SAC) and is in an area known to be particularly important for foraging horseshoe bats. The site is also within consultation band A of the North Somerset and Mendip Bats SAC Guidance Supplementary Planning Document.

The applicant has carried out bat detector surveys. This shows multiple bat species forage or commute within the site. Common pipistrelle and soprano pipistrelle were the most abundant species recorded, but greater and lesser horseshoe bats were also recorded at the site. The applicant's Ecological Impact Assessment identifies several opportunities to retain key features within the site to create 'green corridors' to retain foraging routes and connectivity between the habitat features within the site. Notwithstanding this, the development would result in a significant loss of bat habitat equivalent to approximately 1.75 hectares of land. This cannot be re-created on the development site, and offsite mitigation would be required to ensure the favourable conservation status of these European Protected Species is achieved.

The applicants' shadow Habitats Regulations Assessment (HRA) proposes off-site mitigation to the south of Millennium Mews and north of the River Yeo. The site is approximately 475m to the north of the proposed development site and it is crossed by three Public Rights of Way (AX16/4/20; AX16/27/20 and AX16/2/10), one of which passes diagonally through its centre, the two others are along the site boundaries. The mitigation land is in Zone A of the North Somerset and Mendip Bats SAC. It is also close to other mitigation land associated with the development at Furnace Way, including habitat mitigation land that is managed by Yatton and Congresbury Wildlife Action Group (YACWAG).

Management measures for the mitigation land include:

- low intensity conservation grazing, and retention/enhancement of the boundary habitats, including planting of scattered shrubs and trees adjacent to the northeast boundary to provide sheltered habitat for invertebrates.
- Some fencing-off (segregation) of the land
- grassland enhancement management
- public access retained with signage provided, to discourage walkers from trampling the conservation grassland.

In-perpetuity management and monitoring proposals for the offset site would be specified in a Greater Horseshoe Bat Management Plan, to be secured through a Section 106 agreement. Natural England has no objections to the application subject to mitigation measures subject to the inclusion of minor additional information in the shadow HRA.

In terms of other ecology effecting the planning application site, the other conclusions of the Ecological Impact Assessment were that

- The pond on site and further ponds / drainage channels identified off-site within 250m, provided suitable breeding habitat for amphibians, including great crested newt which is a legally protected Priority Species.
- Grass snake and slow worm were recorded on the site.
- The site provided suitable nesting and foraging habitat for common/widespread bird species, including dunnock.
- Unsuitable nesting habitat for a Schedule 1 bird species.
- Survey indicates dormouse were absent from the site.
- No badger setts were recorded within the site boundary.

Policy requires development proposals to avoid, mitigate and, as a last resort, compensate for any negative effects on reptiles. Observations from Natural England indicate that areas with the open space on site provide scope to protect and avoid harm to slow worms, and these areas should be managed for reptiles and not be accessible to the public.

Overall, it is concluded that there are no ecology/biodiversity reasons to refuse the application subject to planning conditions/obligations and the off-site mitigation land being provided and managed.

Issue 6: Density, mix and tenure

Some objectors say the number of dwellings proposed on this site is excessive, the density is too high and the scheme would out of character with the lower density edge of village. Policy DM36 (‘Residential densities’) of the Sites and Policies Plan seeks to strike a balance between optimising the potential of the site to accommodate whilst protecting or enhancing the distinctiveness and character of the area.

Up to 90 dwellings on a site that is approximately 3.3 hectares equates to a gross density of circa 27 dwellings per hectare (dph). The net density excluding areas of public open space, surface water attenuation, landscape buffers and roads is however about 44 dph. This is a higher density than nearby housing, but it is not excessively high. Up to 90 dwellings accords with the notional target for this site in the emerging development plan. The acceptability of a scheme will depend on the design, scale, and layout of housing and green spaces, all of which are reserved matters.

The applicant's parameter plans show the extent of building plots within the site, building heights, movement, and green infrastructure. An indicative Master Plan is also included with the application but is not binding on the applicant nor the Council. Officers have, nevertheless, provided some feedback on this to the applicants, which indicated it is unlikely to be supported in its current guise. There is no reason to suppose these matters could not be resolved through reserved matters.

Policies CS15 (Mixed and Balanced Communities) and DM34 (Housing Type and Mix) require development proposals to contribute to a mix of housing types, by reducing the proliferation of dominant housing types in neighbourhoods and encouraging a broader range and better balance of housing that better meet housing needs, contributes to an improved local environment, and support greater community cohesion.

The applicant's Design and Access Statement proposes a mix of 1 to 4-bedroom homes, with a policy (CS16) compliant 30% of the dwellings being 'affordable housing', subject to viability, which CS16 allows for. The range of house sizes and tenure does suggest a good mix of properties that would meet the desired aims of CS15, CS16 and DM34. The housing mix and tenure is broadly acceptable, but this is a consideration for a reserved matters application.

Issue 7: Heritage Assets

A geophysical survey of the site in November 2020 indicated no evidence of structures or features of archaeological interest. Further analysis through trenching works should, however, be undertaken and the results issued, as this could have a bearing on a reserved matters application, particularly the layout of the development. This can be addressed through a planning condition.

The application site contains no above-ground designated Heritage Assets and there are no scheduled monuments on or close to the site. The site is not located in a conservation area and has no obvious intervisibility with the Congresbury Conservation Area, which begins approximately 325m to the north of the site.

The nearest Listed Building to the site is Park Farmhouse which is a Grade II listed building approximately 40m north of the site boundary. The proposed development will alter the rural landscape to the south of the listed building. The application site was formerly part of a larger medieval deer park, which was originally associated with the historic farmstead. The proposal would harm the setting of the listed building, but this is considered at the lower end of 'less than substantial harm'. This harm is, nevertheless, contrary to policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Part (1) Section 66 of the of The Planning (Listed Buildings and Conservation Areas) Act 1990, requires that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority…shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Para 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be

given to the asset's conservation. Para 202 of the NPPF requires that where a development proposal would "lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

In the 2000 appeal decision for 25 dwellings the Planning Inspector considered that proposal would have harmed the setting of the listed building, not least because vehicle access to the site would have passed through the curtilage of the listed building, cutting the main farmhouse off visually from is associated historic barns.

While the current proposal is a much larger in comparison, it is separated from the listed building, and vehicle access to it is from Mulberry Road. The applicant's Green Infrastructure Parameter Plan shows that the northern extent of the proposed housing is set back about 30 metres from the northern site boundary and curtilage of the Park Farmhouse. This margin would comprise linear public open space and a green buffer. This distance and soft green edge would mitigate the impact of the proposal on the setting of the listed building. This can be further addressed at the reserved matter stage.

Due regard has been given to the desirability of preserving the building and its setting and great weight needs to be given it its conservation. However, the level of harm is at the lowest end of less than substantial. This is considered further in the planning balance at the conclusion of this report.

Other Listed Buildings near to the application include Collin's Bridge, over the River Yeo (150m north west); Yeoman's Orchard (160m south); and Pineapple Farmhouse (125m south). These are not considered to be harmed by the proposal.

Issue 8: Other matters

<u>Impact of the development on the living conditions of near neighbours</u>

The west, south and part of the north boundaries of the application site adjoin housing in Park Road, Mulberry Road, Potters View respectively. In most cases, the dwellings that adjoin the application site have rear habitable windows and rear gardens facing the site. Some neighbours have raised concern about new dwellings being built too close to their boundaries, and the potential adverse impacts such as being over-bearing, resulting in a loss of privacy, and/or reducing their views of the countryside.

The layout and appearance of the development are reserved matters and the impacts of the development on the living conditions of near neighbours would therefore be considered at that stage. The Council's Residential Design Guidance SPD sets out the standards that are expected to be achieved to maintain acceptable mutual living conditions. There is no reason to consider that the development could not be designed to achieve an acceptable relationship to the living conditions of its neighbours.

<u>Agricultural Land Classification</u>

Paragraph 174b of the NPPF says 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…" About 80% the site is potentially Grade 2 agricultural land ('Very Good Quality') with the rest being Grade 3. Grade 3 agricultural land is divided

into sub-grades 3a (good quality) and 3b (moderate quality) respectively. It is not known whether the Grade 3 land is graded 3a or 3b, which is usually established by a combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land The loss of Grade 2 agricultural land is a material consideration that weighs against the proposal but is not sufficient to warrant refusal of the application.

Potential for Ground Contamination

The site comprises undeveloped land with no evidence of potentially contaminative processes or materials within or adjacent to the site. The applicants have submitted a preliminary assessment to determine the potential risks from contamination and to identify potential geotechnical risks and constraints. The report says that to identify actual ground conditions and to confirm the assumptions drawn from the desk study, an intrusive investigation would be required. This can be secured through planning conditions.

Trees

There are no Tree Preservation Order affecting the site and there are no adverse impacts on trees to warrant reasons for refusal. An arboricultural report would however be required as part of a reserved matters application, identifying how trees would be retained during development. Landscaping is a reserved matter and will be required to show all vegetation to be retained and new planting.

Housing Design Requirements

Policy DM42 requires dwellings to comply with the DCLG's *'Technical housing standards – nationally described space standards'.* This requirement can be controlled through a planning condition. DM42 also requires housing proposals to include a proportion of dwellings constructed to Category 2 standard of the Building Regulations. These requirements can be addressed through planning conditions and a reserved matters application.

Policy CS2 of the Core Strategy requires that 15% of the ongoing energy requirement for the use of the development should be met through micro-renewable technologies. This requirement is over and above energy savings that can be made through the design and construction of dwellings, which is often referred to as the 'fabric first' approach. The Council's 'Creating Sustainable Buildings and Places in North Somerset SPD' 2021 advises that developers should choose a renewable energy technology that gives the best performance, is cost effective and has no insurmountable impacts on the surrounding area. The process for determining which technology is used should be detailed within the sustainability/energy statement. This requirement can be also addressed through planning conditions and addressed through a reserved matters application.

Issue 9: Planning Obligations and Community Infrastructure Levy (CIL)

The Council's Community Infrastructure Levy (CIL) which commenced in 2018, applies a standard charge which developers must comply with. This requires developers to pay towards the cost of infrastructure, the demand on which would be increased by the proposal. Money from CIL can be used towards the following: education; community and

leisure uses, green infrastructure, flood risk and drainage, transport and travel, and a range of other services including health services.

Planning (Section 106) obligations are separate to CIL. These can also apply depending on the projected impacts of the proposal. For a matter to be dealt with under S106, it must be:

(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.

Planning obligations required for transport and travel matters in this case include:

- Home to School Transport
- Public transport to provide support to local bus service(s) operating in the immediate community.
- Public transport contributions for bus-stop improvements
- Traffic Regulation Order (TRO) contribution for parking restrictions around site access road – should this be required.
- Strawberry Line signage improvement contribution
- Sustainable Travel Vouchers
- 30% of the dwellings to be as 'affordable housing' to be on site as part of the development. The applicant would have to demonstrate viability issues for the Council to consider a lower percentage
- Delivery of Neighbourhood Open Space, Woodland, and an equipped Play Area together with commuted maintenance sums
- Delivery of off-site Bat Mitigation land with a management / maintenance plan

The applicant confirmed their agreement to meet these requirements. The applicant has also offered £150,000 towards the cost of building a medical centre that is currently proposed under a separate planning application for 47 dwellings and a medical centre surgery on land off Smallway, Congresbury (planning application number 22/P 1142/FUL). It has not been demonstrated how it meets the above test and therefore is not given weight at this stage.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

Equalities assessment

The Equalities Act 2010 sets out the Public Sector Equalities Duty ("PSED"). Case law has established that this duty is engaged when planning applications are determined and consequently this duty has been applied in the determination of this application. Due regard has been paid to the need to eliminate discrimination and promote equality with regard to those with protected characteristics.

Conclusion and Planning Balance

The scale of the proposed development conflicts with the relevant housing policies CS14 and CS32 in the development plan. As outlined in the report, the Council cannot demonstrate a five-year housing land supply, with the most recent tested position indicating supply stands at around 3.5 years. In the absence of a 5 year housing land supply, paragraph 11 of the NPPF deems that the policies which are most important for determining the application are out of date which means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

The delivery of up to 90 new homes is a benefit that should be afforded substantial weight. It would provide a significant contribution to the council's housing land supply in accordance with the Government's objective of significantly boosting the supply of homes, as set out in paragraph 60 of the NPPF. The proposed development would also provide the policy-compliant figure of 30% affordable housing. This further benefit too should also be afforded significant weight.

The provision of up to 90 new homes would give rise to some economic benefits as a result of the temporary jobs created during the construction phase. Due to its relatively temporary nature this is afforded limited weight in favour of the development.

The proposal would harm the appearance of the site, but there are no statutory landscape designations affecting the site. Limited weight is therefore given to the landscape impact. In terms of the test set out para 11 of the NPPF, this harm is not so adverse as to override the benefits of the development.

In the case of the impact of the development on the setting of the Grade II Listed Building, the degree of harm is at the lower end of 'less than substantial harm'. Great weight has been given to this impact in accordance with NPPF para 199 however when assessed against the test in NPPF para 202, the lower level of harm caused to the asset's significance as a result of the proposed development is outweighed by the public benefits of the scheme arising primarily from the delivery of more affordable homes and the contribution to the Council's housing supply shortfall.

In terms of ecology, the proposal would result in a net loss of bat foraging habitat within the site. Natural England is however satisfied that the applicant's proposed off-site habitat to replace that lost to the proposed development, which is nearer to the SAC, directly connected to the Congresbury Yeo, and also other land which is managed specifically for horseshoe bats is suitable mitigation. It is therefore concluded that the identified impacts on the North Somerset and Mendip Bats Special Area of Conservation can be appropriately mitigated with measures secured via planning conditions and through S.106

agreement. This impact is given moderate weight and the opportunity to provide appropriate mitigation significant weight.

There are no overriding adverse transport, traffic, flood risk, drainage, agricultural land quality, or neighbour related impacts arising from the proposed development which would outweigh the benefits. Planning obligations or planning conditions can provide appropriate mitigations where required.

In conclusion, the building of more homes both market and affordable in a relatively sustainable location against a five-year housing land supply deficit are matters of significant weight in favour of the application. The adverse impacts which have been identified do not significantly and demonstrably outweigh these benefits.

Recommendations

Subject to

a) the completion of the HRA and inclusion of any additional planning conditions required as a result, and

b) the completion of a section 106 legal agreement securing financial contributions towards

- Home to School Transport costs; local public transport services; local bus stop improvements; Traffic Regulation Order for parking restrictions around site access road (should it be considered necessary); Strawberry Line signage improvements; and Sustainable Travel Vouchers for the occupants of the development; and
- 30% of the dwellings to be as ‘affordable housing’ to be on site as part of the development.
- Neighbourhood Open Space to be provided in the site together with maintenance sums
- ‘Woodland’ areas in the site achieved through new planting
- A Play Area to be provided in the site including maintenance sums
- No development to take place on the development site until the off site mitigation land has been provided and laid out in accordance with an approved 'Greater Horseshoe Bat Management Plan' in the off-site mitigation land and provision made for its management for ecological purposes for a minimum of 30 years

- the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local member

Outline / Time Limits

1. Approval of the details of the layout, scale, appearance of the building(s) the and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority, in writing before any development is commenced.

Reason: The application was submitted as an outline application and in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of two years from the date of this permission.

   Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.

   Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

Approved Documents

4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

   Site Location Plan Rev A, 28th March 2022
   A980/11216/1 Rev A - Topographical Survey Drawing
   Framework Plan December 2022_V2
   1814/01 Rev A - Proposed Access Arrangements: Option 1, October 2022
   Masterplan December 2022 – V2
   Development Extent Parameter Plan December 2022
   Green Infrastructure Parameter Plan December 2022
   Density Parameter Plan December 2022
   Building Heights Parameter Plan December 2022
   Access & Movement Parameter Plan December 2022
   Offset Site Location (Location of the proposed off-site bat mitigation) 22nd February 2023

   Planning Statement, January 2022
   Design & Access Statement Rev B, 12th December 2022
   Ecological Impact Assessment Report Ref: 210516_P1031_EcIA_Final1, May 2021
   Flood Risk Assessment & Drainage Strategy Project no. 20116 Rev 3, December 2020
   Reservoir Flood Risk Report by Mott and MacDonald dated 30 June 2023
   Technical Note: Response to ecological comments made by the Environment Agency, 9th August 2023
   Heritage Statement, November 2020.
   Statement of Community Involvement, January 2022
   Highways Report, June 2022
   Travel Plan, June 2022
   Landscape and Visual Impact Assessment - Baseline Study, November 2020
   Lighting Impact Assessment – Lighting Baseline, 21st April 2021
   Preliminary Risk Assessment (Phase 1 Desk Study) Report no. E05481-CLK-00-XX-RP-G-0001, 12th October 2020

Energy Statement, April 2021
EIA Screening Request, 27th May 2021
(Bristol Water) Asset Plan, 5th July 2023
Habitats Regulations Assessment: February 2023
Arboricultural Constraints Report Ref: D14 425 02 & Arboricultural Impact Assessment Ref: D14 425 P3, October 2020
Reason: For the avoidance of doubt and in the interests of proper planning.

Construction Management Plan

5. No phase or component of development shall be commenced, including demolition, ground works or vegetation clearance, until a Construction Environmental Management Plan (CEMP) for that phase of development / element has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

(a) the location where site operatives and visitor vehicle parking shall take place on the site
(b) the location of the site compound for the loading, unloading and storage of plant and materials including waste materials, and temporary site offices.
(c) the routing of construction traffic within a 400 metres radius of the site including an existing condition survey of all highway infrastructure on those access routes in that radius
(d) the erection and maintenance of security hoarding
(e) the means to reduce mud and debris from the site being deposited on the road network, including details of road cleaning and/or wheel wash facilities
(f) measures to control the emission of dust and dirt during construction.
(g) measures to control noise from works on the site
(h) detailed measures including interceptors to prevent silt, fuel, chemicals, or other contaminants from entering the water environment, including storage and disposal facilities for contaminants during construction.
(i) managing complaints
(j) details of measures to avoid harm to protected species and their habitats during construction. This shall include the following:

i) Risk assessment of potentially damaging construction activities.
ii) Identification of “biodiversity protection zones” based on up-to-date survey information and pre-commencement surveys, where appropriate, for habitats and protected and notable species.
iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
iv) The location and timings of sensitive works to avoid harm to biodiversity features.
v) The times during which construction when specialist ecologists need to be present on site to oversee works.
vi) Responsible persons and lines of communication.
vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
viii) Use of protective fences, exclusion barriers and warning signs if applicable.

ix) Details of monitoring and remedial measures, including compliance reporting to the Local Planning Authority.

The development shall be carried out in accordance with the approved CEMP.

Reason: This needs to be a pre-commencement planning condition, because it is in the interests of public safety and to minimise the impact on the development of nearby residents as required by Policies CS3 & CS10 of the North Somerset Core Strategy, and to comply with the Habitats and Species Regulations (2010) and ensure the survival of rare or protected species, and the protection of a Wildlife Site in accordance with Policy CS4: Nature Conservation in the adopted North Somerset Core Strategy.

Access/Visibility Splays/Parking

6. No dwelling shall be occupied until details of a car club scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, has been submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise (where applicable):

- The allocation of 1 car club parking space
- The provision of 1 vehicle
- Provision of car club membership for all eligible residents of the development for a minimum of three years
- Promotion of the scheme
- The duration of the scheme

Reason: To reduce the need for excessive ownership and reduce vehicle emissions in accordance with policies CS3 and CS10 of the North Somerset Core Strategy.

7. No dwelling shall be occupied until a new pedestrian crossing on Brinsea Road of a type and location to be approved by the Local Planning Authority has been completed and is available for use. Details of the type and location of the crossing shall include any associated works in the public highway.

Reason: To ensure that a safe crossing point is provided to mitigate the extra pedestrian movements that will arise from the development crossing the busy B3133, and in accordance with policy CS10 of the North Somerset Core Strategy.

8. No dwelling shall be occupied until the work to form the new consolidated access to the site from Mulberry Road has been completed in accordance with the approved drawings (refer to condition 4); and pedestrian and vehicle access to that dwelling, including on-site car and cycle parking has been provided in accordance with approved reserved matters. Once provided cycle and parking spaces for each dwelling shall be retained.

Reason: To ensure that appropriate access is provided to each dwelling and that adequate parking facilities are retained, in accordance with policies CS10 and CS11 of the North Somerset Core Strategy and DM28 of the North Somerset Sites and Policies Plan Part 1.

9. The visibility splay as shown in drawing number 1814/01 Rev A 'Proposed Access Arrangements: Option 1' 'shall be kept free at all times of any structure, erection, or planting exceeding 600 mm in height above the ground levels of the visibility splay.

   Reason: To preserve sight lines in the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1 – development management policies.

10. No dwelling shall be occupied until details which demonstrate that adequate vehicle access and vehicle and cycle parking is provided for the occupants of the dwelling at 19 Mulberry Road. If this requires works to be carried out within the application site to meet these requirements, these must be complete before the any dwelling is occupied.

    Reason: The works to form the vehicle access into the site removes part of the side and front garden of 19 Mulberry Road including an existing driveway access point. If this leaves that property without adequate on-plot access and parking, that will need to be mitigated, in accordance with policy CS11 of the North Somerset Core Strategy and DM28 of the North Somerset Sites and Policies Plan Part 1.

Finished Levels

11. Details to be submitted under condition 1 shall include the current and proposed finished ground levels across the site; the slab, floor and the ridge levels of the proposed dwellings in relation to the ridge height of at least 2 adjoining building and fixed datum points. The development shall be carried out in accordance with the approved details.

    Reason: To ensure that the finished height of the development is clear and is contextualised in accordance with policy CS12 of the North Somerset Core Strategy and DM32 of the North Somerset Sites and Policies Plan Part 1.

Flood Prevention / Drainage

12. No works to take place within 8m from the embankment toe on the landward side. This zone must be kept free from structures and obstructions, including channel planting.

    Reason: To ensure operational access is maintained at the Gooseum Rhyne Flood Storage Area and along the Congresbury Yeo watercourse.

13. No works to take place within the off-site habitat enhancement area until the 'Greater Horseshoe Bat Management Plan' has been submitted to, and approved in writing by, the LPA with consultation from the Environment Agency. The plan must follow the information outlined within the submitted Ecology Response Report dated 09 August 2023 (ref: 230809_P1031_Mulberry Rd_Ecology Response Three_Aug2023_Final: August 2023).

    Reason: To ensure operational access is maintained to Environment Agency assets.

14 No above ground-work shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

ii. include a timetable for its implementation.

The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies).

15. No above ground-work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:

a) a timetable for its implementation and maintenance during construction and handover; and
b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

16. No above ground works shall be commenced until details of appropriate flood resilience and resistance measures, together with a programme of implementation

and a programme of maintenance for the lifetime of the development, have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, such works shall be carried out in accordance with the approved details and programmes.

Reason: To reduce the risk of flooding to the development from reservoir flood risk, and in accordance with paragraph 163 of the National Planning Policy Framework policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies)

17. No dwelling shall be occupied until a scheme for the disposal of foul water has been submitted to and approved by the Local Planning Authority. The approved details shall be completed for each dwelling before that dwelling is occupied.

    Reason: To prevent pollution of the water environment in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012) and Policy CS/3 of the North Somerset Core Strategy.

Landscaping and Trees

18. Details to be submitted under condition 1 shall include a hard and soft landscaping scheme. This shall include details of all public and private landscaping areas, details of the location, equipment, and boundary fencing of any play area to be provided at the site, details of all trees, hedgerows, and other planting to be retained; the proposed finished ground levels; a planting specification to show numbers, size, species and positions of all new trees and shrubs to be planted, and details of all hard surfacing. New planting in relation to the location of any retained or new below ground services such as pipes, cables, manholes and any associated easements shall also be shown. The hard and soft landscaping scheme shall be carried out in accordance with the approved details, specifications, and a programme of implementation.

    Reason: To ensure a satisfactory landscaping scheme is implemented and maintained in the interests of the character and biodiversity value of the development area, and in accordance with policies CS4, CS5, CS9 and CS12 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

19. All works comprised in the approved details of soft landscaping shall be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

    Reason: To ensure that a satisfactory landscaping scheme is implemented, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

20. Trees, hedges, and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may reasonably specify.

    Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

21. No development, including site preparation or site clearance shall commence until an Arboricultural Method Statement Report with Tree Survey and Tree Protection Plan showing the location and design of tree and hedge protection fencing has been submitted to and agreed in writing by the Local Planning Authority and the agreed tree and hedge protection has been erected around existing trees and hedges to be retained. Unless otherwise specified, the fencing shall be as shown in Figure 2 of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and shall be erected to achieve root protection areas in accordance with BS5837:2012 root protection area calculations and the location of the fencing shall be informed by the recommendations of BS5837:2012.

    This fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

    No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree or hedge. No equipment, machinery or structure shall be attached to or supported by a retained tree or hedge. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

    The Local Planning Authority is to be advised prior to development commencing of the fact that the tree and hedge protection measures as required are in place and available for inspection.

    Reason: These details need to be agreed before development commences to ensure that trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD. The details are required prior to commencement of development because the development/construction works have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

22. Prior to the commencement of development, a detailed Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a detailed scheme of mitigation, compensation, habitat management, and biodiversity net gain and enhancement measures including a timetable for the monitoring, management responsibilities, and maintenance and grazing schedules for all landscape and ecological areas including but not limited to planting and habitat creation, essential mitigation and enhancements, flood compensation areas, attenuation basins, grazing areas identified, and other requirements set out within the approved plans. This shall include planting specifications comprising locally appropriate native species; annual habitat management prescriptions; table of works and monitoring regimes; and location and installation prescriptions of species-specific mitigation and enhancements.. The development shall be implemented in accordance with the approved details.

    Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.

Lighting

23. No external lighting shall be installed within the site, including external lighting on the outside walls of dwellings or other domestic buildings, or other lighting elsewhere in the site, until a 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify:

    (i) the type, location, and height of the proposed lighting;
    (ii) existing lux levels affecting the site;
    (iii) the proposed lux levels as a result of the light; and
    (iv) lighting contour plans.

    These details shall include an assessment on the retained bat habitats and commuting routes on the site which shall be maintained at or below 0.5 lux within the defined bat corridor width at ground level and upwards to two metres. This lighting scheme shall be implemented and no changes shall be made to this without the prior written approval of the Local Planning Authority.

    All external lighting shall be installed and operated in accordance with the approved details.

    Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Ground Conditions

24 No phase or component of development below ground level shall take place until an assessment of the nature and extent of contamination on the site has been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether, or not, it originates on the site. Moreover, it shall include:
i. a survey of the extent, scale, and nature of contamination.
ii. an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, and archaeological sites and ancient monuments.

Reason: A pre-commencement condition is necessary to ensure that the land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy.

25. Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no phase or element of development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land relation to the intended use of the land after remediation. The development shall take place in accordance with the approved remediation scheme.
Reason: To ensure that land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy.

Archaeology

26. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in

accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

27. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the previous condition and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

    Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

Renewable Energy

28. The dwellings hereby permitted shall not be occupied until measures to generate 15% of the energy required in the use of the development (measured in kilowatt hours - KWh) through micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

    Reason: To secure a high level of energy saving by reducing carbon emissions in accordance with policies CS1 and CS2 of the North Somerset Core Strategy.

Technical Housing Standards

29. All dwellings shall comply with the DCLG ‘Technical housing standards 2015 (as amended) - nationally described space standards’, unless otherwise authorised by the Local Planning Authority.

    Reason: To ensure dwellings provide acceptable standards of accommodation in accordance with policy DM42 of the adopted Development Management Sites and Policies Plan part 1.

Accessible Homes

30. A minimum of 17% of the dwellings shall be constructed to comply with 'accessible and adaptable housing standards' contained in The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings. The location of these dwellings shall be provided together with details of how they will comply with the said standards. The approved details shall be fully implemented before these dwellings are occupied.

    Reason: To ensure that sufficient accessible housing is provided in accordance with Policy DM42 of the North Somerset Sites and Policies Plan (Part 1 - Development Management Policies and the North Somerset Accessible Housing Needs Supplementary Planning Document April 2018.

Permitted Development

31. Permitted Development 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no electricity sub-station or gas governor shall be erected on any part of the development site hereby permitted, without the prior written permission of the Local Planning Authority.

    Reason: In the interests of protecting the living conditions of neighbouring residents in accordance with policies DM32 and DM37 the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

The planning application can be viewed at 22/P/0459/OUT

Appendix 1: Comments from Congresbury Parish Council

1.0 Congresbury Parish Council objections

Congresbury Parish Council objects to the full planning application 22/P/0459/OUT. The application for outline planning for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.
Congresbury Parish Council recommends and expects North Somerset Council to refuse planning permission as this application would not adhere to North Somerset Council or Congresbury Parish Council policy and does not adhere to national policy. We expect North Somerset Council to demonstrate that it would not allow any development outside Congresbury settlement boundary until the Parish Council, representing the village decides it is the right time and the right place for development.
Congresbury Parish Council objects to this development according to the following issues.
This development does not adhere to the following:

- **North Somerset Core Strategy –** This development is against the policies and principles set out in North Somerset Core Strategy. The development has not got support of the local population, will not provide any long-term job opportunities, and will not protect the character of the community.
  Vision 6 of North Somerset Core Strategy for Service Villages Sates 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'. The Parish Council fails to see how an additional 90 dwellings in this location will comply with this vision especially with regard to protecting the character of our village.

- **Settlement Boundary** – There is no evidence to support the need for development outside of the settlement boundary. North Somerset Council CS14 states 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. 'The proposed development cannot be described as a small-scale development and therefore the application must be dismissed.
  The proposed site is not currently listed on the North Somerset Site allocation schedule. Although the Parish Council was shocked to see that the site has been added to Schedule 1 of the North Somerset Plan Preferred Options consultation document. It is expected that Congresbury residents will strongly oppose this listing during the public consultation phase of the Local Plan.

- **Congresbury Parish Council Neighbourhood Development Plan 2018-2036**

  The Congresbury Neighbourhood Plan went to referendum on Thursday 19 September 2019, and 86% voted in favour of the plan meaning the plan was approved. This means that the plan now has the full weight of the development plan in decision making. The plan was formally 'made' by North Somerset Council at the Full Council meeting of on 12 November 2019. The proposed Development goes against Policies.

- H1 (b) Sustainable Development and Location Principles

The Highways and Transport Evidence Base Report of the Neighbourhood Development Plan states that the two junctions of A370 / B3133 Smallway and A370 / B3133 High Street are operating over or close to capacity and therefore preferred developments will be in areas that will have the least impact on these junctions. Consideration is also needed regarding traffic from surrounding villages such as Churchill, Langford and Yatton. Approved and proposed developments in these locations will significantly increase the traffic along the B3133 thereby exacerbating congestion at the A370/B3133 junctions. This has exponentially increased since the plan was approved with a number of new developments in Churchill, Sandford, Langford and Yatton. All of these have adversely impacted on the junctions and plans for further development in these areas will further adversely impact on traffic congestion in our village.

- H2 (b) Sustainable Development Site Principles

North Somerset district is home to an above average proportion of older residents (North Somerset Housing Strategy 2016–21). The Strategy indicates that an additional 4,600 homes specifically for older people with varying levels of support, ranging from leasehold schemes for the elderly through to housing for people suffering from dementia, will be required over the period 2016 – 2036. Congresbury has a limited supply of bungalows, and many are located at the fringes of the village, therefore any development with a proportion of suitable houses for older residents will be supported. The Neighbourhood Development Plan resident consultation had a large number of respondents outlining their concerns that there is very little housing available for young persons. It is noted that the proposal has indicated that there will be an opportunity to re-balance the housing stock to encourage diversity and that a mix of 1,2-,3- and 4-bedroom homes will be provided including those catering for first-time buyers and the elderly. However, there is no indication of the details of the mix and outlining planning permission should not be given until a more detailed plan has been provided with a firm agreement to honour this statement.

M7 Planning Limited and M7 SW LLP have made contradictory statements in their documentation about the density of the housing. In the Design and Access Statement page 26 it is stated that the density will be up to 44dph. In the Planning Statement page 6 it states that the proposed development will incorporate medium densities. A density of less than 30 units per hectare are proposed for the development. This discrepancy is totally unacceptable and must be clarified. The proposed number of 90 dwellings is unacceptable in such a rural setting where adjacent land has been classified as medium sensitivity from the document**- Identified Landscape Sensitivity Assessment Areas (Wardell Armstrong – Landscape Sensitivity Assessment March 2018).**

- Policy H3 Housing Allocations

Policy H3 allocates development sites in Congresbury. The sites have been allocated as they are considered to be in sustainable locations.

Many areas of the village were considered for possible development, and it was concluded that there is scope for development west of the village centre, along the A370. During the lengthy consultation process over 25 potential sites were looked at and analysed with input from residents, local landowners, and potential developers. From this in-depth process it was concluded that any development east of Park Road

would harm the important landscape of the Yeo Valley. Access from Park Road would also be a problem and would affect the operation of the A370/B3133 High Street junction.

The Neighbourhood Development Plan concluded that there are other locations to develop in a more strategic and sustainable way.

Congresbury Neighbourhood Plan contains the vision for Congresbury which includes that.

- Congresbury will continue to be a safe and pleasant place to live and will aspire to achieving a sustainable infrastructure that minimises its carbon footprint and maximises the opportunity for recycling. The green spaces within the village will be made accessible and will be maintained for the benefit of all.
- Any future developments should be appropriate to the existing character and needs of the village.

- **Urbanisation of a rural community**
  The proposed development is removing a large amenity green space that is connected to footpaths along the river and into the village. This is out of character for Congresbury which is a village that has good access to green and open spaces. The plans will effectively be urbanisation of the east side of Congresbury. Residents of streets including Park Road, Dickinson's Grove, Cadbury and Bramley Square, Homefield and Brinsea Road will have further to walk to access our green and open spaces. This goes against the Congresbury vision to ensure sites are accessible to all. Congresbury Parish Council would object to moving the public footpath that stretches across the field and is a very well used amenity by the village.

  Congresbury Neighbourhood Development Plan Community Action T2 (f) has the action to maintain and wherever possible improve the network of public rights of way within the village. The proposed site is also a key link to access the 2 Rivers Way and any proposal to reduce access must be opposed.

- **Flooding**
  The majority of the site is slightly elevated compared to land further north-east of the site that is classified as flood zone 3. The north east corner substantially falls away from the rest of the land and is within flood zone 3. During peak rainfall, the field does contain surface water as infiltration rates are poor due to the underlying clay soil. The Parish Council would then agree with the flood report that infiltration of excess water is not possible and would need to be removed from site, without adding additional pressure on local water courses. It should be noted that the flood report was a desk top study and the Parish Council would have preferred a local study to be undertaken.
  The proposal from the developer is the building of an attenuation pond and then discharge at greenfield rates. The Parish Council would raise objections to the attenuation pond, location and size, being out of character (impact on Park Farm listed buildings) and safety concerns given the nearby proposed revised public footpath. The information provided does not provide any details of whether the pond would need a pump to drain water from the site (if so, increasing carbon emissions and adding to the climate emergency). The Parish Council would have serious concerns of the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.

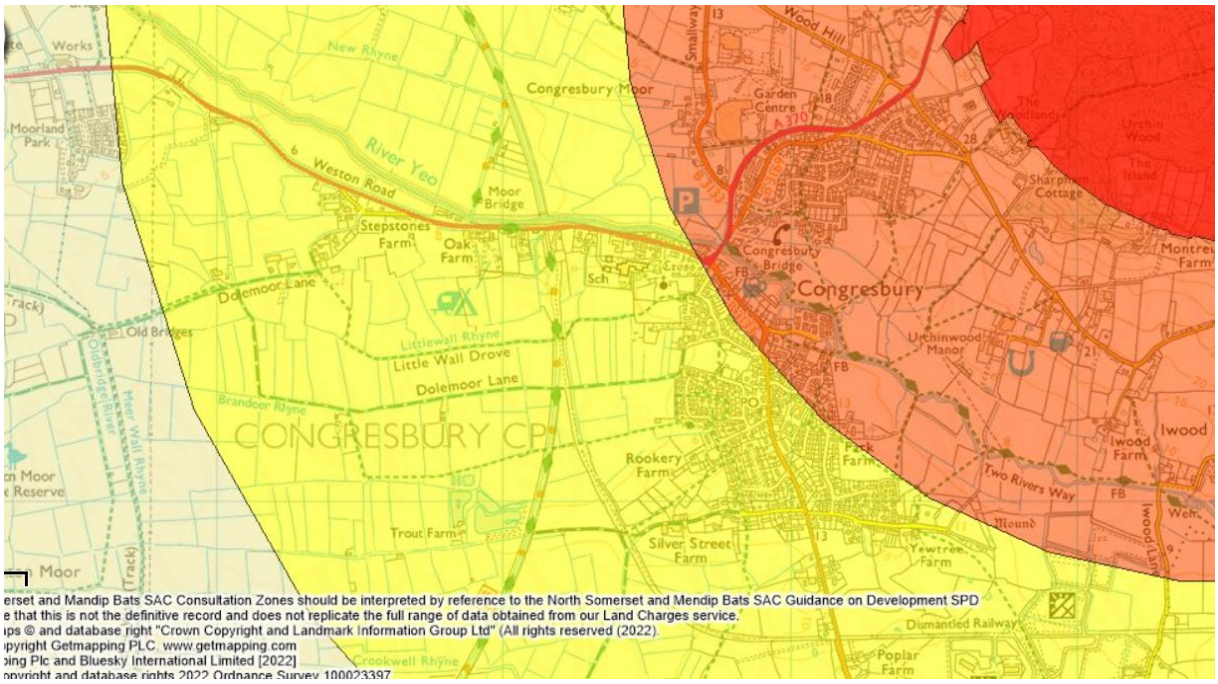
The area is also subject to flooding if the dam failed at Blagdon Lake. It is disappointing that the developer has stated inaccurate facts such as the asset is 'publicly funded' which it is not. This leads us to question how accurate the report is.

- **Heritage**
  An appeal APP/D0121/A/99/1031669 for a proposed development by Bryant Homes Limited South-west was dismissed and planning permission refused in April 2000. Although planning policy has changed over the past 20 years, the Parish Council believes that several conclusions from the appeal decision are still relevant to this application.
  The appeal decision refers to the Park Farmhouse as a Grade II Listed building and that special regard is paid to the desirability of preserving the setting of the listed building. The construction of the proposed development and the means to it would visually and actually separate the farmhouse from the previously associated farmland and would thus have a harmful effect on the setting of the listed building.

  The recommendations from the Heritage Statement by Andrew Josephs Associates states that the location of the housing within the development should stand off the boundary with Park Farmhouse, leaving a green buffer. The southern boundary equally should retain a green corridor of open space or gardens to retain the historical alignment of the former park's southern boundary in the modern landscape.

  The Parish Council considers that if the development is permitted by North Somerset Council the green buffer outlined would not be adequate and as a minimum must be substantially increased to the top section of the field adjacent to the historic Park Farm. In addition, landscaping must be provided to vision screen completely the development from the heritage asset.

- **Ecology**
  The applicant has provided a comprehensive Ecological Impact Assessment. The Parish Council is disappointed that the bat surveys were undertaken in 2019/20 and would have expected further bat surveys to be undertaken especially as the site is in such a sensitive location with bat consultation zones A and B as shown below.



Paragraph 4.2.1 states 'To mitigate the residual loss of greater horseshoe foraging habitat, off-site habitat enhancement/creation measures ('off-setting') on a site under the control of the applicant would be implemented directly by the applicant or if a suitable mechanism was available, via a financial contribution to North Somerset Council. The off-set site would be within the greater horseshoe bat Consultation Zone A and would be managed in perpetuity under a greater horseshoe bat Management Plan. The Management Plan would be approved by North Somerset Council and secured through S.106 agreement. The off-set would be secured prior to commencement of development. Based on the outline development proposals and assuming conversion of arable/grassland-ley to meadow (managed specifically for greater horseshoe bat) the off-set site would need be approximately 1.75ha (refer to Appendix 14 for HEP calculation). The quantum of land conversion required for the off-set would be confirmed using the HEP metric.'

There appears to be no indication of where the off-site habitat enhancement on a site controlled by the applicant would be located and how this could be secured in perpetuity. The Parish Council believes that the green corridors outlined in the current application are not adequate for this off-setting. Until a Management Plan has been provided that provides further information the proposed application should not be approved.

In addition, the outline application does not include building orientation plans, methods to be employed to avoid or reduce spill from within buildings, use of landscaping and planting to protect and/or create dark corridors on site and how the grazed pasture/wild meadow of the current site could be replaced. These items are outlined in the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document.

Congresbury Parish Council is proud to have such important bat conservation sites within our district and firmly believes that everything possible must be done to protect these areas for our future generations.

The Ecological Impact Assessment provided also appears to have only concentrated on the proposed development site and has not provided an assessment of the impact on the surrounding area. The impact on the river ecosystem would, we consider be an essential part of a report of this kind taking into account the importance of the ecology.

- **Traffic**
  M7 Planning Limited has provided a Technical Transport Assessment together with a Road Safety Audit report. The Parish Council objects to the report produced, especially the two leading statements in paragraph 1.1.8 (page 2) as we believe there are issues of access to the site and the traffic from the site will impact local capacity and residents (increasing the risk of accidents in Park Road and Venus Street).

  We have serious comments on a number of subjects that have not been accurately considered.

1. JB Bartlett Consulting Ltd completed the Road Safety Audit: Item 3.2 states 'No information has been provided in terms of the scale and type of the proposed development that the link will be used to access. While the proposed access is probably acceptable for a small number of residential units the lack of pedestrian

facilities to eastern side of the proposed access combined with localised pinch point and nature of Mulberry Road itself would not lend itself to a significant development.'

The Designers' response states 'Drawing 10173/300 shows the swept paths, which confirms the adequacy of the layout. The Audit Brief at 2.2.4 details the level of development, and the additional pedestrian access points.

This response may address the access point but does not make any reference to the pinch points and the nature of Mulberry Road. The photo below was taken on 18th March 2022 at 18.19. This photo shows a typical situation with cars parked along the road and on pavements. When the original houses were built in the 1960's the drives would have been for a single car. Many of the houses have extended this capacity but as the photograph shows this is still not adequate. Therefore, the Parish Council is in agreement with the safety audit statement that the nature of Mulberry Road is not adequate to support the proposed development of 90 dwellings.

The developer has demolished the garage and parking space at number 19 Mulberry Road. This means the new home owner (if owning a car) will need to park on the road. This would have an unacceptable impact on the traffic flow in and out of the proposed access point.

2. The Traffic Assessment states that 'The impact in absolute terms at the following junctions and links to demonstrate that the traffic impact at all locations will be acceptable, and that in the context of NPPF paragraph 108 that there will not be a severe residual cumulative impact.

The junctions and links feeding them being at: i) B3133 / Park Road, ii) B3133 / Venus Street, iii) A370 / B3133 High Street (Congresbury Cross), and iv) A370 / B3133 Smallway. 6.3.6
Junctions (i) and (ii) are the first junctions either side of the site access to the north, and side. The impact of the development being diminished at the A370 junctions (iii) and (iv) due to the levels of traffic bound for the south onto the A38 that will avoid the A370, and then at junction (iii) due to the levels of traffic that will route to and from the west avoiding the A370/B3133 Smallway junction.'

