

# PLANNING STATEMENT

## LAND OFF BUTTS BATCH, WRINGTON

### ON BEHALF OF STRONGVOX HOMES

#### TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) PLANNING AND COMPULSORY PURCHASE ACT 2004

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## **APPENDICES:**

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<b>APPENDIX 2:</b>	<b>2018 Site Allocations Plan Residential Sites Assessment</b>

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## **1.0 INTRODUCTION**

1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Strongvox Homes in relation to an outline application for up to 71 no. dwellings with details of access to be determined on Land at Butts Batch, Wrington, North Somerset.

1.2 The description of development is set out below:

*"Outline planning application for access with all other matters reserved for the erection of up to 71no. dwellings, including 21 no. affordable housing units (30%), along with access from Butts Batch, the provision of play facilities and public open space/ecological mitigation land with associated works."*

1.3 This Planning Statement should be read in conjunction with the following reports:

- Design and Access Statement – Prepared by Focus Design;
- Archaeological Desk Based Assessment - Prepared by Pegasus Group;
- Affordable Housing Statement – Prepared by Pegasus Group;
- Planning Obligations/Draft Heads of Terms – Prepared by Pegasus Group;
- Statement of Community Involvement – Prepared by Pegasus Group;
- Preliminary Ecological Assessment, Protected Species Assessment and Biodiversity Net Gain Assessment – Prepared by Ethos Environmental Planning;
- Arboriculture Impact Assessment - including Tree Survey and Draft Tree Protection Plan – Prepared by Aspect Tree Consultancy;
- Transport Statement - Prepared by Pegasus Group;
- Ground Investigation – Prepared by TEC Consulting;

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- Agricultural Land Classification Survey – Prepared by Kernon Countryside Consultants;
  - Indicative Lighting Strategy and Design – Prepared by Designs for Lighting;
  - Flood Risk Assessment – Prepared by RMA Environmental;
  - Drainage Strategy – Prepared by Focus Design;
  - Odour Assessment – Prepared by AQA Consultants; and
  - Landscape Visual Impact Assessment – Prepared by the Landmark Practice.

## 2.0 SITE DESCRIPTION

### The Application Site

- 2.1 The broadly L-shaped 4.56ha site consists of the eastern parts of two fields in use for agriculture, with vehicular access currently gained via a field gate for each field from Butts Batch. The site is bound by hedgerows to its north and east, as well as between the two fields, with a post and wire fence around the equestrian field on the inside of the L-shape site's corner. The western boundary broadly follows the alignment of a historic field boundary (see submitted LVIA for further details).
- 2.2 A site location plan is shown below for reference:

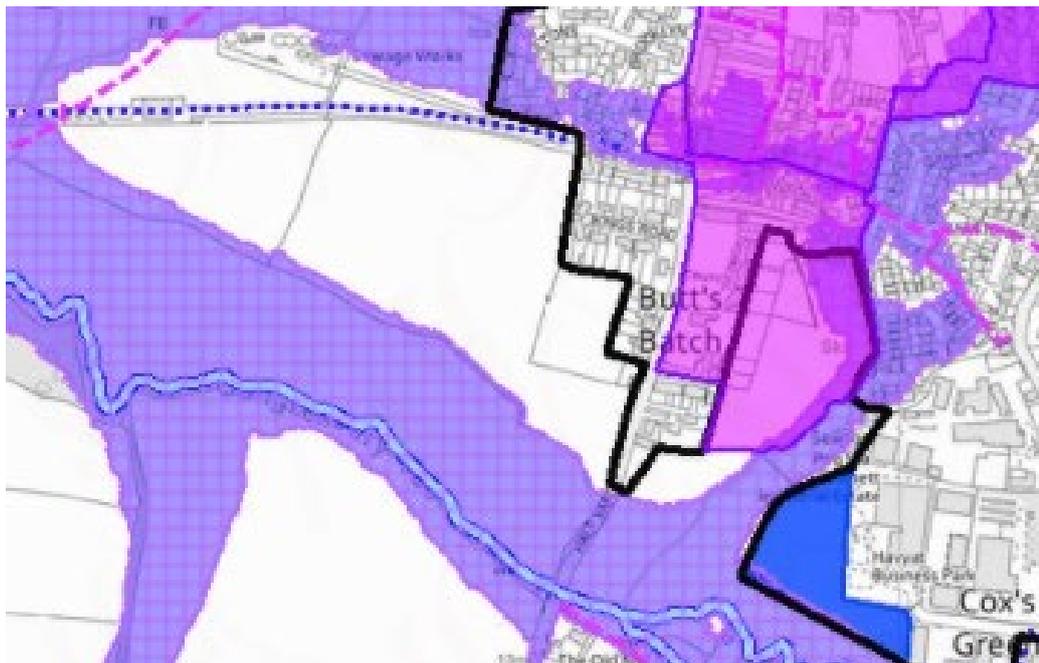


**Figure 1 – Site Location Plan**

- 2.3 Surrounding the site are agricultural fields to the west, as well as to the south alongside the River Yeo. Beyond the equestrian field, to the east and north are residential properties to Butts Batch, Kings Road, Westward Close and beyond a private access the properties of Wiltons and Brooklyn. The aforementioned private access services agricultural buildings and a sewage

treatment facility.

- 2.4 Figure 2 below shows defined planning constraints. The site is located immediately beyond the defined settlement boundary for Wrington (black line in figure 2 - which also excludes the equestrian field) and above referenced private access.



**Figure 2 – Planning Constraints Plan**

- 2.5 The area is located away from the Wrington Conservation Area (pink with blue outline<sup>1</sup> in figure 2), with the Grade II\* listed All Saints Church located to the north of the site. Further clarification on this can be seen in the Archaeological and Heritage Assessment submitted with the application.
- 2.6 The southern field and the very edge of the north-western corner are located within Flood Risk Zones 2 and (partly) 3 related to fluvial flooding (blue in

<sup>1</sup> The two blue outlines represent the original Conservation Area extent and its subsequent extension southwards

figure 2).

- 2.7 This private access is along the alignment of the former Congresbury to Blagdon railway (blue dotted line in Figure 2) and is safeguarded as part of a strategic cycle route that would connect into the established Strawberry Line cycle path at Congresbury.
- 2.8 There are no rights of way across the site, although a permissive path is located on the southern bank of the river and public right of way AX30/4/10 (dashed pink line in Figure 2) is located approximately 400m to the west accessed from Ladywell within Wrington.
- 2.9 The River Yeo Congresbury is a designated Site of Nature Conservation Importance (Site No. 566 – "Congresbury Yeo, adjacent land and rhyes").
- 2.10 For completeness the solid blue layer in Figure 2 is an employment allocation.

## **The Surrounding Area**

- 2.11 The site is located on the south-western edge of Wrington. Wrington is classified as a 'Service Village' (by Core Strategy Policy CS32) and, as such, is defined as a settlement suitable to accommodate further residential development.
- 2.12 The predominant land use in Wrington is housing, supported by a range of shops/services within its centre within 500m of the site and employers at the Burnett Industrial Estate and Hayvatt Road Trading Estate to the south-east of the settlement.
- 2.13 Wrington hosts a primary school, nursery, post office, convenience store, public houses, pharmacist, veterinary practice, memorial hall, sports and social club and places of worship. Secondary and post-16 education is provided at Churchill Academy and Sixth Form.

