



TOWN AND COUNTRY PLANNING ACT 1990 (As amended)

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

Land at Rectory Farm (north), Chescombe Road, Yatton, North Somerset

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SUMMARY PROOF of EVIDENCE**

**Planning Inspectorate reference: APP/D0121/W/24/3343144
Local Planning Authority reference: 23/P/0664/OUT**

1. The main issues in this appeal are:
 - a) whether the site is an appropriate location for housing, having regard to the spatial strategy of the development plan;
 - b) whether the proposal would pass the flood risk sequential test set out in the National Planning Policy Framework (the Framework);
 - c) whether the proposal would be safe from flood risk for its lifetime, and whether it would increase the risk of flooding elsewhere;
 - d) the nature and extent of any economic, social and environmental benefits.

2. My evidence deals with a) and d). My colleagues Marcus Hewlett and Simon Bunn address b) and c) respectively whilst Natalie Richards provides evidence on the housing supply situation.

3. With regard to a), Policy CS14 sets out the planned distribution of housing across North Somerset and reflects the Plan's underlying spatial strategy, consistent with national guidance on delivering sustainable patterns of development. The mainstay of this is a settlement hierarchy, with development focused on the main towns, and the smaller 'service villages', of which Yatton is one, which would receive a more limited scale of development.

4. The text of policy CS14 notes 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'. Development beyond settlement boundaries will only be acceptable where a site is allocated in a Local Plan or where it comprises sustainable development that accords with the policy.

5. Policy CS32 requires that developments outside of the settlement boundary of Service Villages in excess of 25 dwellings must be brought forward through the Local Plan or Neighbourhood Plan. Neither the North

Somerset Site Allocations Plan, nor the Neighbourhood Plan for Yatton, identify the appeal site for development. The appeal proposal for 190 dwellings greatly exceeds the threshold of about 25 dwellings and is in clear conflict with Policy CS32.

6. Allowing such a significant amount of development which is so clearly contrary to the spatial strategy would compromise the plan led process and undermine confidence in future plan making endeavours. This is particularly so as the site is in an area at risk of flooding, the development of which should only be brought forward through the Local Plan.
7. The planning system as a whole relies on the engagement of local people, who contribute their time over many years towards developing Neighbourhood Plans and engaging with the Local Plan process, collaboratively assessing sites for development.
8. Whilst the Council does not have a 4 year housing supply at present and significant weight should ordinarily be given to housing delivery, in accordance with footnote 7 to paragraph 11, the tilted balance is not engaged on the appeal proposal as it is in an area at risk of flooding and the NPPF provides a clear reason for refusal.
9. I adopt the evidence of Natalie Richards on housing supply. A four year housing supply is needed and 3.88 years can be provided at the present time.
10. With regard to b), the site is in a 3a 'High Probability' tidal flood zone in the Council's 'Level 1 Strategic Flood Risk Assessment' 2020. This is land which has a 1 in 200 or greater annual probability of sea flooding.
11. Paragraph 159 of the National Planning Policy Framework directs inappropriate development away from areas at high risk of flooding whilst paragraph 161 specifies a sequential, risk-based approach to the location of development.

12. Marcus Hewlett demonstrates that there are 36 'reasonably available' alternative sites for development at lower risk of flooding. The sequential test is therefore failed. I adopt Mr Hewlett's evidence and conclusions.
13. With regard to c), paragraph 173 of the Framework requires that development only be allowed in areas at risk of flooding if a series of criteria are met. Development should, inter alia, be appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment, any residual risk be adequately managed and safe access and escape routes be included.
14. The evidence of Simon Bunn addresses whether the development is appropriately flood resistant and would have safe access routes. Mr Bunn concludes that flood depths on site would be unsafe. He also does not consider that the site would have safe access and egress routes.
15. Mr Bunn further sets out the harms that would arise from the flooding of the site. I adopt Mr Bunn's evidence and consider that the proposal would be contrary to Policy CS3 of the Core Strategy and Paragraph 173 of the Framework.
16. With regard to the second part of Main Issue c), I note that the appellant's Flood Consequence Assessment shows that there would be a small degree of additional flood depth to neighbouring properties. This aspect of the scheme would also be contrary to paragraph 173 of the Framework and reinforces concerns about the inappropriateness of the site due to flood risk.
17. My evidence also addresses the Exception Test, though this would only be required in the event the Inspector concluded that the Sequential Test was passed, in accordance Paragraph 169 of the Framework. Paragraph 170 of the Framework identifies two elements to the Exception Test. These are: (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without

increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

18. I conclude that Part A of the Exception Test would be failed because the wider sustainability benefits would be insufficient to outweigh the flood risk given its seriousness, as set out in Mr Bunn's evidence. Sustainability benefits that I note include affordable housing, new public open space and new routes for pedestrians and cyclists. These are not outweighed by the harm.
19. Part B of the Exception Test would be failed because the development would not be safe over its lifetime and would also increase flood risk elsewhere.
20. Turning to main issue d), I do acknowledge a series of benefits from the proposal. These include above all the contribution to housing supply and in particular affordable housing. I give substantial weight to the contribution to housing supply given the shortfall in housing land supply. I give significant weight to the contribution to affordable housing given that at 50% of the proposal it would exceed planning policy requirements.
21. With regard to other proposed benefits, I give moderate weight to the open space that would be created. I also acknowledge that the site would be well connected, in proximity of public transport and services. This could reduce the need for car borne trips and promote sustainable transport. I give this aspect of the scheme moderate weight.
22. I give limited weight to the new pedestrian and cycling routes that would be created and limited to moderate weight to the contribution to biodiversity, which would go beyond policy requirements. I give limited weight to employment benefits, both during construction and subsequently.
23. With regard to harms, I give very substantial weight to the failure of the Sequential Test. The development would be contrary to the framework, and this represents a clear reason for refusal.

24. I also give very substantial weight to the flood risk concerns in light of the evidence of Mr Bunn.
25. I give moderate weight to the proposal's conflict with the spatial strategy and limited weight to landscape impact. I give moderate weight to the increase in flood risk off-site.
26. I conclude that the appeal site is fundamentally unsuitable for development due to flood risk and failure of the sequential test. It would also be contrary to the spatial strategy. In my evidence I have identified where the proposal is contrary to individual policies, as well as the Development Plan as a whole. The harms of the proposal significantly outweigh the benefits.
27. As such, the appeal should be dismissed.