Local knowledge suggests that the statement that most of the traffic would go south to the A38 and therefore avoid the A370 is incorrect. Most of the traffic from the village uses the A370 is commute into Bristol rather than the A38. This is due to the nature of Stock Lane and the constant delays caused by the amount of large HGV vehicles using this road and the difficulty caused by the narrow road. There are constant long delays as large vehicles are unable to pass each other at the numerous pinch points. Due to this the Parish Council believes further work needs to be completed to assess accurately the impact at the A370 junction with Brinsea Road.

Mark Baker Consultancy Ltd also lists the absolute impact by junction being:

6.6.1 The absolute impact by junction being:

	A.M Peak		P.M Peak	
	Arr	**Dep**	**Arr**	**Dep**
B3133 / Park Road (88%)	10	25	22	13
B3133 / Venus Street (10%)	1	3	2	2
A370/B3133 Smallway (32%)	4	9	9	5
A370/B3133 High Street (88%)	10	25	22	13

6.6.2 The absolute impact by link expressed as vehicles per hour being:

Technical Report 10173/1
April 2021
Page 25

The Parish Council believes that this table is inaccurate as local knowledge would indicate that most vehicles would use the Venus Street junction to join the B3133 rather than attempt to negotiate the longer route of Park Road which again has lots of parked cars along the route. The figures in the table above should be switched for an accurate representation.
The Venus Street junction has very poor visibility with badly maintained verges and therefore the Parish Council would expect that as part of any development that a plan is put in place and funded by the Developer to improve this junction. This junction needs to be considered as part of the Road Safety Audit to outline the issues and recommend suitable provisions to ensure that vision both ways is improved.

- **Infrastructure**
  Congresbury Parish Council would also request that further information is provided:
  - From Bristol Water to ensure that there is sufficient capacity to supply these additional homes and would not cause reduce water pressure to other residents in Congresbury.
  - Also that there is sufficient capacity to cope with the additional sewage the site will produce. There have been previous issues regarding the foul sewers from Brinsea Road with frequent blockages. There are concerns from residents that any additional capacity would cause deterioration to the rest of the village.
  - To alleviate serious concerns for the Parish Council about the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.
  - On the regime to inspect and maintain the proposed children's play area and the informal footpaths and public open space. The applicants Planning Statement contains no information on how this would be managed in perpetuity and as no specific community consultation has taken place on these items, the applicant has received no feedback on whether these areas would be a used and provide a valued community asset.

- **Local Opinion** - The development goes against local opinion. The agent has not provided any evidence of a public consultation and the results of this process. The Parish Council believes that the majority of Congresbury residents do not support this development

- **Misleading planning statement**
  Congresbury Parish Council would like to highlight that M7 Planning Statement is inaccurate. Within this statement there are misleading statements:
  - Including claims about the housing density (paragraph 3.14 states 30, while in the Design and Access Statement page 26 it is stated that the density will be up to 44 dph.
  - Paragraph 4.4 indicates that the development is permitted within the Congresbury Neighbourhood Development Plan, but this is false. The development is not identified in the plan and goes against this legal document.

2.0 Final statement

Congresbury Parish Council objects to the full planning application22/P/0459/OUT. The application for outline planning for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

We recommend and expect North Somerset Council to refuse this application due to contravening national and local planning policies and Congresbury Neighbourhood Development Plan. The proposed number of 90 dwellings is unacceptable in such a rural setting where adjacent land has been classified as medium sensitivity. The Parish Council agrees with the Safety Audit traffic statement that the nature of Mulberry Road is not adequate to support the proposed development of 90 dwellings. The proposed development is also damaging to the landscape and has an adverse impact on the local community and supporting infrastructure.
Instead of working with the community as intended by the provision of our Neighbourhood Development Plan, the applicant has decided that the village needs these houses in this

location. The agent has not outlined why it has chosen this location in preference to other more sustainable locations within North Somerset that have better employment opportunities. The Parish Council strongly believes that any planning decisions must be community and plan led rather than developer led.

The Parish Council agrees with the closing statement of the appeal APP/D0121/A/99/1031669 decision in 2000 that states ‘Furthermore, and of such concern that it overrides all other considerations, the development would have a serious adverse effect on the character of Congresbury and the surrounding countryside.’ This is just as relevant and important to Congresbury residents as it was over 20 years ago.

ANNEX 2

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

11 OCTOBER 2023

Section 1

Item 6 – 22/P/0459/OUT – Land north of Mulberry Road, Congresbury

Additional Third Party comments

One additional letter of objection has been received. The principal planning points made are as follows:

- Traffic impacts on Park Road and Mulberry Road.
- Adverse impact on flooding, the environment and ecology – especially bat foraging.

Updated transport information

Bus services

The A2 and 128 bus services no longer operate from the Brinsea Road (north and south bound) bus stops that are 400m from the site. The nearest bus stop with scheduled services remains within walking distance(1.4km). These include the X1 Weston to Bristol service operating every 15 minutes during the day, the A3 Bristol Airport Flyer to Weston and the X5 Weston to Portishead via Yatton (inc. station) and Clevedon both operating hourly.

In addition, the whole of Congresbury is in the Westlink Demand Responsive Transport Zone operating Monday – Saturday 7:00hrs-19:00 hrs. The £100,000 (£25,000 per year for 4 years) bus service contribution required from the development would be put towards a continued public transport service in this location. This is in addition to the £40,000 bus infrastructure contribution for bus stop improvements."

LICHFIELDS

Statement of Case Appendix 8

Planning & Regulatory Committee Updated Sheet 15 November 2023

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

15 November 2023

Section 1

Item 6 – 22/P/0459/OUT - Land North of Mulberry Road, Congresbury, BS49 5HD

Additional information from the applicant

The following further submission has been received from the applicant:

- The historic landscape and the setting of Park Farmhouse were assessed by a suitably qualified and competent expert. It is concluded that the surviving elements is of no more than local interest and that there is no evidence of any archaeological remains. Immediate setting of the Park Farmhouse has already been compromised by previous development.
- Landscape character - the site and surrounding river corridor landscape have no regional or national landscape designation and therefore the proposed development would only have a slight adverse impact on a very small part of the 'LCA J2 – River Yeo Rolling Valley Farmland'.
- Visual Impact - no significant changes to the visual experience from the majority of local footpaths within the local landscape with only a change to the visual experience from a 'short section' of the two footpaths that pass through the development site.
- Landscape features are to be incorporated into the proposal with no housing to be constructed within the 'ecological buffer' and the 're-directed' footpaths would continue within a natural corridor, lined with native species trees, grassland and boundary hedge.
- The proposed development is a continuation of the settlement edge to Congresbury without being a prominent feature in its own right.

Additional Third-Party comments

An additional letter from CRAG has been received in response to the letter from the applicant referred to in the officer report. The principal planning points made are as follows:

- a settlement boundary is put in place to define the edge of a village and it is not for developers to determine how it should be adjusted and redrawn.
- the net density excluding public areas is about 44dph which is “a higher density than nearby housing”. This scale of development is completely unacceptable in this rural setting.
- there are significant and demonstrable impacts in this case that outweigh the benefits offered by housing development as proven by the dismissal of the previous appeal for the Park Farm site in 2000.
- the site is connected to the Congresbury Yeo, a Site of Nature Conservation Interest and part of the West of England Nature Partnership’s water strategic network. The site provides irreplaceable habitat for protected and threatened species and it is therefore not appropriate to apply the tilted balance.

- until independent assessments are available, it is questioned whether it is possible to accurately assess the ecological impact. The site provides irreplaceable habitat for protected and threatened species.
- the Neighbourhood Plan has weight and seeks to protect the landscape and rural character. The development will have a destructive impact on the character of the village.
- the proposal is inappropriate to its setting. It is outside the village settlement boundary on ancient grazing land connected to a listed farmhouse.
- routing the public footpath through the middle of a housing estate will make it unpleasant for both walkers and residents as well as difficult to maintain.
- the site is part of a greatly valued landscape: it is an ancient grazing field, never ploughed, once a deer park and connected to the listed Park Farmhouse. It is the views from the site that matter most and these will be completely obscured by urban development
- there is evidence that the site floods and will be exacerbated by climate change and water table.
- In the planning appeal by Barratt Homes to build on land near to Silver Street in Congresbury (2015) it was acknowledged that the B3133/A370 junctions was close to capacity. Any resident will be able to give you a true account of the actual issues with congestion on this B road.
- the NHS currently has no commitment to developing a new medical centre to serve Congresbury and Yatton so the offer by the applicant is meaningless.

Officer comments:
Natural England and the Council's ecologist do not object to the proposals on biodiversity grounds. The mitigation land amounts to around 5ha of land and it is intended that the HRA will provide more details of the land and its future management for biodiversity objectives. This is a requirement of the proposed s106 agreement. The applicant has observed that the current policy position within the adopted Local Plan is to "avoid a net loss and deliver a net gain in biodiversity where possible" (Policy CS4 and DM8), but has stated that biodiversity net gain (BNG) will be achieved. This requirement is reinforced in Condition 22 and will be sought as part of the Greater Horseshoe Bat Management Plan on the mitigation land to be secured through a Section 106 agreement.

The applicants have confirmed that they do not intend to divert the Public Right of Way but even so any diversion can only be secured by procedures separate to the planning decision. Further, the parameter plans will not form part of the list of approved plans in recommended condition 4, if the application is approved. Detailed considerations (e.g. ecological buffers, the public right of way, setting of the listed building, living conditions of neighbours, movement around the site, preservation of views and landscape mitigation) will be addressed at the reserved matters stage. A change to the proposed recommendation is set out below to make clear the parameter plans are excluded.

Congresbury Parish Council

Comments on the letter from the applicant as follows:

- the applicant's letter reiterates previous inaccuracies
- the proposed development is contrary to the current Core Strategy and Neighbourhood Plan
- there would be adverse impact on wildlife and ecology, especially the bat population.

- The proposed development is removing a large amenity green space that is connected to footpaths along the river and into the village.
- The proposals for flood mitigation include a raised attenuation pond that would be out of character for the landscape and have a visual impact on the listed buildings
- No details have been provided of sewage disposal.
- The draft local plan has no legal status and the site should be removed.
- The harm identified in the 2000 appeal decision would still be caused by this development.

.

Officer comments:
These matters are addressed in the committee report. The attenuation pond will also form part of reserved matters and sufficient space will need to be allowed to ensure that natural bank gradients are incorporated with marginal planting, landscaping, and appropriate maintenance margins.

Additional Third-Party comments: 8 additional letters of objection. Most raise similar points to those reported at the last meeting. Additional planning points made are as follows:

- Same reasons for refusal apply regardless of the reduction in dwelling numbers from 90 to 70.
- Site should not have been included in local plan given previous appeal decision.
- Lack of clarity regarding the maintenance and period of funding of the s106 planning obligations.
- Despite the offer of a financial contribution towards a doctors' surgery there is no support from Mendip Vale or NHS Estates for this.
- Wessex Water state that foul water drainage needs more appraisal and determination of risks before planning permission.
- Questions whether the Parish Council and local people were consulted when the "Independent Landscape Sensitivity Assessment" was carried out.
- Proof should be provided that there is a local housing need in Congresbury village and not from people outside of the area.
- The proposed mitigation for Horseshoe Bats is unsatisfactory – should be at least 10% net gains in respect of wildlife and should specify what happens after 30 years or in event that YACWAG cease to exist.
- Questions whether the width of the access junction is adequate to accommodate construction vehicles and furniture removal trucks.

Officer comments:
The submitted Site Location Plan Rev A, 28th March 2022 correctly indicates the location of the application site. The final number of dwellings and layout will be dealt with under the reserved matters application. The Landscape Sensitivity Assessment (2018) was commissioned to support the work on the new Local Plan process and was published on the website. It was an independent consultant's technical evidence report and not subject to specific public consultation although all supporting documents are available for comment during consultation on the local plan.

Details of the s106 agreement will be part of a negotiation with the developer in compliance with the relevant SPD. This will include contingency arrangements for management of the mitigation

land for biodiversity. Natural England has withdrawn its objection. Major developments in England will be required to deliver 10% BNG from January 2024 and this will only apply to new applications for planning permission made after the implementation date. The management and monitoring proposals for the off-site mitigation would be specified in a Greater Horseshoe Bat Management Pla, to be secured through the S106 agreement. Neither Wessex Water nor Natural England require any further change or information before planning permission is granted. Conditions 14-17 inclusive address flooding and drainage matters.

AMENDMENT TO RECOMMENDATION

Approved Documents

Condition 4 be amended to delete parameter plans which would not form part of the permission (documents to be omitted are struck through):

<u>Amended condition 4</u>

Delete the following plans from the list:

Masterplan December 2022 – V2
Development Extent Parameter Plan December 2022
Green Infrastructure Parameter Plan December 2022
Density Parameter Plan December 2022
Building Heights Parameter Plan December 2022
Access & Movement Parameter Plan December 2022

LICHFIELDS

Statement of Case Appendix 9

Lichfields Start to Finish

INSIGHT
MARCH 2024

Start to Finish

How quickly do large-scale housing sites deliver?

THIRD EDITION

LICHFIELDS

LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

We've been helping create great places for over 60 years.

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Executive summary

This is the third edition of Start to Finish. The purpose of this research remains to help inform the planning system and policy makers in considering the approach to planning for new homes. The empirical evidence we produced in the first two versions has informed numerous local plan examinations, S.78 inquiries and five-year land supply statements.

Things have moved on notably since the second edition in 2020. Plan making and decision taking have slowed, the housing market no longer benefits from Help to Buy or cheap mortgage rates and the perennial concern about perceived land banking has been comprehensively rebutted by the Competition and Markets Authority (CMA). As we approach a general election, and with no end to the housing crisis, the boosting of housing delivery to achieve 300,000 homes per annum through a new generation of Local Plans (prepared under the Levelling Up and Regeneration Act) faces renewed focus. It is therefore timely to refresh the evidence on the delivery of large-scale housing sites, which – with our enlarged sample – now considers real-world implementation across 179 sites of over 500 dwellings.

We draw six key conclusions:

1. **Only sites of 99 dwellings or fewer can, on average, be expected to deliver anything in a five-year period from validation of a planning application, with delivery of the first dwelling on average taking 3.8 years.** By comparison, sites of 1,000+ dwellings take on average five years to obtain detailed planning permission, then a further 1.3 - 1.6 years to deliver the first dwelling.
2. **Mean annual build-out rates on large sites have dipped slightly for all site sizes compared to previous editions of this research but are broadly comparable.** The slight dip may capture characteristics of newly-surveyed sites, but also extra monitoring years since 2019 that reflect market changes.
3. **Tough market conditions mean a likely slowing in build-out rates and house building overall.** The impact of the Help to Buy programme ending and increased mortgage rates is not yet showing in completions data, but the effect on transactions has already been significant and the OBR forecast they will fall further in 2024/25.
4. **Demand is a key driver of build-out rates.** The absorption rate of the local housing market dictates the number of homes a builder will sell at a price consistent with the price they paid for the land. Areas with a higher demand for housing (measured by higher affordability ratios, of house prices to earnings) had higher average annual build-out rates than lower demand areas.
5. **Variety (of housing type and tenure) is the spice of life.** Schemes with 30% or more affordable housing had faster average annual build-out rates than schemes with a lower percentage, but schemes with no affordable housing at all delivered at a faster pace than schemes with 10 - 29% affordable units. Having additional outlets on site also has a positive impact on build-out rates.
6. **Large-scale entirely apartment schemes can achieve significant annual build-out rates, but delivery is not always consistent, with 'lumpy' delivery of blocks of apartments and a higher susceptibility to market downturns and other development constraints.** These schemes can also have protracted planning to delivery periods compared to conventional housing schemes of the same size.

Key figures

297 sites assessed, with a combined yield of 387k+ dwellings; 179 of the sites delivering 500+ dwellings

9 solely apartment schemes in urban areas assessed, with a combined yield of 5,300+ units

6.7 median years from validation of the first planning application to the first dwelling being completed on schemes of 2,000 or more dwellings

100-188 dpa average annual build-out rate range for schemes of 2,000+ dwellings[1]

44-83 dpa average annual build-out rate range for scheme of 500-999 dwellings[2]

34% quicker[3] to deliver greenfield sites of 500 or more units than their brownfield counterparts

69 dpa average completion per outlet on sites with one outlet, dropping to 62 dpa for two outlets, and 55 dpa for three outlets

3x longer planning to delivery periods for brownfield apartment schemes of 500-999 units compared to their conventional housing counterparts

[1] Range is from the lower quartile to upper quartile figures

[2] As above

[3] This is based on the median metric

01 Introduction

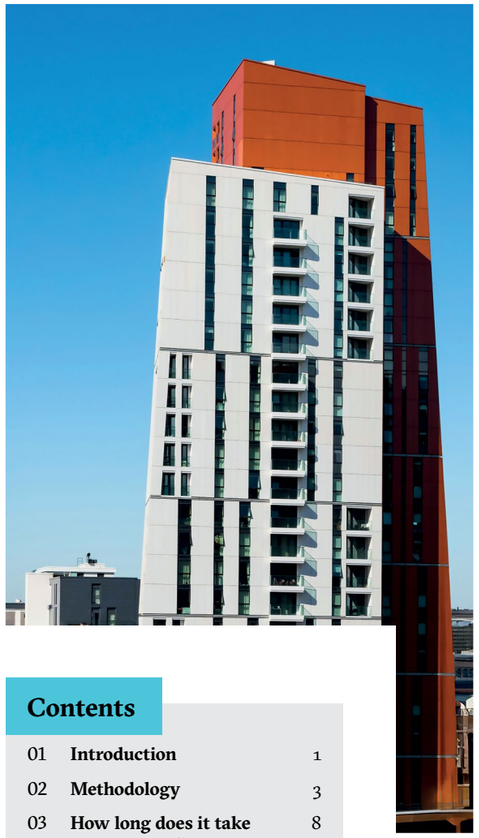
This is the third edition of Lichfields' award winning[4] research on the build out of large-scale residential development sites.

First published in 2016 and then updated in 2020, the report is established as an authoritative evidence base for considering housing delivery in the context of planning decisions, local plans and public policy debates.

In this update, we have expanded the sample size (with an extra 82 large sites delivering 500 or more dwellings, taking our total to 179 large sites, equivalent to over 365,000 dwellings). Small sites data has also been updated with 118 examples totalling over 22,000 dwellings in this third edition. We have used the latest monitoring data[5] where available, up to 1st April 2023.

The context for considering the delivery of development sites has evolved since our last edition and this has shaped the focus of our analysis.

In 2020 a recently re-elected Conservative government was gearing up for radical planning reform[6] including proposals aimed at boosting rates of on-site delivery following Sir Oliver Letwin's independent review of build out[7]. As of 2024, the business models of housebuilders and land promoters - and allegations of perceived 'land banking' – have received fresh examination by the Competition and Markets Authority (CMA) which published its Market Study in February 2024[8]. The CMA found that land banking is a symptom of the planning system rather than a cause of under delivery of housing. We have cross referenced our latest findings with the CMA's work.



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02 Methodology 3
03 How long does it take to get started? 8
04 How quickly do sites build out? 12
05 What factors can influence build-out rates? 15
06 Delivery of brownfield, urban apartment schemes 21
07 Conclusions 25

[4] The first edition was the winner of the 2017 RTPI Planning Consultancy Research Award

[5] Some sites have not been updated due to lack of publicly available data. The appendices make clear to which sites this relates

[6] Leading in due course to the August 2020 Planning White Paper: Planning for the Future

[7] Published October 2018

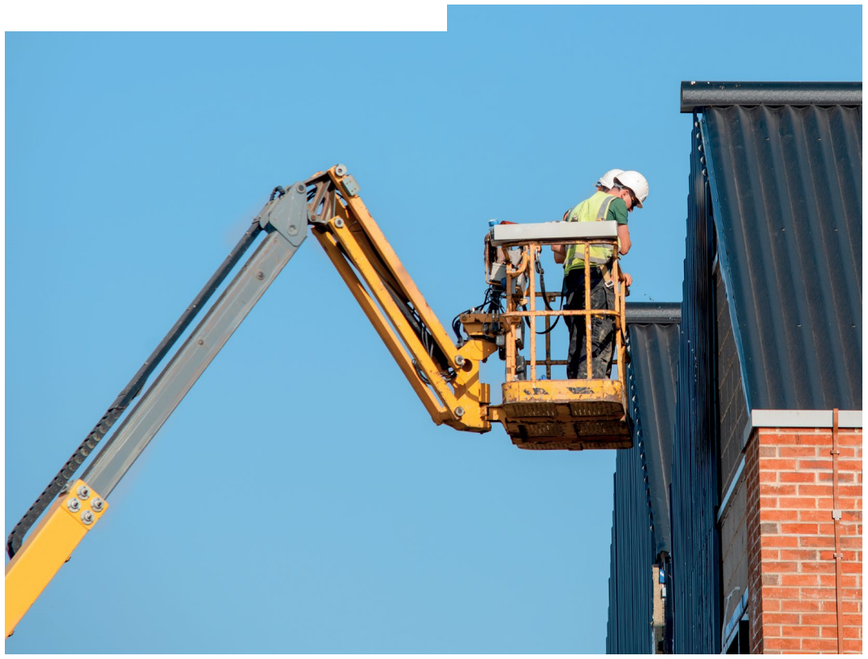
[8] https://assets.publishing.service.gov.uk/media/65d8baed6efa8300ddcc5cd/Housebuilding_market_study_final_report.pdf

The Levelling Up and Regeneration Act ('LURA')[9] introduced new measures aimed at build-out via the use of Commencement Notices (s111), Progress Reports (s114) and Completion Notices (s112). Regulations to determine the practicalities of these measures are awaited[10] but their design and application will benefit from a sound evidence-based grasp of how strategic housing schemes are implemented.

Our research continues to focus exclusively on what has happened on the ground, how long things took and what has been built. We do not include forecasts of future delivery. Our aim is to provide real-world benchmarks to inform consideration of housing delivery trajectories. This can be particularly relevant in locations with few contemporary examples of strategic-scale development. It also provides some context for when Government considers the recommendations of the CMA.

The research excludes London because of the distinctive characteristics of housing development in the capital. However, our sample does include apartment schemes on brownfield land in regional urban centres. Recent policy shifts – increasing the focus on boosting housing supply on previously-developed sites[11] – mean it will become more important to understand the distinctive delivery profile of such schemes.

Finally, the housing market has taken a turn. In 2020, net housing additions in England peaked at 248,500. But in 2024, the market has stuttered with downward pressures on values and sales rates: Help to Buy closed in March 2023, mortgage rates more than doubled in 2022 and remain high and Registered Providers face challenges that limit their ability to invest in new stock. Our report considers how these headwinds may affect annual build-out rates.



[9] https://www.legislation.gov.uk/ukpga/2023/55/enacted

[10] The provisions require secondary legislation which, at the time of writing, has not been published and for which there is no timetable. There is also no guarantee the provisions will ever come into force. Albeit the provisions for making these regulations will come in to force on 31st March and the intentions were set out at the time the Bill was published in the supporting Further Information paper.

[11] Including the December 2023 changes to the NPPF, which clarify that the 35% uplift to the Standard Method in the 20 largest urban centres is expected to be delivered in those areas rather than in surrounding areas. In February 2024, the Secretary of State published the review into the London Plan and issued a consultation on 'Strengthening planning policy for brownfield development': https://www.gov.uk/government/consultations/strengthening-planning-policy-for-brownfield-development

02 Methodology

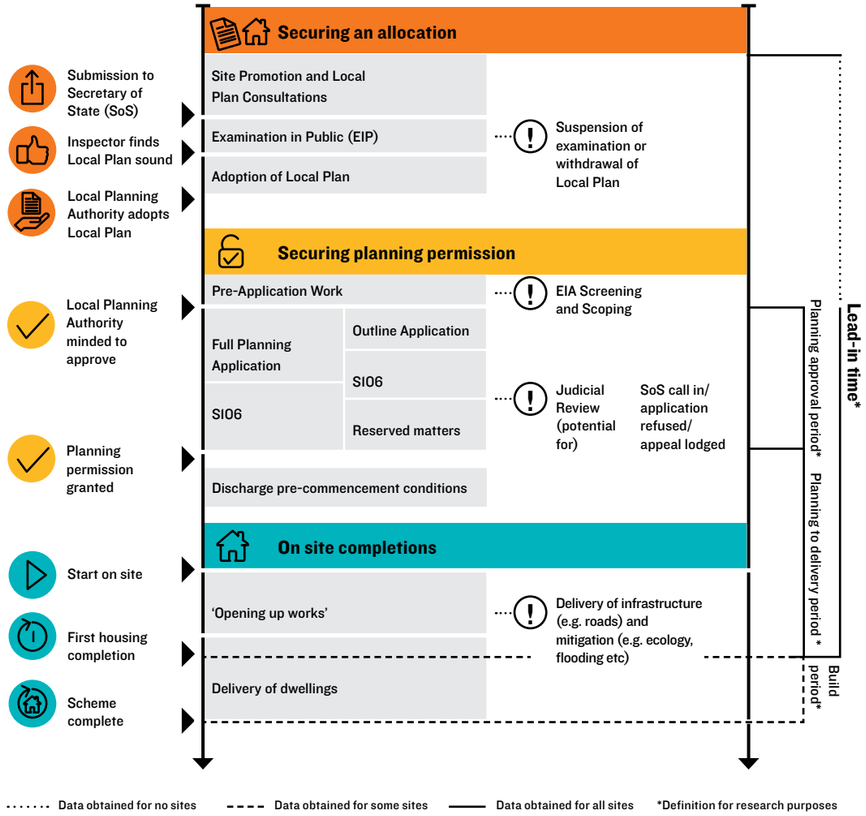
This report focuses analysis on the pace at which large-scale housing sites of 500 dwellings or more emerge through the planning system and how quickly they are built out. It identifies the factors which lead to faster or slower rates of delivery, including those impacting specifically on apartment schemes on brownfield sites in urban areas.

Definitions

For all sites, we look at the full extent of the planning and delivery period. To help structure the research and provide a basis for standardised measurement and comparison, the development stages have been codified as illustrated in Figure 2.1, which remain unchanged from the previous editions of this research.

The overall 'lead-in time' covers stages associated with securing a local plan allocation, going through the 'planning approval period' and 'planning to delivery period', and ending when the first dwelling is completed. The 'build period' commences when the first dwelling is completed, denoting the end of the lead-in time.

Figure 2.1: Timeline for the delivery of large-scale housing sites



Source: Lichfields analysis

Lead-in time

Securing a development plan allocation is an important stage in the delivery of most large-scale housing sites. However, it is not possible to obtain information on a consistent basis for this process – which can often take decades across multiple plan cycles – and so we have not incorporated it in our analysis. For the purposes of this research the lead-in time reflects only the time from the start of the planning approval period up to the first housing completion.

Planning approval period

The 'planning approval period' begins with the validation date of the first planning application on the site (usually an outline application but sometimes hybrid or full) and extends until the date of the first detailed approval for dwellings on the site (either full, hybrid or reserved matters applications). It is worth noting that applications are typically preceded by significant amounts of (so-called) 'pre-app' engagement and evidence work, but due to a lack of data on these matters, it is not possible to establish a reliable estimate of the time taken on these activities (including through the local plan and pre-application). But the time taken to achieve an implementable planning permission will be markedly longer than we have identified in this study because work inevitably begins prior to the date the planning application is validated.

Planning to delivery period

The 'planning to delivery period' follows the planning approval period and measures the time from the date of the first detailed permission for construction of homes (usually reserved matters but could be a hybrid or full application) to the completion of the first dwelling. The use of the 'completion of the first dwelling' rather than 'works on site' reflects the availability of data: housing completions are routinely publicly recorded by LPAs but the commencement of work on site tends not to be. This allows for a consistent basis for measurement.

We can mostly only identify the monitoring year in which the completion took place, so the mid-point of the monitoring year has been used to calculate the end date of the planning to delivery period. For example, a scheme delivering its first unit in 2014/15 would be recorded as delivering its first unit on 1 October 2014.

For solely apartment schemes this will be slightly different as developers will typically complete an entire block on a single day. This will often mean the 'planning to delivery period' is longer as the first recorded completion for multiple apartments in a newly constructed multi-storey block would require more on-site work than required to complete a single house.

Build period

The annualised build-out rates are recorded for the development up to the latest year where data was available as of April 2023 (2022/23 in most cases). Not every site assessed will have completed its build period as many of the sites we considered had not delivered all dwellings permitted at the time of assessment; some have not delivered any dwellings.

We anticipate multi-phased apartment schemes will have more 'lumpy' completions data as entire blocks are recorded as having been completed on the same day. This could mean years with high delivery preceded and/or followed by more fallow years.

Detailed definitions of each of these stages can be found in Appendix 1.

INSIGHT
START TO FINISH

Development and data

Our analysis focuses on larger sites of 500 or more dwellings, but we have also considered data from smaller sites ranging from 50-499 dwellings for comparison and to identify trends. The geographic distribution of sites assessed is shown in Figure 2.2 and a full list can be found in Appendix 2 (large sites) and Appendix 3 (small sites).

Efforts were made to cover a range of locations and site sizes in the sample, but we cannot say it is representative of the housing market throughout England and Wales. Our conclusions may not be applicable in all areas or on all sites. Our sample size has increased significantly: we now have 179 large sites (the second edition had 97) and 118 small sites (the second edition had 83). We have endeavoured to include more recent examples to ensure that the latest trends in planning determination and build-out rates for housing sites are picked up proportionally through the analysis of housing sites of all sizes.

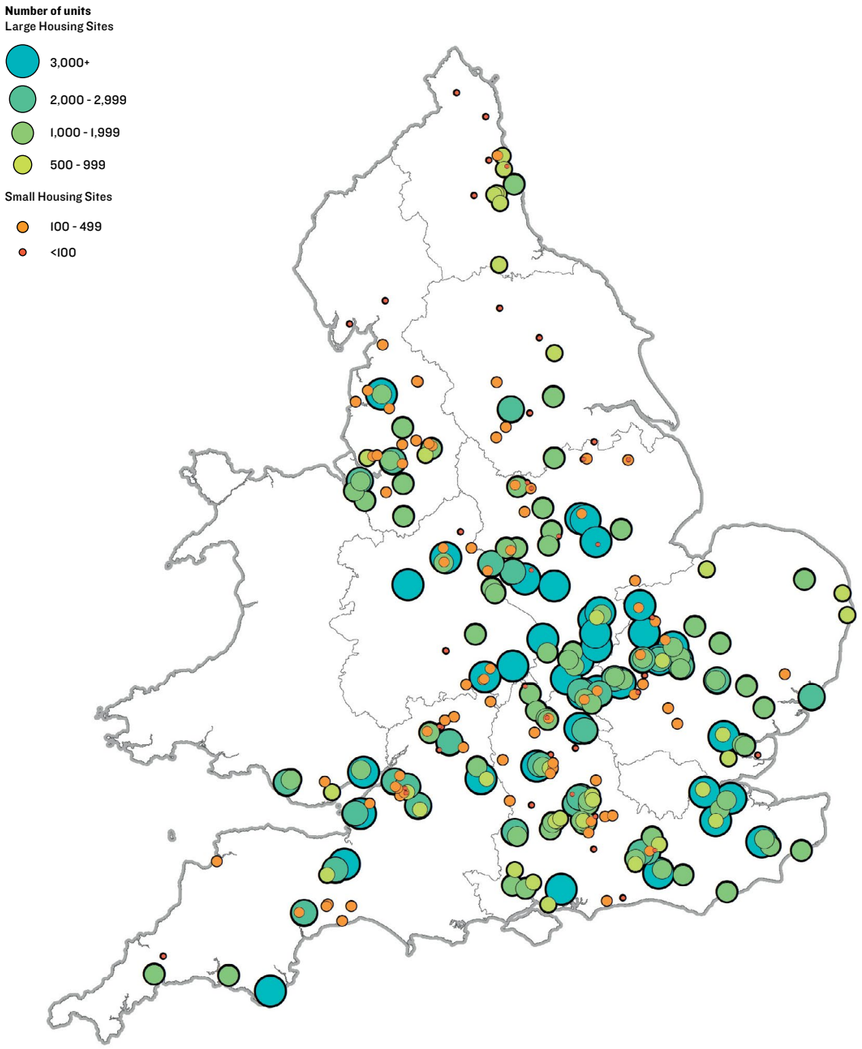
The sources on which we have relied to secure delivery data on all sites in this research include:

1. Annual Monitoring Reports (AMRs) and other planning evidence base documents produced by LPAs[12];
2. Contacting the relevant LPA, and in some instances the relevant County Council, to validate or update the data; and
3. In a handful of instances obtaining/ confirming the information from the relevant house builders.

[12] Monitoring documents, five-year land supply reports, housing trajectories (some in land availably assessments), housing development reports and newsletters

INSIGHT
START TO FINISH

Figure 2.2: Map of sites assessed, by size of site (dwellings)



Source: Lichfields analysis

03
How long does it take to get started?

In this section we look at lead-in times; the time it takes for large housing sites to get planning permission and begin to deliver homes on site. This includes both the 'planning approval period' and the 'planning to delivery period'.

Planning approval period

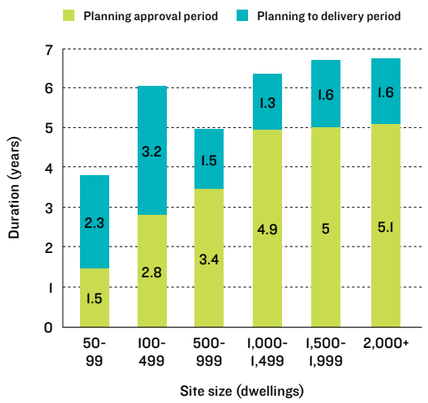
The first stage is the planning approval period: the time taken from the validation of the first application to the first detailed permission. For large sites, this period typically comprises the determination of an outline application, and then a reserved matters application (but in some cases, it may refer to a single full/hybrid application). Our data shows that the average median planning approval period generally increases in accordance with site size; for small sites of less than 100 dwellings, this is on average 1.5 years, but for sites of 1,000 dwellings or more, it takes an average of five years to obtain detailed planning permission, with minimal change in this period as site size increases above this point.

Although it takes longer to achieve a detailed planning permission on larger sites, there is not a linear relationship between size of site and time taken to secure the detailed permission. This might be because the largest sites are more likely to be allocated in adopted local plans and so the principle of development would have already been established by the time an application is submitted. In theory this would help to speed up the planning approval process but end-to-end timescales are dependent on a timely local plan system.

In Wales, the restrictive policy towards speculative applications makes an allocation almost essential.

The CMA has also undertaken analysis into the length of time it takes land promoters and house builders to obtain outline planning permission. Using data obtained from land promoters, the CMA found that of the outline permissions obtained in 2022, 43.4% of them were obtained within five years or less, with 97.4% in nine years or less. These periods are significantly longer than the figures in our analysis because this includes pre-application promotion work, which is not captured in our data which starts with submission of the first application.

Figure 3.1 Median average timeframes from validation of the first application to completion of the first dwelling



Source: Lichfields analysis

Table 3.1 Lower quartile, median and upper quartile planning approval period (years) by site size

	50-99 dwellings	100-499 dwellings	500-999 dwellings	1,000-1,499 dwellings	1,500-1,999 dwellings	2,000+ dwellings
Lower Quartile	1.4	2.6	2.7	3.7	3.7	4.1
Median	1.5	2.8	3.4	4.9	5.0	5.1
Upper Quartile	5.9	9.0	6.6	8.3	6.9	7.9

Source: Lichfields analysis

The CMA go on to say in footnote 111 that *"in estimating the development timeline, our estimate for the most comparable element of the process is, on average, 3 to 4.5 years"*. This is more closely aligned to our findings on securing planning permission on a large site.

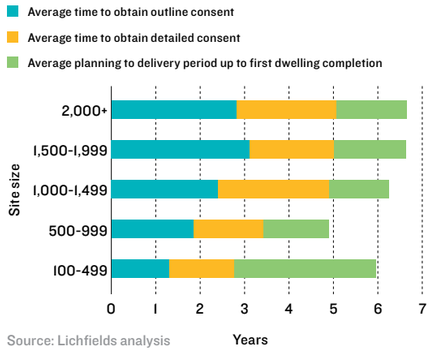
The CMA also found that the time required to make planning decisions is increasing (paragraph 4.27). However, its analysis considered developments of all sizes; we found no discernible difference in the time it takes schemes of 500 dwellings to achieve detailed approval since 2012/13 compared to older schemes. This could be because large-scale housing applications have always been more complex and so inevitably took longer to determine. They would, likely, also only be pursued by those with significant experience in this sphere. However, we did find an increase in the planning to delivery period which we discuss later in the report.

Outline permission to completion of the first dwelling

Our 2020 research was published in the aftermath of the NPPF[13] which raised the bar on the definition of 'deliverable' for determining whether a site could be assumed to supply completions within the five-year housing land supply period. This definition is now well-established with the 'clear evidence' required to demonstrate deliverability of sites that do not benefit from a detailed permission.

We have updated our findings on the average time taken from gaining outline permission to the completion of the first dwelling on site, as shown in Figure 3.2. This indicates that it takes on average around 3 - 4.6 years from the grant of outline planning permission to deliver the first dwelling. This means at the time of its granting, an outline permission will on average deliver limited amounts of housing within the next five-year period.

Figure 3.2 Overall lead-in times for sites of 100 dwellings or more including time taken for outline consent by site size



Source: Lichfields analysis

Planning approval period: What is going on?

Larger sites are often complex and require outline permissions to set the framework for future phases or staged delivery before bringing forward a detailed scheme through reserved matters and detailed permissions.

Outline planning permissions for strategic development are often not obtained by the company that builds the houses. Master developers and land promoters play a significant role in bringing forward large-scale sites that are subsequently implemented by house builders.

Promoters will typically obtain outline planning permission and then sell the site to a house builder that will secure the detailed approvals.

The CMA explains that land promoters are contractually obligated to begin the sale of land as soon as practically possible after receiving outline planning permission. The CMA found that whilst in 2022 65% of sites sold by promoters were sold within 12 months of obtaining planning permission, their data implied a large variation in the time taken to sell a site[14]. Reasons included low interest in the site, protracted price negotiations, withdrawal from a sale, and multi-phased sales.

[13] February 2019

[14] CMA Housebuilding Market Report paragraphs 4.53 and 4.66-4.69

1.6 years

time taken to build the first dwelling following detailed consent on a 1,500+ dwelling scheme

Planning to delivery period

Figure 3.1 demonstrates that smaller sites in this research take longer to deliver their first dwelling than large sites, measuring the time from detailed approval being secured. Sites of 500+ dwellings take 1.3 - 1.6 years to deliver the first dwelling. By contrast sites for 50 - 99 dwellings take 2.3 years, whilst sites of 100 - 499 dwellings takes 3.2 years.

Planning to delivery period: What is going on?

There are typically complex site-specific issues such as securing statutory approvals, signing-off details, resolving land ownership and legal hurdles prior to the commencement of development.

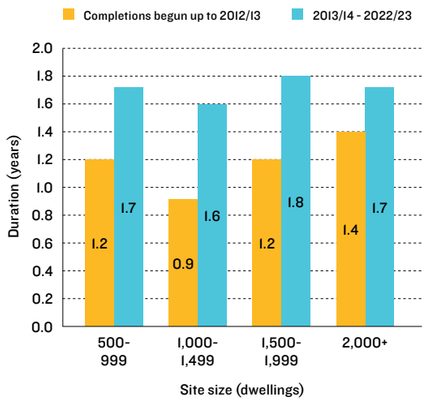
House builders must discharge pre-commencement planning conditions before constructing a home. These should be tailored to tackle specific problems but can be used broadly, for example relating to drainage, soil surveys, ecology, environmental health, materials samples, highways/ traffic plans and formalise any CIL liability.

Our 2021 research[15] provided a deep dive into five local authority case studies, using their monitoring data to look at what is happening to individual planning permissions at the local level once granted. Some permissions require re-working or replanning to improve a scheme. Often these reworks – undertaken at a point at which the principle of development has already been established – will help ensure the most efficient use of land and the right scheme for the market, while also reducing planning risk for the developer. Detailed permissions are more likely to be reworked, likely reflecting their relative inflexibility compared to outline permissions. The extent of re-plans reflects the limited scope to quickly amend permitted schemes without needing to submit a new application.

Planning to delivery period over time

The planning-to-delivery period is longer for sites of all sizes in the part of our sample that started in the last decade. Figure 3.3 splits the planning to delivery analysis in Figure 3.1 by time. It shows that up until 2012/13 (just after the NPPF was first introduced), the planning to delivery period ranged between 0.9 – 1.4 years, with schemes of 2,000+ dwellings taking the longest to get started. In the period since the NPPF, the planning to delivery period has extended up to 1.6 - 1.8 years, a figure that is relatively consistent across all site sizes. The reasons for the change are not identified in the data, but may reflect the increased complexity of planning requirements as well as resourcing pressures in LPAs.

Figure 3.3 Planning to delivery period by site size



Source: Lichfields analysis

The overall lead-in time

The average time from validation of an outline application to the delivery of the first dwelling for large sites of 500 dwellings or more ranges from 4.9 to 6.7 years depending on site size, i.e. beyond an immediate five-year period for land supply calculations.

When combining the planning approval period and planning to delivery period only sites comprising 99 dwellings or less will – on average – deliver anything within an immediate five-year period. Interestingly, sites of 100 - 499 dwellings and all sites of 1,000 dwellings or more have a very similar combined planning approval and planning to delivery period of 6 - 7 years, despite significant variation in site size.

After this period, an appropriate build-out rate based on the size of the site should also be considered as part of the assessment of deliverability (see Section 4).

[15] Lichfields, 2021 Tracking Progress

04
How quickly do sites build out?

The rate at which homes are to be built on sites – and the realism of housing land supply and trajectories – is often contested at local plan examinations and planning inquiries. Whilst the pressure on LPAs to maintain a five (or four[16]) year housing land supply may be decreasing[17], the LURA contains measures that will increase scrutiny of build-out rates at the planning application stage, with the potential (at least in theory) for Completion Notices that nullify permissions when sites fall behind from their agreed delivery pace. A good understanding of real-world examples and evidence on absorption rates (see Section 5) remains essential.

Our analysis of build rate averages excludes any sites which have less than three years of completions data. This is because it is unlikely the completion figure in year one would cover a whole monitoring year, and so could distort the average for that site when considered alongside only one full year of completion data.

Some schemes do achieve very high rates of build-out in particular years (the top five annual figures were 520-620 dwellings per annum [dpa]) but this rate of delivery is not sustained (see Table 4.1). Apart from Ebbsfleet[18], the peak build-out rates were anomalous. That said, the five examples in Table 4.1 remain at the upper end of (or above) the range of our overall sample: for schemes of 2,000 or more dwellings the average annual completion rate throughout build-out ranges from 100 to 188 dpa (see Figure 4.1).

Table 4.1 Peak annual build-out rates compared against average annual build-out rates on these sites

Site	Local Planning Authority	Site size (dwellings)	Peak annual build-out rate (dpa)	Average annual build-out rate (dpa)
Cambourne (original new settlement[19])	South Cambridgeshire	3,300	620	188
Ebbsfleet	Dartford	15,000	619	255
Berryfields Major Development Area (Aylesbury Garden Town)	Buckinghamshire	3,254	562	251
Great Kneighton (Clay Farm)	Cambridge	2,188	539	219
Oakley Vale	North Northamptonshire	3,100	520	162

Source: Lichfields analysis

[16] See NPPF paragraph 226

[17] See NPPF paragraph 76

[18] Ebbsfleet has delivered a series of high annual build-out rates in the most recent five-year period: 2018/19 = 613, 2019/20 = 553, 2020/21 = 347, 2021/22 = 533 and 2022/23 = 619

[19] The second edition of this research included Cambourne as an example with a total site size of 4,343 dwellings. However, in this iteration we have separated out the sites into Cambourne the original new settlement (3,300 dwellings), Upper Cambourne (950 dwellings) and Cambourne West (2,350 dwellings)

Average annual build-out rates

Figure 4.1 presents our updated results for average annual build-out rates by site size for all sites in our sample. Unsurprisingly, larger sites deliver on average more per year than smaller sites. Those of 2,000 dwellings or more, delivered on average more than twice the rate of sites of 500 - 999 dwellings.