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- 2.14 Bus stops are located 200m north of the site at Butts Batch providing access to a limited daytime service that connects from Winscombe to Winford via Bristol Airport and its wider bus services. See the Transport Assessment for further details, including a site context plan.
- 2.15 Wrington is located close by the arterial route of the A38 to the south-east via either Langford to the south or Redhill to the east. Wrington is also located close by Congresbury to the west with access to the A370. Both the A370 and A38 traverse from Bristol to the towns of Weston-super-Mare and Bridgwater respectively.
- 2.16 The settlements of Langford and Congresbury are located within a 10 and 15 minute (respectively) cycle ride of the site. Regular rail services between Bristol and Western-super-Mare are accessible in Yatton within a 10-minute drive. Dedicated connectivity by cycle route would link to Yatton, along the Strawberry Line, upon delivery of the safeguarded cycle route. The site is located within a 25-minute drive of Weston-super-Mare and 30-minute drive of Bristol.

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## 3.0 PLANNING HISTORY

### The Application Site

3.1 A pre-application enquiry 20/P/1842/PR1 was made on 30th July 2020 and duly acknowledged on 5th August 2020 as valid. However, no response has been received despite attempts to reach the case officer by e-mail (contact by phone is not facilitated by the Council).

3.2 The site has no other site-specific planning history.

### The Surrounding Area – Land at Cox's Green

3.3 The nearby site to the south-east of Wrington known as Cox's Green is currently undergoing development for 55 no. dwellings following the grant of reserved matters permission 18/P/2691/RM in March 2019.

3.4 Outline planning permission 16/P/1291/O for up to 59 no. dwellings was achieved by appeal under a public inquiry held in November 2017 (ref: APP/D0121/W/16/3166147). A copy of the appeal decision is attached at **Appendix 1**.

3.5 The application was refused on a single reason but listing several elements - finding the scheme was not a sustainable pattern of development having regard to:

- the site's location outside of the settlement boundary;
- its accessibility to services and facilities;
- the risk of flooding; and
- its impact upon the rural landscape and character of the settlement.

3.6 The Council withdrew its landscape/character objection before the public inquiry was held.

- 3.7 The appeal concluded that the scheme had suitable access to services and facilities and could overcome matters of flood risk. It also found that the development was consistent with the adopted development strategy, stating:

*"Having regard to the above considerations I find that the proposal complies with and is positively supported by the development strategy set out in Core Strategy Policy CS 14 and CS 32. I find no conflict with any of the criteria set out in the seven bullets listed in CS 32 or with the policy's requirement that development should enhance the overall sustainability of the settlement. The only conflict that I have identified is with the procedural requirement that sites outside of the SV settlement boundary for more than about 25 dwellings should be brought forward as allocations in the development plan."*

- 3.8 The tilted balance test was applied under the National Planning Policy Framework and the benefits of the scheme were found to outweigh the harms resulting in the appeal being allowed.

### **Previous Allocations Review**

- 3.9 While the site is not allocated it did appear within the 2015 Call for Sites (ref: NS0120), the 2014 Housing and Economic Land Availability Assessment (HELAA) and its 2018 update (ref: HE18348). The site however was not promoted under the 2017 Call for Sites.
- 3.10 It was classified as 'potentially suitable for development' under the HELAA. However, when assessed within the 2018 Site Allocations Plan Residential Sites Assessment it was ruled out, alongside the site at Cox's Green, finding a similar degree of sustainability as the now approved scheme at Wrington. A copy of this extracted table is attached at **Appendix 2**.
- 3.11 The applicant has made representations to the latest Call for Sites Review to promote the site as part of the new Local Plan 2038.

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## **Other Pertinent Applications/Appeals**

### **Application 17/P/5545/OUT at Land at Bleadon**

- 3.12 Outline application 17/P/5545/OUT sought consent for a major mixed-use development led by 200no. dwellings. While this was refused on grounds unrelated to the proposals the subject of this appeal, the subsequent appeal (Ref: APP/D0121/W/18/3211789) held by way of public inquiry in July and October 2019 clarifies the latest Five Year Housing Land Supply (5YHLS) in the absence of an updated published position by the Council since 2018.
- 3.13 The Council's stated position claimed a 4.4 year supply. Against a claimed 2.4 year supply by the appellant, the Inspector observed *"the broad magnitude of supply to below 4 years"*, while considering *"This is not a case where a detailed analysis of the 5-year HLS is necessary"* due the acceptance of a 4.4 year supply at best.

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## **4.0 THE PROPOSAL**

- 4.1 The application seeks outline planning permission with details of access for up to 71 no. dwellings, with 21no. affordable dwellings.
- 4.2 The application submission is accompanied by indicative layout plans that demonstrate how 71 no. dwellings could be readily achieved at the application site in an acceptable fashion given the constraints.
- 4.3 This includes a range of 1-4 bed properties of up to 2 storeys in height, with public open space and play facilities, as well as ecological mitigation and new hedgerows.
- 4.4 The illustrative layouts show an attenuation area, public open space by the site entrance, maintaining the existing hedgerow except for the access point.
- 4.5 The L-shaped site broadly defines the subsequent layout, with an area of public open space and play facilities located along the western boundary. This allows for a softer landscaped edge and stepping back of development from a new hedgerow in views from the wider public right of way network.
- 4.6 Access to the safeguarded cycle route to the north is maintained, but is outside of the applicant's control to deliver.

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## **5.0 RELEVANT PLANNING POLICY**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

### **North Somerset Development Plan**

5.2 The Development Plan for North Somerset consists of the following:

- North Somerset Core Strategy (July 2017);
- Sites and Policies Plan Part 1: Development Management Policies (July 2016); and
- Sites and Policies Plan Part 2: The Site Allocations Plan (April 2018).

5.3 Wrington has no Neighbourhood Plan in place. The Parish is a designated neighbourhood plan area (24 April 2015) with the Parish Council meeting on 17 June 2020 agreeing to "*progress with a neighbourhood plan*", by establishing a working group, indicating no previous progress.

### **Core Strategy Policies**

5.4 The following Core Strategy policies are of relevance to the proposals:

- 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;

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- 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;
  - CS32: Service Villages; and
  - CS34: Infrastructure Delivery and Development Contributions.

### **Site and Policies Plan Part 1: Development Management Policies**

5.5 The following Site and Policies Plan Part 1 policies are of relevance to the proposals:

- DM1: Flooding and drainage;
- DM2: Renewable and low carbon energy;
- DM6: Archaeology;
- DM8: Nature Conservation;
- DM9: Trees and Woodlands;
- DM10: Landscape;
- DM19: Green Infrastructure;
- DM24: Safety, traffic and provision of infrastructure, etc. associated with development;
- DM25: Public Rights of Way, Pedestrian and Cycle access;

- DM26: Travel Plans;
- DM27: Bus Accessibility Criteria;
- DM28: Parking Standards;
- DM32: High quality design and place-making;
- DM33: Inclusive access into non-residential buildings and spaces;
- DM34: Housing type and mix;
- DM36: Residential densities;
- DM42: Accessible and adaptable housing and housing space standards;
- DM70: Development Infrastructure; and
- DM71: Development contributions, Community Infrastructure Levy and viability.