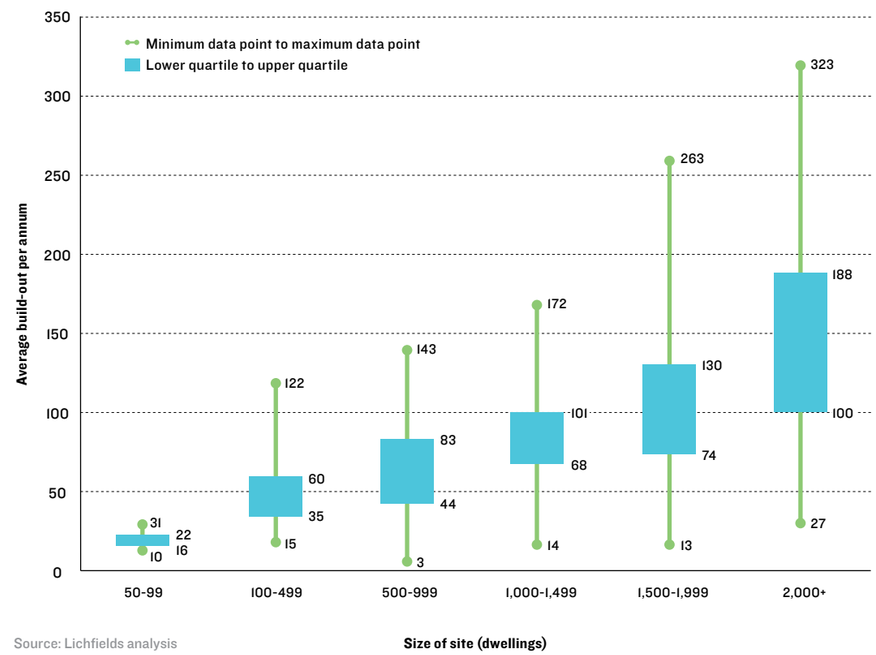
In this third iteration of the research, we have identified the average (mean and median) build rate, but also the lower and upper quartiles to illustrate a range.

This avoids too much focus on a singular figure, recognising the wide range of factors that influence build-out rates as set out in Section 5. For sites of 2,000 or more dwellings, the lower to upper quartile range for build-out rates is 100 to 188 dpa. The highest average build-out rate in our analysis is 323 dpa, at Great Western Park, in the Vale of White Horse.

100-188 dpa

average annual build-out rate on 2,000+ dwelling scheme

Figure 4.1: Average build-out rate by size of site (dwellings)



Source: Lichfields analysis

Comparison with our previous editions

The number of sites we have assessed is significantly increased in this edition of the research, but particularly for the largest sites (2,000+ dwellings) where we have 43 extra examples. Over the three editions of our research, the mean build-out rate has decreased marginally, whilst the median rate is also lower for sites under 999 dwellings but broadly static for sites of 1,000 dwellings or more. Overall, there is limited difference in the average build-out rates across all three editions which gives us confidence in the findings. However, it does show there a reduction in the presented build-out rates overall. We explore whether this is a function of our sample size or the addition of new years of monitoring data in Section 5.

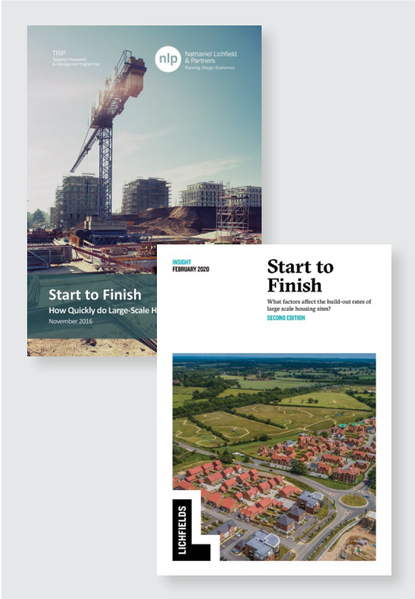


Table 4.2 Average build-out rates by size of site (dwellings) comparred with the first and second editions of the research

Site Size (dwellings)	Mean build-out rate (dpa)				Median build-out rate (dpa)		
	First Edition	Second Edition	Third Edition		Second Edition	Third Edition	
50-99	27	22	20		27	18	
100-499	60	55	49		54	44	
500-999	70	68	67		73	68	
1,000-1,499	117	107	90		88	87	—
1,500-1,999	129	120	110		104	104	—
2,000+	161	160	150		137	138	—

Source: Lichfields analysis

05 What factors can influence build-out rates?

In this section we explore some of the factors that can influence the pace at which sites are built out. This includes site and location-specific factors, such as the strength of local market, the amount of affordable housing and whether a site is greenfield or brownfield. In this third edition, we also consider the potential impact of economic and housing market cycles.

Economy and market impacts

The housing market appears to be at the start of a new economic cycle. After around a decade of generally favourable market conditions (with cheap finance and policy support) potential home purchasers and builders are facing different circumstances.

Figure 5.1 looks at how average build-out rates on our sampled sites have correlated with net additional dwellings in England and recent economic events and interventions over our study period.

Economic and policy context for house building and build-out rates

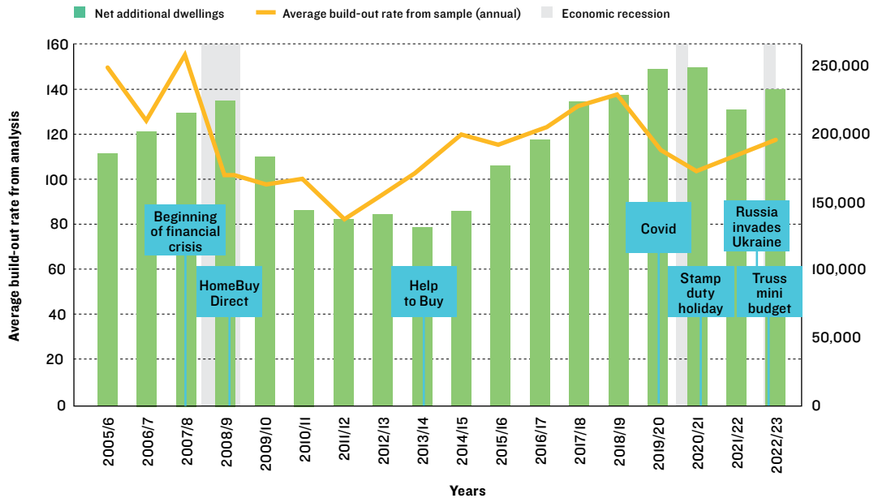
Government support for new home buyers was available before the Global Financial Crisis (GFC), (i.e. "First Buy" in 2006/7) but more robust support was introduced subsequently, firstly with Homebuy Direct, then Help to Buy which was introduced in 2013 and lasted until October 2022. It supported almost a third of new home sales over this period[20]. COVID-19 prompted a further stimulus in the form of a stamp duty holiday (July 2020 - July 2021).

Alongside these policy measures, mortgage rates were historically and consistently low, falling to 0.5% in March 2009 and 0.1% in March 2020 before rising again from December 2021.

Combined, this provided favourable conditions for home buyers and house builders.

The end of Help to Buy in 2022 was compounded by dramatically increased mortgage rates, reaching 5.25% in August 2023. The effect to transactions has already been significant and the OBR forecast (in March 2024) that transactions in 2024 will be 14% below pre-pandemic levels (2017-2019) and will not return to this level until 2027.

Figure 5.1: Net Additional Dwellings (England) and build-out rates (England and Wales) in economic context



Sources: Lichfields analysis of build-out rates, DLUHC 2024, Increase in Dwelling stock Table 104

[20] https://www.gov.uk/government/statistics/help-to-buy-equityloan-scheme-data-to-30-september-2021/help-to-buy-equity-loanscheme-data-to-30-september-2021#aboutthe-help-to-buy-equityloan-scheme

Looking ahead

The Bank of England estimates that (due to the increased share of fixed rate mortgages now being 85% compared to closer to 50% in 2007) *"over half the impact from two years of interest rate increases is still to be felt"*. This leads to the OBR forecasting a drop in housing transactions, and in housebuilding from an already low rate, to just 213,600 in 2025/26.

Worsening market conditions will likely markedly reduce build-out rates. Savills research for the LPDF 'A New Normal for Housebuilding' forecast fewer sales outlets (with fewer consented sites) and lower sales by outlet, dropping from the 0.73 average homes sold per week between 2015 and 2021 (and 0.67 before the 2008 recession) to 0.5 - 0.6 over the medium term, taking into account the low and falling number of consented sites in developer pipelines, and the size of each site increasing. As we show (see Figure 5.6 later in this section), a lower number of outlets is correlated with slower build-out rates. The post-2022 conditions are yet to be fully captured in monitoring data, but we would expect this to arise in future years.

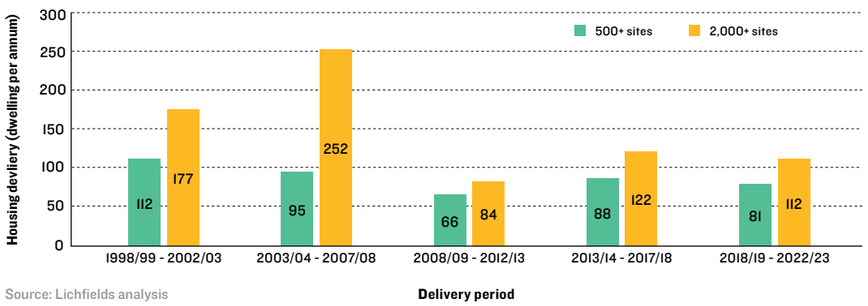
There is some room for optimism. The February 2024 RICS residential survey shows sales expectations improving over the next year and a positive sentiment for new instructions of sales for the first time in three years. This is likely at least partly due to a consensus that interest rates have peaked, with UK Finance forecasting mortgage affordability is plateauing, and will improve in 2025[21].

Looking back

The average build-out rates achieved on large sites (Figure 5.2) has fallen over time since before the GFC. The drop-off is most considerable for large sites starting development in the period directly after the GFC. Build out picked up slightly for projects that started in the five years to 2017/2018 taking in the impact of the 2012 NPPF. The COVID-19 pandemic and the rise in interest rates in the 2018/19 to 2022/23 period shows in the slight dip in build-out rate.

The largest sites (2,000+ dwellings) seem to have been hardest hit, falling from a peak average annual build-out of 252 dpa prior to the GFC to just 84 dpa during the recession and early recovery, before increasing again to 112 dpa in the most recent five-year period. However, the drop following 2007/8 may not be solely economically-driven; changes in the type of sites allocated, the structuring of delivery, and relying on s.106 for funding affordable housing and infrastructure may be determinative factors.

Figure 5.2: Average annual build-out rates for large sites (500 or more and 2,000 or more dwellings) by five-year interval



Source: Lichfields analysis

[21] https://www.ukfinance.org.uk/news-and-insight/press-release/mortgage-lending-fall-in-2024

Site specific factors

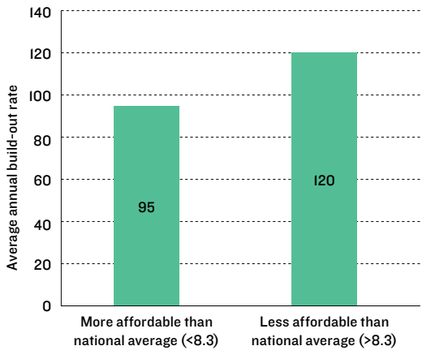
Do homes get delivered faster in high pressure areas?

The rate at which homes can be sold (the 'absorption rate') determines the build-out rate. The CMA report found that there is strong evidence - from studies (including the second edition of this research) and engagement with stakeholders - that housebuilders (typically buying consented land using the residual land value method) generally respond to the incentive to sell at prevailing market value by building homes at a rate that is consistent with the local absorption rates. This avoids capital being tied up in partly finished or finished but unsold homes.

We have considered whether housing demand at the local authority level affects build-out rates. For the purposes of this research, higher demand areas are assumed to be those with a higher ratio of house prices to earnings, utilising the same measure as that applied in the Government's standard method for assessing local housing need. Figure 5.3 shows the sample of 500 or more dwelling schemes (that have delivered for at least three years) divided between whether they are located in a local authority above or below the national median affordability ratio (8.3). It shows higher demand areas appear to absorb 26% higher annual build-out rate than lower demand areas[22].

Of the five sites identified at Table 4.1 with the highest peak rates of delivery, all but Oakley Vale in North Northamptonshire are in local authority areas with workplace-based affordability ratios more than the national average when those rates were achieved[23].

Figure 5.3 Build-out rates by level of demand using national median 2022 workplace based affordbaility ratio (dpa)



Source: Lichfields analysis

26%

greater average annual build-out rate in higher demand areas

[22] This is in line with the findings of the second edition of the research, albeit both averages are lower this time. The previous research showed the large sites in LPAs which were 'more affordable than the national average (<8.72) delivered on average 99 dpa versus those large sites in LPAs which were 'less affordable than the national average (>8.72) at 126 dpa

[23] Using ONS long term affordability data https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingaffordabilityinenglandandwales/2022#:~:text=In%202022%2C%20full%2Dtime%20employees,6.2%20times%20their%20annual%20earnings

34%

greater annual average build-out rate on greenfield sites

Do sites on greenfield land deliver quicker?

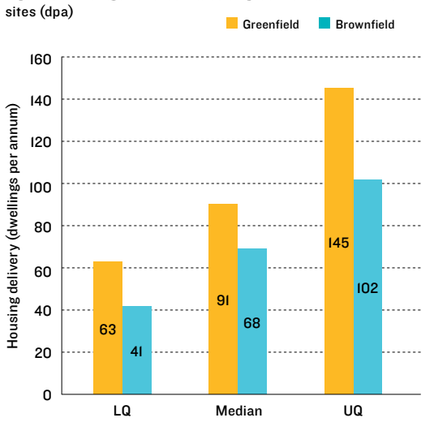
Both previous editions of this research found that greenfield sites have, on average, delivered more quickly than brownfield sites. This remains the case in our updated cohort of sites. The median figures show greenfield sites delivering 34% higher average annual build-out rates. Using lower and upper quartiles to set a range, Figure 5.4 shows that brownfield sites are seen to deliver between 41 to 102 dpa compared with greenfield sites delivering 63 to 145 dpa. This is likely to reflect the fact that brownfield sites are more complex to deliver, can carry extra cost (e.g. for remediation) which reduces the scale of contribution they make to infrastructure and affordable housing provisions, which as shown in Figure 5.5, can boost build-out rates. We consider issues related to apartment-led brownfield schemes in Section 6.

Housing mix and variety

The Letwin Review[24] posited that increasing the diversity of dwellings on large sites in areas of high housing demand would help achieve a greater rate of build-out. It concluded that a variety of housing is likely to appeal to a wider, complementary range of potential customers which in turn would mean a greater absorption rate of housing by the local market.

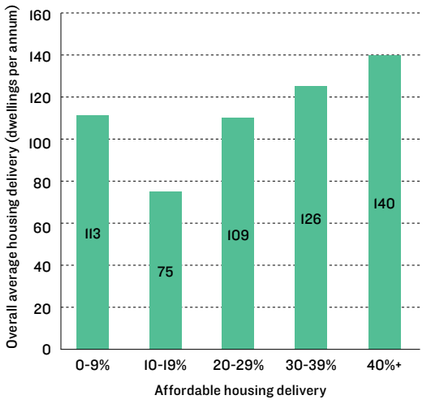
Consistent data on the mix of sizes, types and prices of homes built out on any given site is difficult to source, so we have tested this hypothesis by using affordable housing delivery percentages on site as a marker of a different tenure and the number of sales outlets on a site as a proxy for variety of product types.

Figure 5.4 Average build-out rates on greenfield and brownfield sites (dpa)



Source: Lichfields analysis

Figure 5.5 Average build-out rates by level of affordable housing (dpa)



Source: Lichfields analysis

Affordable housing

Large amounts of affordable housing on a site can boost delivery, if viable, because it taps into an additional source of demand. This is supported by our findings: schemes with the highest proportions of affordable housing (30%+) have the highest average annual build-out rates. However, there is not a direct correlation for those providing lower percentages; indeed, those providing 10- 19% affordable housing had the lowest average build-out rates whereas rates on schemes delivering the lowest levels of affordable housing (i.e. less than 10% and some providing zero) were on average higher than those providing 10-29% affordable homes.

Whilst schemes with the highest rates of affordable housing achieve the highest rates, these are likely to be located in the strongest markets for homes to buy and there will, in most cases, be a cap on the proportion of affordable homes that can be achieved on sites without compromising overall viability.

Key worker housing

Among our sample of sites was a scheme delivering significant quantities of key worker housing. This specific type of housing was excluded from our wider research to avoid distorting the data.

Delivery data obtained for North West Cambridge includes annual build-out rates by the University of Cambridge and Hill Residential (Table 5.1). This suggests a specific type of product may yield high annual build-out rates with the peak year of delivery reaching 409 dwellings. The average annual build-out rate for this site is 178 dpa which is significantly higher than other schemes in the 500-999 dwellings category. However, North West Cambridge also comprises apartments which have specific delivery circumstances which make them not be readily compared to the wider research. We consider urban apartment developments on brownfield sites in Section 6.

Table 5.1 Annual build-out rates at North West Cambridge by phase

North West Cambridge	2016/17	2017/18	2018/19	2019/20	2020/21	Average Build-out Rate
Lot 1 (University of Cambridge) KEY WORKER UNITS		117				
Lot 2 (University of Cambridge) KEY WORKER UNITS			264			
Lot 3 (University of Cambridge) KEY WORKER UNITS		232				
Lot 8 (University of Cambridge) KEY WORKER UNITS	73					
Lot M1 (University of Cambridge And Hill Residential)		3	109	7	2	
Lot M2 (University of Cambridge And Hill Residential)		1	36	15	33	
Totals	**73**	**353**	**409**	**22**	**35**	**178**

Source: Lichfields analysis

[24] https://www.gov.uk/government/publications/independent-review-ofbuild-out-final-report

[25] https://www.gov.uk/government/publications/independent-review-of-build-out-final-report

Outlets

Across the years in which the number of outlets varied on the same site we have a total of 114 data points from 15 sites. The data is limited to those local authorities that publish information relating to outlets on site. It is a small sample, but larger than that available in our second edition (12 sites, and 80 data points).

We consider the number of outlets delivering dwellings each year. For example, if two phases are being built out in parallel by the same housebuilder this has been counted as one outlet with the assumption there is little variety (although some builders may in reality differentiate their products on the same site, particularly if dual branded). However, if two phases are being built out in parallel by different housebuilders this is counted as two outlets, with the assumption that there would be some variation in the product on offer.

Figure 5.6 shows a clear relationship between the number of outlets on site and the annual build-out rate achieved. Table 5.2 also shows that, although the quantum of completions in a year increases with every additional outlet, the average delivered per outlet increases slightly with four and five outlets.

Table 5.2 Average annual completions per outlet

No of outlets	Average annual completions	Average completions per outlet
1	69	69
2	123	62
3	164	55
4	230	57
5	286	57

Source: Lichfields analysis

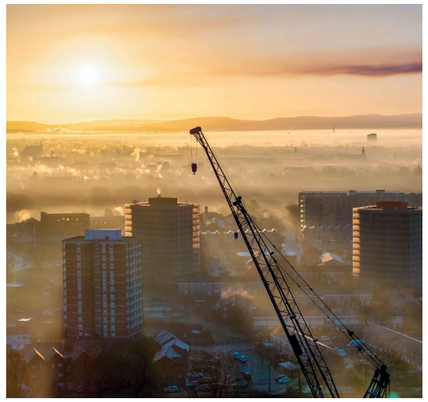
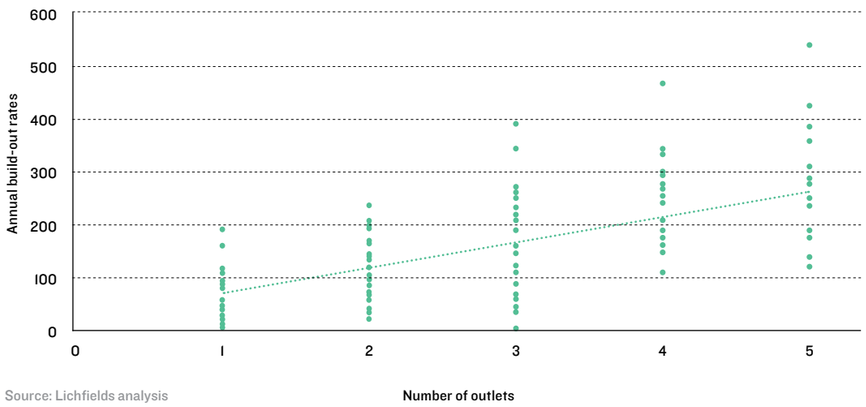


Figure 5.6: Build-out rates by number of outlets present (dpa)



Source: Lichfields analysis

06
Delivery of brownfield, urban apartment schemes

Government policy is seeking to increase the emphasis on brownfield residential development, and higher density, apartment schemes are likely to be a consequence. What contribution can these sites make to housing trajectories?

We have identified data for nine examples of solely apartment schemes in excess of 250 units on urban brownfield sites (all outside London). This is a reasonable number of units to differentiate sites from lower density suburban apartment developments that might appear in the research. These have been considered separately from the other large sites in the research and include no other types of dwelling (i.e. no townhouses, semis or detached properties). Some of the large sites analysis already considered will include apartments, potentially for significant proportions of their schemes, but they will include some conventional houses.

Appendix 4 contains a short explanation of the planning history and build-out rates for each of the examples which have informed the analysis in this section. Their locations are shown on Figure 6.1.

Figure 6.1: Map of sites

Source: Lichfields analysis

Lead-in times

Whilst a modest sample size, it is immediately apparent that there is a significant extension in the time it takes for these sites to progress from planning to delivery (Table 6.1 and Figure 6.2).

When compared with comparably sized sites of conventional housing, our sample of apartment schemes have similar planning approval periods but then progressed to delivery much more slowly. This is particularly the case with the larger apartment schemes (500+ units) where the planning to delivery period for those considered was more than three times longer than the benchmarks for large conventional housing sites. For X1 Media City which is 1,100 units, it was more than seven times longer than conventional housing counterparts. Whilst one should be cautious drawing conclusions on a small sample, what might these findings imply?

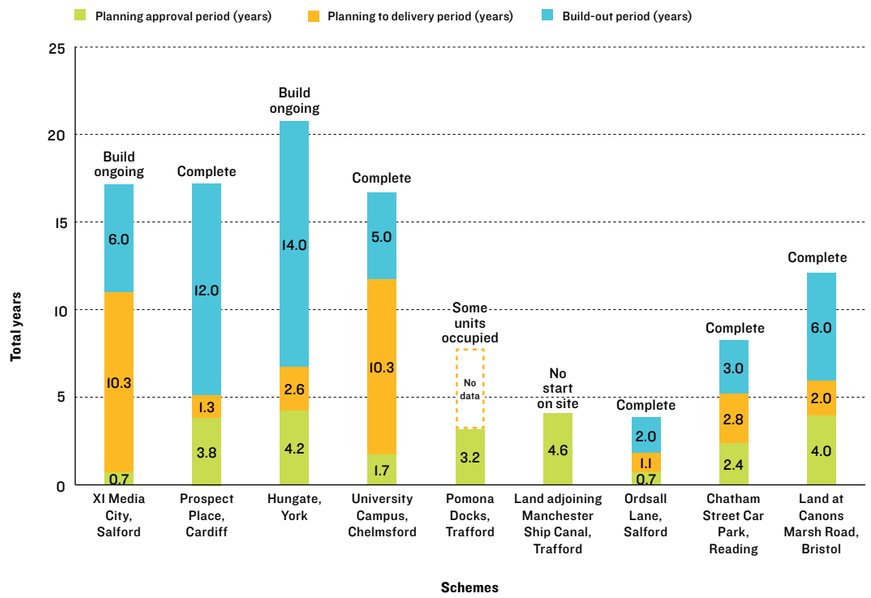
1. Firstly, when recording the completion of an apartment, this will be alongside others in one or more blocks that are completed in one go, rather than an individual dwelling that can be built and sold as the site progresses. Because it is likely to take longer to complete a block of apartments than a single house. As such, the period over which we are measuring planning to completion of the first apartment will likely be longer.
2. Secondly, as set out in Appendix 4, there can be considerable time spent in 'optimising' a planning permission once the 'original' detailed consent is granted. For example:
   - **X1 Media City**: This scheme was granted detailed consent in 2007. An extension of time application for the original consent was submitted in April 2010 and approved in November 2012. A further amendment to previously approved planning permission was approved in May 2016. First completions were recorded in 2017/18.
   - **University Campus (Chelmsford):** Outline planning permission was granted at appeal in October 2003. Following a public inquiry for Stopping Up Orders and their confirmation in October 2005, the site was sold in 2007. A further process of exploring land use and design solutions to resolve commercial and planning objectives followed. Another outline and full application were approved in November 2012. First completions were recorded in 2014/15.
3. Thirdly, brownfield sites at scale can be complex with unusual issues to resolve. For example, Prospect Place (Cardiff) required extensive land reclamation. Further, the viability of delivering brownfield sites of this scale can be finely balanced with schemes susceptible to changes in the costs and values, necessitating redesigns prior to commencement of development.

Table 6.1 Lead-in time analysis for 9 example brownfield apartment schemes

	Site	Site Size (units)	Brownfield apartment schemes		Sites considered in sections 3 & 4	
			Planning approval period (years)	Planning to delivery period (years)	Planning approval period (years)	Planning to delivery period (years)
> 500 units	XI Media City, Salford	1,100	0.7	10.3	4.9	1.3
	Prospect Place, Cardiff	979	3.8	1.3	3.4	1.5
	Hungate, York	720	4.2	2.6		
	University Campus, Chelmsford	645	2.7	9.0		
	Pomona Docks, Manchester	526	3.2	Unknown		
	AVERAGE		**3.5**	**4.3**		
< 500 units	Land adjoining Manchester Ship Canal, Manchester	449	4.4	Unknown	2.8	3.2
	Ordsall Lane, Salford	394	0.7	1.1		
	Land at Canons Marsh Road, Bristol	307	4.0	2.0		
	Chatham Street Car Park, Reading	272	2.4	2.8		
	AVERAGE		**2.9**	**2.0**		

Source: Lichfields analysis

Figure 6.2: Lead-in time analysis for brownfield apartment schemes



Source: Lichfields analysis

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Build-out rates

As explained, the nature of apartment schemes means that annual build-out rates can be lumpy, as homes delivered can only be recorded when a block is completed. Figure 6.3 shows Prospect Place, Hungate, University Campus Chelmsford and X1 Media City with years when many units were completed with subsequent fallow periods of no delivery. Table 6.2 further illustrates this by comparing the peak year of delivery with the average rate.

Apartment schemes may also be more susceptible to downturns in the market – the 'all or nothing' requirement (to complete whole blocks before units can be released to prospective purchasers) ties up capital and makes them higher risk for conventional sale. For example, LPAs told us that both Prospect Place and Hungate were significantly impacted by the GFC: each having more than five years in which there were no new completions.

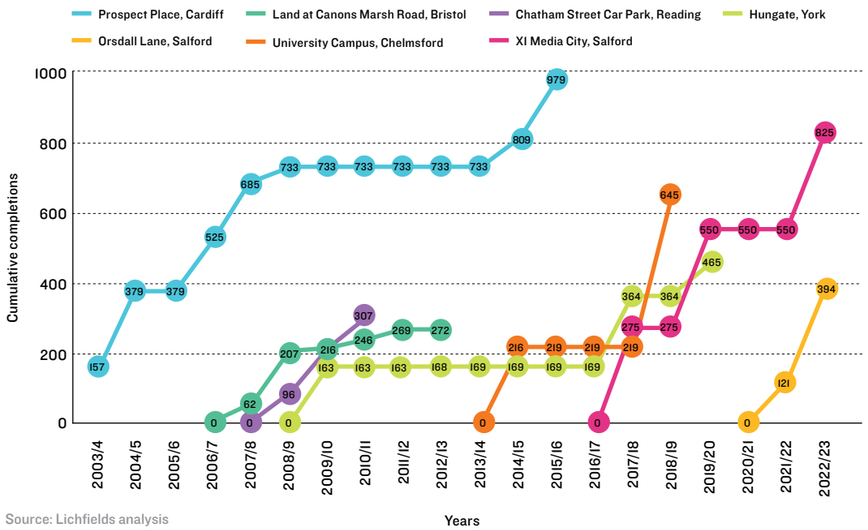
From our sample of nine sites, there is (perhaps unsurprisingly) much variety in the pace at which brownfield apartment schemes obtain planning permission (as there can be with greenfield sites), but more notable is how long it takes some sites to turn that consent into homes available for sale and occupation. Furthermore, while some significant 'peak' annual build-out rates can be achieved on these sites, delivery is lumpy and we found the GFC stalled completions on some schemes. Local authorities relying on higher density apartment schemes on brownfield sites to secure their five-year land supply or local plan housing trajectory will need to incorporate more flexibility if they are to be confident in achieving housing requirements.

Table 6.2 Peak annual build-out rates compared against average annual build-out rates on the example urban apartment schemes

Site	Average annual build-out	Peak years build-out
Prospect Place, Cardiff	75	222
Hungate, York	33	195
University Campus, Chelmsford	129	426
XI Media City, Salford	138	275
Chatham Street Car Park, Reading	102	120
Land at Canons Marsh Road, Bristol	45	145
Ordsall Lane, Salford	197	273

Source: Lichfields analysis

Figure 6.3: Annual build-out rates for the urban apartment scheme examples (years)



Source: Lichfields analysis

07 Conclusions

Our research provides real-world benchmarks to assist planning for the effective delivery of large-scale housing. These benchmarks can be particularly helpful in locations where there is limited experience of such developments to inform housing trajectories and land supply assessments. It augments the debate on build-out rates stimulated by the CMA's work. We present some statistical averages to assist the debate, but the real relevance of our findings is that there are likely to be many factors which affect lead-in times and build-out rates, and it is these – alongside the characteristics of individual sites – that needs to be considered carefully by local authorities relying on these projects to deliver planned housing.

The averages presented in our analysis are not intended to be definitive or a substitute for a robust, bottom-up justification for the delivery trajectory of any given site factoring in local absorption rates. It is clear from our analysis that some sites start and deliver more quickly than the average, whilst others have delivered much more slowly. Every site is different and the range in our lower and upper quartile figures for build out illustrates the risk of relying on a singular estimate.

Key findings

1. **Only sites below 100 dwellings on average begin to deliver within a five-year period from validation of an outline application**

   When considering our updated data on lead-in times, it shows only smaller sites with 99 dwellings or fewer will typically deliver any homes within a five-year period from the date that the first application is validated. The lead-in time comprises the planning approval period and the planning to delivery period. Even small sites make a modest contribution within five years as the lead in time is on average 3.8 years. Larger sites of 1,000 dwellings or more on average take five years to obtain detailed planning permission (the planning approval period), meaning at the time the first application is validated, no homes from that site might be expected to be delivered in the forthcoming five-year period.

   The planning to delivery period is circa 1.3 – 1.6 years for all sites of 500+ dwellings and does not vary significantly according to site size. This demonstrates the truism that most sites proceed to implementation quickly once permission is granted. This is the period in which sites may change ownership and pre-commencement conditions must be discharged. The increase in this period might reflect market conditions and/or a complexity in dealing with technical pre-commencement matters.

2. Average annual build-out rates on large scale sites are lower than previous editions of this research

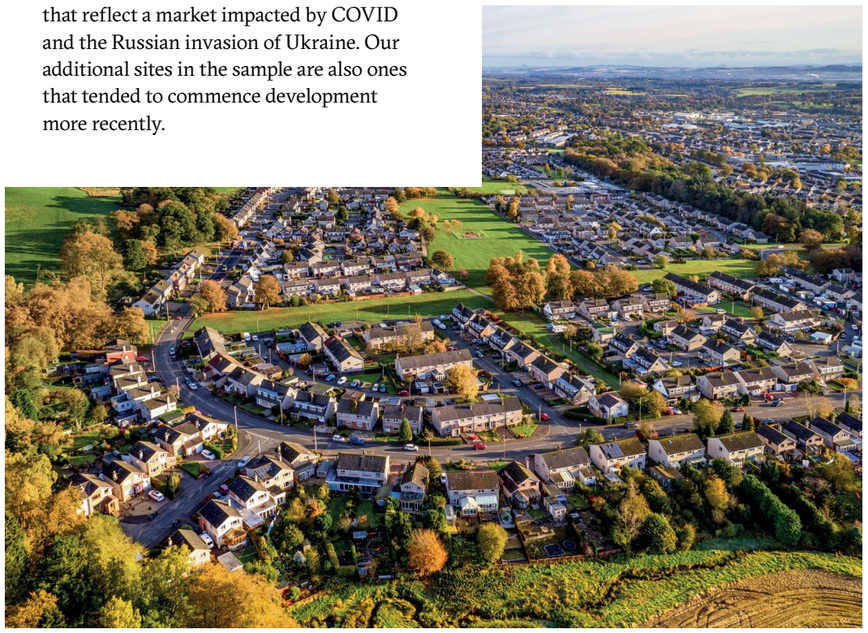
The build-out rates for schemes of 2,000 dwellings or more is 100 to 188 dpa using the lower and upper quartiles of our analysis. The lower and upper quartiles for every size of site category increase as they get larger. Bigger sites deliver more homes each year.

This third iteration of the research has increased our sample size, especially for the largest sites of 2,000+ dwellings (with 43 new examples). Whilst our findings remain comparable, the average rates of build out are slightly lower. The mean build-out rate has marginally decreased for every site size over the three editions of our research. For sites of 2,000+ dwellings the mean has decreased from 161 dpa to 151 dpa. For sites of under 1,000 homes, the median build-out rate is also lower. This may capture characteristics of newly surveyed sites, but also extra monitoring years since 2019 that reflect a market impacted by COVID and the Russian invasion of Ukraine. Our additional sites in the sample are also ones that tended to commence development more recently.

3. Tough market conditions mean a likely slowing in build-out rates and house building overall

Market conditions have a clear effect on house building and the build-out rates of individual schemes. It is in this context that, ceterus paribus, one might expect to see a drop in build-out rates over the next few years. Recent research for the LPDF forecast fewer sales outlets (with fewer consented sites) and lower sales by outlet. Our research shows, a lower number of outlets is likely to lead to slower build-out rates.

There is some room for optimism with the February RICS residential survey showing sales expectations improving over the next year and for the first time in three years, a positive sentiment for new instructions of sales. This is likely at least partly due to a common belief that interest rates have peaked, and mortgage affordability will improve in 2025.



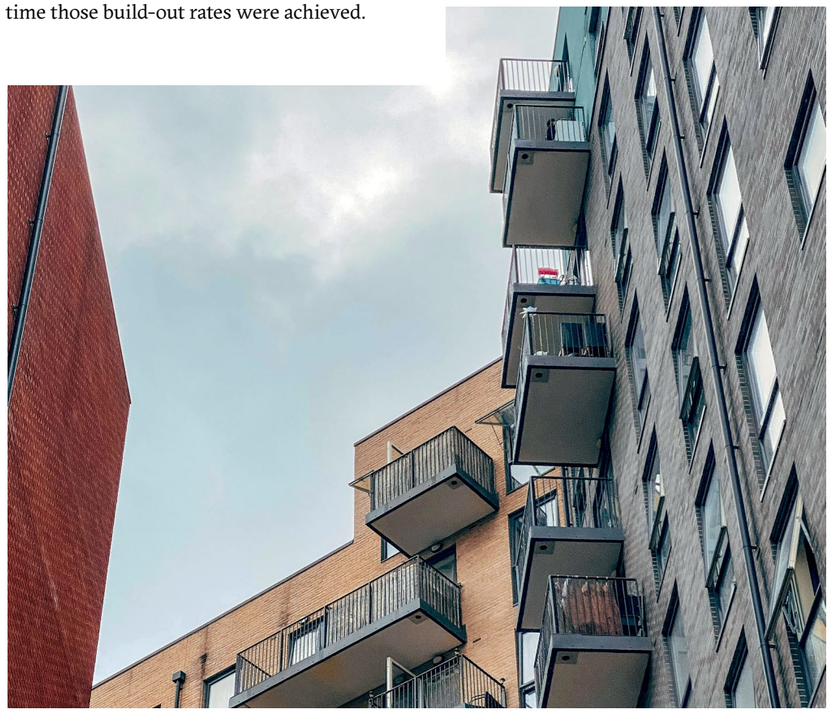
4. Demand is key to maximising build-out rates

The rate at which homes can be sold (the 'absorption rate') at a market value consistent with the price paid for the land determines the build-out rate. The CMA found there is strong evidence from studies and its own engagement with stakeholders, that housebuilders generally respond to the incentive to maximise prices by building homes at a rate that is consistent with the local absorption rates.

Our analysis found that areas with a higher ratio of house prices to earnings had an average 26% higher annual build-out rates on schemes of 500+ dwellings than lower demand areas. The top four highest individual years of delivery in this research (see Table 4.1) are in local authority areas with workplace-based affordability ratios greater than the national average at the time those build-out rates were achieved.

5. Variety is the spice of life

Additional outlets on site have a positive impact on build-out rates, although there is not a linear relationship. Schemes with most affordable housing (30% or more) built out faster, i.e. with higher average build-out rates than those with lower levels of affordable housing delivery; but those delivering 10-19% of their units as affordable had the lowest build-out rates of all. One case study example – in Cambridge – was a predominantly key worker scheme that was able to deliver at an average of 178 dpa, significantly higher than other similar sized schemes included in this research. This points to the principle – identified by the Letwin Review – that, where there is a demand, a mix of homes, complementing market housing for sale, could have a positive impact on build rates.



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6. **Large-scale apartment schemes on brownfield land are less predictable forms of supply**

The largest apartment schemes delivered on brownfield sites appear susceptible to elongated planning-to-delivery periods compared to the benchmark averages for conventional houses on sites of similar scale. There can be protracted periods of redesign and site sale which means implementation can take longer. They can also be more susceptible to downturns in the market; two of the considered examples stalled after the GFC.

Furthermore, the nature of apartment schemes – built in blocks rather than individual dwellings – also means that annualised build-out rates can be lumpy.

Combined, these factors mean any local authority relying on brownfield apartment developments to meet its housing needs, will likely need to incorporate flexibility in its approach when arriving at a realistic housing trajectory.

Looking forward

The CMA report states at paragraph 4.138:

"While we consider that measures to speed up the pace at which new build housing is supplied to the market may be beneficial (and we set out options for some in the chapter on addressing the problems we have found), these would need to be accompanied by planning reform if they were to deliver increases in housing delivery of the size needed to bring GB housing completions significantly closer to 300,000 per year."

The CMA's recommendation on seeking to speed up the pace of new housebuilding should be viewed in the context of this research which, when compared with the first and second editions, shows that reported average build-out rates are slightly lower, albeit only slightly.

As we approach a general election, and with the housing crisis unresolved, the challenge of boosting housing delivery is being discussed with renewed vigour.

The CMA concludes that achieving the necessary step-change in housing output is likely to be reliant on measures to improve the efficiency of the planning system: increasing the speed at which sites progress through the planning system, and then from planning to delivery; in increasing the number of sites granted planning permission for residential development; and increasing the pace and number of development plans being prepared and reviewed. Other factors – including funding for affordable housing and to unblock barriers to site delivery – are also needed.

In the current environment, a sufficient pipeline of sites with planning status in each location (itself dependent on a functioning planning system), with a suitably varied range of housing types and tenures, and the forecast recovery of the housing market from its recent downturn are all necessary to secure a recovery in the supply of new homes.

Appendices

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Appendix 1: **Definitions and notes**

The 'lead-in'

Measures the period up to first completion of a house on site from the validation date of the first planning application made for the scheme. The lead-in time covers both the planning approval period and planning to delivery periods set out below. The lead-in time also includes the date of the first formal identification of the site as a potential housing allocation (e.g. in a LPA policy document), but consistent data on this for the sample is not available.

The 'planning approval period'

Measured from the validation date of the first application for the proposed development (be that an outline, full or hybrid application). The end date is the decision date of the first detailed application which permits the development of dwelling/s on site (this may be a full or hybrid application or the first reserved matters approval which includes details for housing). A measurement based on a detailed 'consent' was considered reasonable and proportionate milestone for 'planning' in the context of this research. However, this need not be the detailed scheme which is built out. Many large-scale developments are re-designed over multiple iterations before work starts on site. This can be reflected in a protracted 'planning to delivery period'.

The 'planning to delivery period'

This includes any amended or extension of time planning applications, the discharge of any pre-commencement planning conditions and any opening up works required to deliver the site. It finishes on completion of the first dwelling.

The date of the 'first housing completion'

The month and year is used where the data is available. However, in most instances the monitoring year of the first completion is all that is available and in these cases a midpoint of the monitoring period (1st October, falling halfway between 1st April and the following 31st March) is used.

The 'annual build-out rate'

Each site is taken or inferred from a number of sources. This includes Annual Monitoring Reports (AMRs) and other planning evidence base documents produced by local authorities, contacting the LPA monitoring officers or planners where necessary and in a handful of instances obtaining the information from housebuilders.