**Site and Policies Plan Part 1: The Site Allocations Plan (November 2018)**

5.6 The following Site and Policies Plan Part 2 policies are of relevance to the proposals:

- SA2: Settlement Boundaries.

**Material Considerations**

**National Planning Policy Framework**

5.7 The latest National Planning Policy Framework (NPPF) was published by Central Government in June 2019. It sets out the overarching policy position of Government and constitutes a very strong material consideration in the assessment of applications.

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- 5.8 Within **paragraph 7** it states that *"the purpose of planning is to help achieve sustainable development"* with a *"presumption in favour of sustainable development"* set out in **paragraph 10**.
- 5.9 The document stipulates at **paragraph 7** that sustainable development can be defined at a very high level as *"meeting the needs of the present without compromising the ability of future generations to meet their own needs"*. It goes on to identify under **paragraph 8** three overarching 'objectives' for its application within the planning system; comprising of economic, social and environmental objectives.
- 5.10 **Paragraph 11** makes clear that applications in accordance with an up-to-date development plan should be approved *"without delay"*. Where the policies are out of date, defined at footnote 7 as including housing applications in authorities without a demonstrable 5 Year Housing Land Supply (5YHLS), 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; 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"*
- 5.11 Footnote 6 defines the extent of the policies under item (i); none of which are pertinent to this application.
- 5.12 Footnote 37 and **Paragraph 73** identify that the 'standard method' should be utilised for calculating housing need where the strategic policies are more than five years old (or not been subject to a review) for the purposes of 5YHLS assessment.
- 5.13 Section 9 of the NPPF promotes sustainable transport, defining the setting of parking provision as a matter for local plans, but requires suitable and safe

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access to serve development. **Paragraph 109** sets out that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

- 5.14 Section 12 of the NPPF sets out the approach to achieving well-designed places. **Paragraph 127** sets out the key considerations, including ensuring a visually attractive development, that is sympathetic to the local character and history that establishes or maintains a strong sense of place. This includes to *"the surrounding environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."*

### **Planning Practice Guidance (PPG)**

- 5.15 On 6 March 2014, the Department for Communities and Local Government (DCLG) launched the planning practice guidance web-based resource. The suite provides planning guidance on various planning policy and development management topics. The resource is maintained as an up-to-date record of guidance.

### **Supplementary Planning Documents**

- 5.16 The following Supplementary Planning Documents are of relevance:
- North Somerset Landscape Character Assessment SPD (adopted December 2005);
  - Biodiversity and Trees SPD (adopted December 2005);
  - Affordable Housing SPD (adopted November 2013);
  - Development Contributions SPD (adopted January 2016);
  - Residential Design Guide SPD (adopted January 2013);
  - Creating sustainable buildings and places SPD;

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- Travel Plan SPD; and
  - Parking Standards SPD.

### **Local Plan 2038 – Challenges Consultation (Summer 2020)**

- 5.17 Following the failure of the West of England Joint Spatial Plan in 2019/2020, the Council's Local Plan 2036 was cancelled and a new Local Plan was commenced upon in 2020.
- 5.18 The Local Development Scheme was accordingly updated in March 2020 and anticipates this new Local Plan being in place by January 2023. This was issued immediately prior to the Covid-19 pandemic. Based on the issued timeline for a Issue and Options consultation was expected in May-June 2020, but has since been divided into two parts to conclude in 2020. The plan progression is therefore already delayed by circa 6 months.
- 5.19 This document is the first stage in preparing a new local plan and therefore sets out no draft policies and has no meaningful weight in accordance with Paragraph 48 of the NPPF. However, it does set out the wider context to advancing housing delivery within the authority and is referenced later within this Statement as a result.

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## 6.0 FIVE YEAR HOUSING LAND SUPPLY

- 6.1 As is set out above, Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development, identifying that where policies are out of date applications for development should be granted planning permission unless *"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"*; known as the 'titled balance'.
- 6.2 Such scenarios include, for the purposes of housing applications, where a five year housing land supply (or 5YHLS) cannot be demonstrated. They also include where the plans is not up-to-date. Paragraph 33 of the NPPF sets out that reviews to Local Plans, to determine their need for updating, should be carried out at least every five years and this period passed in September 2020.
- 6.3 The Council's adopted housing target is at least 20,985 dwellings set by Policy CS13 over the plan period 2006-2026. The Council's last stated position was published to April 2019 setting out a **4.4 year** 5YHLS predicated on the adopted requirement, with backlog and a 20% buffer accounted for. This position has remained referenced in the most recent committee papers where it has been raised.
- 6.4 As set out above however, the plan was adopted in 2015 and became more than five years old in September meaning that the standard method is now applicable. The standard method uplifts the annual housing requirement from the adopted 1,049 dwellings per annum (dpa) to 1,365 dpa.
- 6.5 While the duty is upon the Council to maintain an up-to-date 5YHLS, in the absence of an updated April 2020 position, Pegasus Group have undertaken a review of the latest available information on housing supply against the uplifted annual housing requirement and remain confident that the Council cannot demonstrate a 5YHLS and the true figure is significantly below the last quoted at 4.4 years.

- 6.6 Accordingly, the decision maker will be required to apply the 'tilted balance' exercise to applications for housing.

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## 7.0 THE CONTEXT FOR GROWTH AT WRINGTON

### The Need for Further Housing

- 7.1 The need for further unidentified sites for housing to come forward across the authority is demonstrated by the current lack of a demonstrable 5YHLS, with no evidence that this will change in the foreseeable future.
- 7.2 This is also in the context of the housing need rising from the adopted 1,049dpa to 1,365dpa. The Local Plan 2038 Challenges Consultation acknowledges the challenges in addressing this figure with housing delivery over the plan period to date averaged at 712dpa, meaning roughly a doubling of delivery is required. It states that:
- "Making planning decisions is not easy, because, in the end, it often means telling some people that new development is going to be built in or next to their town or village. Claiming that we don't need the housing or that it can go somewhere else is denying our responsibility to our children and future generations who need homes. Burying our heads in the sand or trying to employ delaying tactics will lead to significant problems in the very near future."*
- 7.3 Furthermore, the recent consultation by the Government *Changes to the current planning system - Consultation on changes to planning policy and regulations* (August 2020) set out proposals to further increase the standard method outcomes to meet the long-term national housing target of 300,000dpa. This would have the effect of raising the standard method calculation for North Somerset to 1,708dpa.
- 7.4 A step change in delivery is required to address the identified need, which has serious consequences for the objectives of sustainable development. Without a new Local Plan in place to identify further allocations to achieve this the Council are reliant on unallocated developments to come forward. Furthermore, the failure of the West of England Joint Spatial Plan has led to a

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delay in progressing a new Local Plan until at least 2023, meaning that the Council cannot simply await a new local plan while this need goes unmet.

## **The Role of Service Villages**

- 7.5 Wrington is classified as one of nine 'service villages' within the adopted North Somerset Core Strategy settlement hierarchy.
- 7.6 Paragraph 3.197 of the adopted Core Strategy explains that the service villages support a wider range of facilities and act as a hub for surrounding areas. Vision 6 of the Core Strategy sets out the ambition that, the Service Villages will become thriving rural communities and a focal point for local housing needs, services and community facilities. Under Policy CS14 small scale development within or adjacent to the settlement boundaries of Service Villages may be appropriate subject to the criteria set out in Policy CS32.
- 7.7 Service Villages are therefore identified as settlements both suitable for and targeted for further growth, with the distribution of new housing targeted as a minimum of 2,100 homes within the nine service villages across the plan period 2006-2026.
- 7.8 North Somerset Council have however confirmed completions to 2019 of only 1,006 dwellings across the service villages.

## **The Context at Wrington**

- 7.9 Wrington has undergone only one significant development during the plan period – the Cox's Green scheme for 55 dwellings - with minimal growth over the past 30 years. The cumulative addition of households to the Parish from the application scheme and the Cox's Green development would represent growth of only 10.6% over the plan period (over 1,188 households at 2011 Census data).

7.10 There have been no allocated housing sites, beyond the Cox's Green site for 38 dwellings at the time, under the Sites Allocations Plan 2018. This compares with over 1,000 homes completed in the plan period across the nine service villages, with further development either allocated or consented at these other service villages.

7.11 Wrington consists of an aging population as a result of the lack of growth. This is represented by a fall in population (at the parish level) from 2,746 in the 2001 census to 2,633 by the 2011 census. The 2011 census showed the proportion of the population as over 65 at 25%, compared with the North Somerset average of 21.1% and national average of 16.5%.

7.12 This is reflected in the projected school places published by the council in *Pupil Projections for North Somerset Schools 2019 – 2023* that projects declining admissions. An extract of this for the 'Churchill North Group' covering Wrington is set out below that allows for the consented Cox's Green development, yet indicates a net capacity rising from 6 places in 2019 to 25 places by 2023.

Churchill North Group	Net Capacity	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
St Andrew's C of E VC Primary	315	315	300	285	270	255	219	195	171	149	151	96	105	114	121	104
Wrington C of E Primary	210	210	210	210	210	210	204	202	197	190	185	6	8	13	20	25
Year R not specifically allocated (excluding new housing)							0	0	0	0	0	0	0	0	0	0
Estimated Year R pupils from new housing							0	1	2	3	2	0	-1	-2	-3	-2
Estimated Years 1-6 pupils from new housing and previously unallocated YR							0	7	9	10	11	0	-7	-9	-10	-11
Group total	525	525	510	495	480	465	423	405	379	352	349	102	105	116	128	116

**Figure 3 – 'Churchill North' Group Pupil Projection extract**

7.13 Demand for places at Wrington C of E Primary is also likely inflated by residents from nearby settlements, with the school having an 'outstanding' Ofsted rating compared with 'good' for St Andrews C of E VC Primary at Congresbury within the same area group<sup>2</sup>. This nearby school is projected to have a capacity of 104 places by 2023.

<sup>2</sup> Wrington C of E Primary was oversubscribed for 2020-2021 places with 55 requests for 30 places, but the distance to the last accepted child on National Offer Day was 2.706 miles and therefore well beyond the settlement of Wrington (Source: <https://www.n-somerset.gov.uk/sites/default/files/2020-07/Wrington-C-of-E-Primary-School.pdf>).

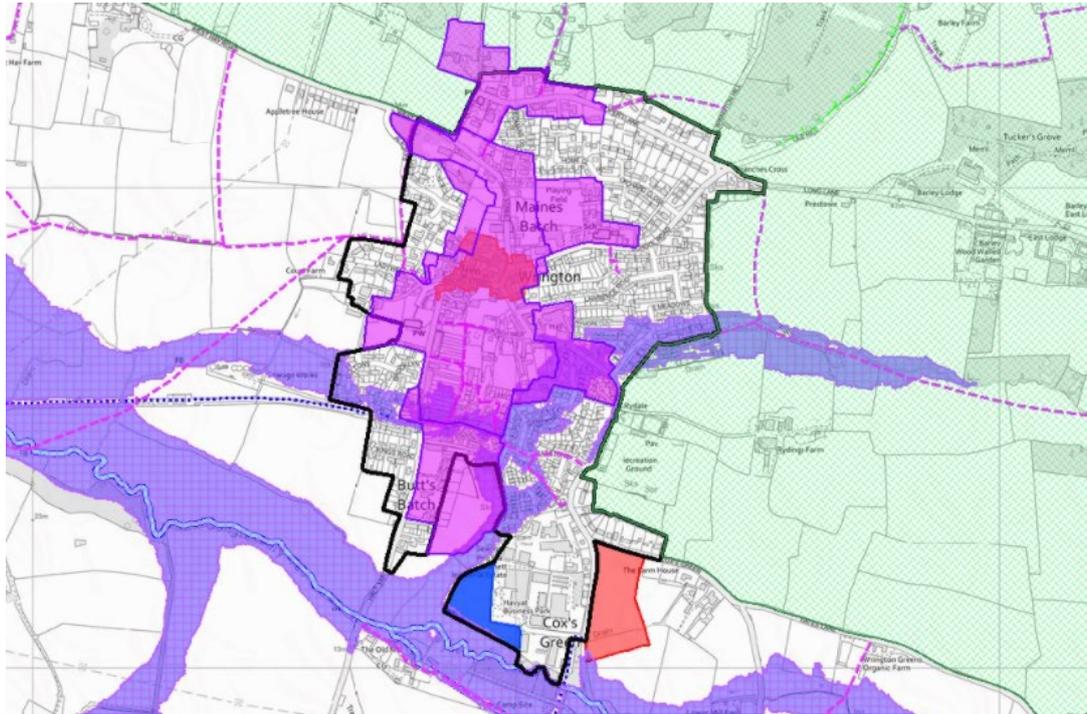
- 
- 7.14 While Wrington is primarily a residential settlement, this is supported by a range of shops/services within its centre and employers at the Burnett Industrial Estate and Hayvatt Road Trading Estate to the south-east of the settlement, which are all readily walked to. Furthermore, Wrington hosts a primary school, nursery, post office, convenience store, public houses, pharmacist, veterinary practice, memorial hall, sports and social club and places of worship. Public transport while limited is available for commuting purposes via Bristol Airport. Further details on these including a site context plan is set out within the submitted Transport Assessment.
- 7.15 While no general practice service is available at Wrington, following the Mendip Vale Medical Practice agglomerating services in 2018 to its nearby sites at Congresbury/Yatton and Langford, the group has committed to expanding its Smallways Site at Congresbury/Yatton (delayed due to the pandemic) and has plans approved for expansion of its Langford site.
- 7.16 Wrington was identified by the Appeal Inspector for the Cox's Green development scheme as capable of sustaining further growth, stating that only compliance with the detailed criteria of Policy CS32 was necessary (Paragraph 21 of **Appendix 1**).