Appendix 2: **Large sites tables**

Site name	Local Planning Authority	Site size	Year of first housing completion	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
				Dwellings per annum																								
Ebbsfleet	Dartford	15,000	2009/10	127	79	55	50	44	40	60	141	312	613	553	347	533	619											
The Hamptons	Peterborough	6,320	1997/98	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	224	224	154	157	71	67	101	34	54	100	239	223	460	299
Houlton (Rugby Radio Station)	Rugby	6,200	2019/20	11	197	210																						
Land at Chilmington Green (South Ashford GC)	Ashford	5,750	2019/20	75	74																							
Sherford	South Hams	5,500	2016/17	7	130	142	151	113	108	183																		
Hanwood Park (East Kettering SUE)	North Northamptonshire	5,500	2016/17	29	124	132	179	103	230																			
North West Preston (MD2)	Preston	5,300	2015/16	57	250	297	411	307	266	372	359																	
Priors Hall	North Northamptonshire	5,200	2011/12	56	21	59	87	170	155	269	238	171	145	112														
Former Alconbury Airfield, Huntingdon	Huntingdonshire	5,000	2021/22	208	208																							
Wichelstowe	Swindon	4,500	2008/09	158	93	195	64	100	61	44	29	57	0	0	10													
Monkton Heathfield	Somerset West and Taunton	4,500	2012/13	22	76	220	191	222	145	84	49	89	67															
The Wixams	Bedford	4,500	2008/09	8	190	160	138	113	109	109	44	37	47	95	344	177	218	251										
Thorpebury (North East Leicester SUE)	Charnwood	4,500	2021/22	32																								
Whitehouse - Western Expansion Area	Milton Keynes	4,320	2015/16	21	124	270	297	341	151	141	134																	
Valley Park (Land to the west of Great Western Park)	Vale of White Horse	4,254	N/A																									
Broughton Gate & Brooklands (Eastern Expansion Area)	Milton Keynes	4,000	2008/09	154	359	371	114	473	138	144	305	239	242	187	309	254	158											
Glan Llyn (Former Llanwern Steelworks)	Newport	4,000	2011/12	10	35	112	76	127	75	124	154	67	55	190	171													
Locking Parklands	North Somerset	3,700	2011/12	23	45	97	75	10	21	86	57	53	153															
Stanton Cross	North Northamptonshire	3,650	2018/19	57	158	132	111																					
Beaulieu Park	Chelmsford	3,600	2015/16	40	110	262	200	195	164	211	236																	
Chatham Docks/ Waters	Medway	3,600	2021/22	199	193																							

Site name	Local Planning Authority	Site size	Year of first housing completion	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
				Dwellings per annum																								
Overstone Leys (Northampton North SUE)	Daventry	3,500	2017/18	21	47	58	68	163	197																			
Northstowe Phase 2	South Cambridgeshire	3,500	2020/21	2	41																							
Long Marston Airfield	Stratford-upon-Avon	3,500	2021/22	77																								
South East Coalville (Land north and south of Grange Road)	North West Leicestershire	3,500	2018/19	4	63	124	272	207																				
Great Western Park	South Oxfordshire	3,364	2011/12	110	204	232	392	368	389	431	471	430	205															
Grantham North West Quadrant (Poplar Farm & Rectory Farm)	South Kesteven	3,350	2013/14	13	102	108	25	74	193	108	43	8																
Cambourne (original new settlement)	South Cambridgeshire	3,300	1999/00	42	180.5	180.5	213	337	620	151	378	268	219	191	161	206	154	151	128	239	201	96	126	87	32	61	93	
Lawley Village	Telford and Wrekin	3,300	2013/14	176	251	211	190	210	367	57	10																	
Berryfields Major Development Area (Aylesbury Garden Town)	Buckinghamshire	3,254	2010/11	22	164	273	321	562	378	350	265	340	191	107	136	158												
Land Around Fernwood	Newark and Sherwood	3,200	2019/20	3	53	87	141																					
Middlebeck (Land South of Newark)	Newark and Sherwood	3,150	2018/19	57	90	117	152	87																				
Oakley Vale	North Northamptonshire	3,100	2001/02	35	89	289	258	346	487	520	233	174	159	107	127	103	51	40	9	78	68	59	88	87				
Land North of Beaconside/Stafford	Stafford	3,100	2018/19	10	33	30	27	111																				
Burgess Hill Northern Arc	Mid Sussex	3,040	N/A																									
Kings Hill	Tonbridge and Malling	3,024	1996/97	140	140	140	140	140	126	219	104	237	166	281	300	224	93	55	90	84	108	91	74	41	31	27		
North West Cambridge	Cambridge	3,000	2016/17	73	353	409	22	35	0																			
West of Waterlooville	Havant	3,000	2009/10	38	71	30	82	112	135	196	241	193	194	181	91	109	93											
Lighthorne Heath, Kingston Grange	Stratford-upon-Avon	3,000	2019/20	13	34	219																						
Towcester Vale SUE (JCS Policy T3)	West Northamptonshire	3,000	2017/18	42	192	135	145	174	236																			
Cranbrook	East Devon	2,900	2012/13	187	419	356	299	214	241																			
Glebe Farm	Milton Keynes	2,900	2019/20	63	177	422	214																					

Site name	Local Planning Authority	Site size	Year of first housing completion	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
				Dwellings per annum																								
Wintringham Park, St. Neots	Huntingdonshire	2,800	2020/21	50	81	166																						
West of Kempston	Bedford	2,760	2010/11	52	102	144	167	124	175	103	90	19	0	4	0	0												
Mowbray, North of Horsham	Horsham	2,750	N/A																									
South of the M4	Wokingham	2,605	2012/13	37	175	56	29	166	419	344	361	348	291															
Winterstoke Village, Western-super-Mare	North Somerset	2,550	2014/15	132	185	242	161	178	42	56																		
Emersons Green East	South Gloucestershire	2,550	2014/15	274	238	387	424	122	254	262	194	234																
Branston Locks	East Staffordshire	2,500	2018/19	3	33	84	138																					
Great Wilsey Park, Haverhill	West Suffolk	2,500	2022/23	90																								
Kilnwood Vale	Horsham	2,500	2013/14	75	76	131	51	53	196	74	199																	
City Fields	Wakefield	2,500	2017/18	59	92	125	200	298	336																			
South Wokingham	Wokingham	2,490	2013/14	6	104	120	135	118	71	28	0	54																
East Anton (Land East Icknield Way)	Test Valley	2,484	2009/10	184	257	103	181	135	229	146	184	162	239	279	242													
Kingsbrook (Aylesbury Garden Town)	Buckinghamshire	2,450	2016/17	92	219	181	204	184	235	201																		
North Wokingham	Wokingham	2,391	2010/11	28	99	23	0	95	112	66	154	232	273	165	296													
Cambourne West	South Cambridgeshire	2,350	2021/22	93																								
The Steadings (Chesterton Strategic Site)	Cotswold	2,350	2022/23	2																								
Broadlands	Bridgend	2,309	1999/00	288	331	307	193	204	156	64	104	91	28	81	50	147	11											
Western Riverside	Bath and North East Somerset	2,281	2011/12	59	147	93	61	163	154	45	52	52	0	0														
Arborfield Garrison	Wokingham	2,225	2016/17	57	114	116	268	348	336																			
Fairfields (Western Expansion Area)	Milton Keynes	2,220	2015/16	114	165	267	288	163	105	112	77																	
Charlton Hayes, Northfield	South Gloucestershire	2,200	2010/11	83	87	163	333	281	193	301	168	174	125	167	118	8												
Great Kneighton (Clay Farm)	Cambridge	2,188	2012/13	16	271	393	149	467	539	109	93	99	52															
Chapelford Urban Village	Warrington	2,144	2004/05	211	214	166	262	224	141	180	183	247	60	160	66	30												
Money Hill - Land north of Ashby de la Zouch	North West Leicestershire	2,050	2017/18	42	28	27	24	11	30																			
Land to the north east of Didcot	South Oxfordshire	2,030	N/A																									
Ledsham Garden Village	Cheshire West and Chester	2,000	2016/17	41	90	13	53	121	49																			

Site name	Local Planning Authority	Site size	Year of first housing completion	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
				Dwellings per annum																								
North Felixstowe Garden Neighbourhood	East Suffolk	2,000	2021/22	10	65																							
Comeytrowe / Trull	Somerset West and Taunton	2,000	2021/22	4																								
Graven Hill	Cherwell	1,900	2016/17	1	28	122	44	176																				
North East of Didcot	South Oxfordshire	1,880	2019/20	27	82																							
Elvetham Heath (Fleet)	Hart	1,869	2000/01	192	300	297	307	287	238	103	139	6																
Colethrop Farm (Hunts Grove)	Stroud	1,750	2010/11	2	87	106	80	58	7	2	22	112	127	209	122													
Great Denham	Bedford	1,750	2009/10	92	150	159	71	122	146	123	211	162	191	63	39	25	9											
Horwich Loco Works	Bolton	1,710	2018/19	3	33	45	30																					
Land at Berry Hill, Mansfield	Mansfield	1,700	2018/19	36	131	172	157	80																				
Tadpole Garden Village	Swindon	1,695	2014/15	27	161	400	215	448	328																			
Plymstock Quarry	Plymouth	1,684	2013/14	2	100	110	57	71	73	73	41	23	56															
Dickens Heath	Solihull	1,672	1997/98	2	179	196	191	207	88	124	64	249	174	16	96	110	4	0	0	13	10	26	12	96				
Red Lodge	West Suffolk	1,667	2004/05	65	93	181	79	57	79	61	101	213	101	78	23	75	111											
Melton Road, Edwalton	Rushcliffe	1,667	2016/17	40	126	271	144	140																				
Newton Leys	Milton Keynes	1,650	2014/15	223	140	154	88	134	148	103	102	76																
South West Bicester (Phase 1 Kingsmere)	Cherwell	1,631	2011/12	40	107	133	179	210	231	196	205	110	95															
Centenary Quay	Southampton	1,620	2011/12	102	58	103	137	257	8	110	76	16	87	0	161													
Chesterwell, North Colchester Urban Extension	Colchester	1,600	2015/16	150	150	150	150	150	56	59	90																	
Harworth Colliery - Simpson Park	Bassetlaw	1,600	2014/15	7	28	45	36	2	62	43	63	42																
Parc Derwen	Bridgend	1,577	2010/11	8	103	134	201	199	197	157	186	157	94	19	51													
Chesterfield Waterside, Brimington Road, Chesterfield	Chesterfield	1,550	2014/15	19	0	0	0	0	0	46	32	62																
Northumberland Park	North Tyneside	1,513	2003/04	54	194	171	93	179	100	69	117	96	53	82	64	86												
Horley North West Sector	Reigate and Banstead	1,510	2017/16	256	264	204	113	244	188																			
Jennet's Park, Peacock Lane	Bracknell Forest	1,500	2007/08	153	154	145	168	136	179	235	93	37	0	28	16	65	47	0	0									
Northstowe Phase 1	South Cambridgeshire	1,500	2016/17	13	140	278	243	256	178																			

Site name	Local Planning Authority	Site size	Year of first housing completion	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
				Dwellings per annum																								
Sutton New Hall Farm	Cheshire West and Chester	1,500	2016/17	41	90	13	53	121	49																			
Burleyfields (part of the West of Stafford Strategic Development Location)	Stafford	1,500	2020/21	49	98	175																						
Hartland Park	Hart	1,500	2020/21	46	64	66																						
West Carclaze Eco-community	Cornwall	1,500	2021/22	11	60																							
Handley Chase - Sleaford South Quadrant	North Kesteven	1,450	2018/19	2	6	29	17	134*																				
Love's Farm, St Neots	Huntingdonshire	1,438	2007/08	34	186	336	302	216	60	108	59	85	49	3														
Rochester Riverside	Medway	1,400	2019/20	126	117	88	127																					
Park Prewett Hospital, Aldermaston Road, Basingstoke	Basingstoke and Deane	1,341	1998/99	58	82	37	102	0	0	0	0	0	307	214	219	146	33	34	56	7	30	16						
Northern Gateway (Airfields and former Corus site)	Flintshire	1,325	2020/21	112	135	36																						
Ashford Barracks (Repton Park)	Ashford	1,300	2005/06	83	0	124	14	64	58	155	103	49	70	67	138	90	163	29	71									
Kings Moat Garden Village	Cheshire West and Chester	1,300	2019/20	5	83	138																						
Bolnore Village	Mid Sussex	1,279	2000/01	10	66	61	244	159	168	52	99	15	0	0	0	53	68	68	86	61	51	18						
Kempshott Park	Basingstoke and Deane	1,252	2000/01	78	310	229	213	281	84	33	24																	
Blue Boar Lane	Broadland	1,233	2015/16	75	165	253	243	180	160	110	47																	
Picket Twenty	Test Valley	1,219	2011/12	147	178	180	176	164	145	175	96	155	169	124	38													
Holborough Quarry	Tonbridge and Malling	1,211	2006/07	85	137	91	47	18	100	59	12	43	64	60	101	61	78	47	1									
Staynor Hall	Selby	1,200	2005/06	1	69	170	28	45	57	53	42	111	90	84	65	46	31	22	15	25	13							
Trumpington Meadows	Cambridge	1,200	2011/12	2	137	141	67	105	89	123	148	72	128	48														
North Ely (Orchards Green)	East Cambridgeshire	1,200	2018/19	49	50	70	80																					
Winnington Urban Village	Cheshire West and Chester	1,200	2013/14	86	159	144	176	62	142	65	70	17																
Heyford Park (Former RAF Upper Heyford)	Cherwell	1,183	2014/15	46	166	106	103	97	58	76																		
Oxley Park (East & West)	Milton Keynes	1,159	2004/05	52	166	295	202	115	91	75	163																	
Icknield Port Loop	Birmingham	1,150	2019/20	40	175																							
North West Haverhill, Ann Suckling Road	West Suffolk	1,150	2020/21	89	40	80																						

*(+67 communal accommodation)

Site name	Local Planning Authority	Site size	Year of first housing completion	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
				Dwellings per annum																								
Orchard Park, Cambridge	South Cambridgeshire	1,120	2006/07	100	290	148	103	95	56	34	16	75	39	30	2	42												
Velmead Farm, Fleet	Hart	1,112	1989/90	1	104	193	89	101	52	101	113	130	74	102	48	4												
Cheeseman's Green (Finberry)	Ashford	1,100	2014/15	59	47	102	157	181	19	48																		
Zones 3 to 6, Omega South	Warrington	1,100	2017/18	15	119	111	115	124																				
Llanwern Village	Newport	1,100	2019/20	31	74	39	52																					
Land at Kingsley Fields	Cheshire East	1,100	2018/19	49	151	125	177																					
Cottam Strategic Site (MDI)	Preston	1,100	2014/15	23	15	61	46	58	43	101	114	211																
Land north of Woodhall Business Park	Brentwood	1,100	2022/23	20																								
Bankside Phase 1, Banbury (Longford Park)	Cherwell	1,090	2014/15	148	218	140	142	96	167	52																		
Highwood	Horsham	1,090	2012/13	56	82	103	76	96	39	71	43	1																
Highfields Farm	South Derbyshire	1,064	2016/17	141	204	275	252	102	57																			
Boulton moor	South Derbyshire	1,058	2014/15	22	96	96	116	105	108	58	76																	
Gedling Colliery/ Chase Farm	Gedling	1,050	2017/18	25	65	96	64	90																				
North East Bexhill (The Gateway)	Rother	1,050	2020/21	23	67	68																						
South Maldon Garden Suburb	Maldon	1,042	2018/19	5	45	111	137	163																				
Tamworth Golf Course (Amington Garden Village)	Tamworth	1,037	2017/18	28	90	155	87	112	68																			
Monksmoor Farm	Daventry	1,000	2013/14	6	65	98	128	122	155	70	100	87	81															
Northampton North of Whitehills SUE	Daventry	1,000	2015/16	9	108	176	59	44	125	124	71																	
Weldon Park SUE	North Northamptonshire	1,000	2016/17	39	62	111	74	75	126																			
Land at former TRL site, Nine Mile Ride (Buckler's Park)	Bracknell Forest	1,000	2018/19	35	132	59	59	140																				
Arkall Farm, North of Ashby Road, Tamworth	Lichfield	1,000	2021/22	4	75																							
Limebrook Park, Wycke Hill, Maldon	Maldon	1,000	2019/20	5	60	85	110																					
RAF Cardington	Bedford	1,000	2014/15	5	108	100	109	36	57	81	144	276																
Collingtree Park - Northampton South SUE (JCS Policy N5)	West Northamptonshire	1,000	2020/21	98	100																							

Site name	Local Planning Authority	Site size	Year of first housing completion	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
				Dwellings per annum																								
Northampton Upton Park SUE (JCS Policy N9)	West Northamptonshire	1,000	2020/21	4	130	139																						
Folkestone Harbour/ Seafront	Folkestone and Hythe	1,000	2021/22	84	40																							
Land to the north of Totton	New Forest	1,000	2022/23	51																								
Land West of Uckfield	Wealden	1,000	2018/19	3	50	45	35																					
Taylors Farm/ Sherfield Park	Basingstoke and Deane	991	2004/05	56	79	81	86	88	51	143	141	88	91	75	0	12												
Queen Elizabeth II Barracks	Hart	972	2012/13	56	165	110	228	213	112	91	13																	
Little Stanion	North Northamptonshire	970	2009/10	106	116	74	121	102	93	89	86	27	26	9	1	30												
North of Popley	Basingstoke and Deane	951	2007/08	65	57	16	28	0	0	15	118	84	60	75	103	73	93	23										
Ingress Park, Greenhithe	Dartford	950	2002/03	184	0	275	100	74	0	119	0	0																
Upper Cambourne	South Cambridgeshire	950	2012/13	88	123	239	201	96	81	83	32	7																
Nar Ouse Millenium Commuity	King's Lynn and West Norfolk	900	2007/08	32	77	0	0	0	0	30	22.5	22.5	68	0	37	13												
West Park	Darlington	893	2004/05	60	104	98	66	69	19	35	10	16	51	35	28	14	42	15	18	49	16	32						
Badbury Park (Commonhead)	Swindon	890	2014/15	49	230	241	138	127	73																			
Dowds Farm	Eastleigh	795	2006/07	54	189	187	44	102	47	66	76		30															
Abbotswood	Test Valley	790	2011/12	30	190	157	114	152	90	20	0	10	27															
Land at Popley Fields/ Marnell Park	Basingstoke and Deane	751	2006/07	105	172	118	186	126	44																			
The Parks, formally Staff College	Bracknell Forest	730	2007/08	104	88	101	54	47	72	59	94	78	0	0	0	0	0	0	0									
Northside	Gateshead	718	1999/00	46.8	46.8	46.8	46.8	46.8	46.8	46.8	46.8	46.8	46.8	46.8	16	30	31	33	25	43								
Land at West Blyth accessed from Chase Farm Drive	Northumberland	705	2008/09	6.25	6.25	6.25	6.25	32	66	51	127	78	90	62	37	53	58	56										
Alver Village (Rowner Renewal Project)	Gosport	700	2010/11	4	100	70	45	89	101	79	97	8	27	10	0													
Channels - North Chelmsford	Chelmsford	700	2015/16	31	172	110	70	61	88	0	76																	
Beacon Park (South Bradwell)	Great Yarmouth	700	2015/16	42	58	81	79	54	113																			
Foxhill/Mulberry Park	Bath and North East Somerset	700	2016/17	8	110	120	86	70	88																			
Land North of Harvest Ride and South of Forest Road and East of West End Lane, Warfeild	Bracknell Forest	675	2015/16	3	85	75	117	88	92	67	25																	

Site name	Local Planning Authority	Site size	Year of first housing completion	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
				Dwellings per annum																								
Staiths South Bank	Gateshead	667	2003/04	24	58	0	44	0	48																			
Jurston Farm	Somerset West and Taunton	650	2019/20	16	43	31																						
Land south of Wansbeck General Hospital, Ashington	Northumberland	644	2005/06	18.7	18.7	18.7	18.7	18.7	18.7	18.7	17	24	37	60	57	54	50	60	82	64	0							
Kings Hill Phase 3	Tonbridge and Malling	635	2018/19	29	95	120	100																					
Former Pontins Holiday Camp	Lancaster	626	2006/07	16	22	4	5	0	0	0	0	0	0	0	0	0	0	0	0	0								
Ochre Yards (Ref: 103/01)	Gateshead	606	2004/05	83	68.2	68.2	68.2	68.2	68.2	0	0	46	4	52	2													
Land West of Southwater	Horsham	606	2017/18	56	128	43	20																					
Former Runwell Hospital	Chelmsford	575	2016/17	92	89	87	70	55	43	46																		
Land to the west of Wallingford	South Oxfordshire	555	2020/21	18																								
Land Nnorth of Netherhouse Copse	Hart	528	2021/22	52	104																							
Thingwall Lane	Knowsley	525	2013/14	79																								
St. James Village	Gateshead	518	2000/01	41.4	41.4	41.4	41.4	41.4	41.4	41.4	41.4	41.4	0	14	13	18	15											
Land at Siston Hill	South Gloucestershire	504	2006/07	77	211	96	63	57																				
Land west of Copthorne	Mid Sussex	500	2019/20	3	68	74	112																					

Appendix 3:
Small sites tables

Site Name	Local Planning Authority	Size
Cookridge Hospital	Leeds	495
Stenson Fields	South Derbyshire	487
Farnborough Business Park	Rushmoor	476
Bickershaw Colliery, Leigh	Wigan	471
Farington Park	South Ribble	468
Kingsmead South	Milton Keynes	450
New Central	Woking	445
Former Masons Cerement Works and Adjoining Ministry of Defence Land	Mid Suffolk	437
Land at former Battle Hospital	Reading	434
Hazelwalls Uttoxeter	East Staffordshire	429
New World House	Warrington	426
Pinn Court Farm	East Devon	426
Radyr Sidings	Cardiff	421
Halifax Road	Barnsley	414
Luneside West	Lancaster	403
Campden Road	Stratford-upon-Avon	400
Chard Road, Axminster	East Devon	400
Woolley Edge Park Site	Wakefield	375
Former NCB Workshops (Portland Park)	Northumberland	357
Hampton Heights	Peterborough	350
Cholsey Meadows	South Oxfordshire	341
Dunston Lane	Chesterfield	300
Land At Dorian Road	Bristol	300
Ryebank Gate	Arun	300

Site Name	Local Planning Authority	Size
Land At Fire Service College, Moreton in Marsh	Cotswold	299
Land at Badsey Road	Wychavon	298
Land at Brookwood Farm	Woking	297
Land west of Hayne Lane, Honiton	East Devon	291
Long Marston Storage Depot Phase 1	Stratford-upon-Avon	284
Land South of Park Road, Faringdon	Vale Of White Horse	277
M & G Sports Ground, Golden Yolk and Middle Farm, Badgeworth	Tewkesbury	273
Hortham Hospital	South Gloucestershire	270
Land Between A419 And A417, Kingshill North	Cotswold	270
Land off Henthorn Road	Ribble Valley	270
GCHQ Oakley - Phase 1	Cheltenham	262
128-134 Bridge Road and Nos 1 - 4 Oldfield Road	Windsor and Maidenhead	242
Hewlett Packard (Land Adjacent To Romney House) Romney Avenue	Bristol	242
Hale Road, Wallingford	South Oxfordshire	240
Land adjacent to Tesco, Harbour Road, Seaton	East Devon	230
Hilton Lane, Worsley	Salford	209
Saxon Drive, Biggleswade	Central Bedfordshire	200
Great North Road, St. Neots	Huntingdonshire	199
Hoval Ltd North Gate	Newark and Sherwood	196
Bookbinder Lane, Prescot	Knowsley	191
Biggin Lane, Ramsey	Huntingdonshire	188
Notcutts Nursery	Cherwell	182
Land South of Inervet Campus off Brickhill Street	Milton Keynes	176

Site Name	Local Planning Authority	Size
Sellars Farm	Stroud	176
Queen Mary School	Fylde	169
Littleton Road	Salford	158
North End Road	North Somerset	154
Benson Lane, Wallingford	South Oxfordshire	150
Ottery Moor Lane (former industrial estate), Honiton	East Devon	150
London Road/ Adj. St Francis Close	East Hertfordshire	149
MR4 Site, Land off Gallamore Lane	West Lindsey	149
Doxey Road	Stafford	145
Shefford Road, Meppershall	Central Bedfordshire	145
Cornborough Road, Bideford	Torridge	143
Alfreton Road, South Normanton	Bolsover	142
Bracken Park, Land At Corringham Road	West Lindsey	141
Land at Farnham Hospital	Waverley	134
Astley Road, Huyton	Knowsley	131
North of Douglas Road, Kingswood	South Gloucestershire	131
Land to the east of Efflinch Lane	East Staffordshire	129
Land Rear Of Mount Pleasant	Cheshire West and Chester	127
Shuttlewood Road & Oxcroft Lane	Bolsover	127
Primrose Mill Site	Ribble Valley	126
Bibby Scientific Ltd	Stafford	120
Bluntisham Road, Needingworth	Huntingdonshire	120
Land Between Godsey Lane And Towngate East	South Kesteven	120
Land West Of Birchwood Road	Bristol	119

Site Name	Local Planning Authority	Size
Former Bewbush Leisure Centre Site	Crawley	112
Land South of Station Road	East Hertfordshire	111
Canon Green Drive	Salford	108
Poppy Meadow	Stratford-upon-Avon	106
Weeton Road/Fleetwood Road	Fylde	106
Salisbury Road, Hungerford	West Berkshire	100
Auction Mart	South Lakeland	95
North East Sandylands	South Lakeland	94
Parcel 4 Gloucester Business Park Brockworth	Tewkesbury	94
Land At Green Road, Reading College	Reading	93
OS Field 9972 York Road Easingwold	Hambleton	93
Land off Lower Icknield Way, Chinnor	South Oxfordshire	89
MR10 Site, Caistor Road	West Lindsey	89
The Kylins, Morpeth	Northumberland	88
Dappers Lane, Littlehampton	Arun	84
St Marys Road, Ramsey	Huntingdonshire	82
Broad Street, Clifton	Central Bedfordshire	80
Southminster Road, Burnham-On-Crouch	Maldon	80
Land at Willoughbys Bank, Alnwick	Northumberland	76
North East Area Professional Centre	Crawley	76
Cranleigh Road, Chesterfield	Chesterfield	75
Watermead, Land At Kennel Lane, Brockworth	Tewkesbury	72
Land to the North of Walk Mill Drive	Wychavon	71
Hawthorn Croft, Gainsborough	West Lindsey	69

Site Name	Local Planning Authority	Size
Former Wensleydale School, Blyth	Northumberland	68
Land at Lintham Drive, Kingswood	South Gloucestershire	68
Land off Crown Lane	Wychavon	68
Springfield Road/Caunt Road	South Kesteven	67
Land Off Cirencester Rd	Stroud	66
Land to the east of Newington Road, Stadhampton	South Oxfordshire	65
Land south of Pinchington Lane	West Berkshire	64
Iveshead Road, Shepshed	Charnwood	63
Mill Lane, Potton	Central Bedfordshire	62
Clewborough House School	Cherwell	60
Land at Prudhoe Hospital	Northumberland	60
Oxfordshire County Council Highways Depot	Cherwell	60
Hanwell Fields Development, Banbury	Cherwell	59
Land at the Beacon, Tilford Road	Waverley	59
Land To Rear Of 28 - 34 Bedale Road	Hambleton	59
Thorley Drive, Stoke-on-Trent	Staffordshire Moorlands	57
Shelford Road, Nottingham	Rushcliffe	55
Fenton Grange, Wooler	Northumberland	54
Former Downend Lower School	South Gloucestershire	52
Holme Farm	Wakefield	50
Launceston Road, Bodmin	Cornwall	50
Part SR3 Site, Off Elizabeth Close, Scotter	West Lindsey	50
Oxcroft Lane	Bolsover	50

Appendix 4:
Solely apartment scheme details

XI Media City, Salford (1,100 units)	
Planning approval period	Planning Approval Period = 0.7 years 06/53636/FUL - Erection of four-26 storey buildings comprising 1036 apartments and 58,475 sq.ft of commercial space for A1,A2,A3,A4,A5,B1,D1 and D2 use together with associated car parking and alteration to existing and construction of new vehicular access Validated – 09/10/2006 Decision issued - 28/6/2007
Extended planning period	10/58887/FUL - Extension of time for implementation of planning permission 06/53636/FUL. Validated - 30/4/2010 Decision issued - 05/11/2012 15/66481/FUL - Amendment to previously approved planning permission 10/58887/FUL. Validated - 11/6/2015 Decision issued - 13/5/2016
Planning to delivery period	Planning to delivery period = 10.3 years
Build period	First completion in 2017/18. 2017/18 - 275 2018/19 - 0 2019/20 - 275 2020/21 - 0 2021/22 - 0 22/23 – 275 Works still ongoing
Notes from LPA	N/A

Prospect Place, Cardiff (979 units)	
Planning approval period	Planning Approval Period = 3.8 years Original outline application 98/425/R Validated – 14/09/1998 Decision issued - 01/03/2001 The first reserved matters application 02/00516/R Validated - 11/03/2002 Decision issued -21/06/2002
Extended planning period	03/724/R – Reserved Matters for 99 units 03/725/R – Reserved Matters for 58 units 02/1252/R – Full application including 677 apartments 03/01973/R – Full application including 222 residential units 04/2474c – Full changes, increasing the number of flats to 931, reduced to 927 during determination and granted in Feb 2006 06/00613/c – 394 units – granted in Oct 2006
Planning to delivery period	Planning to delivery period = 1.3 years
Build period	First completion in 2003/04 2003/04 - 157 2004/05 - 222 2005/06 - 0 2006/07 - 146 2007/08 - 160 2008/09 - 48 2009/10 - 0 2010/11 - 0 2011/12 - 0 2012/13 - 0 2013/14 - 0 2014/15 - 76 2015/16 – 170
Notes from LPA	The site was 'mothballed' for some years following the financial crash/recession with the principal Tower and another waterfront block not completing until several years later. Initially, this site required extensive and fairly unique land reclamation prior to commencement.

Hungate, York (720 units)	
Planning approval period	Planning Approval Period = 4.2 years Outline application 02/03741/OUT for 720 units Validated - 6/12/02 Decision Issued - 18/07/06 The first approved reserved matters 06/02384/REMM for Phase I erection of 163 units Validated - 27/11/2006 Decision Issued - 26/02/07
Extended planning period	07/01901/REM – Phase II – 154 unit 10/02534/REMM - variation of conditions to increase from 154 to 175 flats 10/02646/FULM – Phase I conversion to 7 townhouses to 14 flats 12/02216/FULM – Phase I conversion to 6 townhouses to 12 flats 12/02282/OUTM – outline to redevelop for 720 units – extension of time to 02/03741/OUT 13/03015/FULM – Phase II 195 units 15/01709/OUTM – Outline for Blocks G and H, 86 and 101 units 17/03032/REMM - Block G 196 units 18/02946/FULM – Increasing Block D to 196 units (increase of 10 units)
Planning to delivery period	Planning to delivery period = 2.6 years
Build period	2009/10 to present. 2009/10 - 163 2010/11 – 0 2011/12 - 0 2012/13 - 5 2013/14 - 1 2014/15 - 0 2015/16 - 0 2016/17 - 0 2017/18 - 195 2018/19 - 0 2019/20 - 101 2020/21 - 0 2021/22 - 0 2022/23 - 0 Blocks D, G and H not developed out yet
Notes from LPA	Build figures provided by York Council. The Council confirmed that there has been a significant complexity in delivering this site and consequently monitoring of delivery.

Pomona Docks II, Trafford (526 units)	
Planning approval period	Planning Approval Period = 3.2 years Full application for 546 apartments (H/58948) Validated – 10/03/2004 Decision Issued – 09/05/2007
Extended planning period	The above scheme was never implemented. 93779/FUL/18 for 526 dwellings across three apartment blocks Validated – 13/03/2018 Decision Issued – 11/04/2019 This has been subject to a number of DoC/NMAs since.
Planning to delivery period	Unknown – unable to obtain completions data to identify year of first completion
Build period	Ongoing – unable to obtain completion data from the Council.
Notes from LPA	As of October 2023 advised that the first 2 towers are complete and construction is underway on the 3rd tower.

University Campus, Chelmsford (645 units)	
Planning approval period	Planning Approval Period = 1.7 years Outline 02/02073/EIA for redevelopment of 692 residential units Validated – 05/02/2003 Decision Issued (appeal) – 17/10/2003 This outline consent was subsequently varied by 04/01825/FUL, principally to provide for a phased discharge of conditions. A reserved matters application was submitted for most of the southern part of the site (04/00865/REM). Validated – 19/04/2004 Decision Issued – 08/10/2004
Extended planning period	Following a public inquiry relating to Stopping Up Orders to paths between Victoria Road South and Park Road and Parkway and Park Road and the confirmation of the Orders (October 2005 FPS/W1525/5/1 refers), the site was sold to Genesis Housing Group in 2007. A long process of exploring land use and design solutions to resolve commercial and planning objectives followed. Another outline application (11/01360/OUT) and a full application (11/01360/FUL) were both submitted for the Part full (Phase 1), part outline (Phase 2) Validated - 31/08/2011 Decision Issued - 02/11/2012 A further full application (14/01470/FUL) for Phase 2 - mixed-use redevelopment including residential Validated - 09/09/14 Decision Issued - 06/02/15
Planning to delivery period	Planning to delivery period = 10 years
Build period	First completions in 2014/15 2014/15 - 216 2015/16 - 3 2016/17 - 0 2017/18 - 0 2018/19 - 426
Notes from LPA	N/A

Land adjoining Manchester Ship Canal – Trafford (449 units)	
Planning approval period	Planning Approval Period = 4.4 years Outline application for up to 550 dwellings (APP: H/OUT/68617) Validated - 24/12/2007 Decision Issued – 30/07/2010 First reserved matters application (78681/RM/2012) Validated – 12/05/2012 Decision Issued – 27/07/2012
Extended planning period	86160/OUT/15 - Application to extend the time limit for the implementation of H/OUT/68617 Validated – 09/07/2015 Decision Issued – 26/09/2019 The overall area was split between two separate sites- 'Land off Hall Lane' and 'Lock Lane'. The reserved matters application for Lock Lane concluded that only 298 dwellings would be included within the development (APP: 100110/RES/20). Validated – 17/02/2020 Decision Issued – 27/01/2021 Meanwhile, a full planning application was submitted for 151 dwellings relating to the Land off Hall Lane part of the site (APP: 100109/FUL/20) Validated - 17/02/2020 Decision Issued – 24/03/2021
Planning to delivery period	N/A - No delivery to date
Build period	None to date
Notes from LPA	N/A

Ordsall Lane, Salford (394 units)	
Planning approval period	Planning Approval Period = 0.7 years Full planning application 19/74531/FUL Validated - 13/12/2019 Decision Issued - 12/08/2020
Extended planning period	N/A
Planning to delivery period	Planning to delivery period 1.1 years
Build period	First completions in 2021/22 2021/22 - 121 2022/23 - 273 Complete in 2 years
Notes from LPA	N/A

Chatham Street Car Park, Reading (307 units)	
Planning approval period	Planning Approval Period = 2.4 years Outline application 03/00825/OUT Validated - 17/07/2003 Decision Issued - 12/10/2004 Full application 05/00849/FUL/JL for phase 1 comprising a mixed use development including 307 residential units Validated - 27/07/2005 Decision Issued - 29/11/2005
Extended planning period	N/A
Planning to delivery period	Planning to delivery period 2.8 years
Build period	First completions in 2008/09 2008/09 - 96 2009/10 - 120 2010/11 – 91 Complete in 3 years
Notes from LPA	N/A

Land at Canons Marsh Road, Bristol (272 units)	
Planning approval period	Planning Approval Period = 4 years Outline planning permission 01/00986/F was first resolved to be approved in October 2001 and the s.106 agreement signed in February 2003. Validation – 01/10/2001 (we do not have a validation date for 01/00986/F so we have used the committee date, as the earliest date we can obtain) Decision Issued – 01/02/2003 Phase 2 - Section 73 Permission Ref: 04/03230/X which encompassed Building 9 for residential development Validated – 30/07/2004 Decision Issued – 03/10/2005
Extended planning period	N/A
Planning to delivery period	Planning to delivery period 2 years
Build period	First completions in 2007/08 2007/08 - 62 2008/09 - 145 2009/10 - 6 2010/11 - 33 2011/12 - 23 2012/13 – 3
Notes from LPA	N/A

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Statement of Case Appendix 10

Inspectors Report on the Examination of Policy CS13 of the Core Strategy

The Planning Inspectorate

Report to North Somerset Council

by Roland Punshon BSc, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 11 March 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO POLICY CS13 AND SUPPORTING TEXT OF NORTH SOMERSET COUNCIL CORE STRATEGY

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 8 July 2011

Examination hearings held between 18 and 20 March 2014 and 6 and 7 January 2015

File Ref: PINS/D0121/429/8

Abbreviations Used in this Report

HMA	Housing Market Area
JSPS	Joint Strategic Planning Strategy
LDS	Local Development Scheme
NPPF	National Planning Policy Framework
NPPG	National Planning Procedure Guidance
ONS	Office of National Statistics
RPG	Regional Planning Guidance
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNPP	Sub-National Population Projections
SWRSS	South West Regional Spatial Strategy

Non-Technical Summary

This Report concludes that Policy CS13 of the North Somerset Core Strategy provides an appropriate basis for the planning of the District provided that a number of Main Modifications are made to the policy and to the supporting text. The North Somerset Council has specifically requested me to recommend any modifications necessary to make the policy and text capable of being adopted.

All of the modifications to address this were proposed by the Council and I recommend their inclusion after considering the representations made by other parties on these issues.

The Main Modifications are set out as the MD6(a) version of the policy and text attached as Appendix A to this Report. They can be summarised as:

- The increase of the housing requirement set out in Policy CS13 from 13,400 to 20,985.
- The provisions of Policy CS13 i.e. the identification of sites and the delivery of the housing requirement will be applied on the basis of any new housing requirement for North Somerset which is specified by the adopted version of the forthcoming Joint Strategic Planning Strategy.
- The inclusion in the policy and text of clear and firm commitments to a review of the policy by the end of 2018.
- The inclusion in the text of a clear and firm commitment to the dealing at the review stage with any backlog in provision which arises before 2018.

Introduction

1. This Report contains my assessment of Policy CS13 and its supporting text of North Somerset Council's Core Strategy Development Plan Document in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Policy's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Policy is sound and whether it is compliant with legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) makes clear that, to be sound, a Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan and my Examination of Policy CS13 is based on the version of the policy and text submitted for Examination in July 2011. However, since that time and at various points in the Examination process, the Council has proposed a number of Main Modifications. I refer to the Main Modifications proposed in March 2014 as the MM1 and MM1(a) versions of the policy and text and the proposed Main Modifications considered at the January 2015 Hearings as the MD6 and MD6(a) versions. In accordance with Section 20(7C) of the 2004 Act the Council has requested that I should make any modifications which are necessary to rectify matters that make the policy unsound and/or not legally compliant and thus incapable of being adopted. The Main Modifications which I consider are necessary in this regard are set out in Appendix A to this Report.

3. The Main Modifications which are proposed by the Council and are necessary all relate to matters which were discussed at the Examination Hearings.

4. The background to my Examination is somewhat complex and I will, therefore, set out below the context within which it was undertaken.

Background

5. The Core Strategy was submitted for Examination in July 2011. As part of the original Examination, Hearings took place in November and December 2011 and the Inspector's Report was provided to the Council in March 2012. The Council adopted the Core Strategy in April 2012. However, the Council's adoption of the Core Strategy was challenged through the Courts. The Court's judgment concluded that the original Inspector:

> *'failed to give adequate or intelligible reasons for his conclusion that the (*housing requirement – my insertion*) figure made sufficient allowance for latent demand i.e. demand unrelated to the creation of new jobs.'*

6. The Court's decision was that Policy CS13, which sets out the number of dwellings which the Council would need to provide during the Plan period, should be remitted to the Examination stage. The Policy was to be treated as not having been examined.

7. The judgment makes clear that it would only be the adoption of Policy CS13 which would be unlawful. However, re-examination of other policies could be necessary if the provisions of Policy CS13 required change. For this reason, housing Policies CS6, CS14, CS19, CS28 and CS30-33 were also remitted to the Examination stage in order that any consequential changes arising from re-examination of Policy CS13 could be addressed.

8. In line with the judgment, I consider that Policy CS13 needs to be examined first against the tests of whether it is legally compliant, justified, effective, positively prepared and consistent with up-to-date national policy. It is only when I have reached a firm conclusion on the soundness and legal compliance of that policy that there can be any certainty about the need for any consequential changes to the other policies which were remitted for Examination. If I find that Policy CS13 is sound and legally compliant, either in its original form or in a modified form, the Council would first need to decide whether it wishes to adopt the Policy. If it decides that the Policy should be adopted in a modified form then it will need to consider what consequential changes are required to the other remitted policies to ensure delivery of the provisions of Policy CS13. Any changes which are necessary, other than minor modifications, will need to be subject to further re-consultation and Examination. The Council agrees with this approach and, whilst some consequential changes to other remitted policies were put forward to the Hearings in March 2014, the Council made clear at that time that it did not wish these to be considered by my Examination. No consequential changes have been put forward by the Council in respect of the later revisions to the Policy and text and, so far as I am aware, the work to draw them up has not yet been completed. In these circumstances only Policy CS13 and its supporting text is before me for Examination and my Report deals only with Policy CS13 and its supporting text.

9. Paragraph 24 of the Approved Addendum Judgment stated that it would not be appropriate:

   > *'to restrict the examination to the question of whether the figure of 14,000 dwellings in CS13 makes adequate provision for latent demand.'*

   In these circumstances, my Examination is based on the whole of the background evidence, the Policy and its supporting text. I have not read the original Inspector's Report. As the policies in question are remitted to the Examination stage, the original Inspector's Report does not form part of the evidence before me and I wish to avoid the possibility of being influenced by his reasoning and conclusions.

10. As part of the Examination process I held Hearings sessions on 18-20 March 2014 and 6-7 January 2015.

Proposed Main Modifications

11. Before I commenced my Examination, the Council decided, on the basis of new evidence which it had collected, to modify Policy CS13 and its supporting text. The provisions of Policy CS13 which it had originally intended to adopt were abandoned. The Council re-consulted on the modification and undertook a supplementary Sustainability Appraisal (SA) exercise. That proposed

modification is referred to as the MM1 version of the Policy and text. My Hearings in March 2014 dealt with the MM1 version.

12. During the March 2014 Hearing sessions the Council provided me with an e-mail which requested that I should recommend any Main Modifications which were necessary to make Policy CS13 sound. I explained that I was not in a position to agree to this request until I knew the extent of the Main Modifications which might be necessary; my concern being that the necessary Main Modifications could be so far-reaching that they would amount to a different Plan. Until I had heard the evidence I was not in any position to know whether this might be the case. I referred the Council to paragraph 4.27 of the 2013 *'Examining Local Plans Procedural Practice'* guidance in this regard. However, I informed the Council that, at that stage, I was willing to proceed with the Examination on the basis of the MM1 version of Policy CS13.

13. During the March 2014 Hearings the Council proposed further Main Modifications to Policy CS13 and its supporting text. I refer to these as the MM1(a) version. These later Main Modifications had not been subject to re-consultation or SA and, in these circumstances, I could not (and still cannot) give them formal consideration although they were discussed in the Hearings.

14. At the close of the March 2014 Hearings I undertook to provide a letter to the Council setting out my conclusions on the examination of Policy CS13 up to that point. Very briefly, I concluded that:-

    a) Policy CS13 did not comply with national policy in that it was not prepared within a clear strategic context and that it was not informed by a full objective assessment of housing need which would be provided by a comprehensive Strategic Housing Market Assessment (SHMA) for the whole of an identified Housing Market Area (HMA);

    b) Setting the Policy CS13 housing requirement figure at the lowest limit of the range of estimates put forward in the Council's new evidence did not comply with the national objective of significantly boosting housing supply and did not represent positive planning; and,

    c) Although increased 'self containment' in terms of reducing out-commuting was a worthwhile objective, reliance on such an uncertain factor to justify adoption of a much-reduced housing requirement would be imprudent.

    In these circumstances I concluded that I would need to find Policy CS13, whether in its original or modified forms, unsound.

15. The Council responded to my letter on 24 July 2014 and informed me that it proposed to make further modifications to Policy CS13 to address the concerns which I had raised. Further Main Modifications to Policy CS13 were prepared and a re-consultation exercise was carried out. These are referred to as the MD6 version of the Policy and supporting text. I held Hearings on 6 and 7 January 2015 to consider these proposed changes. During the course of the Hearings the Council proposed further changes to the MD6 modifications – I refer to these as the MD6(a) version. However, these were exclusively matters of clarification of the context of the Policy and I am satisfied that they can be

made without the need for a general re-consultation exercise. The Council informed me that, as the MD6/6(a) modifications broadly reflected an option which had already been the subject of SA and that no significant changes to affect the SA outcomes had taken place in the meantime, it considered that no further SA was necessary. I agree.