### **Growth at Wrington**

- 7.17 Given the above context, it is apparent that the Council's current adopted plan is not delivering the housing growth to meet its adopted need, or the Governments increased standard method. Development at service villages is allowed for within the existing settlement strategy and unallocated sites must be countenanced to secure sufficient housing. Given the scale and known principle constraints (green belt, ecological and flood risk) the Council cannot solely rely on the higher order settlements of Weston-super-Mare, Portishead, Clevedon and Nailsea to secure this.
- 7.18 By comparison Wrington is capable of contributing to this need and has undergone very little growth over the preceding decades, even allowing for the

ongoing Cox's Green development.

- 7.19 Wroughton however has limited viable locations for further expansion as set out in the policies map extract overleaf:



**Figure 4 – Wroughton Planning Constraints Map**

- 7.20 The above image shows how the settlement is effectively constrained to the north and the east by the green belt (green), and to the south by flood risk (hatched blue). The south-eastern area is being developed by the Cox's Green proposals (allocation extent in red) with no through access beyond, leaving only the western side of Wroughton capable of meaningful growth.
- 7.21 In considering the western edge of Wroughton, areas further north are constrained by flood risk, the Conservation Area (pink with blue outline<sup>3</sup>) and its setting and public rights of way (pink dash), as well as smaller fields that are likely to constrain the scope and increase the impacts of development.

<sup>3</sup> The multiple blue outlines reflect the original Conservation Area and its later extension.

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7.22 It is noteworthy that in reviewing the residential sites assessment criteria for the last allocation, at **Appendix 2**, that the application site (labelled as Butts Batch) was overall considered more favourably than the Land South of Cox's Green site that was subsequently allocated, consented and is now being developed. The application site was found to score identically with the exception of scoring more favourably on 'proximity to public leisure centre', 'tidal/fluviat flood risk' and 'risk of surface water flooding', and lower on 'employment', despite the aforementioned employment opportunities being located within a 600m walk of the site.

7.23 The application site is therefore the most preferable option when considering the delivery of further growth at Wroughton. Accordingly, the applicant has made presentations to the Local Plan 2038 to promote the application site.

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## **8.0 ASSESSMENT**

8.1 The key issues can be summarised as follows and are discussed in detail below:

- i. Principle of residential development;
- ii. Sustainable Location;
- iii. Quantum of development;
- iv. Loss of agricultural land;
- v. Transport and Access;
- vi. Landscape/Visual Impact;
- vii. Heritage;
- viii. Design;
- ix. Ecology;
- x. Public Open Space;
- xi. Affordable Housing and Planning Obligations;
- xii. Trees;
- xiii. Residential Amenity;
- xiv. Flood Risk and Drainage;
- xv. Energy and Sustainability; and
- xvi. Ground Conditions

### **Principle of Residential Development**

8.2 The site is located immediately outside of the settlement boundary for Wroughton which bounds the site to the north and east. As referenced in Section 7, adopted Policy CS32 acknowledges the sustainability of service villages in catering for additional development of up to 25 units where adjacent to the service villages, where they meet a series of criteria.

8.3 It is therefore acknowledged that the proposal is contrary to existing policy that directs development within defined settlements if over the 25-unit threshold and the proposal's acceptance relies on the balancing exercise conducted under the NPPF, set out in more detail in the following section of this statement.

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8.4 However, Policy CS32 remains the adopted policy and pertinent to the considerations of such an exercise. While the scheme proposes up to 71no. dwellings, assessment against the criteria listed in policy CS32 is pertinent to the assessment of the degree of compliance with Policy CS32.

8.5 This position is established in the Inspector's appeal decision at Cox's Green (**Appendix 1**), stating at paragraphs 79 and 100:

*"79. There is a conflict with the procedural requirement under Policy CS32 but the only harm that might flow from that conflict is to the expectation that the local community might have that any decisions about the capacity of the village to accommodate more housing should be taken through the development plan process. Such harm is, however, likely to occur in situations where the development plan has not been successful in ensuring a 5 year HLS and where the Framework stipulates that the relevant policies for the supply of housing should not be regarded as being up-to-date. Only limited weight can, therefore, be given to that conflict with Policy CS 32."*

*"100. The proposal complies with the substantive requirements of Policy CS32 and the detailed criteria in its seven bullet points. The only conflict is with the procedural requirement in relation to proposals for more than about 25 dwellings on sites outside the settlement boundary. However, the settlement boundaries are out-of-date and in view of the shortfall in the 5 year HLS and uncertainty as to when this might be remedied through the adoption of the SAP I give that conflict limited weight."*

8.6 While the second paragraph highlights that this precedes the adoption of the Site Allocations Plan (SAP), as set out in Section 6, it is evident that the SAP has not succeeded in addressing the 5YHLS position and the position set out by the Inspector above is therefore maintained.

8.7 The summary assessment of the application proposals to the criteria of Policy CS32 are therefore set out overleaf. More detailed assessment for individual criteria are set out later within Section 8 of the Planning Statement and the supporting application documents.

Criteria	Scheme Response
<p>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;</p>	<p>The indicative layout demonstrates how a scheme that responds to local character can be readily accommodated upon the site.</p> <p>The site is surrounded by existing residential development to the north and the east. The proposal would read as an infilling of the south-western corner of the settlement to a historic field boundary alignment and the natural boundary of the river and its flood plain.</p>
<p>It has regard to the size, type, tenure and range of housing that is required;</p>	<p>The indicative layout demonstrates how a range of housing can be provided for.</p>
<p>It will not cause significant adverse impacts on services and infrastructure and the local infrastructure is sufficient to accommodate the demands of the development;</p>	<p>Access to nearby services are available within walking distance and the Community Infrastructure Levy and planning obligations will provide funding for service enhancements necessitated by the scheme. The previous Cox's Green appeal has established a location further from the village centre as suitable for growth. The local primary school is projected to have a falling roll and particularly within the wider area group.</p>
<p>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;</p>	<p>The site is sustainably located with access to local services/facilities and public transport routes.</p> <p>The indicative layout demonstrates a scheme that references the local context with public open space and water attenuation features that enhance the local environment.</p> <p>The Landscape and Visual Impact Assessment sets out how the proposal would have a 'negligible adverse' or 'minor adverse' effects on the local</p>

	<p>landscape and local views, as with any greenfield development.</p> <p>The scheme offers landscape enhancements which reflect the historic use of the land, including new hedgerow planting along a previous field boundary and reinstatement of water meadows, as well as walking routes through these.</p>
It does not result in significant adverse cumulative impacts (such as highway impacts) likely to arise from existing and proposed development within the wider area;	The submitted Transport Statement demonstrates that cumulative transport impacts can be accommodated without a material increase in impacts upon traffic or highway safety.
The location of development maximises opportunities to reduce the need to travel and encourages active travel modes and public transport; and	The submitted Transport Statement evidences how the site is well located for pedestrian connections to essential services and facilities within Wroughton, as well as public transport connections.
It demonstrates safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance.	The proposal includes the extension of the pavement along the highway verge to the site entrance, that will provide a direct pedestrian route to the village centre, the primary school and walking routes to the nearby employment focus at the south-east of the settlement. A futureproofed connection to the safeguarded Strawberry Line cycle path route extension that runs to the north of the site is provided, that will once resolved provide a more direct route to the village centre.

**Table 1 – Policy CS32 Criteria Assessment**

8.8 From the above it can be seen that while the 25-unit threshold may be breached, the site presents an excellent development opportunity to provide the housing that the authority needs as set out in Section 6.

8.9 As a balancing exercise remains necessary the principle of development is

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dependent on consideration of all factors set out below and weighed in the balance under the following section of this statement.

### **Sustainable Location**

- 8.10 This matter is addressed within Section 6 above. Wrington is a defined service village where growth can be accommodated. It contains a range of shops, services, facilities and employment opportunities, as well as access to public transport connections. This has led to the recent Cox's Green appeal to conclude the settlement as a sustainable location and capable of sustaining growth. Wrington is therefore a demonstrably sustainable settlement.

### **Quantum of Development**

- 8.11 The proposal seeks up to 71no. dwellings, including 21no. affordable units. The gross density of development is 15.6dph and a net density of 27dph. This represents a comparatively low density that responds to the edge-of-settlement location and site constraints.
- 8.12 The provision of up to 71no. dwellings on this site is considered to be appropriate, taking account of the sustainability of the village, the context of the application site and the positive impact the development would have upon helping to secure the ongoing viability of shops, services and facilities within the village.
- 8.13 The population of Wrington (parish) at the 2011 (Census) was 2,633 people with 1,188 dwellings – equating to an average household size of 2.2 persons per household. 71no. new dwellings at Wrington would represent a 6% increase in the existing housing stock and only an 10.6% increase when considered cumulatively with the Cox's Green development. Such levels of development would not fundamentally alter the character of the settlement and are similar to or less than the growth of other service villages under the plan period.

- 8.14 The quantum of development of up to 71no. dwellings can therefore be considered as an acceptable amount of development for the site and this part of Wrington when considered against the size of the settlement and sustainability.

### **Loss of Agricultural land**

- 8.15 The application is supported by an agricultural land classification (ALC) survey that identifies the site as within Grade 4. The site therefore falls outside of Grades 1-3a that define 'best and most versatile' agricultural land and its loss would not raise any policy objections with regard to valuable agricultural land.

### **Transport and Access**

- 8.16 A Transport Statement (TS) has been prepared by Pegasus Group in support of the planning application.
- 8.17 Access to the site is proposed via a priority T-junction arrangement at Half yard / Butts Batch with a detailed junction arrangement included within the application submission.
- 8.18 The Transport Statement concludes that the proposed development is sustainably located in the context of the NPPF with good access to local facilities and amenities and local public transport provision, as concluded in the recent Cox's Green appeal.
- 8.19 The Transport Statement demonstrates that a safe and appropriate access arrangement can be provided to serve the scheme, based on speed surveys conducted. Use of TRICS database indicates the addition of up to 35 two-way vehicle movements in the AM and PM peaks. This equates to an additional movement roughly every two minutes and is not forecast to have a severe impact on the operation of the highway network or any unacceptable highway safety impact.

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- 8.20 The indicative layout demonstrates that a scheme can be provided that would provide allocated/on-plot parking for each dwelling in accordance with the Council's parking standards and safe traffic speeds within the site.

### **Landscape/Visual Impact**

- 8.21 The scheme will result in some impacts by virtue of the development of a green field site, as with all greenfield development. In mitigation the proposal presents enhancements in the form of reinstating a historic hedgerow along the western boundary, new hedgerow to the eastern and northern boundaries, and new planting, including reinstating of historic water meadows, to the southern field. In addition, new areas of public open space will be created with access to these as a landscape resource for the public.
- 8.22 A Landscape and Visual Impact Assessment (LVIA) has been prepared by The Landmark Practice in support of the application.
- 8.23 The effects on landscape character are concluded as a localised 'minor adverse' effect on a small part of the north half of the LCA J2: River Yeo Rolling Valley Farmland character area; and a 'negligible adverse' effect on the adjacent LCA E6: Cleeve Ridge to the north. The Mendip Hills AONB is located 2.7km away and the impact upon this is 'negligible adverse', given the immaterial impact on infrequent long-distance views.
- 8.24 The site is well contained by existing vegetation and built form, with views predominantly limited to the immediate area's private properties, tracks and public roads and permissive footpaths and public rights of way. This results in the majority of views being assessed as 'negligible adverse' or 'minor adverse' with the exception of a 'major adverse' effect on the private track to the north and the adjacent public road at construction/completion. These are reduced to 'moderate adverse' as existing and proposed planting matures.
- 8.25 Overall, the LVIA concludes that:

*"The proposed development will be in keeping with the scale, form and appearance of the existing village of Wrington. The scheme proposes a number of landscape enhancements to make a positive contribution to the local vegetation pattern and provide an attractive residential development which enhances the edge of the village.*

*As a result, the proposed development would not have a harmful effect upon the character and appearance of the area, in accordance with policy requirements and published landscape strategies. The proposed development is assessed as being acceptable in landscape and visual terms."*

## **Heritage and Archaeology**

- 8.26 The site does not contain or lie adjacent to any heritage assets. The Wrington Conservation Area however extends close by to the Hawthornes (opposite No. 18 Butts Batch) and a glimpsed view of the tower of All Saints Church (a Grade I listed church), partly obscured by trees to the rear of properties, is available across the eastern portion of the site from Half Yard on entering the village across the River Congresbury Yeo.
- 8.27 The setting of both assets as perceived in the context of the site, are characterised by the village of Wrington and its agricultural context, which the proposals would maintain albeit with the village extended.
- 8.28 The Conservation Area is already enclosed by modern forms to its west and south, with the proposed scheme maintaining the eastern hedgerow with areas of open space and planting alongside this as the approach within Wrington.
- 8.29 Views to the church are currently across post-war housing to Butts Batch and Kings Road and this is maintained through a view corridor at the eastern end of the proposed development.
- 8.30 The scheme would therefore overall have no material impact upon the setting of these assets.

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- 8.31 An Archaeological Desk Based Assessment has been submitted, that confirms the site has not identified anything in respect of archaeology that would not preclude development within the site of the nature and of the scale proposed.

## **Design**

- 8.32 The illustrative layout would provide for a logical progression of the settlement, infilling a corner of the wider settlement along historic field boundaries. This allows for a range of housetypes set around a single access point and spine road.
- 8.33 The entrance area is flanked by open space/attenuation and housing to ensure the proposal is subdued to reflect its status as a residential side street from views through the access and along Butts Batch.
- 8.34 A central square is presented to encourage slower traffic speeds and a central focal point within the design. From this a broadly parallel road is presented to front onto the public open space along the site's western boundary.
- 8.35 A cohesive off-street walking route from nearby the entrance area to the open space and play facilities along the western boundary continues through to the northern boundary. This allows for a futureproofed northern pedestrian/cycle access onto the Strawberry Line extension, to offer a leisure route for future occupants and the wider area.
- 8.36 The Design and Access Statement demonstrates how the historic elements of Wrington have been assessed to determine the local character to influence the development approach. Indicative streetscenes are presented that reflect this local character and demonstrate how a reserved matters proposal could respond to this.