Inspector's Reporting Process

16. In March 2014 the Council argued that a housing requirement significantly greater than the 17,130 dwellings specified in the MM1 version of Policy CS13 could be inconsistent with the employment-led approach which underlies the spatial strategy of the adopted part of the Core Strategy. However, if the plan provisions which I am considering are unsound, and if changes to make them sound cannot be accommodated within the adopted parts of the Core Strategy, then that inconsistency would be for the Council to resolve. In the light of paragraph 17 of the Approved Addendum Judgment, I do not consider that I am bound to accept that a Plan policy must be sound because modification of that policy would make it out-of-step with adopted parts of the same Plan. I disagree with the argument made by a Representor that the judgement precludes me from dealing with Policy CS13 in isolation. I consider that paragraph 17 of the judgement was dealing with a different issue.

17. Some have argued that I should respond to the Council in a further letter rather than a formal Report. I disagree. The circumstances of this case are unusual. The legal judgement made clear that only part of the Core Strategy was being remitted for examination. It was inevitable, therefore, that any Report on the remitted policies, whether it be either in respect of Policy CS13 alone or Policy CS13 together with the other remitted policies, would be partial in that it dealt with only part of the Core Strategy. I accept that the judgement referred to only a single 'Examination' but the very nature of the judgement, which left part of the Core Strategy adopted whilst other parts had not been examined, indicated that the Court considered that elements of the same Plan could be considered independently. The thrust of the decision was clear that the other policies were remitted for Examination only because they may require consequential change if the originally submitted version of Policy CS13 was found unsound. In my view, dealing with Policy CS13 first is entirely within the spirit of the Court's decision. If the most appropriate way of dealing with the matter is by way of 2 Examinations or, perhaps as it should be seen more appropriately, 2 parts of the same Examination, then I do not consider that I am prevented from following that course.

18. By dealing with Policy CS13 first, I have adopted a process not dissimilar to that which is commonly used in the Examination of a Core Strategy and a Site Allocations Plan where the principles are established first and the details follow. In the case of housing requirements, such a 2 stage process prevents a large body of work on detailed provisions from being made abortive if the general principle proposed in the strategic housing requirement policy is found to be unsound.

19. Regarding the points raised by Representors in respect of the Gallagher Homes Ltd and Lioncourt Ltd vs Solihull Metropolitan Borough Council (CO/17668/2013) judgment, the NPPF makes clear that the housing requirement may need to be refined if meeting the assessed need would

significantly and demonstrably outweigh the benefits. In my view the Council has gone through this process: it has determined what it considers to be the need by way of the Edge Analytics study and it has then decided to adopt the top of that range plus 5% to take account of its employment and self-containment aspirations.

20. As I made clear in the Hearing sessions, I consider that it would be in all parties' interests that the Council should move forward to having a sound adopted Plan in place at the earliest opportunity. The Core Strategy was submitted for Examination in July 2011 – about 3 ½ years ago. In my opinion the process should now be brought to a conclusion. Further delay would be unacceptable given the uncertainty which has been created in the positive planning of the district, in infrastructure planning and in movement towards developing a Community Infrastructure Levy regime.

21. In my view there would be considerable disadvantages in providing my conclusions on the soundness of Policy CS13 in a letter. A formal Report would give certainty to the status of the housing requirement. If I found the policy to be sound, the Council would have a firm basis on which to proceed to plan for delivery. If I found the policy unsound then the Council would have a clear signal that its whole strategy would need re-assessment. By providing my conclusions in a further letter, the Council could propose additional Main Modifications which would extend the plan-making process and could take it into areas where compatibility with the 'employment-led' strategy of the adopted part of the Core Strategy became increasingly problematic. I am also concerned that, by providing my conclusions in a letter, there would be no formal conclusion on the Policy CS13 housing requirement and any subsequent examination of consequential changes to other remitted policies could be forced to re-consider the Policy CS13 housing requirement if new information had become available. Again the plan-making process could be further delayed and the resources expended on detailed plan provisions could be wasted.

22. I accept that, ideally, it would be best for the Policy CS13 housing requirement to be considered alongside the policies detailing the delivery of the requirement. It is possible that a subsequent examination of the consequential changes to other remitted policies could conclude that there is no sustainable option for delivery of the housing requirement set by Policy CS13. In these circumstances the Council may have to re-assess the Policy CS13 housing requirement and put forward an alternative for examination. However, this seems to be an unlikely prospect. I have seen no evidence to suggest that the MD6/6(a) version of Policy CS13 housing requirement could not be delivered although to do so may involve the Council in some difficult decisions.

23. On receipt of my Report on Policy CS13 it would be for the Council to decide on how it wishes to proceed. This Report should be seen as only partial and, whilst reaching a formal conclusion on Policy CS13, it will provide only part of the route to a sound plan. However, a formal Report on the examination of Policy CS13 will carry significant weight in any subsequent processes.

24. In all of the circumstances I have concluded that I should provide my conclusions on Policy CS13 and its supporting text as a formal Report. To an extent this Report reiterates some of my reasoning and conclusions which were set out in my 22 April letter to the Council. Where necessary I have brought the

arguments up-to-date to address issues arising from the MD6(a) version of the policy and other circumstances which have changed since my March 2014 Hearings. Whilst some may consider this to be somewhat repetitive, I consider that, in the interests of certainty, it is important that the whole of my reasoning and conclusions should be included in a formal Report.

Assessment of Duty to Co-operate

25. The Court judgment made clear that, at the time of the original Examination of the Core Strategy, the 'duty to co-operate' did not apply; the Plan had been formally submitted for Examination before the relevant date set by legislation. The Court's judgement remitted Policy CS13 and the associated policies to the Examination stage of the process i.e. a stage which falls after the formal submission date and, in these circumstances, the Core Strategy remains submitted before the relevant date. In March 2014 some Representors argued that the 'plan preparation' process had been re-engaged by the alterations which the Council had made to the remitted policies. I disagree. The legislation contains a clear dispensation for Plans to be modified after the formal submission date. This is what the Council has done. In these circumstances, I am satisfied that the Council does not need to comply with the 'duty to co-operate' and, provided that the changes which the Council proposes do not fundamentally affect the essential direction of the Core Strategy, there are no sound reasons why the Examination should not proceed.

Assessment of Soundness

Main Issues

26. Having taken account of all of the Representations, written evidence and the discussions which took place at the March 2014 and January 2015 Hearings I have identified the following 4 Main Issues.

Issue 1 - Sustainability Appraisal

27. The originally submitted Core Strategy was supported by a SA which assessed 6 potential housing delivery options ranging from 6,711 to 26,750 dwellings over the Plan period. More recent analysis of the housing requirement undertaken on behalf of the Council (the Edge Analytics study) indicates a 'robust' assessment of need of between 17,130 and 20,220 dwellings over the Plan period. In the light of this, 4 further delivery options were examined by the Council in a supplementary SA. These were the 14,000 figure which the Council originally proposed to adopt and 3 other figures representing the bottom, top and an intermediate point in the range identified in the Edge Analytics study.

28. Taken together the 2 SAs assess 10 housing delivery options. In these circumstances, I am satisfied that an adequate range of options has been assessed. The SA needs to consider the Council's realistic options for delivering its objectives. I am satisfied that the SA is not required to consider options which involve total or partial failure of the Council's strategy.

29. In March 2014 some Representors argued that the publication of the supplementary SA after the publication of the MM1 version of the Policy

indicated that the Council's choice in regard of the Policy CS13 housing requirement was not properly informed by the SA process. Whilst I disagreed with this argument at that time, the supplementary SA documents were available to the Council when it was drawing up the MD6/6(a) modifications and the argument is, therefore, no longer relevant. Given that the housing requirement set out in the MD6/6(a) versions of the Policy is only 5% more than a specific option considered in the supplementary SA, I am satisfied that no separate SA process is required to justify the MD6/6(a) modifications.

30. Some Representors argue that the SA exercises give insufficient weight to the social and economic dimensions of sustainability and that too much weight has been given to the environmental dimensions of the various options appraised. Having examined the SA documents, I can see no clear evidence that the options have been incorrectly assessed.

Issue 2 - Strategic context

31. I have already concluded that the Council does not need to demonstrate that it has satisfied the duty to co-operate. However, this is not to say that the Council does not need to have regard to the strategic context in preparing its Core Strategy. I accept that some uncertainty may have been caused by early announcements by the government that Regional Strategies (RSs) were to be abolished. However, since the introduction of Section 33A into the Planning and Compulsory Purchase Act 2004 at the end of 2011 and the publication of the National Planning Policy Framework (NPPF) in March 2012 it has been clear that the former requirement for the Council to prepare Plans which were in general compliance with the RS was being replaced by a requirement to co-operate with adjacent local planning authorities. At no time has it been open to a Council to prepare a Plan which did not respond to its strategic context.

32. In 2009 the South West Regional Spatial Strategy (SWRSS) 2006-2026 had reached an advanced stage. However, at least so far as the housing requirement is concerned, the Council's Core Strategy does not rely on the draft RSS, its supporting evidence base or on the earlier 2001 Regional Planning Guidance (RPG). I accept that there may be sound reasons for this, not least the fact that this earlier work was based on pre-recession economic forecasts.

33. In its advice on 'Plan-Making', the NPPF advises that Councils should have a clear understanding of housing needs in the area and should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where Housing Market Areas (HMAs) cross administrative boundaries. In 2009, a joint SHMA was undertaken by the Council, Bristol City Council and 4 other local authorities. The Council claims that this was accepted as an important component of the evidence base at the original Core Strategy Examination in 2011/12. However, the 2009 joint SHMA was prepared in the pre-NPPF era and was largely focussed on affordable housing issues. For these reasons, the Council no longer relies upon it. Instead, the Council has undertaken a new assessment of housing need within North Somerset (the Edge Analytics study) which is unrelated to the wider 2009 SHMA conclusions and does not build on that earlier work. This is the evidence which underpins the MD6/6(a) versions of Policy CS13. A review of the SHMA for the West of England is underway but the finalised SHMA will not be available until June 2015.

34. The Council accepts that the Edge Analytics study does not look beyond the Council's own area and does not claim to have assessed the whole of any recognised HMA. Neither Edge Analytics nor the Council claim that the study amounts to a full SHMA. Although the Council is working co-operatively with its neighbours on the production of a joint SHMA and a cross-authority strategic framework, I have seen no clear evidence that any of this co-operative working has informed the preparation of Policy CS13 up to this point. None of the neighbouring authorities is claiming at this stage that North Somerset will need to assist in meeting their own housing needs. However, until the joint SHMA review is complete, the full circumstances surrounding what is clearly a complex HMA cannot be known.

35. In these circumstances, it is difficult to come to any other conclusion than that Policy CS13 has been prepared outside of any clear strategic context which would satisfy the requirements of the NPPF. This would be a serious failing for any Plan but even more so where there is a long-recognised inter-relationship between the housing market of the Plan area and that of an adjacent major city – in this case Bristol.

Issue 3 – Use of Review Process

36. The difficulties I outline above in terms of strategic context are not new nor are they peculiar to North Somerset. In other cases (and most notably in some authorities adjacent to North Somerset which are in the same HMA) issues surrounding the lack of a NPPF-compliant SHMA have been resolved by embedding the need for an early review of the housing requirement into the Plan. The circumstances surrounding each of these cases are different and it is difficult to make direct comparisons of the applicability of such a mechanism on the basis of what has taken place elsewhere. I do not consider therefore that the way in which Inspectors have dealt with these other Plans should necessarily dictate my conclusions in this case. However there clearly needs to be consistency in approach. In these circumstances, I have considered the potential for the use of a similar review device with regard to Policy CS13 as a way of moving forward.

37. The authorities which make up the West of Bristol and Bath HMAs agreed a Memorandum of Understanding in March 2014 to work jointly to produce an up-to-date SHMA. They have also agreed to prepare a Joint Strategic Planning Strategy (JSPS) as a development plan document for the combined administrative areas. This would provide a strategic context for the production of individual Local Plans. The SHMA is scheduled for completion in June 2015 and will inform the preparation of the JSPS. The Regulation 18 pre-commencement document for the JSPS was published in December 2014 and it is expected that the document will be formally adopted by the HMA authorities early in 2017.

38. Some Representors have argued that my Examination of Policy CS13 should await the publication of the joint SHMA in order that the Examination can have the benefit of a NPPF compliant database. I accept that this could be helpful in bringing the information base up-to-date. However, I am mindful that, in cases where the HMA may cover a number of authorities of varied character with complex housing provision relationships, the SHMA would only be a tool to

inform the housing requirements of the authorities involved. The SHMA information will need to be properly interpreted and assessed in order the HMA authorities can develop a co-operative framework which properly apportions the identified housing need between the individual authorities in order that the most sustainable option for the distribution of the housing can be achieved. By itself the SHMA will not do this. It will only answer the question of how much housing is needed, not how that need will be met across the HMA. It would be only when the JSPS has been finalised that the distribution of housing across the HMAs can be firmly established on the basis of the 3 strands of sustainability.

39. Waiting for the SHMA to be published would not, therefore, provide definitive answers to the question of the size of the Council's housing requirement and attempting to predict likely requirements from it could, to some extent, undermine the comprehensive view which the JSPS is seeking to provide. Delaying a decision on the Policy CS13 housing requirement would also hold back the provision of certainty in the plan-making process in North Somerset as the production of the SHMA would almost certainly lead to a further round of examination of Policy CS13. I am satisfied, therefore, that, in the short-term, the advantages which would accrue from waiting for the SHMA to be published would be outweighed by the disadvantages.

40. The MD6(a) version of the text supporting Policy CS13 makes clear that the modified housing requirement is an interim position and that, when the adopted JSPS establishes a new housing requirement for the district in early 2017, the Council will treat the housing requirement of Policy CS13 as having been replaced by the up-to-date development plan policy. Should the JSPS fall behind timetable, the MD6(a) text commits the Council to the production of a replacement version of Policy CS13 based on the up-to-date SHMA and other up-to-date evidence by the end of 2018. I have considered the MD6(a) version on this basis and stress that the interim position provided by the MD6/6(a) version of the policy should be seen only as a 'stepping-stone' towards development of a Plan which is NPPF compliant. To rely on any interim version of Policy CS13 beyond 2018 runs the risk that housing delivery could diverge unacceptably from a properly assessed requirement and provision trajectory.

41. The Council's proposals for an early review of Policy CS13 are compatible in terms of timetable and process with review arrangements which have been become part of the adopted plans elsewhere in the HMAs where reviews are expected to be completed by 2018. Put together, the programme of review will enable the authorities involved to move forward on a co-ordinated basis. Given that the inter-related problems in the local housing markets are unlikely to be resolved by any authority acting alone, I consider that this ability is fundamental to positive and effective planning of the area. In my opinion the commitments made in North Somerset by the MD6(a) version of the policy and text are both firmer and clearer than some made elsewhere. They give greater certainty to the process as it moves forward.

42. In these circumstances I am satisfied that the commitment to an early review of Policy CS13 would be a justified way forward in the absence of a NPPF-compliant evidence base. However, any interim position taken by Policy CS13 should provide a realistic foundation for any future review and should, in itself, be sound and legally compliant. I do not consider that it would be appropriate, even for a short period, to recommend the adoption of a policy which is

essentially unsound and which is likely to require very significant change in the near future. I deal with these issues in more detail below.

Issue 4 - Assessment of the Policy CS13 Housing Requirement

Employment needs/Self containment

43. The National Planning Procedure Guidance (NPPG) advises that trends and forecasts for job creation need to be taken in to account in assessing the need for housing. Adopted Policy CS20 of the Core Strategy seeks to provide 10,100 additional jobs over the Plan period. The Edge Analytics study calculated the dwelling requirement for the 2011-2026 period plus actual completions and the 'jobs-led scenario' 2006-2026. 23,535 houses would be required across the Plan period. Some have argued that the Council's own evidence indicates that a figure of 23,535 should represent the full objectively assessed need for housing in North Somerset. The Council takes a different view and argues that this figure was never intended to represent the full objectively assessed need and that existing and projected improvements in commuting ratios (see below) mean that provision for the 'jobs-led scenario' should not be included in the assessment. Whilst this may be the way in which it considers this matter, I do not agree with the Council on this point. Establishing the full objectively assessed need is only the first stage in establishing the Policy CS13 housing requirement figure. The necessary second stage is to consider this figure against other policies of the Core Strategy, the overall strategy of the document and any constraints which apply in the area. In my view the improvement in commuting rates (if they happen) will derive from the Council's employment-led approach. It should therefore be taken properly into account in the second stage. However, in both cases and irrespective of what approach has been taken this second stage of consideration has led to the MD6/6(a) Policy CS13 housing requirement figure of 20,985 dwellings.

44. Circumstances in North Somerset are unusual. The Council's 'employment-led' approach which is embodied in the objectives of the adopted part of the Core Strategy is specifically directed at addressing a long-perceived problem of out-commuting (to Bristol) and a lack of 'self containment'. This arises from an existing imbalance between jobs and housing, particularly in Weston-Super-Mare. If the Council planned to provide sufficient houses to meet the whole of the anticipated growth in jobs the existing imbalance would simply be stabilised rather than redressed. The choice before the Council is therefore simple: it can either ignore the long-recognised problem of out-commuting and plan to provide houses to meet the whole of the employment target, or it can attempt to address the 'self containment' issue by controlling the provision of housing whilst seeking to increase employment opportunities in North Somerset.

45. The Council points out that the adopted parts of the Core Strategy set no specific target for 'self-containment' improvements and that <u>any</u> improvement would be, therefore, in-line with the underlying objective. I disagree. The Council has calculated that any housing requirement which falls below 26,800 will provide some reduction in the out-commuting rates (as measured as 'self-containment' rates) over the plan period when compared to the 'self-containment' rate of 65% as measured at March 2014. Whilst I understand the argument, I consider that, as a housing requirement approaches 26,800 the impact on 'self-containment' will become increasingly marginal to the point

where the improvement in 'self-containment' is so small that the Core Strategy objective would be, in effect, abandoned.

46. The MD6/6(a) housing requirement would only be sufficient to meet the overall housing need (including that arising from the proposed increase in employment) if out-commuting reduces and 'self-containment' improves over the Plan period. A housing figure at the top of the 'robust' range recommended by the Edge Analytics study is estimated to improve the 'self containment' rate to 71%. The MD6(a) housing requirement is about 5% more than the top of the 'robust' range and would therefore deliver a rate of 'self-containment' which is marginally less than 71%.

47. In my opinion an improvement of about 6% in the 'self-containment' rate which would derive from a housing requirement of circa 21,000 would still be worthwhile and would be compatible with the overall strategy of 'self-containment' in the adopted parts of the Core Strategy. This move towards improvement in 'self-containment' would be experienced in the short interim period before review. At the review stage, the Council would be in a better position to seek to pursue either a lower or higher rate of self-containment in the knowledge of the comprehensive and co-ordinated strategic approach to 'self containment' provided by the JSPS.

48. Paragraph 47 of the NPPF states that the Council should ensure that the Plan meets the full, objectively assessed need for housing 'as far as is consistent with the policies set out in this Framework'. Paragraph 14 of the NPPF requires that the Council should positively seek opportunities to meet the development needs of the area although this may be tempered in circumstances where the adverse impacts of doing so would outweigh the benefits or where specific policies of the NPPF indicate that development should be restricted. One of the core planning principles set out in paragraph 17 of the NPPF is that patterns of growth should be actively managed to make the fullest use of sustainable means of transport. Elsewhere the NPPF stresses the desirability of reducing the need to travel.

49. I consider that it would be imprudent to rely too heavily on uncertain and uncontrollable reductions in out-commuting as a determining factor in establishing a very low housing requirement. I would not normally advocate reliance on such factors to justify a housing requirement which fell below what was needed to support future jobs growth. However, this case is different in that the Council's strategy with regard to the housing/jobs balance is being used to address an existing problem rather than simply as an argument to justify a low housing requirement. Nonetheless, whilst I agree that improvements in 'self-containment' would be a worthwhile objective in sustainability terms, it needs to be carefully balanced against the encouragement of new employment and meeting the reasonable housing needs of the area. If the housing requirement is set too low there is the possibility that the provision of new jobs could be held back and a shortage of housing could occur. In the context of national guidance, I consider that the Council's general approach in respect of balancing jobs and housing to secure greater 'self-containment' is justified. I do not consider that the MD6/6(a) housing requirement is so low that it would unacceptably hold back the delivery of jobs but is not so high that the objective of 'self-containment' is abandoned. In my

view there are sound planning reasons for not seeking to equally match housing provision to the provision of employment in this case.

Alternative assessments of housing need

50. The evidence base which supported the housing requirement in the version of Policy CS13 which the Council originally proposed for adoption included an assessment of need which was based on a jobs:houses multiplier methodology. That methodology has now been abandoned and the housing requirement in the modified versions of the policy are based on what the Council refers to as 'more conventional' trend-based methodologies which are reliant on 'robust data' in the form of Office for National Statistics (ONS), 2011 Census and 2011 Department of Communities and Local Government population and household formation projections. That assessment is set out in the Edge Analytics study undertaken just before the March 2014 Hearings. The study recommends the Council to adopt as a basis for the Policy CS13 housing requirement a figure between 812 and 1018 dwellings per year - these providing 'the most robust and up-to-date evidence for future planning purposes.' Taking into account delivery in the 2006-2011 period, this equates to a requirement of between 17,130 to 20,220 dwellings over the Plan period – referred to as the 'robust' range. This assessment is untrammelled by any policy constraints arising from the adopted parts of the Core Strategy.

51. At the March 2014 Hearings, some Representors considered that the perceived unreliability of these 'more conventional' methodologies indicated that the Council was right to move to less conventional methods. However, national guidance in the NPPF and the more recent NPPG advises that the household projections are statistically robust and based on nationally consistent assumptions. I am satisfied that the Council is right to seek to employ methodologies which more closely align with national guidance.

52. The NPPF gives clear advice on housing provision issues. Paragraph 47 requires Councils to ensure that their Plans meet the full, objectively assessed needs for market and affordable housing in the housing market area so far as is consistent with the policies set out in the Framework. The Edge Analytics study does not claim to be a full, objective assessment of housing needs in a recognised housing market area. It concentrates solely on circumstances in North Somerset and is not informed by data sets from adjacent authorities. However, it is based on, what were at the time, up-to-date national population and household formation statistics and made pragmatic assumptions in their regard. In my 22 April letter I informed the Council that I considered that the Edge Analytics study was, so far as it went, a fundamentally sound piece of work.

53. Some Representors have argued that the Edge Analytics study should now carry less weight as it has become out-of-date and its conclusions have been overtaken by other evidence. It is argued that the study inappropriately makes an allowance for 'unattributable population change' and that recent advice from the ONS advises that no such allowance should be made. The Council is not alone amongst local authorities in disagreeing with this ONS conclusion. The matter of 'unattributable population change' was considered in the Edge Analytics study. The study calculated the effect that discounting the 'unattributable population change' component would have. These are indicated

by the 'Mig-led_10yrs-X' and 'Mig-led_5yrs-X' entries in Table 8 of RED/05. These entries indicate housing requirements which are about 25-45% higher than the top of the 'robust' range identified in the study. Edge Analytics concluded that these should not form part of the 'robust' range as the evidence indicated a 'consistent historical net loss due to international migration'.

54. Representors have also argued that the Edge Analytics study has been overtaken by ONS's publication of Sub-National Population Projections (SNPP) which were not available when the study was carried out. However, the Council has argued that this is only part of the picture which needs to be updated. Finalised up-dated household projection data to accompany the SNPP has not yet been released.

55. A considerable amount of work has been undertaken by some Representors to independently prepare a SHMA for the area covered by the identified HMAs. Whilst I accept that the Representors' SHMA is NPPF compliant in that it covers the whole of the HMA as is required by the NPPF and is based on some more up-to-date information, I do not consider that it takes the debate much further. Both the Edge Analytics study and the Representors' SHMA were compiled in times of substantial economic change and uncertainty which makes reliance on any particular data set problematic. Where different data sets are being used together to form estimates, the difficulties are compounded especially in circumstances where the raw data may be masking underlying trends such as could be the case with household formation rates. In my view particular care is required when relying on such information sets, all of which are, to some degree incomplete.

56. As with any assessment of this type, the outcomes are to a large extent dependent on the assumptions which underpin the work. Any such assessment undertaken could be criticised, especially at times where economic circumstances have been subject of rapid change and long-term trends are more difficult to identify. The Council has criticised various elements of the Representors' SHMA process just as Representors have criticised some assumptions which underlie the Edge Analytics study. In circumstances where the studies have been carried out independently of one another it is extremely difficult to judge which should carry more weight.

57. Putting the Representors' SHMA and the Edge Analytics study outcomes alongside one another, the Representors' SHMA indicates a housing requirement of 28,348 or 1,417 per annum. The MD6(a) version of Policy CS13 provided by the Edge Analytics study contains a housing requirement of 20,985 which equates to 1,049 per annum. The difference is therefore 368 dwellings per annum. If the MD6(a) housing requirement was adopted, it would only be employed for 2 years until the JSPS provides a robust figure based on the joint SHMA information. If at this stage it was shown that the Representors' SHMA housing requirement had been more accurate, a backlog of 736 dwellings would result. The MD6(a) version of the text makes clear that any backlog which arises in this period will be addressed. In my view, if it became necessary, a backlog representing the difference between the Representors' SHMA and the Edge Analytics assessment could be readily addressed in the first few years of the plan period following review. However, the forthcoming SHMA forecasts will only provide assessments of housing need for the period running forward from 2016 and the Council may have some difficulty in extrapolating those

assessments to the years before 2016. Whilst I understand the Council's position, I am not willing to accept that the housing requirement set by the MD6/6(a) version of Policy CS13 is so robust that any assessment of backlog which arises can simply be based on that housing requirement figure. My conclusions in this Report are based on the premise that confident reliance can be placed on neither the Representors' SHMA nor the Edge Analytics assessment. If the Council is arguing that any assessment of backlog at 2016 should be based unreservedly on the MD6/6(a) figure then I would not consider that, in the circumstances, the Policy was sound. In my view the Council should take a pragmatic and realistic view of what degree of backlog has built up in the light of the outcomes of the forthcoming joint SHMAs and the SHMA produced by the Representors and should act to deal with it.

58. Some Representors have argued that setting the Policy CS13 housing requirement at a higher level than that proposed by the Council would do little harm. Others take the view that setting a higher requirement would be more difficult to 'retreat' from if it was found to be too high. There are arguments for and against both positions. However, I consider that there would be harm from setting the housing requirement too high. In such circumstances the Council may be forced to allocate and grant planning permissions on sites which are not the most sustainable options simply in order to meet its duty to provide a 5 year supply of housing land.

59. In these circumstances, whilst I accept that there is some evidence to suggest that the housing requirement set out in the MD6/6(a) version of Policy CS13 may be lower than it should be, I am unwilling to agree that one assessment is likely to be more accurate than the other. The issue will not be resolved until the joint SHMA is produced. Until that time, all assumptions regarding the likely effect of housing need arising from Bristol will remain largely speculative. Given the difficulty in deciding on which information to base the housing requirement, my main concern is to ensure that, whatever housing requirement is decided upon, it should not result in a backlog of provision which cannot be easily recovered in the first few years of the Plan period following review. I will, therefore, continue to base my findings on the Council's proposed MD6/6(a) housing requirement in the knowledge that it will only be in place for a short period before being replaced in the light of a review which is based on a comprehensive, agreed data-set and which allocates housing requirements across the HMAs in a co-ordinated manner.

Dealing with backlogs in provision

60. The MD6 version of the Policy CS13 text indicated that the Council intended that any backlogs in housing provision which have arisen will be accommodated across the whole of the Plan period. The Policy MD6(a) version makes no such statement, the Council arguing that this issue should be considered at the next stage of the re-examination process when consequential changes to policies dealing with the delivery of the housing requirement will be considered. I agree that the issue of how and over what period the backlog is dealt with should be properly considered as part of the trajectory of delivery which would be addressed by other policies. However, the MD6 version of the policy and text which is before me contains this provision and the Council has put arguments before me to support its decision to deal with the backlog over the whole of the plan period and others have put cases before me arguing the opposite. I

therefore need to address the point. The NPPG advises that local authorities should aim to deal with backlogs over the first 5 years of the plan period. I am not persuaded that the Council's arguments before me justify an approach which diverges from clear national guidance. As a general point, should the delivery trajectory for housing include clearing any accrued backlogs over the first few years, the delivery rates in the period up to the adoption of the JSPS and the review of Policy CS13 will be increased above the 1,049 per annum set by the MD6/6(a) housing requirement thereby reducing the potential for significant further backlogs to arise and achieving an additional boost in provision over the short-term. I have no strong grounds for requiring that this matter should be specifically mentioned in the MD6(a) version of the policy and text. I am satisfied that it should be dealt with at a later Examination. If at that time the Council considers that, if backlogs are to be addressed in the first few years, the annual housing requirement would be so high that it could not possibly be met it would need to make that argument to the examining Inspector. However, if, as was originally suggested by the Council in the MD6 version of the Policy, the handling of the backlog was to be mentioned in Policy CS13, I observe that the MD6 approach would not comply with the latest national guidance.

61. In most circumstances I would expect that the existing backlog in housing provision should be calculated from the beginning of the Plan period. In this case that would be 2006. However, the Council's evidence in the Edge Analytics Report only provides projections which run from 2011. Between 2006 and 2011 the Council has been, on average, meeting the housing targets set by other adopted Plans. There is no clear evidence before me to indicate that targets in the 2006-2011 period should have been higher or lower than the targets at which the Council was aiming to deliver. In these circumstances I cannot conclude that a substantial backlog had built up during the 2006-2011 period.

Compliance with paragraph 47 of the NPPF

62. Paragraph 47 of the NPPF makes clear the government's intention to boost significantly the supply of housing. In the MD6/6(a) version of Policy CS13 the Council has chosen to base its housing requirement on the figure at the upper end of the 'robust' range recommended by the Edge Analytics study with an additional 5% to 'boost housing supply and provide a contingency to support the employment-led objective'.

63. Annual housing completion rates in North Somerset have varied considerably over recent years, reflecting buoyancy in the housing market in the 2001-2008 period followed by lower rates of delivery during the more recent recession. On only a handful of occasions since 1990 have annual housing completions exceeded 1,049 – the annual rate of delivery required by the MD6/6(a) version of Policy CS13. I accept that the Council should be planning for recovery from recession. However, given that Policy CS13 has been developed in an uncertain period and that recovery from recession only now appears to be beginning to take place, I consider that – at least in the short term - an annual requirement of 1,049 is not unreasonable. In my view the MD6/6(a) requirement would be a pragmatic but challenging objective until such time as recovery from recession is assured. Framing the housing requirement as a minimum figure enables additional amounts of housing to be delivered. I am satisfied that, in all the

circumstances, the Council's housing requirement would, in the short-term at least, amount to a significant boost in housing supply in North Somerset.

Effectiveness of Policy CS13

64. The likely impacts of deployment of the Council's 'employment-led' strategy need to be approached cautiously. The Council is confident that its strategy will lead to a reduction in the rate of out-commuting but it accepts that it will be a slow process and will only be achievable over the whole of the Plan period. However, given the complexities of the local housing market, changes are difficult to both predict and influence. I have seen no clear evidence to persuade me that the predicted reductions can be achieved. The Council argues that there is evidence that out-commuting rates are already reducing but, depending on which data is employed, others have argued that out-commuting is increasing.

65. In current circumstances, the Council can deploy no measures which would guarantee a reduction in out-commuting. It has no ability to control who buys houses in the district. It has no means of ensuring that houses built in North Somerset would be taken by residents who both live and work in North Somerset. Those with the available resources will be able to out-bid those who do not - whatever their personal circumstances. This could result in those who work in North Somerset being displaced by those who out-commute to Bristol or who are not economically active simply because they have been out-bid.

66. The Edge Analytics study identifies a trend of migration between North Somerset and its immediate neighbours. In the period 2001-2011 this involved a steady rate of in-migration of about 2,000 persons per year into North Somerset, principally from Bristol. It is only through the production of a joint SHMA for the whole of the HMAs that the complex factors which underlie this can be assessed and appropriate strategic responses drawn up. However, I have seen no evidence to suggest that, of its own accord, the trend of in-migration is likely to slow in the near future. On the contrary there are indicators which suggest that, if anything, demand for family housing by those who currently live and work in Bristol is only likely to increase. That demand for housing will need to be met somewhere. Attempts to restrict supply in one place will not, by itself, solve the problem as the demand would simply be diverted elsewhere. The pressure on the housing market will not be abated unless the required houses are provided.

67. I have considerable doubts that the problems of the existing imbalance in housing and jobs and the demand for housing by those prepared to commute to Bristol can be resolved by deploying one measure alone. Any measures to address the issues in isolation could have unwelcome consequential effects. A successful solution is likely therefore to come from a co-ordinated approach by the authorities involved which comprehensively addresses the many facets of the problem. Previous Plans which considered the issue appear to have properly employed strategies which directed both employment and housing development in an effort to address the problem.

68. However, this is not to say that the Council's 'employment-led' strategy would not be part of that solution. In my opinion it would and any attempt to redress the long-recognised existing imbalance between housing and employment in

Weston-Super-Mare is unlikely to be successful without it. Given that it is likely to take some time to show results, I am satisfied that it would be worthwhile to make a start. Having said this, even in the short-term the strategy will need careful monitoring to demonstrate that it is effectively delivering the desired results without causing other problems. In this regard I am particularly concerned that the strategy could give rise to affordability issues. I deal with these matters below.

Affordability issues

69. In my opinion one of the results of an incautious approach to the issue of 'self containment' is likely to be an unwelcome reduction in affordability. There is already a substantial need for affordable housing in North Somerset. Limiting the delivery of market housing development will have a consequential effect on the number of affordable houses which can be delivered. The 2009 SHMA identified an issue of housing affordability in North Somerset. I heard evidence to indicate that the current situation in the district, although worsening, is not significantly different to regional trends. I heard other evidence that affordability problems were increasing when viewed against the national picture. The evidence is conflicting. However, there is certainly no evidence to suggest that affordability is improving in any significant way. I accept that property prices – especially the price of family housing - in Bristol may be increasing at a much faster rate than in North Somerset. This is only likely to increase demand in areas within commuting distance of Bristol.

70. Upward pressure on house prices which would arise from holding back housing delivery in the face of steady or increasing demand could make affordability in North Somerset even worse. In these circumstances, even in the brief period before the JSPS provides a comprehensive solution to the self-containment/out-commuting issues, the Council will need to accurately monitor affordability to ensure that its strategy does not cause affordability to worsen in an unacceptable manner. I have seen no conclusive evidence to suggest that, in this short interim period ahead of the adoption of the JSPS, affordability is likely to change substantially. For this reason I do not consider that, in the short term, the risk of worsening affordability is sufficient to conclude that the Council's employment-led strategy is likely to be ineffective.

71. I have noted the evidence put forward by some Representors that affordability issues reflect other factors in the housing market and are not simply a matter which can be resolved by building more new houses. However, I am not persuaded that housing supply is not, at least, part of the solution and the thrust of national guidance is to boost significantly the delivery of housing to increase supply and address issues of affordability at a national level.

Delivery

72. The Council's '*2014 Housing and Economic Land Availability Assessment'* identifies a potential supply of land for housing which is more than sufficient to deliver the housing requirement set out in the MD6/6(a) version of Policy CS13. This figure includes an allowance for windfalls which is based largely on historic delivery rates from this source. I have seen no compelling evidence to suggest that 'windfalls' will continue to provide a reliable source of supply into the future. However, the windfall allowance which has been included is relatively

modest and I have no reason to believe that it is wholly unrealistic in the short-term or that it has a significant effect on the overall availability of housing land. Again this is a matter which will need to be addressed in the Examination of any consequential changes to the remitted policies dealing with housing delivery.

73. In March 2014 the Council argued that any housing requirement above about 18,000 could not be physically constructed and marketed within the Plan period and therefore the specification of a higher housing requirement would be 'simply a paper exercise'. However, I heard evidence from the development industry that this was not the case and that there was capacity and desire to build more dwellings if the opportunities existed. This would seem to be supported by the fact that, even during the recession, housing delivery has been maintained to a degree. Average delivery targets of almost 1000 dwellings per year set by the 1996-2011 Structure Plan have been met. Since 2006 – a period which includes both a peak and a decline in house building – between 856 and 990 dwelling completions have been realised in the District. I am satisfied that the housing requirement set out in the MD6/6(a) version of Policy CS13 can be delivered.

74. In these circumstances I consider that the Council should set its housing requirement in the interim period at a pragmatic level. Such a level would prevent the build-up of an unmanageable backlog in delivery if, following a SHMA review, the housing requirement was to rise significantly. It would also enable the Council to take advantage of the opportunity to contribute towards recovery from recession.

Policy CS13 – Overall Conclusions

75. The development of Policy CS13 does not comply with national guidance in that it is not based on a full objective assessment of housing need in the whole of the recognised HMA. However, I am satisfied that, provided that the housing requirement set out in the MD6/6(a) version of the Policy is sufficient, this difficulty can be overcome by embedding a commitment to an early review of the requirement into the Plan. The MD6/6(a) version does this.

76. Within the context of the Council's aspirations to redress the balance between housing and employment (particularly in Weston-Super-Mare) the housing requirement of circa 21,000 set by the MD6/6(a) version of Policy 13 draws an acceptable balance. It provides sufficient housing to meet more than the top of the 'robust' range of housing need identified in the Edge Analytics study but is not so high that the 'employment-led' strategy is abandoned. The requirement is, therefore, compatible with the adopted part of the Core Strategy.

77. Whilst there is some evidence to suggest that the housing requirement is lower than it should be, I do not consider that the other evidence which has been put forward is so persuasive that I should necessarily accept it as an alternative to that provided by the Council. Given that the Council has given a firm commitment to a review of Policy CS13 before the end of 2018, I am satisfied that, if after pragmatic and realistic consideration in the light of the forthcoming joint SHMA, the housing requirement had been set too low, there would be a ready opportunity for the Council to promptly address any real backlog in housing provision which had built up.

Assessment of Legal Compliance

78. My Examination of the compliance of Policy CS13 of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the Policy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS January 2014 which sets out an expected adoption date of July 2014. Whilst the anticipated adoption date has slipped I consider that there are sound reasons for this. The Local Plan's content and timing are generally compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'Main Modification' changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report January 2014 sets out why AA is not necessary in respect of Policy CS13. Detailed assessment of individual sites and locations for development will be carried out at the next stage of the plan preparation process.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the North Somerset Partnership's SCS.
Public Sector Equality Duty (PSED)	The Local Plan complies with the Duty. The Core Strategy was accompanied by an Equalities Impact Assessment at each committee stage.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

79. Policy CS13 as originally submitted has a number of deficiencies in relation to soundness and/or legal compliance for the reasons which I set out above. This means that, in accordance with Section 20(7A) of the 2004 Act, I recommend non-adoption of the policy as originally submitted. These deficiencies have been explored in the Main Issues set out above.

80. The Council has requested that I recommend Main Modifications to make Policy CS13 sound and/or legally compliant and capable of adoption. I conclude that, with the recommended Main Modifications set out in Appendix A, Policy 13 of

the North Somerset Council Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Roland Punshon

INSPECTOR

This Report is accompanied by Appendix A contains the Main Modifications.

Appendix A

Main Modifications to Policy CS13 recommended by the Inspector

LICHFIELDS

Statement of Case Appendix 11

SHLAA November 2023

North Somerset Local Plan 2039

Strategic Housing Land Availability Assessment

November 2023

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1 Introduction

1.1 The Strategic Housing Land Availability Assessment (SHLAA) is used to support the plan making process by providing an understanding of the characteristics of residential land supply and opportunities available within North Somerset to meet the housing requirement. The approach ensures that all potential land supply options are assessed together to help inform which sites are potentially the most suitable and deliverable taking into account constraints and other factors that influence delivery. The SHLAA is being prepared alongside the emerging North Somerset Local Plan 2039 and will contribute to the information to enable the identification of sites and locations that are most suitable for the level of development required. The SHLAA is an iterative document and has been updated alongside the plan making process.

1.2 The SHLAA is an evidence source providing an overall assessment of housing potential including appraisal of specific sites. It is not part of the development plan and does not in itself allocate sites. The identification of a particular site, or conclusions drawn following its assessment, does not imply that there is a presumption in favour of any development proposal, or that planning permission will be granted or refused should an application be submitted. The status of a site may change over time. In all cases the Council will exercise its statutory duties in relation to the consideration and determination of planning applications. It is important to note that not all of the sites that are identified as having suitable potential will necessarily be suitable for inclusion in the local plan.

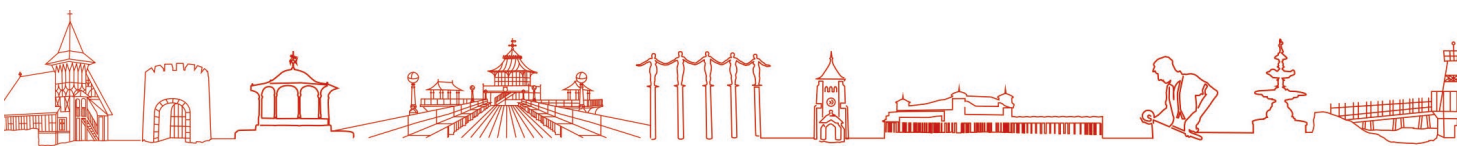
National guidance and primary purposes of SHLAA

1.3 National planning advice encourages local planning authorities to prepare a SHLAA as a key part of their evidence base when preparing a local plan. Government advice as set out in the National Planning Policy Framework (2021) states that:

> *'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..'* (Paragraph 68)

1.4 The primary purposes of the SHLAA are to:

- Identify sites with potential for housing.



- Assess their suitability for housing and development potential.
- Assess the likelihood of development coming forward including site availability, achievability and deliverability.

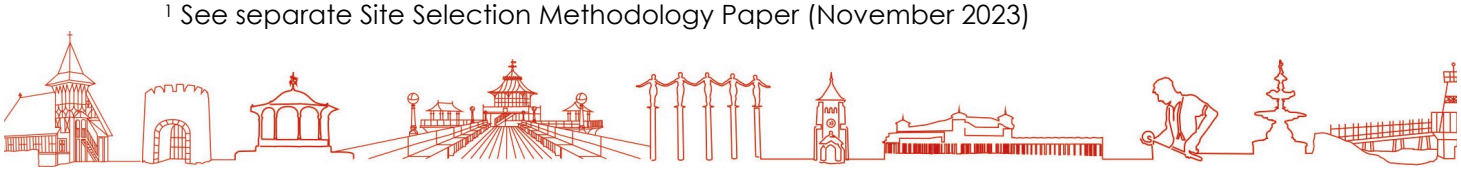
1.5 National guidance is clear to state that 'the Assessment is an important evidence source to inform plan-making but does not in itself determine whether a site should be allocated for development' (National Planning Policy Guidance). This will be the role of the new local plan 2039.

Scope of the SHLAA

1.6 This SHLAA is the final document in the series and has informed the preparation of the Regulation 19 Pre-submission Draft Local Plan. It has focused greater attention on those sites with greater potential for inclusion in the local plan in line with the wider site selection methodology[1].

1.7 Following on from earlier analysis in the Spring 2022 SHLAA, the same areas of search were used to focus the study however some minor adjustments were made to the boundaries of these. Explanation of these latest boundaries is set out within the Site Selection Methodology Paper.