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## **Ecology**

- 8.37 An Ecological Assessment prepared by Ethos Environmental Planning has been submitted as part of the outline planning application. This has been informed by a phase 1 habitat survey incorporating protected species surveys with further activity, emergence and passive detector surveys undertaken for bats, badgers and dormice. A biodiversity net gain assessment has also been completed.
- 8.38 The results of the surveys are set out in detail within the submitted assessment. This concludes that bats are present along key habitat corridors associated with the bordering hedgerows, particularly to the southern field, a badger sett is located close by to the north-west and dormice are present within the hedgerow network of the fields within which the site is located.
- 8.39 In summary, the assessment finds that the scheme will, adequately preserve and enhance habitats for protected species. This is achieved primarily through the retention/enhancement of the hedgerows (with limited areas cleared for access using precautionary methods) and creation of additional hedgerow with appropriately planted/managed ecology corridors. The landscape buffer to the west/north, open attenuation and the southern fields ecological enhancements including wetland scrapes (water meadows) and tree planting, as well as bat boxes will provided dedicated enhancements.
- 8.40 The accompanying Biodiversity Net Gain Assessment, under the DEFRA calculator tool has been conducted and shows an improvement in biodiversity of over 55% and therefore well beyond policy requirements.
- 8.41 Utilising these approaches, the scheme can overall ensure that no harm would arise to nature conservation interests from the scheme and significant enhancements can be achieved that represent a material consideration in favour of the development.

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## **Public Open Space**

- 8.42 An Open Spaces Assessment is submitted with the application. This identifies a need against the Council's adopted policy of 6,123.75m<sup>2</sup> arising from the scheme. The proposals make provision for 1.8ha of open space within the site and therefore almost three times greater than necessary.
- 8.43 The development proposals can therefore be considered as acceptable with regards to provision of public open space.

## **Affordable Housing and Planning Obligations**

- 8.44 A Section 106 Heads of Terms has been prepared in support of the application.
- 8.45 The proposed development would meet a policy compliant level of 30% affordable housing at 21no. dwellings. This would be based on the policy position of 82% social rented (i.e. 17no. dwellings) and 18% intermediate (i.e. 4no. dwellings).
- 8.46 The scheme would also provide for public open space provision secured through a Section 106 Agreement.
- 8.47 Other matters would largely be addressed through the Community Infrastructure Levy (e.g. school, leisure and health services), with school travel and fire hydrants also identified within the heads of terms.

## **Trees**

- 8.48 An Arboricultural Report has been submitted as part of the outline planning application. The development site has no trees, with small sections of hedgerow removed to provide site access and connectivity to the southern field. The scheme would overall provide a extensive increase in trees and hedgerows.

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## **Residential Amenity**

- 8.49 The scheme is located close by a number of houses to its eastern boundary. The illustrative layout and Design and Access Statement demonstrates how residential amenity to these properties has been taken into account and can be safeguarded.
- 8.50 An odour assessment is submitted with the application that demonstrates that the nearby sewage facility does not preclude residential development at the site.
- 8.51 The indicative layout demonstrates how the quantum could be achieved while maintaining appropriately sized gardens and relationships between properties.

## **Flood Risk and Drainage**

- 8.52 None of the area of development is located within an area of flood risk as identified on the Government's published flood zone map. A Flood Risk Assessment has been produced by RMA Environmental that demonstrates that no flood risk concerns would arise from the proposed development.
- 8.53 The proposed drainage strategy includes a sustainable drainage system utilising a combination of open and underground attenuation, that would secure no increase in surface water run-off and foul connection into the existing network.
- 8.54 The proposed scheme can therefore be constructed without giving rise to any issues in relation to flooding, drainage or sewage connections.

## **Energy and Sustainability**

- 8.55 Given the scheme is in outline with only access proposed and all other matters reserved this issue is to be addressed in detail at the reserved matters stage.

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- 8.56 The applicant acknowledges the need to ensure that the environmental impacts of the development are minimised, and well managed where they cannot be avoided.
- 8.57 The Design and Access Statement sets out a dedicated section to the climate change emergency to ensure that any scheme will place sustainability at the heart of the proposals at the reserved matters stage.
- 8.58 At this stage, Policy CS1 and CS2 of the Core Strategy can be addressed in ensuring that the development will reduce carbon emissions and mitigate any potential impacts through sustainable design and construction.
- 8.59 The dwellings will therefore adopt the fabric first principles encouraged by the government, as reflected within the latest iteration of the Building Regulations. Nationally recognised standards will be met, minimising thermal loss which will result in a lower demand for energy heating, and consequent reduction in CO2 emissions.
- 8.60 Careful consideration will be given to the use of materials, including waste and water, in both the construction and operational phases.
- 8.61 The utilisation of sustainable water consumption technologies will be considered for all dwelling types. A+ or A rated materials from the recognised BRE "Green Guide to Housing Specification" will be specified wherever practicable.
- 8.62 The principles of sustainable development have, and will continue, to influence the design, construction and operation of the proposed scheme.

## **Ground Conditions**

- 8.63 A ground investigation survey has been carried out and found records of made ground across the site. Laboratory testing has identified contaminants with

localised exceedances across the site that could affect homegrown produce. This will require either a clean cover system for soft landscaped areas for residential end-use or further testing to clarify localised exceedance locations and an alternate remedial strategy. This could be secured by condition on any development.

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## 9.0 PLANNING BALANCE

9.1 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development, identifying that where policies are out of date applications for development should be granted planning permission unless *"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"*; known as the 'titled balance'.

9.2 Paragraph 8 identifies three overarching objectives comprising of economic, social and environmental objectives and these are addressed in turn below:

### **Economic**

9.3 The construction of housing brings with it economic benefits in terms of job creation (direct and indirect), additional spending power, and payment of the New Homes Bonus, Council Tax and the Community Infrastructure Levy.

9.4 The proposed development of up to 71 no. units will result in construction costs of circa £9.5million<sup>4</sup> which will generate circa 93 no. jobs<sup>5</sup>.

9.5 Occupation of the proposed houses by new residents brings in consumer expenditure of benefit to both local businesses in Wrington, as well as the wider area. It is estimated, based on average household expenditure in the UK<sup>6</sup>, that the proposed development of up to 71 no. houses will generate total additional annual consumer expenditure of £2.1m per annum.

9.6 New Homes Bonus payment of over £400,000 over a 4 year period (with

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<sup>4</sup> The construction cost for the housing has been estimated using the BCIS Online tool and is exclusive of external works, contingencies, supporting infrastructure, fees, VAT, finance charges etc

<sup>5</sup> The estimated construction cost (excluding any infrastructure costs) has been divided by the average turnover per construction employee in the South West of £101,813, based on figures derived from the 2017 Business Population Estimates produced by the Office for National Statistics.

<sup>6</sup> Household expenditure in UK is £585.60/week. Source: Family Spending 2019, ONS

surpluses for affordable dwellings) would be paid directly to the council for use within the area.

- 9.7 The Council have adopted a Community Infrastructure Levy that has a charging rate of £80/m<sup>2</sup> index linked from 2018. A final figure would be derived at reserved matter stage once floorspace was known and indexing applied at determination.