[1] See separate Site Selection Methodology Paper (November 2023)



2 SHLAA methodology

2.1 The methodology of the SHLAA has followed the steps set out in the National Planning Practice Guidance. The following diagram taken from the NPPG summarises the stages required:

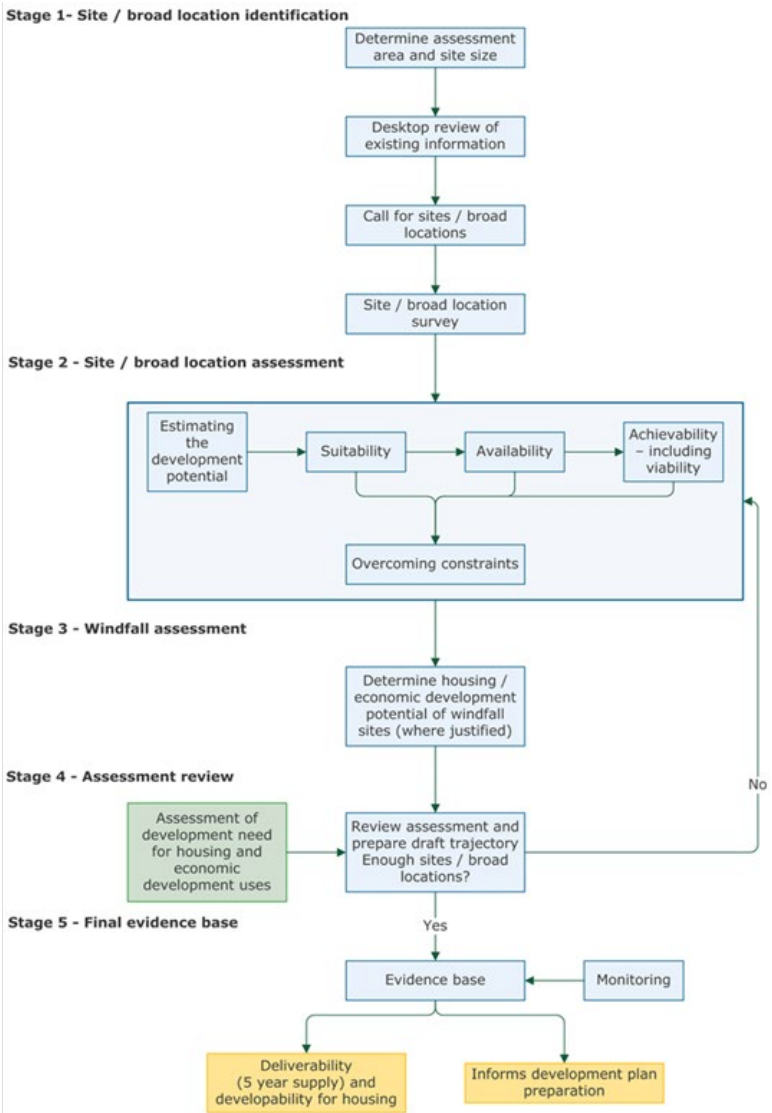


Figure 1: SHLAA methodology - NPPG

3 Stage 1: Site/ Broad Location identification Assessment area and site size

3.1 The SHLAA relates to the administrative area of North Somerset.

3.2 No site size threshold is included within the SHLAA. It will assess a range of different site sizes from small-scale sites to opportunities for large-scale developments such as village and town extensions.

Desktop review of existing information

3.3 The desktop review process has considered sites from various sources for inclusion in the SHLAA. These included:

- Sites previously submitted to the 2017 call for sites,
- Sites submitted to the Joint Spatial Plan (within North Somerset),
- Sites submitted to the 2018 Issues and Options,
- Sites submitted to date to the various stages of the Local Plan 2039. This includes the Pre-commencement stage, the Challenges and Choices, and Preferred Options consultations,
- Sites submitted to the 2020 call for sites,
- Other sites submitted to the new Local Plan 2039 process, and,
- For this latest SHLAA assessment, sites within the urban areas have been included for assessment. These include sites within the towns WsM, Clevedon, Portishead, and Nailsea, using the Urban Intensification Interim Report (April 2021) as a source of sites with potential.

4 Stage 2: Site assessment

4.1 The assessment of suitability followed a two stage process – an initial baseline assessment of all sites, followed by further site assessment of a more select collection of sites, guided by the preferred spatial strategy.

Suitability assessment

4.2 Sites have been subject to a staged suitability assessment with an initial baseline constraints sieve followed by a more detailed assessment. This has indicated a number of sites with potential for further consideration as part of the local plan preparation subject to the caveat in paragraph 1.5.

4.3 The package of potential sites has been further considered through the Site Selection Methodology Paper to consider whether the sites should form part of the Pre-submission local plan. This process takes into account a number of other factors including the dwelling requirement for the plan, transport assessment, views of other technical specialists, and Sustainability Appraisal.

Baseline assessment

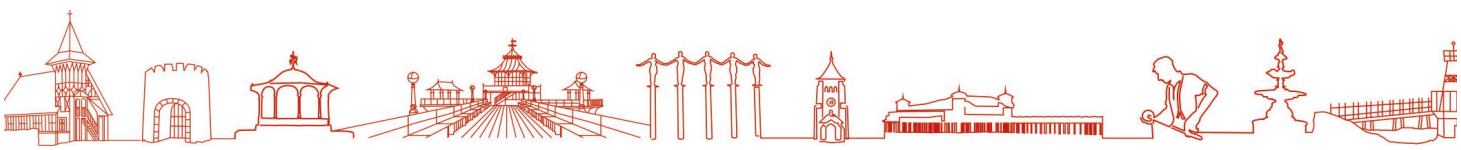
4.4 Firstly all sites were subject to a baseline assessment where the sites were considered against the various constraints identified in Table 1.

Further site assessment

4.5 Following April 2021, guided by the preferred spatial strategy, a range of sites were considered in further detail to determine sites with potential suitability for consideration for allocation in the local plan. This assessment also identified sites that are not considered to offer a suitable opportunity.

4.6 Further site assessment was also carried out as part of this latest SHLAA taking into account further work on sites, and submissions to the Preferred Options consultation. This is considered to offer a comprehensive site assessment necessary to inform site considerations in the local plan, along with wider evidence including Sustainability Appraisal.

Table 1: Primary and Secondary constraints



Primary Constraint	*Secondary constraint*
Site already developed with active use	Green Belt
Flood Zone 3b (SFRA, 2020)	Area of Outstanding Natural Beauty (AONB)
Site of Special Scientific Interest	Designated Local Green Space
European Sites (RAMSAR, SAC, SPA)	Flood zone 3a present and future (SFRA, 2020, and National Flood Map for Planning)
Ancient Woodland	Areas of Critical Drainage (SFRA, 2020)
National Nature Reserve	Horseshoe Bat Juvenile Sustenance Zone
Local Nature Reserve	Local Wildlife Site
Scheduled Monument	Priority Habitats
Registered Park and Gardens	High Grade Agricultural land (Grade 1)
Regionally Important Geological Sites	
Working mineral sites	

Approach to discounting of sites

4.7 Sites are discounted for the following reasons:

- Being subject to a Primary Constraints listed in Table 2

- Sites entirely subject to flood zone 2 or 3 currently or indicated to be in the future as a result of sea level rise, outside of the town settlement boundaries
- Sites within the AONB
- Sites where there is known to be an existing operational use, particularly where this loss would be contrary to policy
- Sites that have been recently dismissed at appeal for heritage and/or land scape reasons
- Sites within a current or proposed Strategic Gap
- Sites where there is currently no clear access arrangement identified
- Sites where the topography is considered to be an overriding constraint on development potential

Approach to assessing suitability of land at risk of flooding

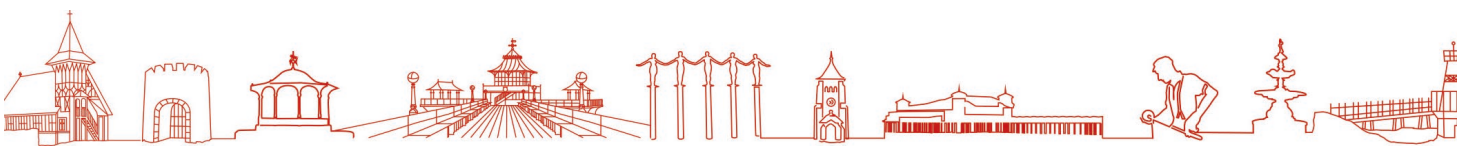
4.8 In earlier stages of the SHLAA FZ 3a was considered a Secondary Constraint as there is potential to require such sites subject to application of the sequential and exceptions test.

4.9 The preferred spatial strategy draws a distinction between development and flood risk within the towns, and the development of flood risk areas outside of the towns on green field sites. The strategy envisages that sites within the towns may be required, subject to the sequential and exceptions test whereas it is unlikely that sites outside of the main towns will be required given the presence of options for housing in lower flood risk areas.

4.10 This has influenced the SHLAA assessment at this stage. For sites at risk of flooding either now or in the future within the towns, these are identified as potential subject to policy justification, notably the application of the sequential and exceptions test as required by national planning policy. For sites at risk of flooding outside of the towns where the entirety of the site is at risk, these sites are discounted through this further assessment.

Scope and limitations of assessment

4.11 The SHLAA does not address the wider sustainability of sites either individually or collectively as this is a role for plan making and sustainability appraisal. All SHLAA sites have been considered through



the Sustainability Appraisal. The SHLAA assessment has considered a defined set of factors but may not identify all constraints that may ultimately influence a sites suitability. As such the SHLAA will be subject to periodic review to capture additional information as necessary in order to maintain an up-to-date evidence base on land availability and specific detail related to the suitability of sites. The Site Schedules presented alongside this report will therefore be updated as the local plan progresses with further information.

Estimating development capacity

4.12 The Core Requirements of the SHLAA require an indication of development capacity to be provided on each site. Estimates of dwelling capacity use a combination of the following:

- Density multipliers have been used to provide a consistent Benchmark Dwelling Capacity (BDC) across all sites. This was reported at Second Interim SHLAA stage within the Site Schedules document and is also provided in the schedules published with the January 2022 SHLAA.

- Capacities indicated by respondents to the call for sites, also reported in the above documents;

- More detailed capacities following the further site appraisal stage taking into account site constraints, and potential delivery prospects. The latter is particularly important for larger sites where it is important to understand the realistic dwelling capacity across the plan period where this is often considerably less than the theoretical capacity indicated by the use of density multipliers.

Density multipliers

4.13 Table 2 sets out the assumptions used to generate the BDC. This provides an indicative capacity only as the methodology cannot entirely factor in the nuances of a given site which would need to be undertaken if the site was to be considered for allocation. The approach differentiates between dwelling yield on smaller sites where the net residential area to gross site area ratio will generally be higher, and larger sites where the addition of other non-residential uses will reduce the ratio. For the largest sites, a working assumption is to assume 40 dph average across 50% of the gross site area, however dwelling capacities will be refined as

these sites are progressed and subject to detailed design and masterplanning.

Table 2: Dwelling yield assumptions

Site size (ha)	Net Residential Area assumed as a percentage of gross site area	Density
0 to 0.39	100%	40
0.4 to 1.99	90%	40
2 to 9.99	75%	40
10+	50%	40

BDC = (Site area x NRA) x average density

4.14 The dwelling capacity estimated for each site also assumes the provision of dwellings on the site is being maximised. It may be that alternative solutions to the site's development are preferred such as the provision of employment or other uses on the site. Some allowance for this is made on the larger sites, but on smaller sites, this is assumed to be undertaken at plan-making stage and the dwelling capacities may be altered accordingly. Development briefs and/or masterplanning processes could be utilised to explore and test alternative site approaches.

Assessing availability

4.15 The general assumption is that a site is considered available for development when, on the best information available, there is confidence that there are no overriding factors such as legal or ownership problems, multiple ownerships, ransom strips, tenancies or operational requirements of landowners which would remove the realistic prospect of the site coming forward.

4.16 A general assumption applied at this stage is that if a site has been submitted for consideration through a call for sites exercise or through a representation to the current local plan process, the site is available within the plan period to 2039. Sites included within the SHLAA that have not been submitted to this current plan e.g. sites submitted to the

previous JSP, are not automatically considered to be available and further investigations are required.

Assessing achievability

4.17 Planning Practice Guidance requires that all policy requirements are set out at the plan making stage and viability tested in order that this can inform the price paid for land. It also confirms that the role for viability assessment is primarily at the plan making stage, and that viability testing is not required to consider each individual site.

4.18 Central to this is the assumption that to be viable, the development of the site should deliver an appropriate return to the landowner whilst achieving policy requirements and aspirations for the development. The balance between development costs and value are critical to this and as such the prospects for viability are likely to be influenced by the location of the site, the demand for property in the area, as well as any specific costs that could arise through the development e.g. related to site remediation or other 'abnormal' costs.

4.19 Viability is going to be related to the identified policy and infrastructure requirements of the local plan, where these place a cost on development, particularly for the larger sites. Viability evidence has been prepared for the local plan by Dixon Searle Partnership taking into account infrastructure requirements emerging through the Infrastructure Delivery Plan. The implications for the deliverability of specific sites has been considered and policy requirements set accordingly within the local plan e.g. affordable housing levels.

4.20 Achievability is also about demonstrating a reasonable prospect that sites can be brought forward at a particular point in time. Many of the smaller sites identified with potential in the SHLAA are considered achievable over the plan period, if they were to be allocated, particularly those that are available and suitable in principle. Larger site potential such as the site potential within the East of WsM Broad location which makes up the Wolvershill proposed Strategic Site are likely to be built out across the plan period. Further work investigating development trajectories will be prepared to inform the delivery of those sites taken forward for allocation.

Overcoming constraints

4.21 Through the more detailed site assessment, where constraints have been identified on sites, these have been summarised and a series of suggestions for overcoming these constraints have been set out. In many cases this indicated a requirement for further site investigations e.g. to fully consider the implication of the constraint upon the sites development.

5 Stage 3: Windfall assessment

5.1 Windfall sites are defined by the NPPF as 'sites not specifically identified in the development plan'.

5.2 On the basis that this document fully assesses all known large site opportunities no assessment of potential large site windfall has been undertaken.

5.3 Historically small site windfall completions have made a significant contribution to housing supply within North Somerset.

5.4 The table below lists small site windfall completions over the past five years within North Somerset by parish, listed from those areas with the highest numbers down to those with the lowest.

Parish	2022/23	2021/22	2020/21	2019/20	2018/19	Total in 5yrs
Weston-super-Mare	37	72	40	54	83	286
Clevedon	12	13	10	28	27	90
Portishead	9	9	20	21	22	81
Nailsea	17	2	22	7	27	75
Congresbury	0	3	9	15	11	38
Winscombe and Sandford	2	2	8	19	5	36
Long Ashton	0	15	4	13	3	35
Banwell	4	1	2	13	11	31
Yatton	14	6	0	10	0	30
Churchill	5	8	8	0	8	29
Backwell	2	4	16	2	2	26
Cleeve	0	10	1	2	11	24
Winford	6	1	6	6	5	24
Pill and Easton-in-Gordano	0	5	8	7	1	21
Wrington	4	5	2	0	6	17
Bleadon	2	4	0	3	3	12
Locking	0	7	5	0	0	12
Brockley	1	7	2	0	0	10
Wraxall and Failand	1	1	2	6	0	10
Tickenham	2	3	2	1	0	8
Blagdon	1	0	0	6	0	7
Loxton	2	3	0	1	1	7
Flax Bourton	2	0	0	0	4	6
Hutton	1	1	2	1	0	5
Puxton	1	2	0	2	0	5
St Georges	2	0	0	2	1	5
Abbots Leigh	0	0	2	2	0	4

Parish	2022/23	2021/22	2020/21	2019/20	2018/19	Total in 5yrs
Kenn	1	1	0	1	1	4
Portbury	0	1	1	1	1	4
Burrington	0	3	0	0	0	3
Butcombe	0	0	0	0	3	3
Kingston Seymour	1	1	1	0	0	3
Wick St Lawrence	0	1	1	0	0	2
Barrow Gurney	0	0	0	0	1	1
Dundry	0	0	1	0	0	1
Kewstoke	1	-1	1	0	0	1
Weston-in-Gordano	0	0	0	0	1	1
Clapton-in-Gordano	0	0	0	0	0	0
Walton-in-Gordano	0	0	0	0	0	0
	130	190	176	223	238	957

5.5 This high-level analysis shows that 957 completions have been recorded from small windfall sites within the past five years. Within this time period there have been challenging market conditions and the impacts of the coronavirus pandemic.

5.6 The pattern of development broadly accords with the settlement hierarchy – Weston-super-Mare has been the focus for sustainable development, followed by the other three towns of Clevedon, Nailsea and Portishead, then the relatively more sustainable villages, followed by more rural areas.

5.7 The Spatial Strategy and Capacity paper will consider further the amount of small site windfall capacity that can be expected during the Local Plan period.

6 Stage 4: Assessment Review

6.1 240 sites have been considered through this latest SHLAA and can be viewed here. This section provides a summary of the assessment and reports the number of sites considered to have potential for further consideration across North Somerset and an indicative capacity for each.

Summary of site assessment

6.2 Table 3 summaries the number of sites considered across each area of search, those considered potential for further consideration, and the corresponding total indicated dwelling capacity.

Table 3: Site potential summarized across the areas of search

Location	No of sites within area of search	Potential sites for further consideration	Potential dwelling capacity
Weston-super-Mare (west of M5)	44	8	530
Wolvershill	15	12	2557
Edge of Bristol	8	0	0
Nailsea and Backwell	29	15	2234
Portishead	11	1	24
Clevedon	12	0	0

Location	No of sites within area of search	Potential sites for further consideration	Potential dwelling capacity
Yatton and Claverham	11	3	322
Banwell	7	3	231
Bleadon	6	3	139
Churchill/ Langford	10	8	720
Congresbury	21	3	161
Sandford	11	9	579
Winscombe	9	6	336
Wrington	3	0	0

Table 4: Site potential subject to Green Belt and flooding constraint summarised across the areas of search

Location	Potential capacity in Green Belt	Potential capacity in flood zone
Weston-super-Mare (west of M5)	0	1655
Wolvershill	0	0
Edge of Bristol	2075	0
Nailsea and Backwell	1280	0
Portishead	769	350
Clevedon	20	270
Yatton and Claverham	0	0
Banwell	0	0
Bleadon	0	0
Churchill/ Langford	0	0
Congresbury	0	0
Sandford	0	0
Winscombe	0	0

Location	Potential capacity in Green Belt	Potential capacity in flood zone
Wrington	0	0

Summary of each area of search

WSM and nearby settlements (west of M5)

6.3 44 sites have been considered in greater detail, 20 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.4 The majority of the sites discounted outside of the town was due to flood risk including a current indication of a high probability of flooding as well as some sites indicated to be at a greater risk in the future. Other reasons for discounting were falling within a designated Strategic Gap, landscape sensitivity, and location within the AONB. Whilst AONB was initially identified as a Secondary Constraint in earlier stages of the SHLAA, at this stage of plan making it is concluded that there is not a requirement to accommodate housing development within the AONB to meet housing requirements or to contribute to sustainable patterns of growth.

6.5 Table 5 presents eight sites have been assessed as having potential for further investigation.

Table 5: WsM - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE2010113	Land north of Oldmixon Road	1.54	16
HE2027	Greenways Farm, Lyefield Road	24.7	80
HE20354	South of Manor Farm, North of Lyefield Road	2.57	60

Site reference	Site name	Area ha	Capacity
HE20471	Rose Tree Farm, North of Lower Norton Lane/Lyefield Road	3.64	109
HE201030	Leighton Crescent	2.69	81
HE201040	Land south of Elborough	22.86	70
HE202017	Grange Farm, Hutton	4.38	40
HE207	Elm Grove Nurseries	6.8	35

6.6 Table 6 provides a schedule of sites that are potential subject to the application of the sequential and exceptions test. These are sites within the urban area within flood zone 3.

Table 6: WsM - Site potential subject to policy justification (flood risk sequential and exceptions test)

Site reference	Site name	Area (ha)	Capacity
HE20U08	Sunnyside Road	1.18	120
HE20U09	Locking Road car park	2.34	230
HE20U10	Dolphin Square	0.83	80
HE20U11	Gas Works	5.65	95
HE20U12	Former Bourneville School Site	1.17	48
HE20U14	Rear of Locking Road	0.32	12
HE20U15	Land at Nightingale Court	1	34
HE20U17	Hotels off Knightstone Road	0.43	40
HE20U18	Former Police Station	0.7	70
HE20U19	Sweat FA site	0.4	37
HE20U20	Rugby Club site	2.2	200
HE20U21	Woodspring Stadium	1.64	100
HE20U22	Former Police Depot	0.91	36
HE20U23	Leisuredome site	9.74	400
HE20U24	West of Winterstoke Rd	6.7	134
HE20U25	Former TJ Hughes store	0.12	19

East of Weston-super-Mare

6.7 15 sites have been considered in greater detail, 3 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.8 The three sites (HE20496, HE20603, and HE203014) were discounted due to flood risk including a current indication of a high probability of flooding as well as an indication of greater risk in the future, and due to proposed designation of a Strategic Gap to the north of Banwell.

6.9 Table 7 presents twelve sites that have been assessed as having potential for further investigation. For the SHLAA purposes, individual capacities are identified for each site however, it is more appropriate to consider the overall capacity of the Wolvershill proposals based upon detailed masterplanning and technical assessment. Therefore, the capacity has been assessed to review the Wolvershill capacity published in the Regulation 18 'Preferred Options' draft for consultation, and will inform the approach taken in the Regulation 19 Pre-submission draft. More detailed work will refine this capacity in due course.

Table 7: East of WsM - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE20594	Park Farm	1.3	44
HE201016	Myrtle Farm	1.3	30
HE20607	Land east of Wolvershill Road	99.2	800
HE201034	Land east of Wolvershill Road	2.8	84
HE203003	Land north of Wolvershill	3.3	100
HE20592	Summer Lane	2.9	85
HE201086	Land at East of M5	43.2	560
HE20500	Land adjacent to M5 and Summer Lane	41.4	700
HE202000	Land off Summer Lane	0.9	36
HE203005	Land adjacent Summer Lane bridge	4.9	30
HE20498	Land adjacent to Summer Lane and Knightcott Road	2.6	78
HE203002	Land north of Summer Lane	4.4	10

Edge of Bristol

6.10 8 sites have been considered in greater detail, 3 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.11 The discounted sites (HE2021, HE203011, and HE203012) have been discounted due to flood risk. Larger sites identified as also having this flood risk, but only partially, have been identified as having potential although this only refers to the part outside of the area at risk of flooding.

6.12 The further consideration of this site potential is subject to the requisite policy justification for the use of Green Belt land. The SHLAA exercise is not based upon any determination that Green Belt land should be used, as this is a plan making consideration. However, it does indicate a

source of supply that could be considered in the event of such circumstances being concluded.

6.13 Table 8 presents five sites that have been assessed as having potential for further investigation and provide a schedule that can be considered if Green Belt release were found to be required. Nb. The sites are also subject to specific flood risk and the potential capacity indicated is based upon development avoiding land at risk of flooding, reflecting the requirement to take a sequential approach to directing development to the areas of least flood risk[2].

Table 8: Site potential subject to policy justification (Green Belt)

Site reference	Site name	Area ha	Capacity
HE20110	The Vale	290.36	1600
HE20286	South east of A38/A4174 roundabout, Dundry	2.7	80
HE203009	Land at Barrow Wood a	2.82	85
HE203010	Land at Barrow Wood b	3.68	110
HE20615	Land north of Colliters Way	7.05	200

Portishead

6.14 9 sites have been considered in greater detail, 6 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.15 The discounted sites are HE2067, HE20134, HE20292, HE20222, HE201036, and HE20488. The main reason for sites being discounted is due to flood risk. In addition, a smaller site was discounted due to its proximity to sensitive ecological site.

6.16 Table 9 presents, one site that has been assessed as having potential for further investigation.

Table 9: Portishead - Sites identified as having potential for further consideration

[2] See paragraph 162 of the National Planning Policy Framework

Site reference	Site name	Area ha	Capacity
HE20U06	Downside	0.57	24

6.17 Table 10 provides a schedule of sites that are potential that can be considered if Green Belt release were found to be required.

Table 10: Portishead - Site potential subject to policy justification (Green Belt)

Site reference	Site name	Area ha	Capacity
HE2068	Land at Tower Farm	27.97	478
HE20124	North of Clevedon Road	8.54	156
HE20U07	Old Mill Road	5.19	350
HE20133	South of Cedar Way	4.5	135

Clevedon

6.18 12 sites have been considered in greater detail, 7 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.19 The discounted sites are HE203024, HE202004, HE20208, HE20581, HE20582, HE2036, and HE20125.The main reason for sites being discounted is due to flood risk. In addition, a smaller site was discounted due to it being in an existing recreational use, as well as having other features on the site.

6.20 Table 11 presents 5 sites that have been assessed as having potential for further investigation subject to the application of the sequential and exceptions test and a single site (HE20328) that can be considered if Green Belt release were found to be required.

Table 11: Clevedon - Site potential subject to policy justification (flood risk or Green Belt)

Site reference	Site name	Area ha	Capacity
HE20328	North of Nortons Wood Lane	3.46	20
HE20U01	Land off Millcross	1.1	67
HE20U02	Land north of Churchill Avenue	1.1	44
HE20U03	Great Western Road	0.26	39
HE20U26	Castlewood	4.23	120

Nailsea and Backwell

6.21 29 sites have been considered in greater detail, 8 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.22 The discounted sites are HE2066, HE20233, HE20486, HE2065, HE20501, HE201071, HE201014, and HE201080. The main reason for sites being discounted is due to flood risk affecting many sites outside of the settlements. This includes an indication that parts of land surrounding Nailsea and Backwell will become at greater risk in future as a result of sea level rise.

6.23 Despite there being a large range of sites indicated to have potential, growth in the area is very much dependent on securing appropriate transport infrastructure. Evidence underpinning the preparation of the local plan has highlighted the current issues with the transport network and the limitations this places on additional development in the area. Therefore development potential in the area will be dependent on clarifying transport impacts and ensuring appropriate and deliverable infrastructure provision is planned for.

6.24 Table 12 presents 15 sites that have been assessed as having potential for further investigation.

Table 12: Nailsea and Backwell - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE202008	Land off Rushmoor Lane	0.64	23
HE20U05	Weston College Site	0.15	28
HE20595	Land around Grove Farm	44.77	515
HE20504	Land at West End	22.69	375
HE20591	Land south of Nailsea	4.68	130
HE20611	West of Netherton Wood Lane	45.66	350
HE202016	Land at Youngwood Lane	2.22	66
HE203007	Land north of Youngwood Lane	2.61	78
HE203013	Western part of Farleigh Fields	6.09	125
HE203016	Land at Youngwood Lane b	1.8	36
HE203020	Land near the Perrings	1.19	32
HE203034	Land off Westfield Drive	0.61	15
HE203006	Land north of West End Lane	8.22	70
HE20612	North and south of Youngwood Lane	37.05	316
HE20273	Land at northwest Nailsea	17.96	75

6.25 Table 13 provides a schedule of sites that are potential that can be considered if Green Belt release were found to be required.

Table 13: Nailsea and Backwell - Site potential subject to policy justification (Green Belt)

Site reference	Site name	Area ha	Capacity
HE20136	Land north of Nailsea	25.1	236
HE20225	Land off Pound Lane	5.63	100
HE201061	Wooleys Farm	3	90
HE202012	Land east of Backwell	46.11	500
HE203001	Land near Wooleys Farm	0.77	14
HE203035	Additional land at east of Backwell	28.59	340

Banwell

6.26 7 sites have been considered in greater detail, 4 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.27 The discounted sites are HE201056, HE201075, HE201050, and HE2098. The main reason for sites being discounted is due to flood risk and landscape sensitivity.

6.28 3 sites have been assessed as having potential for further investigation.

Table 14: Banwell - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE20358	South of Knightcott Gardens	2.82	66
HE20195	East of Riverside	4.8	30
HE201055	Eastermead Lane	10.74	135

Bleadon

6.29 6 sites have been considered in greater detail, 3 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.30 The discounted sites are HE201021, HE20357, and HE203021. The main reason for sites being discounted is due to flood risk and ecology.

6.31 3 sites have been assessed as having potential for further investigation.

Table 15: Bleadon - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE2024	Land north of Purn Way	0.82	14
HE2051	Land north of Amesbury Drive	1.64	65
HE2083	Purn House Farm Industrial Estate	3.55	60

Churchill and Langford

6.32 10 sites have been considered in greater detail, 2 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.33 The discounted sites are HE201035, and HE201093. The main reason for sites being discounted is due to heritage constraints.

6.34 8 sites have been assessed as having potential for further investigation.

Table 16: Churchill - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE20590	Land to west of Wyndhurst Road	3.5	100
HE2023	Land east of Ladymead Lane	3.45	90
HE201074	North of Pudding Pie Lane	2.41	65
HE20122	Land south of A38	5.6	168
HE20196	Land to southeast of Langford	2.6	78
HE20608	West of Ladymead Lane	3.8	114
HE20629	Bath Road	0.5	18
HE201013	Land off Says Lane	2.9	87

Congresbury

6.35 21 sites have been considered in greater detail, 18 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.36 The discounted sites are HE2092, HE20305, HE203015, HE20490, HE20177, HE2061, HE20307, HE201024, HE201029, HE20308, HE20310, HE20106, HE20306, HE20303, HE202011, HE20304, HE20176, and HE20502. The main reasons for sites being discounted is due to flood risk, landscapes constraints, and Strategic Gap.

6.37 Table 17 presents 3 sites that have been assessed as having potential for further investigation.

Table 17: Congresbury - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE20375	Pineapple Farm, Congresbury	3.31	81
HE20178	Woodhill Nurseries	2	60
HE202010	Land at Cobthorn Farm	14.87	20

Sandford

6.38 11 sites have been considered in greater detail, 2 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.39 The discounted sites are HE20252, and HE20253. The main reason for sites being discounted is due to highways constraints.

6.40 Table 18 presents 9 sites that have been assessed as having potential for further investigation.

Table 18: Sandford - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE2075	Land at Mead Farm	4.3	56
HE2034	Land at Mead Lane	2.34	30
HE20587	North of Sandford (b)	13	260
HE20617	South of Greenhill Road	1.9	68

Site reference	Site name	Area ha	Capacity
HE201012	Land west of Sandford	0.63	18
HE201015	Land off Hill Road	0.97	35
HE201022	Land north of Greenhill Road	3.4	100
HE203008	Land near Mead Lane	0.66	10
HE203036	Land north of Sandford	0.55	2

Winscombe

6.41 9 sites have been considered in greater detail, 3 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.42 The discounted sites are HE20333, HE2078, and HE2077. The main reason for sites being discounted is due to AONB and sites being in an existing use.

6.43 Table 19 presents 6 sites that have been assessed as having potential for further investigation.

Table 19: Winscombe - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE2076	West of Hill Road	0.9	30
HE20187	Broadleaze Farm, Winscombe	3.17	74
HE20716	Land at Shipham Lane, Winscombe	0.81	29
HE20717	Land at Coombe Farm, Winscombe	3.3	99
HE20120	South of Fullers Lane	2.1	64
HE20121	Fullers Lane	1.1	40

Wrington

6.44 3 sites have been considered in greater detail, 3 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.45 The discounted sites are HE203004, HE2017, and HE20198. Wrington is a constrained settlement with heritage sensitivity, Green Belt on the north/ eastern side, and flood risk affecting larger parts.

6.46 No sites have been assessed as having potential for further investigation.

Yatton and Claverham

6.47 11 sites have been considered in greater detail, 8 of which have been discounted and are not considered to offer suitable opportunities for allocation.

6.48 The discounted sites are HE20630, HE20231, HE201026, HE20531, HE20509, HE2012, HE20179, and HE203. The main reason for sites being discounted is due to flood risk, including a greater risk of flooding in future as a result of sea level rise.

6.49 Table 20 presents 3 sites that have been assessed as having potential for further investigation, all surrounding Claverham.

Table 20: Yatton and Claverham - Sites identified as having potential for further consideration

Site reference	Site name	Area ha	Capacity
HE20489	North Field, Claverham Works	1.44	50
HE201072	North of Brockley Way	6.8	210
HE201076	Land at Dunsters Rd	1.73	62

6.50 These sites provide a source of potential for consideration in addressing the local planning housing requirement. Any site(s) considered further should be considered in the context of committed supply in the form of planning consents for residential development.

7 Summary of observations

7.1 The following conclusions can be drawn from the SHLAA:

- A large number of sites have been considered across North Somerset covering a wide range of site types including large strategic sites, and smaller green field opportunities.

- A range of site opportunities are identified with potential for further consideration. These are distributed across the Broad Locations and have the potential in principle, to be compatible with the preferred spatial strategy. They provide a range of sites that can be considered for allocation.

- Perhaps as expected, the greatest extent of potential is identified at the main towns or close to the main urban areas. The exception to this is Clevedon that does not have significant potential owing largely to the surrounding land at risk of flooding, despite having significant areas of land promoted for development. Of the other three main towns, Nailsea has the most potential indicated unconstrained by Green Belt and/or flood risk. This includes a significant area of land to the south/ southwest of Nailsea that is promoted for development, however this land would require extensive transport mitigation identified through the supporting transport evidence, published separately. Nailsea and Backwell also has large areas of available land within the Green Belt including sites to the north of Nailsea, and the east of Backwell.

- WsM itself does not have extensive land potential given its status as the largest town in North Somerset. The Weston Villages is a committed component of supply and its build-out is ongoing. Beyond that there are very few opportunities outside of the town for further significant expansion, and within the town, there are large areas of land at risk of flooding. The inclusion of these sites in the plan would be subject to the sequential and exceptions test, including consideration of the regeneration benefits that arise from development of key brownfield sites within the urban areas.

- Portishead is not indicated to have extensive potential within the town, and like WsM has large areas subject to flood zone 3. Outside of the town there are a few significant opportunities however these are located within the Green Belt.

- Potential supply opportunities across the villages are focused at Churchill and Sandford, and also Claverham and Winscombe to a lesser extent. Wrington is the only larger village that is not identified as having potential due to flood risk, Green Belt, and heritage constraints. This potential is focused on settlements along the southern A371/ A38 corridor and the cumulative effects need to be considered.

Statement of Case Appendix 12

SHLAA Village Schedules 2023

VILLAGE SCHEDULES - Congresbury

Site reference	Site name/ location	Area (ha)	Second Interim SHLAA output	Second Interim SHLAA Benchmark Capacity	Primary constraints	Secondary constraints	Other constraints identified @ Baseline	Key constraints summary	Potential mitigation/ further work (subject to ongoing review)	Availability summary, other known legal or delivery constraints	Capacity review notes	CFS submission capacity	Estimated capacity over plan period	Assessment Outcome
HE201024	West of Brinsea Road	17.3	Not discounted	345		Part flood zone 3a and indication of greater risk in future; part Priority Habitat; site indicated to be in reservoir flood risk extent. Greater flood risk in future.		Much of Western part of site is flood zone 3b. Bat SAC zone B. Access to Brinsea Rd may require use of access to Cherry Tree Farm, a farm outside site.	Exclude FZ3a but flood risk worsening in future - unlikely to be able to justify the Sequential Test.	Site submitted to local plan 2038 process.		330		Site discounted - flood risk
HE201029	West of Drove Road	6.0	Not discounted	179		Flood zone 3a.; part Priority Habitat; site indicated to be within reservoir flood risk extent	• Site or part of site currently used for sport and/or recreation.	Flood zone 2, with potential to become flood zone 3 when taking into account future effects of climate change.		Site submitted to local plan 2038 process.		84		Site discounted - flood risk
HE20106	Vicarage and car park to church, Congresbury	1.4	Not discounted	52		Flood zone 3a on part and site indicated to be at greater risk in future; Part LGS; part Priority Habitat; reservoir flood risk indicated.	• Site within Conservation Area. • Listed Buildings present.• Site has woodland on all or part of site.• Site or part of site currently used for sport and/or recreation.	Impact on Conservation Area and Listed Building setting.	Consider impacts on heritage features in greater detail.	Site not submitted to local plan 2038 process.				Site discounted - heritage harm
HE20176	West of Smallway, south of Frost Hill	6.7	Not discounted	202		High Grade agricultural land. Southern part of site indicated to be at greater flood risk in future. reservoir flood risk indicated.		Within designated Strategic Gap between Yatton and Congresbury. Bats SAC zone A.		Site not submitted to local plan 2038 process.				Site discounted - Strategic Gap
HE20177	North of Greenholm Nurseries	1.5	Not discounted	53		High Grade agricultural land	• Site located within Zone A and therefore may have greater sensitivity in terms of impacts on habitat for bat foraging.	Nurseries, possible loss of some employment. Bats SAC zone A.	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD	Site not submitted to local plan 2038 process.				Site discounted - Existing use
HE20178	Woodhill Nurseries, Congresbury	2.0	Not discounted	60		High Grade agricultural land; area of critical drainage on part	• Site located within Zone A and therefore may have greater sensitivity in terms of impacts on habitat for bat foraging.	Nurseries, possible loss of some employment. Bats SAC zone A.	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD	Site not submitted to local plan 2038 process.			60	Potential

HE202010	Land at Cobthorn Farm	14.9	Not discounted	297	Part zone 3b	Part flood zone 3a and indication of greater risk in future; area of critical drainage on part; part Priority Habitat. Reservoir flood risk to south	• Site located within Zone A and therefore may have greater sensitivity in terms of impacts on habitat for bat foraging.	Site includes area with outline consent (legal agreement) for 38 dwellings (15/P/0519/O), partly allocated for residential in SAP. Excluding this consented area leaves 6.74ha.	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD	Site submitted to local plan 2038 process.	.		20	Potential
HE202011	Land east of Brinsea Road	1.4	Not discounted	50				Bats SAC zone B.	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD	Site submitted to local plan 2038 process. Site submitted to PO.				Site discounted - landscape harm
HE20303	East of Brinsea Road, Congresbury	6.9	Not discounted	208		Area of critical drainage on part; site indicated within reservoir flood extent.		Bats SAC zone B. SE extremity of site affected by land with planning consent for a Bristol Water new water trunk main, ref 16/P/1095/F2	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD .Development may need to avoid SE extremity of site.	Site submitted to local plan 2038 process.		255		Site discounted - landscape harm
HE20304	East of Brinsea Road, opposite Springfield, Congresbury	1.2	Not discounted	45		High Grade agricultural land; site indicated within reservoir flood extent		Bats SAC zone B.	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD	Site not submitted to local plan 2038 process.				Site discounted - landscape harm
HE20305	East of Brinsea Road, north of dismantled railway, near Congresbury	3.0	Not discounted	91		High Grade agricultural land; area of critical drainage on part; site indicated within reservoir flood extent.		Bats SAC zone B.	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD	Site not submitted to local plan 2038 process.				Site discounted - flood risk
HE20306	Land off Brinsea Road, Congresbury	3.8	Not discounted	114		Part flood zone 3a and indication of greater risk in future; area of critical drainage on part		Site of dismissed appeal (14/P/1901/O). Flood zone 3.	Unlikely to be able to justify Sequential Test.	Site not submitted to local plan 2038 process.				Site discounted - landscape harm
HE20307	Park Farm, Congresbury	5.7	Not discounted	171	Part zone 3b	Part flood zone 3a and indication of reservoir flood risk; area of critical drainage on part. Adjacent to wildlife site.	• Site located within Zone A and therefore may have greater sensitivity in terms of impacts on habitat for bat foraging. • Listed Buildings present.	NE part of site is FZ3b. Adjoins curtilage of Listed building (Park Farmhouse).Bats SAC zone A. Access might be off access serving Small Acre etc?	Cannot develop the FZ3b part. Excluding that leaves 4.38ha. Mitigation for bats may be needed and further consultation with highways.	Site submitted to local plan 2038 process. Site submitted to PO.		150		Site discounted - flood risk
HE20308	North West of A370 Congresbury bridge, Congresbury	1.4	Not discounted	50	Part zone 3b	Part flood zone 3a; part Priority Habitat; site indicated within reservoir flood extent. Adjacent to wildlife site.	• Site located within Zone A and therefore may have greater sensitivity in terms of impacts on habitat for bat foraging.	Flood zone 2, with potential to become flood zone 3 when taking into account future effects of climate change.		Site submitted to local plan 2038 process. Site submitted to PO.		25		Site discounted - flood risk

HE20310	South of Drove Road, Congresbury	0.5	Not discounted	19		Flood zone 3a; site indicated within reservoir flood extent.		Flood zone 2, with potential to become flood zone 3 when taking into account future effects of climate change.		Site not submitted to local plan 2038 process.				Site discounted - flood risk
HE20375	Land east of Congresbury	3.3	Not discounted	99	Part zone 3b	Top corner of site inidcated to have reservoir and other sources of flood risk.	• Listed Buildings present.	NE extremity of site is FZ3b. Adjoins curtilage of Listed building (Park Farmhouse).Bats SAC zone A. Access seems to be suggested off Mulberry Rd cul de sac?	Cannot develop the FZ3b part and development should avoid parts indicated to be at any flood risk. Excluding that leaves around 2.4ha. Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD.	Site submitted to local plan 2038 process.	63		81	Potential
HE20490	Land at Woodhill	2.3	Not discounted	70		High Grade agricultural land; area of critical drainage on part	• Site located within Zone A and therefore may have greater sensitivity in terms of impacts on habitat for bat foraging.	Nurseries, possible loss of some employment. Bats SAC zone A.	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD	Site submitted to local plan 2038 process. Site submitted to PO.				Site discounted - Existing use
HE20502	Land adjacent to B3133	2.3	Not discounted	70		High Grade agricultural land	• Site located within Zone A and therefore may have greater sensitivity in terms of impacts on habitat for bat foraging.	Within strategic gap between Yatton and Congresbury. Bats SAC zone A.		Site submitted to local plan 2038 process. Rev site submitted to PO.		60		Site discounted - Strategic Gap
HE2061	Allotments near Woodhill Nurseries	1.2	Not discounted	42		High Grade agricultural land; area of critical drainage on part	• Site located within Zone A and therefore may have greater sensitivity in terms of impacts on habitat for bat foraging. • Site or part of site currently used for sport and/or recreation.	Loss of allotments. Bats SAC zone A.	Allotments likely to need prior relocation. Mitigation for bats may be needed.	Site not submitted to local plan 2038 process.				Site discounted - Existing use
HE2092	North of Rookery Farm, Congresbury	0.6	Not discounted	22		Flood zone 3a on part and site indicated to be at greater risk in future;reservoir flood risk indicated.		North part of site is constrained by FZ3a. Bats SAC zone B.	Mitigation for bats likely to be needed and additional survey requirements in line with Bats SPD	Site submitted to local plan 2038 process.		15		Site discounted - flood risk

HE203015	Land southeast of Congresbury	0.4	na	16	None identified	None identified		Access to site may be limited. If a suitable access could be achived from Venus Street, the potential of the site could be reconsidered. Based upon previous appeal decisions, landscape harm may be a consideration.		Site submitted to Preferred Options consultation				Site discounted - access constraint
												919	161	

LICHFIELDS

Statement of Case Appendix 13

Spatial Strategy & Capacity November 2023

North Somerset Local Plan 2039

Spatial strategy and capacity

Pre-submission (Regulation 19) plan

November 2023

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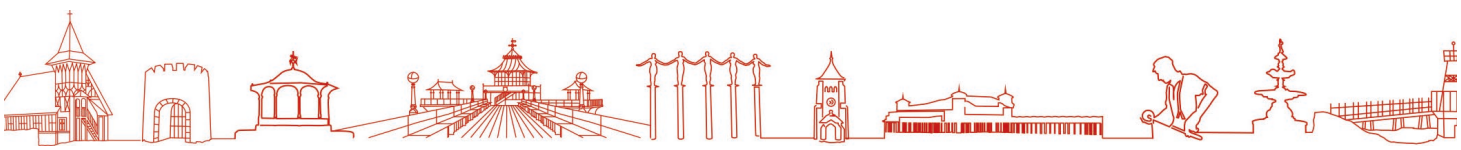


1. Introduction

1.1 A spatial strategy and capacity paper was published in February 2022 to accompany the Preferred Options. This document explained the approach taken in the plan making process to the spatial strategy, sequential approach, and the methodology used in assessing potential delivery.

1.2 The purpose of this paper is to update the position in respect of the Pre-submission (Regulation 19 version).

1.3 The Local Plan's vision, strategic priorities, sustainability objectives and spatial strategy were developed through the Challenges for the future and Choices for the future consultations and set out in Preferred Options. These were reviewed in the light of responses received to the consultation, new evidence and the proposed national planning reforms but are considered to remain a robust framework for the preparation of the pre-submission plan.

1.4 A sequential approach was identified to act as a framework for the assessment of potential sites, consistent with the spatial strategy. This is a tool to aid site selection through a set of sequential steps. The approach used in the early stages of plan making comprised seven steps. This has now been reduced to six by the amalgamation of 'other sustainable settlements' (Yatton and Backwell) into the 'rural areas' category alongside the other villages. The sequential steps are now as follows:

Step 1: Existing planning permissions
Step 2: Urban capacity
Step 3: Town expansion
Step 4: Rural areas
Step 5: Other opportunities
Step 6: Green Belt

1.5 Sites identified through SHLAA as having available potential are assessed through this framework with preference given to sequentially preferable locations as these better reflect the spatial strategy and therefore the delivery of a sustainable pattern of development. The starting point is to maximise development within the towns, then consider

opportunities well-related to the urban areas and then the villages (with a preference given to the relatively more sustainable settlements). If additional growth is needed then the next step is to consider any other opportunities such as development in areas at risk of flooding or new settlements, before finally considering any opportunities within the Green Belt given national policy advice on their importance.

1.5 The paper will set out how the government's proposed changes to introduce more flexibility in terms of the identification of the housing requirement and greater protection for Green Belt have impacted on plan making. It will explain how national planning reforms, along with updates to the evidence and consideration of sustainability impacts have influenced the emerging local plan and resulted in the current approach.

2. National policy changes

2.1 Executive Committee considered the response to the Preferred Options consultation and the principal issues to be addressed in the next stage of plan making on 7 September 2023 where it was resolved that:

'The Executive requests that officers proceed to develop a revised Local Plan that recognises the constrained nature of North Somerset and identifies an appropriate scale and location of development to offer greater protection to the Green Belt and other sensitive sites, and seek legal advice including advice on implications for the Local Plan timetable and anticipated national reforms, further evidence gathering, potentially including further consultation, in order to prepare the strongest possible pre-submission draft plan.'

2.2 That approach resonated with the national debate which was taking place on the role of planning and the scale and location of new development. At the end of 2022 the government launched a consultation on national planning reforms, including proposed changes to the National Planning Policy Framework. This consultation had significant implications for the North Somerset Local Plan.

2.3 In relation to the housing requirement, the consultation sought views on whether there should be more scope for local planning authorities to work on the basis of a locally derived housing requirement as opposed to using the government's standard method, provided any alternative target was robustly evidenced.

2.4 North Somerset Council, working jointly with the West of England authorities, commissioned a review of local housing need. This recommended that for North Somerset a robust approach would be to use a local housing need of 993 dwellings per year or 14,902 dwellings over the plan period 2024-2039 (ORS 2023). Executive Committee on 6 September 2023 resolved that the local plan should be progressed on the basis of a locally derived housing requirement.

2.5 NPPF paragraph 61 permits departing from the standard method if exceptional circumstances justify an alternative approach which reflects demographic trends and market signals. ORS advised that the standard method does not provide a realistic assessment of local housing need for North Somerset, as the outdated 2014 household projections that are the starting point for the calculation do not provide an accurate reflection of current and future demographic trends. Their alternative calculations concluded that a locally derived housing requirement of 14,902 will meet household growth in full and also incorporates an uplift that provides a positive response to market signals.

2.6 The national consultation also sought views on how nationally significant designations such as Green Belt should be assessed, particularly whether local planning authorities should feel compelled to use Green Belt to meet housing targets. North Somerset has a significant extent of Green Belt (40%) as well as other sensitive areas such as areas at risk of flooding (35%), the Mendip Hills Area of Outstanding Natural Beauty (15%) and a range of heritage, ecological and other environmental constraints.

2.7 Given the government's re-emphasis on the importance of Green Belt, the proposed Green Belt allocations were reviewed.

2.8 As the plan making process had commenced during the pandemic, there was uncertainty about the robustness of economic forecasts. Following Preferred Options, the evidence base relating to the employment requirement was revised using updated economic forecasts (North Somerset Sites and Premises Evidence, Hardisty Jones Associates 2023). This indicated the minimum overall scale of employment land required for the local plan period was around 50ha.

3. Green Belt and strategic growth locations

3.1 The Preferred Options proposed three strategic growth locations at Weston-super-Mare (Wolvershill), Nailsea/Backwell and in the Green Belt adjacent to Bristol (Yanley Lane). The appropriateness of allocating Green Belt has been reviewed in the light of the government's current advice. In addition, further technical work has concluded that the scale of growth at Nailsea/Backwell is constrained by the lack of deliverability of essential strategic transport mitigations.

3.2 The government consultation on proposed planning reforms reinforced the importance which should be accorded to Green Belt, and that local planning authorities should not be compelled to allocate Green Belt sites to meet their housing requirements. In terms of the impact of the four sites identified in Preferred Options on Green Belt purposes, the evidence had concluded as follows (Green Belt Review January 2022). It should be noted that the Yanley Lane site covers two separate Green Belt parcels.

Allocation	**Green Belt parcel**	**GB purpose: Sprawl**	**GB purpose : Merger**	**GB purpose: Encroachment**	**GB purpose: Setting historic towns**	**GB purpose: Regeneration**	**Overall assessment**
Yanley Lane (Woodspring golf course)	10. Woodspring golf club	Mod/High	Low	Mod/High	Low	Neutral	**Mod/High**
Yanley Lane (Woodspring golf course)	11. Castle Farm area	High	Low	High	Low	Neutral	**High**
Colliter's Way	12. Inside the SBL south	Mod	Low	Miod	Low	Neutral	**Mod/Low**
East of Backwell	5. Land East of Backwell School to Backwell Green	Low	High	Mod/High	Low	Neutral	**Moderate**
Clevedon Road, Portishead	3, South of Gordano School	Low	Low	Mod/Low	Low	Neutral	**Low**

3.3 The Preferred Options proposed that, given the size of the standard method housing target, it was necessary to use Green Belt sites. As greater importance is now placed on protecting Green Belt, the weight given to these sites in terms of meeting Green Belt purposes was re-evaluated. Given the importance of the Yanley Lane (assessed as high and moderate/high in terms of impact on Green Belt purposes) and East of Backwell (moderate), the planning judgement is now that they should be retained as Green Belt.

3.4 Although the Clevedon Road, Portishead proposed allocation is assessed for Green Belt purposes as having low impact, updated evidence in relation to flood risk associated with climate change now indicates most of the site is impacted. The site is therefore not carried forward as a proposed allocation, as it conflicts with the spatial strategy of avoiding land at risk of flooding.

3.5 The Green Belt site at Land North of Colliter's Way is located on the Bristol (Bishopsworth) side of the distributor road on the edge of Bristol, has limited impact on Green Belt purposes, is bounded by a clear and permanent physical feature (Colliter's Way) and is proposed to be developed comprehensively with a site at Elsbert Drive proposed in the Bristol Local Plan. This site is therefore proposed to be retained as an allocation in the Reg 19 plan.

3.6 The extent of the existing adopted Green Belt within North Somerset is 15,531 hectares. The Reg 19 plan proposes several amendments.

3.7 As part of the Green Belt review work, a 155 hectare extension of the Green Belt was proposed between the south of Nailsea and north of Backwell. The justification for the extent of the area identified and how the tests within NPPF paragraph 139 were met was set out in the Green Belt Review Part 3 (January 2022). The extension of the Green Belt designation is retained in the Reg 19 plan.

3.8 Minor amendments around the Portishead settlement boundary have resulted in an additional four hectares of Green Belt. The previous settlement boundary around the Ashlands development was indicative only, as it was drawn on the basis of the indicative masterplan. Now that the developments are complete, the settlement boundary has been redrawn to follow the built form, and the Green Belt edge extended slightly to abut the settlement boundary.

3.9 Removal of the Colliter's Way site referred to above from the Green Belt reduces the extent by 12 hectares. The enlargement of the Bristol Airport inset results in a further reduction of 161 hectares of Green Belt.

3.10 The creation of new village insets and amendments to existing insets at Long Ashton and Easton-in-Gordano/Pill comprise a total reduction of 273 hectares.

3.11 Overall, the extent of the Green Belt within North Somerset will be reduced to 15,244 hectares, a net loss of 287 hectares. The Green Belt changes are summarised as follows:

Proposed amendment to Green Belt	**Net change (ha)**
Bristol Airport inset	-161
Land north of Colliters Way	-12
Abbots Leigh inset	-28
Clapton-in-Gordano inset	-8
Cleeve inset	-20
Dundry inset	-15
Failand inset	-27
Flax Bourton inset	-27
Felton inset	-20
Leigh Woods inset	-24
Portbury inset	-15
Redhill inset	-7
Tickenham inset	-25
Weston-in-Gordano inset	-11
Winford inset	-26
Long Ashton inset amendments	-4
Easton-in-Gordano/Pill inset amendments	-16
Total losses	**-446**
Proposed extension at Nailsea/Backwell	+155

Proposed amendment to Green Belt	Net change (ha)
Minor amendments around Portishead settlement boundary	+4
Total gains	**+159**
Net change	**-287**

3.12 The Preferred Options proposed Nailsea/Backwell as a strategic growth location subject to, in particular, deliverable strategic transport mitigations being identified. This related to a potential new road crossing of the railway to alleviate capacity issues at Backwell crossroads and Station Road. The transport evidence at the time indicated that the rail crossing could be either to the west or east of Backwell and could be a bridge or a tunnel. None of these options are straightforward given flooding issues which could affect any crossing under the railway and the visual impact of a bridge crossing a railway on an embankment. Further technical assessment following Preferred Options resulted in the preference being for a bridge crossing to the east of Backwell. However, taking account of potential development contributions and other sources of funding, the costs of delivery were prohibitive which meant that delivery was highly unlikely over the plan period.

3.13 Without the transport infrastructure to unlock large scale development, the focus shifted to what scale of development could be accommodated on the existing network. Without a bridge crossing the exceptional circumstances related to deleting Land East of Backwell from the Green Belt to support the delivery of the transport improvements no longer applied. Land at Grove Farm, Backwell (515 dwellings) is retained as an allocation as access to the A370 does not require a rail crossing but land South of Nailsea (400 dwellings) was deleted given the severe impact development in this location would cause on the local road network.

3.14 The conclusions relating to the transport and Green Belt implications of growth at Nailsea/Backwell meant that the proposed scale of development in the area was significantly scaled back, and this is no longer proposed as a strategic growth location in the plan.

3.15 Land north of Banwell (Wolvershill) was identified to meet the needs of the principal settlement of Weston-super-Mare and is retained in the Reg 19 plan as the only remaining strategic growth location within North Somerset.

4. Approach to villages and rural areas

4.1 The Rural Settlements Paper (March 2022) set out the methodology for identifying which settlements were most appropriate for accommodating an appropriate scale of growth consistent with the spatial strategy and sequential approach. The approach used comprised three stages.

Stage 1: Assess the sustainability of settlements.

4.2 The initial assessment of villages considered existing services and facilities within settlements, how accessible they are within the settlement, and whether villages are close to higher order settlements such as towns or larger villages where services and facilities can be accessed relatively easily through active travel or good quality public transport. Villages were categorised into four groups A, B, C and D based on their role and function and relative sustainability. At this stage the methodology did not take account of potential constraints which might restrict development in a particular settlement.

Category A

These are villages considered to be relatively sustainable in their own right with a range of easily accessible services and facilities and good public transport links to towns.

Backwell, Banwell, Churchill, Congresbury, Easton-in-Gordano/Pill, Long Ashton, Winscombe and Yatton.

Category B

These are villages considered to be relatively sustainable by virtue of their proximity to a higher order settlement. These have some services and facilities and are closely related to a much higher order settlement which has a wide range of services and facilities.

Bleadon, Claverham, Cleeve, Flax Bourton, Hutton, Kenn, Kewstoke, Locking, Portbury, Sandford, Uphill and Wrington.

Category C

These are villages with limited services and facilities such as just a primary school, village shop or pub and lack good access to higher order settlements by walking, cycling or frequent public transport.

Abbots Leigh, Blagdon, Clapton-in-Gordano, Dundry, Failand, Felton, Leigh Woods, Tickenham, Redhill, Weston-in-Gordano and Winford.

Category D

These are settlements with few or no services and facilities and poor access to higher order settlements. Many lack reasonable public transport access to other centres and have limited opportunities for active travel.

Barrow Gurney, Burrington, Butcombe, Christon, Loxton, Puxton, Regil, Walton-in-Gordano, Wick St Lawrence, Wraxall and Kingston Seymour.

Stage 2: Selection of the most sustainable settlements.

4.3 The approach then considered which of these were most suitable for small scale allocations. Although the villages in categories A and B were considered to be the relatively most sustainable, not all of these villages are appropriate for growth when constraints such as flood risk and Green Belt are taken into account. Originally this assessment excluded consideration of the larger villages of Yatton and Backwell as they were assessed separately through the sequential approach (described as 'other sustainable settlements'), but they are now considered alongside other villages as part of the 'rural areas'. Hutton, Locking and Uphill remain assessed as part of the wider Weston-super-Mare area.

4.4 Stage 2 identifies the following nine villages as having potential for small scale site allocations:

Backwell, Banwell, Bleadon, Churchill, Congresbury, Sandford, Winscombe, Wrington and Yatton.

Stage 3: Settlement assessments and identification of potential allocations

4.5 The March 2022 Rural Settlements Paper (March 2022) identified an area of search for each of the settlements assessed at stage 2 using the SHLAA work as the guide to enable all reasonable development opportunities to be considered. The approach then identified primary and secondary constraints and assessed the specific development opportunities. This led to the identification of sites with potential to take forward through the local plan process.

4.6 The Site Selection Methodology paper explains how broad location templates for the villages were reviewed and updated for the Pre-submission document. This exercise produced an updated list of potential allocations, now including Backwell and Yatton. The outputs from this work informed the spatial strategy sequential approach in respect of step 4 (rural areas).

5. Approach to employment land

5.1 The provision of employment land within the Pre-submission Local Plan has responded to the latest evidence on employment land requirements as published in the North Somerset Employment Sites and Premises Evidence (HJA, October 2023). This evidence identified a scale of employment land for office, industrial and warehousing uses for the period 2023 to 2043 and from this an estimation of the needs for the North Somerset Local Plan period can be identified of around 50ha.

5.2 In terms of the supply of sites to meet this need, the identification of sites is guided by the preferred spatial strategy that looks to focus development within or close to the main towns. This requirement is relevant to business uses as well as residential as the commercial attractiveness of business land is dependent upon proximity to labour supply, good public transport choices, and other services and facilities. Therefore, sites identified within the Pre-submission Local Plan are all within or in close proximity to the main towns including Weston-super-Mare, Clevedon, and Portishead.

5.3 The evidence on land requirements reiterated messages from previous employment land studies on the opportunity to accommodate demand associated with the M5 corridor, particularly with regard to logistics, distribution, and warehousing type uses. In addition, feedback from the business community coupled with the sites being promoted for commercial development to the local plan emphasised a current lack of business space, particularly in the north of North Somerset. Accordingly, the Pre-submission Local Plan proposed a new 25ha business site to the east of Junction 20 to meet logistics, distribution and warehousing needs. This development is not anticipated to be delivered early in the plan period but instead is considered to offer a longer-term opportunity. This timescale reflects the need to resolve any associated transport issues in discussion with National Highways.

5.4 The majority of the proposed employment sites are existing allocations within the Site Allocations Plan (2018) and many are subject to active and ongoing interest. These have been subject to independent review through an Employment Land Review in 2018 that has informed the decision to carry them forward into the Pre-submission Local Plan.

5.5 Overall, the package of business sites is considered to provide a range of high quality, and commercially attractive business sites able to meet the needs arising over the plan period. Around 81ha is provided in total which exceeds the scale of employment land indicated to be required through the latest evidence of need. However, the uncertainties regarding the take-up of employment land need to be recognised such as sites being built out at lower densities or lower density employment

development occupying a greater percentage of overall business land. It is therefore considered necessary to provide an additional supply of sites reflecting the NPPF requirement (see NPPF 2023: paragraph 82) to ensure planning policies have sufficient flexibility to accommodate needs not anticipated in the plan, allow for new and flexible working practices, and to enable a rapid response to changes in economic circumstances.

5.6 In addition, this approach recognises the uncertainty around the level of re-use of previously developed employment areas to accommodate regeneration/new development as explored through the evidence. If redevelopment is slower than anticipated, a higher proportion of opportunities on new sites may be required.

5.7 There is also anecdotal evidence that employment land demand is typically stronger than previous economic forecasts have indicated and therefore, taking all of this into account, the Pre-submission Local Plan makes additional provision for employment land to ensure a range of site opportunities.

6. Sustainability appraisal and the sequential approach

6.1 The local plan must demonstrate the delivery of sustainable development. This is informed by the preparation of a sustainability appraisal alongside the plan preparation process to ensure that the plan addresses relevant economic, social and environmental objectives. In order to guide the consideration of the implications of the proposed changes from Preferred Options, an assessment of the potential alternative spatial options was prepared by LUC. This was used to inform the approach set out in the Pre-submission plan.

6.2 Commencing with a baseline of existing sites which were constant across the scenarios, the SA considered a range of seven alternative spatial options and how each performed in relation to the sustainability appraisal objectives. While each option contained a mix of effects, Option 1 which related to focussing development next to towns, but outside flood risk areas and Green Belt, was highlighted in that it seemed to achieve a balance between the benefits of delivering development at the towns and therefore offering good access to jobs, services and transport links, and the benefit of achieving a wider spread of development than was seen in some of the other options. This provided reassurance that the plan's spatial strategy and sequential approach remained robust.

6.3 The spatial strategy had been developed following consideration of the response to consultation on the Challenges for the future and Choices for the future:

'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. Employment opportunities will be encouraged at accessible locations well-related to the urban areas and where sustainable transport opportunities can be maximised. 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.'

6.4 This spatial strategy remains fit for purpose as the basis for considering post-Preferred Options changes. It does not reference Green Belt and so can accommodate different approaches to the weight accorded to Green Belt objectives. In order to provide a framework to identify and assess potential broad locations for growth, the following sequential approach was used:

Step 1: Existing planning permissions.
Step 2: Urban capacity.
Step 3: Town expansion.
Step 4: Rural areas.
Step 5: Other opportunities.
Step 6: Green Belt.

6.5 The Pre-submission plan is based on the same spatial strategy as Preferred Options but the methodology in relation to the sequential approach has been adjusted. There is no longer a distinction made between 'other sustainable settlements' and 'rural areas' in the hierarchy of steps. All villages, including Yatton and Backwell, are assessed at the same stage where opportunities and constraints can be identified. This means that there are now nine villages identified as being appropriate for further investigation. These have been reviewed through the broad locations work summarised in the Site Selection Methodology paper.

The following summarises the conclusions in relation to the identification of sites using the sequential approach.

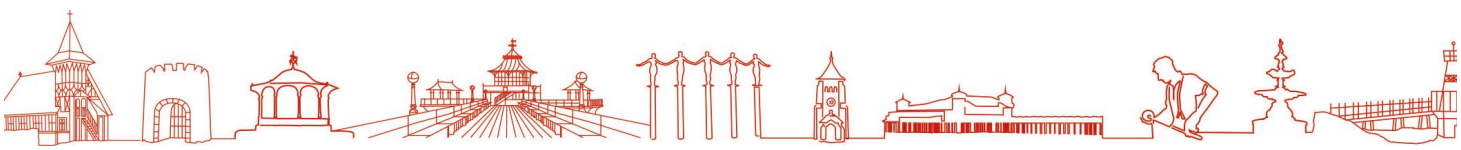
Step 1: Existing planning permissions

6.6 Of the 15,734 units of capacity identified in the plan in total, 6,656 already have planning consent or a resolution to grant permission.

A significant proportion of the capacity within this category is the residual existing commitment of 4,250 dwellings that are yet to be built out at the Weston Villages.

The existing commitments are split by area as follows:

Area	Capacity from existing commitments
Weston-super-Mare	4,809
Clevedon	58



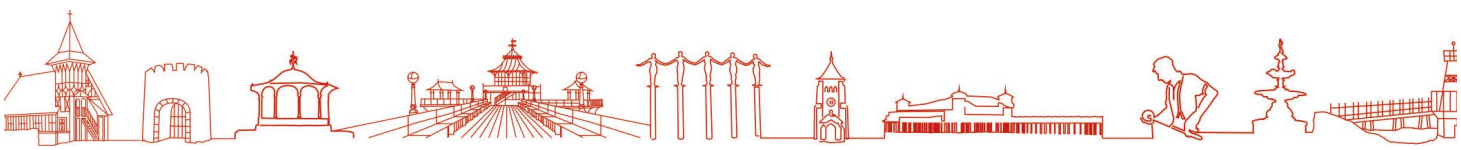
Area	Capacity from existing commitments
Nailsea	598
Portishead	119
Rural areas	1,072
Total	6,656

Step 2: Urban capacity

6.7 Maximising the use of previously developed and under-used land within the towns supports the delivery of sustainable development through the re-use of existing resources and also to ensure that development is close to a wide range of services, facilities, jobs and public transport. While the greatest potential is likely to come from Weston, there are specific opportunities elsewhere, such as the Wyndham Way broad location in Portishead. The Site Selection Methodology paper explains the approach and identifies the following capacity at each town, beyond the existing commitments identified at step 1 above.

Area	Urban capacity
Weston-super-Mare	1,434
Clevedon	234
Nailsea	28
Portishead	373
Total	2,069

Step 3: Town expansion



6.8 The next priority in the sequential approach was to assess the potential opportunities for new development well-related to the four towns, but outside the Green Belt.

6.9 For Weston-super-Mare the broad location area was drawn to include those villages close to Weston. This step therefore includes potential opportunities at Uphill, Locking and Hutton.

6.10 Preferred Options included a new strategic growth location at Wolvershill (north of Banwell) which is well related to the Weston urban area. Further work has confirmed the deliverability of this site and it is retained as an allocation in the Pre-submission plan for mixed use development, including 2,800 dwellings.

6.11 An extension of the settlement boundary is proposed at North West Nailsea to accommodate a modest development. No extensions are proposed to Clevedon and Portishead given the surrounding Green Belt and areas at risk of flooding.

Area	Town expansion
Weston-super-Mare (inc wider Weston)	55
Wolvershill strategic site	2,800
Nailsea	75
Total	2,930

Step 4: Rural areas

6.12 At Preferred Options, Yatton and Backwell had been highlighted as ‘other sustainable settlements’ given their size, good range of services and facilities and public transport accessibility. However, Yatton is tightly constrained by flood risk areas and the response to the consultation on Preferred Options questioned the approach to Backwell which had been assessed as a potential growth point with Nailsea. There was a strong community view that Backwell was a village and therefore the scale of growth proposed was inappropriate. The subsequent conclusions in relation to the deliverability of transport infrastructure and the scaling back of the proposed allocations meant that the role of Backwell was reviewed.

6.13 Nine villages were identified as being relatively more sustainable and investigated in more detail as broad locations for potential development. This resulted in the identification of 993 dwellings on sites in the rural areas. Note that this step does not include the existing commitment sites already accounted for at step 1.

Area	Rural area allocations
Backwell	515
Banwell	0
Bleadon	0
Churchill	191
Congresbury	80
Sandford	35
Winscombe	172
Wrington	0
Yatton	0
Total	993

Step 5: Other opportunities

6.14 Before considering the Green Belt, it is important to demonstrate that all reasonable options for meeting the identified need have been examined. This step ensures that any other non-Green Belt options have been identified. The Spatial Strategy and Capacity paper February 2022 highlighted options related to use of land at risk of flooding with appropriate mitigation, or the creation of new settlements.

6.15 There are proposals for development in flood risk areas and some are adjacent to the towns. However, given concerns about future climate

change and government advice that development should not be allocated if there are reasonably sites available in areas with a lower risk of flooding, the approach as set out in the spatial strategy is to avoid flood risk areas outside the towns.

6.16 There are not currently any new settlement proposals being promoted and locations such as Mendip Spring are effectively village expansions in relatively unsustainable locations.

6.17 No additional capacity has been identified for step 5.

Green Belt

6.18 Preferred Options identified four proposed locations to be deleted from the Green Belt to help address the standard method housing target. These have been reviewed in the light of government advice regarding the importance of protecting Green Belt when considering how to address housing needs. Only one site, Land north of Colliter's Way, is proposed to be retained and with an indicative capacity of 215 dwellings.

Windfall

6.19 The plan must include an up to date and robust assessment of the amount of windfall sites that can reasonably be expected to come forward during the plan period within North Somerset. The National Planning Policy Framework (NPPF) defines windfall sites as 'sites not specifically identified in the development plan'. NPPF paragraph 69 recognises the importance of small sites as a valuable component of housing supply and paragraph 71 clearly permits the inclusion of a windfall allowance within anticipated plan period supply where it can be demonstrated that it is reasonable to do so.

'Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

6.20 The Strategic Housing Land Availability Assessment (SHLAA) assessed the potential of all known large site opportunities and identified those which have potential to deliver housing. On that basis no allowance is proposed to be included in windfall provision from large sites, as those deemed to have potential and considered to accord with the spatial

strategy are identified for allocation in the plan. To also include a large site windfall allowance would risk double counting of potential supply.

6.21 The SHLAA also sets out historic small site windfall completions data. This evidence shows that within the past five years 957 dwellings have come forward from small sites, an average of 191 each year.

6.22 The starting point for calculating an expected future trend is to assess previous delivery. Within the past five years there have been challenging market conditions and the impacts of the coronavirus pandemic. These factors allow confidence that the figures do not reflect a time period that was particularly buoyant. This provides reassurance that it is reasonable to expect at least this level of small site windfall to continue in the future.

6.23 As set out in the SHLAA, the geographical spread of windfall completions within the past five years shows Weston-super-Mare as the focus for development, followed by the other three towns, then the relatively more sustainable villages, then the smaller settlements and rural areas.

6.24 The Local Plan follows broadly the same spatial strategy, prioritising growth in or close to urban areas whilst permitting development at villages and in the countryside which relates to community needs. Settlement boundaries have been reviewed and flexed allowing appropriate additional opportunities for growth. In addition, some settlements that were previously washed over by Green Belt have had settlement boundaries identified and inset from the Green Belt, which will allow development that may have been considered inappropriate previously. Taken together, these factors provide reassurance that small site windfall completions will continue to come forward at least at the rates previously achieved.

6.25 Therefore, the Local Plan makes provision for and expected 2,871 dwellings from small windfall over the 15 year period. On the basis of the geographical spread of completions in recent years this is attributed to the high-level areas as follows:

Area	Windfall allowance
Clevedon	270
Nailsea	225
Portishead	243
Weston-super-Mare	858
Rest of district	1275
Total	2871

Overall summary of capacity

6.26 The following tables summarises the identified capacity in relation to the sequential approach.

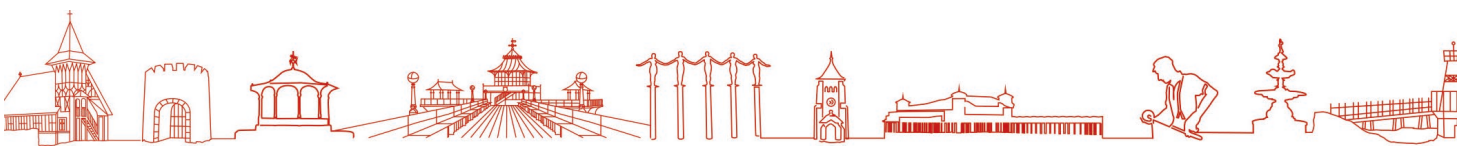
Sequential step	Capacity
1. Existing permissions	6,656
2. Urban intensification	2,069
3. Town expansion	2,930
4. Rural areas	993
5. Other opportunities	0
6. Green Belt	215
Windfall allowance	2,871
Total	15,734

7. Overall approach

7.1 The overall distribution of growth as proposed in the Pre-submission plan is anticipated to be as follows. These figures include windfall, indicatively split by area on the basis of parish level completions within the past five years.

Area	Step 1: Existing commitments	Step 2: Urban capacity	Step 3: Town expansion	Step 4: Rural areas	Step 5: Other	Step 6: Green Belt	Windfall	Total	%
Weston-super-Mare	4,809	1,434	55	0	0	0	858	7,156	45.5%
Wolvershill	0	0	2,800	0	0	0	0	2,800	17.8%
Clevedon	58	234	0	0	0	0	270	562	3.6%
Nailsea	598	28	75	0	0	0	225	926	5.9%
Portishead	119	373	0	0	0	0	243	735	4.7%
Backwell	190	0	0	515	0	0	78	783	5.0%
Banwell	101	0	0	0	0	0	93	194	1.2%
Bleadon	56	0	0	0	0	0	36	92	0.6%
Churchill	93	0	0	191	0	0	87	371	2.4%
Congresbury	88	0	0	80	0	0	114	282	1.8%
Sandford	49	0	0	35	0	0	36	120	0.8%
Winscombe	97	0	0	172	0	0	72	341	2.2%
Wrington	0	0	0	0	0	0	51	51	0.3%
Yatton	207	0	0	0	0	0	90	297	1.9%
Other areas	191	0	0	0	0	215	618	1,024	6.5%
Total	6,656	2,069	2,930	993	0	215	2,871	15,734	100.0%

7.2 The anticipated capacity of 15,734 dwellings, including windfall is sufficient to deliver the housing need figure of 14,902 dwellings over the plan period.



8. Conclusion

8.1 The spatial strategy which evolved from the early stages of consultation on the Challenges for the future and Choices for the future, and was confirmed in the Preferred Options, remains fit for purpose. Similarly, the sequential approach continues to provide a logical and consistent framework for site assessment. This process, together with sustainability appraisal, helps to ensure that the package of sites identified to meet the housing requirement delivers sustainable development consistent with the plan's strategic objectives.

8.2 There have been some significant amendments to the plan between Preferred Options and the Pre-submission plan primarily in relation to the reduced housing requirement and the approach to Green Belt which reflect national changes. This has had implications for the quantum of growth and sites proposed.

8.3 While the overall housing requirement has been reduced, this remains a challenging target. However, the reassessment of overall capacity, including windfall, indicates that there is sufficient supply to meet local needs over the plan period and to deliver sustainable development.

8.4 A package of employment allocations at sustainable locations has been proposed that exceeds the evidence based requirement, to ensure that economic growth targets are met.

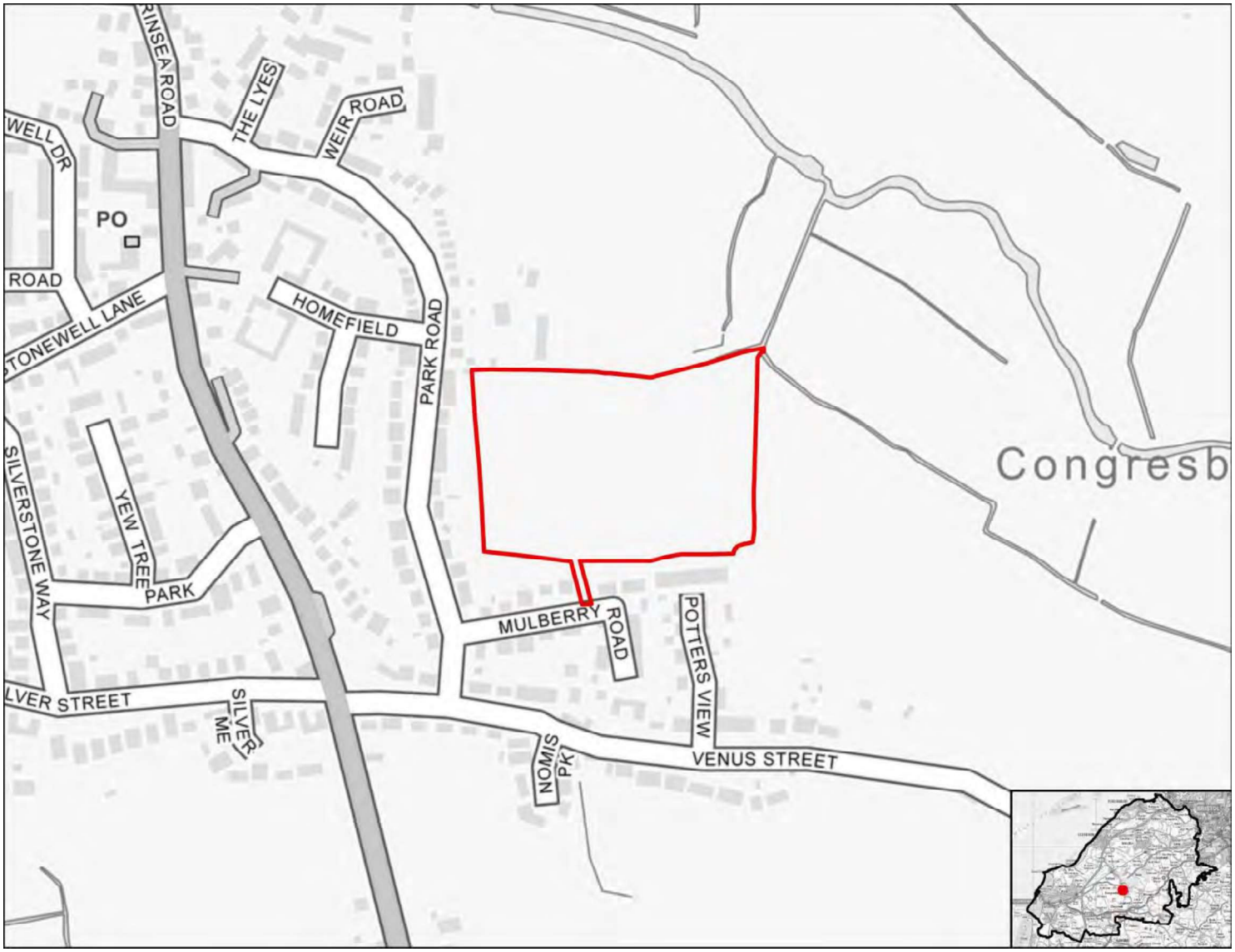
LICHFIELDS

Statement of Case Appendix 14

Residential Proformas for SA (HE20375)

HE20375

Residential use



SA objective 1.1 Ensure a range of job opportunities are easily accessible without having to use a car.

Significant negative (--)

The site is not within 5km of Weston-super-mare, the Centre of Bristol, Clevedon, Nailsea or Portishead.

SA objective 1.2: Provide opportunities to improve economic wellbeing and reduce economic inequalities by providing good access to educational and training opportunities.

Significant negative (--)

The site is over 5km from centres for employment and is over 900m from a primary school and over 1.8km from a secondary school or college.

SA objective 1.3: Promote the optimal use of land which supports regeneration, maximise re-use of previously developed (brownfield) land and protects the rural economy.

Significant negative (--)

The site is on greenfield land and contains land classified as agricultural grade 1-2.

SA objective 1.4: Promote development which requires a deliverable level of high-quality and sustainable infrastructure.

Negligible (0)

All sites are recorded as having a negligible effect in relation to this SA objective.

SA objective 2.1: Boost housing delivery and meet the housing need identified within the plan period.

Negligible (0)

All sites are recorded as having a negligible effect in relation to this SA objective.

SA objective 2.2: Deliver affordable or specialist housing where it is most needed to meet the needs of North Somerset's population.

Negligible (0)

The site is not located in an area with identified need for affordable housing (as per the Barriers to Housing and Services IMD domain).

SA objective 2.3: Achieve reasonable access to a wide range of community, educational, town centre and healthcare facilities.

Negligible (0)

The site is within 720m of a local centre but not a town or district centre.

SA objective 2.4: Enhance community cohesion and community facilities provision including cultural facilities.

Negligible (0)

The site is not of a sufficent scale to support the delivery of substantial new services and facilities.

SA objective 2.5: Achieve healthy living opportunities promoting good access to healthcare centres, open spaces, Public Rights of Way, walking and cycling opportunities, and outdoor leisure activities.

Minor positive (+)

The site is within 720m of at least two types of facility that are likely to support health and wellbeing, including a cycling route, an indoor/outdoor leisure facility, an open space site, a Public Right of Way.

SA Objective 3.1: Reduce carbon emissions by supporting appropriate decentralised renewable energy generation.

Negligible (0)

All sites are recorded as having a neglible effect in relation to this SA objective.

SA objective 3.2: Minimise vulnerability to tidal fluvial flooding, without increasing flood risk elsewhere. Also minimise surface water flood risk and harm to water quality and availability.

Negligible (0)

The site is not within an area identified as being at risk of flooding from fluvial or tidal sources or surface water and is not within a Source Protection Zone.

SA objective 3.3: Reduce the need to travel by car to minimise environmental impacts of unsustainable forms of travel, including transport related carbon emissions and air pollution. Ensure good access to infrastructure that promotes travel by active modes (walking and cycling).

Minor positive (+)

The site is more than 1.8km from a railway station but it is within 450m of a bus stop and cycle route.

SA objective 3.4: Minimise impact on and where appropriate enhance sensitive landscapes.

Negligible (0)

The majority of the site has been recorded as having low landscape sensitivity.

SA objective 3.5: To conserve and enhance historic places, heritage assets and their settings.

Minor negative (-)

The site has been assessed as 'amber' in relation to potential effects on setting.

SA objective 3.6: Protect and where possible enhance biodiversity, geodiversity and green infrastructure and allow for its adaptation to climate change, particularly with respect to protected habitats and species.

Minor negative (-)

The site is between 250m and 1km of one more internationally or nationally designated biodiversity or geodiversity sites. The site is within 250m of a locally designated site. The site is within zone B or C for the North Somerset and Mendip Bats SAC.

LICHFIELDS

Statement of Case Appendix 15

Appellant Representations to Local Plan 2039 Reg 18 and Reg 19 Consultations

Comment ID
31021473//10

Document Section

- North Somerset Local Plan Preferred O…
- 2. Vision, Strategic Priorities and Susta…
- Vision, Strategic Priorities and Sustain…

Respondent
M7 Planning Ltd (Congresbury)

Agent
cem kosaner

Response Date
29 Apr 2022

Please select one of the following statements:
Support the policy allocation with amend…

Comment
The enclosed representations have been prepared on behalf of M7 Planning Ltd who has land interests at known as Pineapple Farm off Mulberry Road, Congresbury. M7 Planning are an established land promotion company who has vast experience in delivering sustainable strategic residential developments in the south west of England.

Land off Mulberry Road as it stands is a proposed residential allocation for 90 dwellings in the Preferred Options consultation. An Outline Planning Application has been submitted to North Somerset Council for the development of up to 90 homes with all matters reserved except for access at the site. The planning application reference is 22/P/0459/O□T and the statutory consultation period ends on 07 May 2022.

If approved, the proposed development would comprise:

- a variety of house types and sizes ranging from 1, 2, 3-and 4-bedroom homes which will include homes that cater for first time buyers and the elderly.
- The proposal aims to deliver emerging policy compliant affordable housing provision. Affordable housing will be integrated into the scheme layout using the same design principles as for the open market housing.
- The affordable homes are intended to be pepper potted across the site, with no more than 6 units being sited together in accordance with the Councils' SP□ on affordable housing.

- The affordable housing will include a mix of social rented, affordable rented and intermediate tenures.
- Public open space and a children's play area.

M7 Planning Ltd welcome the Sites proposed allocation in the preferred options consultation.

Attachments

Comment ID

31021473//1

Document Section

- North Somerset Local Plan Preferred O… ▸ 3. Strategic Policies
- SP1: Sustainable development ▸ SP1: Sustainable □evelopment

Respondent

M7 Planning Ltd (Congresbury)

Agent

cem kosaner

Response Date

28 Apr 2022

Please select one of the following statements:

Support the policy/allocation

Comment

The presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (NPPF) and relates to both plan making and decision taking. North Somerset Council has provided a list of requirements that development proposals should, where appropriate, demonstrate if they are to be considered sustainable – which we believe to be well thought out and acceptable.

We consider the proposed allocation of Land off Mulberry Road to be in accordance with the policy requirements of draft Policy SP1, where relevant, as set out below:

Address Climate □mergency: The proposed allocation seeks to meet much needed homes in an unconstrained location within an active travel radius of services, facilities and public transport connections.

Support delivery of □ero-carbon development□Support decentralised renewable energy generation: M7 Planning is committed to delivering a scheme that reduces carbon emissions. This includes, but is not limited to:

- □ecentralised renewable energy generation in the form of PV Panels, solar thermal panels, ground □ air source heat pumps and biomass boilers□
- Improved methods of construction to achieve carbon reduction.
- Incorporate facilities to enable the charging of plug in or ultra-low emission vehicles□

- □io-diversity net gain to meet emerging policy targets as a minimum.

Prioritise active travel and effective public transport□□nsure active travel and public transport access to a wide range of services, facilities, □obs and recreational opportunities and support the creation of 20-minute communities:

The site is located within walking distance (300m) to a wide range of existing services and facilities, including a convenience store, a bakery, a post office, a takeaway and a butcher (The Precinct, □rinsea Rd). St Andrews Church of England Primary School is located approximately 1km north west of the site. There are also additional services and facilities including a doctor's surgery, pharmacy, pubs/restaurants and hairdressers within 1km of the site.

The site is well located to a variety of amenities using public transport. The □rinsea Road (North and South bound) bus stop is located 400 metres from the site and is serviced by the A2. The □1 Weston Super Mare to □ristol service stops at Station Road (approximately 1.4km walking distance), with services every 15 minutes during the day. Additionally, Yatton is located within cycling distance which offers a wider range of services and facilities including Yatton railway station (approximately 3km).

The proposed development would create safe and suitable connections with Congresbury, particularly through the PRoW connecting to Park Road where the vast majority of pedestrian and cycle movements are envisaged to take place. The two existing PRoW which cross the site will be improved and retained providing valuable pedestrian connections to the local street network and surrounding amenities. The PROW also provides walking connections to the wider countryside adjoining the site to the east.

The site presents strong sustainability credentials and is therefore considered to be sustainably located, meaning that the proposed scheme would contribute towards achieving active travel and 20-minute communities.

Support economic development in locations that are, or will be made, accessible by sustainable modes: The direct and indirect economic benefits of the proposed development of the Site have been quantified and form part of the submitted planning application. These comprise:

- □495,000 in expenditure in the local area as new homeowners seek to personalise their new property□and
- 92 construction jobs for local people□
- □190,000 in additional Council Tax payments to the Council□

- □2m in resident expenditure on weekly goods at local shops and businesses by the new residents□

In addition to these local benefits, Clevedon and □ristol Airport are only 12 and 21 minutes away when using public transport□and the main economic hub for the wider region, □ristol, is 60 minutes via bus from the proposed site.

Deliver the mix and type of housing to meet local needs: The proposed development would accommodate a range of house types such as 1, 2, 3, 4- and 5-bedroom homes catering for first time buyers and families.

Create healthy, safe and cohesive communities and reduce inequalities: The proposal aims to deliver a truly sustainable new community with a wide range of services and facilities.

Deliver essential infrastructure in step with development: □etailed drainage and transportation assessments formed part of the submitted outline planning application. These identify the essential physical infrastructure, including Sustainable □rainage Systems (Su□S) features and highways works that would be delivered up front as part of the proposed development.

Prioritise good design and placemaking: The outline application includes a □esign and Access statement that demonstrates the proposed development has been designed with best practice in mind to ensure that future residents thrive.

Retain and enhance locally important natural and historic assets, landscapes and townscapes: The site is not the subject of any landscape quality, ecological or heritage designations. There is one Listed □uildings within close proximity to the proposed scheme – Park Farmhouse, a □rade II Listed □uilding. □eritage considerations, namely the desire to protect the setting of the Farmhouse will form a key driver in development considerations. The Landscape and Visual Impact Assessment (LVIA) prepared by Steele Landscape □esign for the proposed development concludes that the proposal would integrate reasonably well with the local landscape and is not an immediate and obvious feature within views from the wider surrounds.

Promote the optimal use of land including prioritising use of previously developed land: The site is unconstrained and presents an opportunity to meet much needed housing need in a sustainable location. The proposed development would seek to make efficient use of the site whilst respecting the character and pattern of surrounding development.

Protect and enhance green infrastructure, biodiversity and geodiversity, particularly

protected habitats and species:

An Ecological Impact Assessment accompanies the outline planning application. To mitigate the minor, residual loss of habitat for foraging bats, off-site habitat enhancement and creation measures will be proposed.

Other features are also proposed, which include:

- Waste reduction and recycling emphasis□and
- Clustered tree planting, hedgerow strengthening and delivering species rich grasslands□
- Retaining key ecological features such as hedgerows and hedgerow trees to create a network of habitat corridors, along with pedestrian networks□
- Retaining green corridors to create play facilities and public open space□
- Retaining suitable habitats for amphibians and incorporating habitat features into the scheme such as bird boxes within some of the buildings proposed□
- Creating sustainable drainage attenuation features, which will also provide biodiversity enhancements via the creation of wetland habitats□
- □io-diversity net gain to meet emerging policy targets as a minimum.

Avoid adverse environmental impacts such as ground, water and air pollution:

The proposed development is the subject of an outline planning application and potential adverse environmental effects during both the construction and operational phase have been assessed through a series of technical assessments, all forming part of the formal application submission.

In respect of the construction phase, a Construction Environmental Management Plan (CEMP) would be produced to ensure all ground, water and air pollution concerns are addressed.

The sustainability credentials of Pineapple Farm have also been acknowledged in the Sustainability Appraisal (SA) prepared by the Council which forms a critical component of the evidence base supporting the emerging Plan. The SA assesses and compares alternative sites to ensure that the proposed allocations are aligned with the agreed sustainability objectives. The SA states that the *"site has no significant constraints and has low landscape sensitivity according to the North Somerset Landscape Sensitivity Assessment. Development of the site can be well integrated into the built form of the settlement and there are good pedestrian links to the local centre making it one of the more*

sustainable sites within Congresbury." As such, it is clear that not only do we consider the Site to present a sustainable development opportunity, but so does the Council, informed by their own evidence base work. Our client supports the proposed allocation of the Site and look forwards to it being carried forward to the Reg.19 stage.

Please find enclosed the Site Location Plan and Masterplan that formed part of the Outline Planning Application.

Attachments

MR50001□Masterplan□210225.pdf

MR50001□1000A□Site Location Plan.pdf

Comment ID
31021473//2

Document Section

- North Somerset Local Plan Preferred O… ▸ 3. Strategic Policies
- SP2: Climate change ▸ SP2: Climate Change

Respondent
M7 Planning Ltd (Congresbury)

Agent
cem kosaner

Response Date
28 Apr 2022

Please select one of the following statements:
Support the policy allocation with amend…

Comment
□evelopment proposals must demonstrate how they will address climate change mitigation and adaptation, encourage the decarbonisation of energy and transport, and support the delivery of a carbon neutral North Somerset by 2030. Whilst we agree with the thrust of the policy objective, it is vitally important that the scope of the desired deliverables do not undermine the deliverability of viable development. Specifically, it is important for the Council to categorise priorities such that essential items that are fundamental to the delivery of new development are distinguished from items that are important i.e. access infrastructure compared to net zero standard in new buildings.

We note that the wording of draft Policy SP2 presents the identified requirements as all having to be satisfied/addressed as a prerequisite for development to be supported. This however may not be feasible from a locational, technical or viability perspective. It is important that flexibility is embedded into the draft Policy.

In respect of the proposed allocation of Land off Mulberry Road, Congresbury, M7 Planning Ltd is committed to delivering a scheme that seeks to positively address the Climate Emergency. The potential measures are discussed in detail under our response to Policy SP1 above.

We consider that the proposed allocation and subsequent development of the Site would align with the emerging Local Plan's climate change aspirations as per Strategic Policy 2.

Attachments

Comment ID
31021473//3

Document Section

- North Somerset Local Plan Preferred O… ▸ 3. Strategic Policies
- SP3: Spatial strategy ▸ SP3: Spatial Strategy

Respondent
M7 Planning Ltd (Congresbury)

Agent
cem kosaner

Response Date
28 Apr 2022

Please select one of the following statements:
Support the policy allocation with amend…

Comment
Is the mix and location of sites appropriate to deliver the plan□s ob□ectives? In particular, is the balance between town and village development appropriate?

The aim of the spatial strategy is to focus development within or close to towns and urban areas, maximising the use of previously developed land, and optimise opportunities to encourage walking and cycling and access to effective public transport.

The shortfall in housing land supply proposed by the Preferred Options consultation draft against the Local □ousing Need is approximately 2,800 homes. Whilst we do not consider that there are exceptional circumstances that justifies a departure from the Local □ousing Need assessment, we acknowledge that the current shortfall presents an improvement on the 6,000-shortfall identified in the previous consultation. This improvement can be attributed to the acceptance that sustainable sites within the □reen □elt should be brought forward - a principle that we strongly support.

Our client supports the proposed Spatial Strategy and agrees that it is important to seek to prioritise new development opportunities in or close to urban areas where either existing or proposed measures will allow easy access to services and facilities, preferably by means of active travel.

It is, however, vitally important that the proposed Spatial Strategy is viewed with pragmatism owing to the highly constrained nature of North Somerset and the need to

further identify as a minimum a further 2,800 homes. Indeed, the approved Strategy acknowledges the scale of the housing challenge and the constraints facing North Somerset, meaning that it is extremely unlikely that the government's growth target can be delivered even when taking account of sustainable sites within the □reen □elt. Further to this, the upward pressure on □ousing need owing to unmet need from within the wider region, namely □ristol, means that the theoretical shortfall is greater than the existing 2,800 deficit against the Local □ousing Need. We are therefore of the view that the new Local Plan will need to embrace a step change in ambition in respect of housing delivery, aligned with the □overnments desire to see 300,000 new homes built annually.

The sustainability credentials of Pineapple Farm, Congresbury are abundantly clear as evidenced through the proposed allocation. It is essential that whilst further growth opportunities are explored, existing proposed allocations are maintained and carried forward to the Regulation 19 consultation stage.

Attachments

Comment ID
31021473//4

Document Section

- North Somerset Local Plan Preferred O… ▸ 3. Strategic Policies
- SP6: Villages and rural areas ▸ SP6: Villages and rural settlements

Respondent
M7 Planning Ltd (Congresbury)

Agent
cem kosaner

Response Date
28 Apr 2022

Please select one of the following statements:
Object to the policy/allocation (provide re…

Comment
The emerging Plan appears to provide only a 2-tier settlement hierarchy, namely Towns comprising Weston, Clevedon, Nailsea and Portishead, with the remainder of the all settlements within North Somerset falling within the all-encompassing 'Villages and Rural Areas' policy/category.

Whilst we agree that the four Towns are the most sustainable locations that should be considered first from a sequential perspective to accommodate future growth, the remaining settlements, namely villages do not all perform a uniform function and should therefore not be treated the same under draft Policy SP6.

There are a number of villages, including Easton in □ordano/Pill, □ackwell, Yatton, □anwell, Congresbury and Wrington, that perform a higher function in respect of serving a wider catchment and benefit from good public transport connections. We are of the view that these villages need to form a second tier within the settlement hierarchy above rural villages (first tier comprising the four towns under Policy SP 5).

We note that the emerging Plan recognises the sustainability credentials of these higher order villages as evidenced through the direction of a proportionate quantum of growth to these locations.

We believe that it would be appropriate for area specific policies aimed at both the four towns and higher order villages to present a criteria based policy that permits appropriate

and proportionate growth within and adjoining settlement boundaries – akin to adopted Policies CS31 and CS32.

We believe that the above approach would support the necessary step change required to deliver and address North Somersets housing needs.

Attachments

Comment ID

31021473//5

Document Section

- North Somerset Local Plan Preferred O… ▸ 3. Strategic Policies ▸ SP7: □reen □elt
- SP7: □reen □elt

Respondent

M7 Planning Ltd (Congresbury)

Agent

cem kosaner

Response Date

28 Apr 2022

Please select one of the following statements:

Support the policy allocation with amend…

Comment

Do you support the conclusion that it is necessary to consider locations for development within the □reen □elt?

North Somerset is highly constrained namely in respect of flood risk, statutory nature conservation designations (Ramsar and SSSI) as well as the Mendip □ills AON□. We do not believe that it is possible nor desirable to meet the housing requirement for North Somerset in a sustainable way without exploring development opportunities within the existing □reen □elt.

We entirely agree with the Council's proposed approach to explore limited growth opportunities in □reen □elt and consider that the case for this has been clearly evidenced and justified in the emerging Plan and accompanying evidence base.

We believe that the emerging Local Plan has to be ambitious in order to deliver a step change in housing delivery and a key component of this is to explore development opportunities in □reen □elt that present strong sustainability credentials. We believe that the Council has fully evidenced and justified the release of appropriate sites from □reen □elt to date, which includes Land East of □ackwell. The shortfall of identified developable sites against the Local □ousing Need (2,800 dwellings) coupled with further upwards pressure means that, in our opinion, additional opportunities both within □reen □elt and beyond that are aligned with the approved Spatial Strategy need to be explored.

Attachments

Comment ID

31021473//6

Document Section

- North Somerset Local Plan Preferred O… ▸ 3. Strategic Policies ▸ SP8: □ousing
- SP8: □ousing

Respondent

M7 Planning Ltd (Congresbury)

Agent

cem kosaner

Response Date

28 Apr 2022

Please select one of the following statements:

Support the policy allocation with amend…

Comment

The government□s housing requirement for North Somerset is 20,0□5 dwellings over the plan period. This Preferred □ptions identifies capacity for about 90□ of this total. □ow should we make up the shortfall?

We welcome recognition that the emerging Local Plan will need to meet the Local □ousing Needs Assessment in full. At the time of the Preferred Options being drafted the requisite Standard Methodology figure was 1,339 dwellings per annum or 20,085 over the plan period (February 2022 update). The April 2022 Standard Methodology update is 1,392 dwellings per annum, representing a minimum Local □ousing Need figure of 20,880 over the 15-year plan period. This is an increase of 53 dwellings per annum and a requirement to find a further 795 homes across the plan period. As such, the identified developable housing shortfall is almost 3,000 homes and not 2,000 as suggested in the draft Plan.

As advised previously, the Local □ousing Need has to be treated as a minimum, with further clear upward pressure and a historic absence of unmet need accumulating across the region. We would expect North Somerset to be accommodating a proportionate quantum of this historic unmet need through the '□uty-to-Cooperate'.

We support the broad distribution of growth set out under draft Policy SP8 for which the supporting text advises is in accordance with the Spatial Strategy – a point that we consider is factually incorrect.

As set out in our representations in respect of SP6, we do not consider that the proposed Spatial Strategy sufficiently distinguishes the sustainability credentials of higher order villages (formerly Service Villages) and we consider that the Spatial Strategy should be amended to comprise a three-tier settlement hierarchy with Towns at the top, followed by higher order Villages, with rural villages at the bottom. This view is supported by the proposed broad distribution of growth which identifies Congresbury as an appropriate location to accommodate approx. 250 dwellings.

The emerging Local Plan has to be ambitious in order to deliver a step change in housing delivery and that the planned growth needs to respond appropriately to the 'Climate Emergency' declared by North Somerset Council in 2019. We do however recognise that this strategy is reliant on the timely delivery of the necessary infrastructure and therefore consider that it is vital that a range of smaller sites proportionate in scale to the settlement at which they are located are also identified in order to deliver housing completions early doors. Such sites by virtue of their limited scale would be capable of utilising existing infrastructure. We consider that Pineapple Farm is one such site.

Whilst we welcome the proposed allocation of Pineapple Farm, further opportunities need to be explored further. This should comprise a variety of sites, including parcels adjoining Towns, higher order villages and the most sustainable opportunities within the □reen □elt. It is important that the Council acknowledges that heavy reliance on large scale allocations (such as previously in WSM) results in a unpredictable housing supply. A mixture of large and small allocations, alongside a flexible policy akin to CS31 and CS32 are welcomed.

Does the Plan deliver the type of housing that our residents need? Is the affordable housing target of □0□ affordable housing on large sites appropriate to address needs and deliverable?

There is an acute shortage of housing across North Somerset and emerging Plan needs to embrace a step change in delivery to address this. The need is present across a wide spectrum of house type and tenure. It is therefore vitally important that the specific deliverable and developable sites identified across the County are wide ranging in scale, location and type (both brownfield and greenfield).

In respect of affordability, there is a crisis and it is right that the emerging Plan seeks to tackle this. The choices made through the emerging Plan in respect of scale and location of development will however have a bearing on the ability of future development to support an enhanced contribution of 40% towards affordable housing. Strategic scale schemes are likely to involve major new infrastructure and opening up costs which may diminish the ability of such schemes to maintain viability at a 40% affordable contribution.

Whilst it is perfectly acceptable for the plan to be ambitious and to set a ‘target’ of 40%, this needs to be ascertained on a site-by-site basis with scheme viability a key consideration. We note however that the proposals for Land off Mulberry □rive do aim to be compliant with the emerging affordable housing policy requirements of 40%.

Attachments

Comment ID
31021473//7

Document Section

- North Somerset Local Plan Preferred O… ▸ 3. Strategic Policies ▸ SP10: Transport
- SP10: Transport

Respondent
M7 Planning Ltd (Congresbury)

Agent
cem kosaner

Response Date
28 Apr 2022

Please select one of the following statements:
Support the policy allocation with amend…

Comment
Proposed Policy SP10 seeks to limit the need to travel by directing new development to sustainable locations and through the prioritisation of active travel opportunities and use of public transport.

Whilst we support the thrust of Policy SP10, we consider that it is important for the emerging transport policy to be consistent with emerging Policy SP8 which seeks to direct over 1,500 dwellings to villages and rural areas to meet localised housing needs. These locations will have less services and facilities compared to Towns, meaning that travel would be necessary by private car.

It is therefore important that the need for proportionality is specifically included in the wording of the draft Policy in respect of the requirements new development is expected to 'address'.

Attachments

Comment ID

31021473//8

Document Section

- North Somerset Local Plan Preferred O…
- 3. Strategic Policies
- SP11: □reen infrastructure and historic…
- SP11: □reen infrastructure and historic…

Respondent

M7 Planning Ltd (Congresbury)

Agent

cem kosaner

Response Date

28 Apr 2022

Please select one of the following statements:

Support the policy allocation with amend…

Comment

We agree that the key considerations identified under emerging Policy SP11 are appropriate, however, it is essential that these considerations are approached with pragmatism and considered in the wider planning balance rather than being utilised as a pre-requisite to support otherwise acceptable development.

For example, retaining all trees on a development site is not always possible nor desirable in the light of wider benefits that such development can deliver, such as biodiversity net gain, meeting housing need and facilitating economic growth.

We are of the opinion that the key issues identified under draft Policy SP11 should be presented as considerations that need to be addressed where necessary, rather than pre-requisites that are expected to be met.

Attachments

Comment ID

31021473//9

Document Section

- North Somerset Local Plan Preferred O… ▸ Life Prospects
- Policy □P46: □omes for all ▸ Policy □P46: □omes for all

Respondent

M7 Planning Ltd (Congresbury)

Agent

cem kosaner

Response Date

28 Apr 2022

Please select one of the following statements:

Object to the policy/allocation (provide re…

Comment

This policy sets out that developments of 100 dwellings or more will be required to include provision for older persons accommodation such as retirement accommodation or supported independent living as well as 5% comprising self-build plots.

M7 Planning Ltd **ob□ects** to the introduction of a self-build target within draft Policy □P46. There is no legislative or national policy basis for imposing an obligation on landowners or developers of sites to set aside plots for self □ custom build housing. □nder the Self □uild □ Custom □ousebuilding Act 2015 and 2021 NPPF (para 62), it is the responsibility of the Council, not landowners or developers, to ensure that sufficient permissions are given to meet demand. The Council are not empowered to restrict the use of land to deliver self □ custom build housing. The NPP□ sets out ways in which the Council should consider supporting self □ custom build by “engaging” with developers and landowners and “encouraging” them to consider self □ custom build “where they are interested”.

Attachments

Comment ID
51207073//2

Document Section

- North Somerset Local Plan 2039: Pre-s… ▸ 3. Strategic Policies
- SP1: Sustainable development ▸ SP1: Sustainable □evelopment

Respondent
M7 Planning Ltd and M7 SW LLP

Agent
Arwel Evans - Lichfields

Response Date
21 Jan 2024

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be sound? The requirement for a plan to be sound can be found in the National Planning Policy Framework paragraph 35.

No

If you selected 'no', do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be unsound because it is not:

Positively prepared | Justified | Consistent with national policy

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be legally compliant?

No

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to comply with the Duty to Cooperate?

No

If you consider the North Somerset Local Plan 2039: Pre-submission Plan is not sound, not legally compliant or not in compliance with the Duty to Cooperate then please provide details. Please be as precise as possible.

National Planning Policy Framework was updated in □ecember 2023. □owever, paragraph 230 of Annex 1 advises that where draft emerging plans reach pre-submission consultation (Reg 19) on or prior to 19 March 2024, which is the case in this instance, the emerging draft plan is to be examined under the relevant previous version of NPPF (September 2023).

Paragraph 11b of the NPPF requires strategic policies as a minimum to provide for objectively assessed needs for housing as well as any needs that cannot be met within neighbouring areas, unless footnote 7 policies in NPPF provide a strong reason for restricting the scale of growth□or any adverse impacts of meeting housing needs would significantly and demonstrably outweigh the benefits.

Paragraph 35 of NPPF establishes that in order to be 'Positively Prepared', the Plan strategy must seek to meet, as a minimum, the areas objectively assessed needs as well as unmet need from neighbouring areas.

Paragraph 61 of NPPF requires that the minimum number of homes needed should be informed by a local housing needs assessment conducted using the standard method unless "exceptional circumstances" justify an alternative approach which also reflects demographic trends and market signals.

The standard method currently identifies a minimum need for 1,326 homes per annum in North Somerset (January 2024). This equates to a minimum need for 19,890 homes over the proposed plan period (2024-39). The Council considers that its housing requirement is 14,902 over the plan period informed by an alternative 'analysis'.

The emerging Local Plan nor the evidence base that supports it sets out any evidence seeking to demonstrate exceptional circumstances that would justify a departure from using standard method, as a minimum, to inform the objectively assessed need as a minimum.

The representations prepared by Neil Tiley of Pegasus □roup and submitted on behalf of our client under separate cover provides detailed commentary on the Council's proposed housing requirement, including the objective assessment of need. It concludes that Policy SP8 is unsound and sets out a number of required modifications to make the emerging plan sound. These include the identification of a "….significant number of additional sites providing between c.8,781 and 9,281 additional homes to meet even the minimum need for 22,899 homes over the minimum period 2024-41, as well as additional sites to respond to the unmet needs of □ristol City and to support economic growth and meet affordable housing needs."

Please set out any modifications you consider necessary to make the North Somerset Local Plan 2039: Pre-submission Plan legally compliant and sound in respect of any issues you have identified.

The housing requirement should be calculated in accordance with the NPPF (as further evidenced in the representations prepared by Neil Tiley of Pegasus □roup) and additional

sites should be identified for allocation, including our client's site at Land North of Mulberry Road, Congresbury.

If you wish to support the soundness or legal compliance of the North Somerset Local Plan 2039: Pre-submission Plan please provide details.

If your representation is seeking modification to the North Somerset Local Plan 2039: Pre-submission Plan, do you consider it necessary to participate at the examination hearings?

Yes, I wish to participate in the examinati…

If you wish to participate in the examination hearings please outline why you consider this to be necessary.

To discuss and explore the matters raised in the representations in more detail.

Attachments

Comment ID
51207073//5

Document Section

- North Somerset Local Plan 2039: Pre-s… ▸ 3. Strategic Policies
- SP6: Villages and rural areas ▸ SP6: Villages and rural settlements

Respondent
M7 Planning Ltd and M7 SW LLP

Agent
Arwel Evans - Lichfields

Response Date
21 Jan 2024

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be sound? The requirement for a plan to be sound can be found in the National Planning Policy Framework paragraph 35.

No

If you selected 'no', do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be unsound because it is not:

Positively prepared | Justified

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be legally compliant?

No

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to comply with the Duty to Cooperate?

No

If you consider the North Somerset Local Plan 2039: Pre-submission Plan is not sound, not legally compliant or not in compliance with the Duty to Cooperate then please provide details. Please be as precise as possible.
Emerging Policy SP6 (Villages and Rural Areas) states:

“Outside settlement boundaries new residential development will be restricted to replacement dwellings, subdivision of existing dwellings, residential conversion of rural buildings where alternative economic use is inappropriate or unfeasible, dwellings for

essential rural workers or the redevelopment of previously developed land in suitable locations.”

Emerging Policy SP6 has not been positively prepared to meet the objectively assessed needs of the area. The policy is not effective in delivering housing in sustainable locations where there is a defined housing need. It is too restrictive to allow meaningful development to take place in villages that could suitably meet the needs of the area.

Within the context of the existing adopted Core Strategy (January 2017), Congresbury is identified as one of nine “Service Villages” (Tier 3 Settlement). The Core Strategy supports development within or adjacent to existing settlement boundaries of Service Villages, subject to proposals enhancing the overall sustainability of the settlement. Vision 6 (Service Villages Vision) of the existing Core Strategy states that Service Villages are seen as a “focal point for local housing needs, services and community facilities” and are a crucial component in the settlement hierarchy and achieving wider delivery of housing.

The aim for Service Villages within the existing Core Strategy is for them to 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. Existing Core Strategy Policy CS14 (□istribution of New □ousing) also encourages small scale development within or abutting settlement boundaries or through site allocations.

□iven the restrictive nature of emerging Policy SP6, it fails to acknowledge that the form, nature, size and sustainability credentials of villages within the local authority boundary varies considerably, and this presents a step change in approach from the adopted Core Strategy (January 2017). This alternative approach contradicts the Council’s own evidence base as the Spatial Strategy and Capacity Paper (November 2023) states that the Council has split the villages into four different categories based on their sustainability. Congresbury has been categorised in Category A, which consists of:

“Villages considered to be relatively sustainable in their own right with a range of easily accessible services and facilities and good public transport links to towns.”

The Spatial Strategy and Capacity Paper (November 2023) also highlights that Congresbury has potential for small scale site allocations.

□espite Congresbury being a Category A village and having potential for small scale site allocations, the Council has decided to omit the proposed allocation of Land north of Mulberry Road for residential development. This site was a proposed allocation in the

Preferred Options version of the emerging Plan and also comprised part of the draft Publication Version presented to the Council Executive for approval. The decision to remove the proposed allocation owing to refusal of outline permission at Planning Committee (22/P/0459/O□T) against officer recommendation is in our opinion ill-informed. The evidence base demonstrating the suitability of the site is unequivocal and includes the Officers Report to planning committee recommending approval. In addition, the sustainability credentials of the site and the fact that it was considered to be an appropriate location to accommodate growth is set out within the following documentation included within the Preferred Options Evidence □ase of the emerging Local Plan (2039):

1 The North Somerset Strategic □ousing Land Availability Assessment (S□LAA): Second Interim Report (April 2021)
2 The □raft Strategic □ousing Land Availability Assessment: Main Report (January 2022)
3 Spatial Strategy and Capacity Paper (February 2022)
4 The Rural Settlements Paper (March 2022)

It was also considered to have “potential for further consideration” within the Strategic □ousing Land Availability Assessment (November 2023) included within the Pre-Submission Evidence □ase.

As mentioned above, the draft version of the Publication Version of the emerging plan was presented to the North Somerset Executive Committee on Wednesday 18 October (but adjourned to 2 November) included Land North of Mulberry Road as a residential allocation for 70 dwellings.

The removal of the site from Policy LP2 does not reflect the evidence base that has informed the plan preparation process nor the evidence base that led to Officers of the Council recommending to Planning Committee that outline planning permission should be granted for up to 70 dwellings.

Please set out any modifications you consider necessary to make the North Somerset Local Plan 2039: Pre-submission Plan legally compliant and sound in respect of any issues you have identified.

Some of the villages such as Congresbury perform well in the sustainability assessment of settlements and therefore should accommodate a greater level of growth. Emerging Policy SP6 appears to have been drafted with the objective of suppressing supply within rural areas and doesn’t take into account the fact that some of the villages are large, sustainable and thriving communities.

We believe that Policy SP6 should seek to distinguish those villages that perform a higher

function informed by the Spatial Strategy and Capacity Paper (November 2023) whereby development of up to 50 dwellings adjoining proposed settlement boundaries is supported.

If you wish to support the soundness or legal compliance of the North Somerset Local Plan 2039: Pre-submission Plan please provide details.

If your representation is seeking modification to the North Somerset Local Plan 2039: Pre-submission Plan, do you consider it necessary to participate at the examination hearings?

Yes, I wish to participate in the examinati…

If you wish to participate in the examination hearings please outline why you consider this to be necessary.

To discuss and explore the matters raised in the representations in more detail.

Attachments

Comment ID
51207073//1

Document Section

- North Somerset Local Plan 2039: Pre-s… ▸ 3. Strategic Policies ▸ SP8: □ousing
- SP8: □ousing

Respondent
M7 Planning Ltd and M7 SW LLP

Agent
Arwel Evans - Lichfields

Response Date
21 Jan 2024

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be sound? The requirement for a plan to be sound can be found in the National Planning Policy Framework paragraph 35.

No

If you selected 'no', do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be unsound because it is not:

Positively prepared | Justified | Consistent with national policy

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be legally compliant?

No

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to comply with the Duty to Cooperate?

No

If you consider the North Somerset Local Plan 2039: Pre-submission Plan is not sound, not legally compliant or not in compliance with the Duty to Cooperate then please provide details. Please be as precise as possible.
National Planning Policy Framework was updated in □ecember 2023. □owever, paragraph 230 of Annex 1 advises that where draft emerging plans reach pre-submission consultation (Reg 19) on or prior to 19 March 2024, which is the case in this instance, the emerging draft plan is to be examined under the relevant previous version of NPPF (September 2023).

Paragraph 11b of the NPPF requires strategic policies as a minimum to provide for objectively assessed needs for housing as well as any needs that cannot be met within neighbouring areas, unless footnote 7 policies in NPPF provide a strong reason for restricting the scale of growth□or any adverse impacts of meeting housing needs would significantly and demonstrably outweigh the benefits.

Paragraph 35 of NPPF establishes that in order to be 'Positively Prepared', the Plan strategy must seek to meet, as a minimum, the areas objectively assessed needs as well as unmet need from neighbouring areas.

Paragraph 61 of NPPF requires that the minimum number of homes needed should be informed by a local housing needs assessment conducted using the standard method unless "exceptional circumstances" justify an alternative approach which also reflects demographic trends and market signals.

The standard method currently identifies a minimum need for 1,326 homes per annum in North Somerset (January 2024). This equates to a minimum need for 19,890 homes over the proposed plan period (2024-39). The Council considers that its housing requirement is 14,902 over the plan period informed by an alternative 'analysis'.

The emerging Local Plan nor the evidence base that supports it sets out any evidence seeking to demonstrate exceptional circumstances that would justify a departure from using standard method, as a minimum, to inform the objectively assessed need as a minimum.

The representations prepared by Neil Tiley of Pegasus □roup and submitted on behalf of our client under separate cover provides detailed commentary on the Council's proposed housing requirement, including the objective assessment of need. It concludes that Policy SP8 is unsound and sets out a number of required modifications to make the emerging plan sound. These include the identification of a "….significant number of additional sites providing between c.8,781 and 9,281 additional homes to meet even the minimum need for 22,899 homes over the minimum period 2024-41, as well as additional sites to respond to the unmet needs of □ristol City and to support economic growth and meet affordable housing needs."

Please set out any modifications you consider necessary to make the North Somerset Local Plan 2039: Pre-submission Plan legally compliant and sound in respect of any issues you have identified.

The housing requirement should be calculated in accordance with the NPPF (as further evidenced in the representations prepared by Neil Tiley of Pegasus □roup) and additional

sites should be identified for allocation, including our client's site at Land North of Mulberry Road, Congresbury.

If you wish to support the soundness or legal compliance of the North Somerset Local Plan 2039: Pre-submission Plan please provide details.

If your representation is seeking modification to the North Somerset Local Plan 2039: Pre-submission Plan, do you consider it necessary to participate at the examination hearings?

Yes, I wish to participate in the examinati…

If you wish to participate in the examination hearings please outline why you consider this to be necessary.

To discuss and explore the matters raised in the representations in more detail.

Attachments

Comment ID
51207073//4

Document Section

- North Somerset Local Plan 2039: Pre-s… ▸ 3. Strategic Policies ▸ SP8: □ousing
- SP8: □ousing

Respondent
M7 Planning Ltd and M7 SW LLP

Agent
Arwel Evans - Lichfields

Response Date
21 Jan 2024

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be sound? The requirement for a plan to be sound can be found in the National Planning Policy Framework paragraph 35.

No

If you selected 'no', do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be unsound because it is not:

Positively prepared | Justified | Effective | Consistent with national policy

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be legally compliant?

No

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to comply with the Duty to Cooperate?

No

If you consider the North Somerset Local Plan 2039: Pre-submission Plan is not sound, not legally compliant or not in compliance with the Duty to Cooperate then please provide details. Please be as precise as possible.
Emerging Policy SP3 (Spatial Strategy) states:

“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."

Policy SP8 sets out the distribution of housing delivery across the Local Authority area.

We consider that the two-tier settlement strategy set out by Policy SP3 does not reflect the nature of the settlements of North Somerset with all settlements apart from Weston Super Mare, Nailsea, Clevedon and Portishead considered Villages. We contend that Congresbury in respect of its function, size and connectivity performs beyond a 'village' and we propose the Spatial Strategy is amended to include an additional tier of settlements that are below a 'Town' but fulfil a function beyond a 'Village' – akin to the approach in the adopted Core Strategy, namely a 'Service Village'.

Emerging policies SP3 and SP8 have not been positively prepared to meet the objectively assessed needs of the area. The policy is not effective in delivering housing in sustainable locations where there is a defined housing need. Within the context of the existing adopted Core Strategy (January 2017), Congresbury is identified as one of nine "Service Villages" (Tier 3 Settlement). The Core Strategy supports development within or adjacent to existing settlement boundaries of Service Villages, subject to proposals enhancing the overall sustainability of the settlement.

Vision 6 (Service Villages Vision) of the existing Core Strategy states that Service Villages are seen as a "focal point for local housing needs, services and community facilities" and are a crucial component in the settlement hierarchy and achieving wider delivery of housing. The aim for Service Villages within the existing Core Strategy is for them to 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.

Emerging Policies SP3 and SP8 have diverged from the Core Strategy approach and has essentially created a two-tier settlement hierarchy as follows:
• Towns – Weston-Super-Mare (including the Wolvershill Strategic Site), Clevedon, Nailsea and Portishead.
• Villages and Rural Areas.

This two-tier settlement hierarchy fails to acknowledge that the form, nature, size and sustainability credentials of villages within the local authority boundary varies considerably and is a step change from the adopted Core Strategy (January 2017) approach. This

contradicts the Council's own evidence base on this matter as the Spatial Strategy and Capacity Paper (November 2023) states that the Council has split the villages into four different categories based on their sustainability. Congresbury has been categorised in Category A, which consists of:

"Villages considered to be relatively sustainable in their own right with a range of easily accessible services and facilities and good public transport links to towns."

The Spatial Strategy and Capacity Paper (November 2023) also highlights that Congresbury has potential for small scale site allocations.

The "Villages and Rural Areas" account for 3,610 dwellings (23% of the housing supply, although 1275 of these are windfall sites that are not identified) with the rest of the growth coming from the towns (Weston Super Mare, Clevedon, Nailsea and Portishead) as well as the Wolvershill allocation. We consider that the settlement hierarchy does not reflect the function and form of the settlements of North Somerset and as a result, the distribution of housing is not effective in ensuring delivery over the plan period. Should the local housing need increase (in line with the standard method) then this presents additional upward pressure to amend the settlement strategy to give additional status to sustainable settlements such as Congresbury.

Please set out any modifications you consider necessary to make the North Somerset Local Plan 2039: Pre-submission Plan legally compliant and sound in respect of any issues you have identified.

We consider that the spatial strategy proposed by the Council is flawed and should be amended to direct further growth to sustainable and suitable locations beyond the 'towns'. The Local Plan fails the 'Justified' test of soundness as the strategy is not effective for the reasons set out above. This is compounded by the fact that the local housing need devised by the Council is inconsistent with the NPPF (test of soundness a) and d)) which has resulted in a significantly lower housing requirement.

We believe that Congresbury should be considered a higher order settlement (and not categorised with the villages and rural areas) owing to its good sustainability credentials.

This could be achieved through changing the settlement hierarchy to promote sustainable villages such as Congresbury (similar to the adopted Core Strategy (January 2017)where it is identified as a Service Village) in a new category.

If you wish to support the soundness or legal compliance of the North Somerset Local Plan 2039: Pre-submission Plan please provide details.

If your representation is seeking modification to the North Somerset Local Plan 2039: Pre-submission Plan, do you consider it necessary to participate at the examination hearings?

Yes, I wish to participate in the examinati…

If you wish to participate in the examination hearings please outline why you consider this to be necessary.

To discuss and explore the matters raised in the representations in more detail.

Attachments

Comment ID
51207073//6

Document Section

- North Somerset Local Plan 2039: Pre-s…
- 4. Locational Policies
- Policy LP2: □ousing, employment and …
- Policy LP2: □ousing, employment and …

Respondent
M7 Planning Ltd and M7 SW LLP

Agent
Arwel Evans - Lichfields

Response Date
21 Jan 2024

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be sound? The requirement for a plan to be sound can be found in the National Planning Policy Framework paragraph 35.

No

If you selected 'no', do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be unsound because it is not:

Justified

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be legally compliant?

No

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to comply with the Duty to Cooperate?

No

If you consider the North Somerset Local Plan 2039: Pre-submission Plan is not sound, not legally compliant or not in compliance with the Duty to Cooperate then please provide details. Please be as precise as possible.
Emerging Policy LP2 (□ousing, Employment and Mixed-□se Allocations) sets outs residential site allocations of 10 or more units. The policy should be based upon the Council's review of evidence in terms of available, suitable and deliverable sites.

Whilst Land North of Mulberry Road is not currently allocated within Policy LP2 of the

Publication □ocument, the Preferred Options document that was consulted on between 14-03-22 and 29-04-22 identified the site (referred to as Pineapple Farm) as a proposed allocation with a capacity of 90 dwellings as it met the criteria for allocation.

When a draft of the subsequent Publication Version of the Local Plan went to the North Somerset Executive Committee on Wednesday 18 October 2023 (but adjourned to 2 November 2023) Land North of Mulberry Road was still proposed as a draft allocation, albeit reduced in capacity from 90 dwellings to 70 dwellings, demonstrating that the evidence base supported allocation of the site for development.

The Executive subsequently concluded that Land North of Mulberry Road should be deleted from the Local Plan for the following reason:

“At P□R Committee on 11 October 2023 Members were minded to refuse the planning application 22/P/0459/O□T for the residential development at land north of Mulberry Road, Congresbury (the site is referred to as Pineapple Farm in the Local Plan). In the light of this, it is proposed that the draft allocation is deleted, as if the planning application is confirmed as being refused, retaining the allocation would be contradictory and confusing. If, however, the application is approved, the site would be added to as a commitment when the housing supply is updated prior to submission.”

The Pre-Submission Local Plan was issued for consultation between 27 November and 22 January 2024. This version of the plan has removed the proposed allocation at Land North of Mulberry Road from the Plan. This is despite the S□LAA (November 2023), that forms part of the Evidence □ase for the Pre-Submission Local Plan, identifying the Site as having potential for further consideration.

We would stress that nothing has changed in terms of the site’s suitability, availability and deliverability and that it should continue to be an allocation in Policy LP2. The removal of the site has been carried out based on a committee refusal against officer recommendation. The evidence base continues to note that the site is a suitable area for development and therefore we consider the Council hasn’t followed its evidence base in removing this site.

The consideration of planning application 22/P/0459 by the planning officer notes that there are no technical constraints that would stop the site from coming forward and it is a sustainable location in close proximity to facilities and services within the settlement. The omission of this site is not justified in light of the evidence.

Please set out any modifications you consider necessary to make the North

Somerset Local Plan 2039: Pre-submission Plan legally compliant and sound in respect of any issues you have identified.

Land North of Mulberry Road should be reinstated as a housing allocation in Policy LP2 because the site continues to be suitable and available for development. The Council's own evidence base (S□LAA November 2023) continues to demonstrate that the site has potential for further consideration. The officer's committee report for application 22/P/0459 concludes that the site is in a sustainable location and that there are no technical nor environmental issues to overcome.

It is also important to note that the development of Land North of Mulberry Road is entirely in accordance with emerging Policy SP1, therefore demonstrating its acceptability as a site allocation for future housing based on the emerging Local Plan policy for sustainable development.

The Site is located within immediate walking distance of a wide range of existing facilities, services and jobs. There are opportunities to encourage active travel as well as the use of public transport. As the Site is located adjacent to the eastern periphery of Congresbury, it is also in a good position to create sustainable links with the village e.g., potential improvements to the two existing PRoW which cross the site, providing valuable pedestrian connections to the local street network and surrounding amenities as well as walking connections to the wider countryside adjoining the site to the east.

In order to be found Sound, the emerging Plan will need to identify a significant number of additional sites providing between c.8,781 and 9,281 additional homes to meet the minimum need for 22,899 homes over the minimum period 2024-41, as well as additional sites to respond to the unmet needs of □ristol City and to support economic growth and meet affordable housing needs.

In light of the above, Land North of Mulberry Road as a suitable, sustainable and deliverable site that is perfectly aligned with the Council's Sustainable □evelopment Strategy (SP1) should be reinstated as a residential allocation under Emerging Policy LP2 (□ousing, Employment and Mixed-□se Allocations).

If you wish to support the soundness or legal compliance of the North Somerset Local Plan 2039: Pre-submission Plan please provide details.

If your representation is seeking modification to the North Somerset Local Plan 2039: Pre-submission Plan, do you consider it necessary to participate at the examination hearings?

Yes, I wish to participate in the examinati…

If you wish to participate in the examination hearings please outline why you consider this to be necessary.

To discuss and explore the matters raised in the representations in more detail.

Attachments

Comment ID
51207073//3

Document Section

- North Somerset Local Plan 2039: Pre-s… ▸ 3. Strategic Policies
- SP3: Spatial strategy ▸ SP3: Spatial strategy

Respondent
M7 Planning Ltd and M7 SW LLP

Agent
Arwel Evans - Lichfields

Response Date
21 Jan 2024

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be sound? The requirement for a plan to be sound can be found in the National Planning Policy Framework paragraph 35.

No

If you selected 'no', do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be unsound because it is not:

Positively prepared | Justified | Effective | Consistent with national policy

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to be legally compliant?

No

Do you consider the North Somerset Local Plan 2039: Pre-submission Plan to comply with the Duty to Cooperate?

No

If you consider the North Somerset Local Plan 2039: Pre-submission Plan is not sound, not legally compliant or not in compliance with the Duty to Cooperate then please provide details. Please be as precise as possible.
Emerging Policy SP3 (Spatial Strategy) states:

“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."

Policy SP8 sets out the distribution of housing delivery across the Local Authority area.

We consider that the two-tier settlement strategy set out by Policy SP3 does not reflect the nature of the settlements of North Somerset with all settlements apart from Weston Super Mare, Nailsea, Clevedon and Portishead considered Villages. We contend that Congresbury in respect of its function, size and connectivity performs beyond a 'village' and we propose the Spatial Strategy is amended to include an additional tier of settlements that are below a 'Town' but fulfil a function beyond a 'Village' – akin to the approach in the adopted Core Strategy, namely a 'Service Village'.

Emerging policies SP3 and SP8 have not been positively prepared to meet the objectively assessed needs of the area. The policy is not effective in delivering housing in sustainable locations where there is a defined housing need. Within the context of the existing adopted Core Strategy (January 2017), Congresbury is identified as one of nine "Service Villages" (Tier 3 Settlement). The Core Strategy supports development within or adjacent to existing settlement boundaries of Service Villages, subject to proposals enhancing the overall sustainability of the settlement.

Vision 6 (Service Villages Vision) of the existing Core Strategy states that Service Villages are seen as a "focal point for local housing needs, services and community facilities" and are a crucial component in the settlement hierarchy and achieving wider delivery of housing. The aim for Service Villages within the existing Core Strategy is for them to 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.

Emerging Policies SP3 and SP8 have diverged from the Core Strategy approach and has essentially created a two-tier settlement hierarchy as follows:

• Towns – Weston-Super-Mare (including the Wolvershill Strategic Site), Clevedon, Nailsea and Portishead.
• Villages and Rural Areas.

This two-tier settlement hierarchy fails to acknowledge that the form, nature, size and sustainability credentials of villages within the local authority boundary varies considerably

and is a step change from the adopted Core Strategy (January 2017) approach. This contradicts the Council's own evidence base on this matter as the Spatial Strategy and Capacity Paper (November 2023) states that the Council has split the villages into four different categories based on their sustainability. Congresbury has been categorised in Category A, which consists of:

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Please set out any modifications you consider necessary to make the North Somerset Local Plan 2039: Pre-submission Plan legally compliant and sound in respect of any issues you have identified.

We consider that the spatial strategy proposed by the Council is flawed and should be amended to direct further growth to sustainable and suitable locations beyond the 'towns'. The Local Plan fails the 'Justified' test of soundness as the strategy is not effective for the reasons set out above. This is compounded by the fact that the local housing need devised by the Council is inconsistent with the NPPF (test of soundness a) and d)) which has resulted in a significantly lower housing requirement.

We believe that Congresbury should be considered a higher order settlement (and not categorised with the villages and rural areas) owing to its good sustainability credentials.

This could be achieved through changing the settlement hierarchy to promote sustainable villages such as Congresbury (similar to the adopted Core Strategy (January 2017)where it is identified as a Service Village) in a new category.

If you wish to support the soundness or legal compliance of the North Somerset Local Plan 2039: Pre-submission Plan please provide details.

If your representation is seeking modification to the North Somerset Local Plan 2039: Pre-submission Plan, do you consider it necessary to participate at the examination hearings?

Yes, I wish to participate in the examinati…

If you wish to participate in the examination hearings please outline why you consider this to be necessary.

To discuss and explore the matters raised in the representations in more detail.

Attachments