## **Social**

- 9.8 The scheme will help address the Council's current housing target of 20,985 dwellings up to 2026 as well as the future planning need of 27,300 dwellings as expressed in The Local Plan 2038 Challenges Consultation (based on the current Standard Method), which is likely to rise further (under proposals for an updated Standard Method).
- 9.9 The Council are currently unable to demonstrate a 5YHLS with a claimed supply of 4.4 years or a 1,186 dwelling shortfall as set out in section 6 of this statement. The need to provide further housing is therefore extensive and the ongoing failure to provide sufficient homes for North Somerset has significant impacts as set out in the Council's emerging new local plan. This therefore forms a social benefit in support of the scheme that should be given great weight.
- 9.10 The proposal would also deliver 21no. affordable dwellings. The latest published Authority Monitoring Report shows that to 2018/2019 the Council have secured completion of 1,760 affordable homes under the plan period to date. While the Council report this as at 90% of the target, as set out above the plan is out of date.
- 9.11 By comparison The Council's Housing Strategy 2016-2021 identifies that the Wider Bristol Housing Market Area identifies a need for 29,000 new affordable homes, with the HomeChoice record of new applicants joining the register at 928 households per year, comparing with 444 lettings per year. Affordable

completion for 2018-2019 were by comparison only 96 dwellings.

- 9.12 There is therefore an extensive and unmet affordable housing need that the scheme will help mitigate through the provision of affordable homes. This is a strong social benefit from the proposal.
- 9.13 The addition of further homes will help increase demand within the settlement and increase the demand/viability of local services/facilities to the benefit of the wider community. Section 106 and Community Infrastructure Levy payments will help enhance facilities/services.
- 9.14 The scheme will also help improve access to public open space through increased provision and this represents a social benefit in support of the scheme.
- 9.15 While the local community has raised concerns about access to the local primary school, this is only oversubscribed due to attendance from beyond Wrington with extensive capacity at Congresbury, and a projected falling roll in any case even where allowing for the Cox's Green development. Likewise concern over access for local GP services is already being addressed by planned growth of the Mendip Vale Medical Practice.

### **Environmental**

- 9.16 While the proposal will have some impact in landscape terms this is mitigated for, particularly in the longer term as vegetation matures.
- 9.17 The proposal would otherwise have no environmental impacts.
- 9.18 The scheme can secure a high-quality living environment that responds positively to the local context.
- 9.19 The scheme will also safeguard the existing protected species within the area

and provide extensive habitat enhancements, including the reinstatement of historic water meadows, resulting in a significant biodiversity net gain of 55% over existing<sup>7</sup>. This represents an environmental benefit in support of the scheme.

## **Balancing Summary**

9.20 Taking the above into account the following summary for the planning balance can be identified:

### **Adverse Impacts**

#### Economic

- None

#### Social

- None

#### Environmental

- Short-term landscape impact: limited and finite
- Long-term landscape impact: limited and mitigated

### **Benefits**

#### Economic

- Delivery of housing and construction: moderate
- Local expenditure: moderate

#### Social

- Delivery of housing to support 5YHLS shortfall: significant
- Affordable Housing: significant
- Provision of public amenity open space: moderate
- Section 106 contributions and CIL payments: moderate
- Enhanced access to public open space: moderate
- Support for maintenance of existing facilities/services: moderate

#### Environmental

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<sup>7</sup> Under the DEFRA Biodiversity Metric tool

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- High quality living environment: substantial
  - Securing habitat enhancements, including reinstatement of water meadows, and a greater diversity of habitat: significant

9.21 Overall, it can be clearly asserted that there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. The proposals represent a series of public benefits that should be supported.

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## **10.0 CONCLUSION**

- 10.1 This Statement has explained and justified the proposed development in the context of planning policy set down at a national and local level.
- 10.2 The proposed development is for the erection of up to 71 no. dwellings including 21 no. affordable housing units (30%) along with the provision of informal public open space and vehicular access.
- 10.3 The planning submission follows pre-application consultation with North Somerset Council, Wrington Parish Council and the local community.
- 10.4 As North Somerset Council is unable to demonstrate a five-year housing land supply, the settlement boundaries are out of date and the presumption in favour of sustainable development applies. Therefore, sustainable locations like Wrington are acceptable for further development in line with advice in the NPPF, where a balancing exercise is required to assess whether any adverse impacts would significantly and demonstrably outweigh the benefits.
- 10.5 In accordance with the NPPF, the proposed development represents sustainable development.
- 10.6 Even if the LPA contend that a five-year housing land supply can be demonstrated this scheme broadly accords with the suggested revised worded policy CS32 (subject to consultation) of allowing sustainable development outside of settlement boundaries.
- 10.7 The site represents a logical extension of Wrington being located in close proximity to the main services with direct pedestrian and cycle links.
- 10.8 The standard of vehicular access is entirely acceptable in terms of visibility and provides a standard width appropriate for the quantum of development proposed.

- 10.9 The application site presents a site that has no historic or environmental designations.
- 10.10 Few ecological constraints are associated with the development as confirmed within the supporting Ecology Appraisal and the proposal mitigates against any impact upon protected species and sets out significant ecological enhancements, including an increase in biodiversity of 55% using the DEFRA Biodiversity Metric tool.
- 10.11 Significant weight should be attached to the benefits of the scheme in terms of its contributions to the provision of much needed affordable housing and open market housing.
- 10.12 The applicant will negotiate with the Council in relation to an appropriate level of Section 106 contributions that will need to be directly related to the development proposed.
- 10.13 In view of the above, the harm would be negligible and the benefits considerable. Its adverse impacts would clearly not significantly and demonstrably outweigh the benefits when assessed against the policies in the framework, taken as a whole and so, subject to conditions, it should be permitted.

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**APPENDIX 1**

**APPEAL DECISION APP/D0121/W/16/3166147**



## Appeal Decision

Inquiry Held on 26-29 September and 3 October 2017

Site visit made on 4 October 2017

**by Paul Singleton BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 November 2017**

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**Appeal Ref: APP/D0121/W/16/3166147**

**Land at Cox's Green, Wroughton BS40 5QR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Redcliffe Homes Limited against North Somerset Council.
  - The application, Ref 16/P/1291/O, is dated 5 May 2016.
  - The development proposed is the erection of up to 59 dwellings, landscaping and associated works.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 59 dwellings, landscaping and associated works at land at Cox's Green, Wroughton BS40 5QR in accordance with the terms of the application, Ref 16/P/1291/O, dated 5 May 2016 subject to the conditions in the schedule attached to this decision.

### Procedural Matters

2. The application is in outline with detailed matters other than means of access reserved for subsequent approval. I have considered the appeal on this basis.
3. Wroughton Village Alliance (WVA) was granted Rule 6 status and presented its case against the proposal at the Inquiry.
4. An evening session was held at the Memorial Hall in Wroughton to enable interested parties unable to attend the main Inquiry sessions at Weston-Super-Mare Town Hall to present their evidence.
5. Two Statements of Common Ground agreed between the appellant and the Council deal with general planning matters (CD2.1) and highway matters (CD2.2). I have taken these into account in my determination of the appeal.
6. The appellant has submitted a signed Unilateral Undertaking (UU), prepared under S106 of the Town and Country Planning Act 1990, and its terms have been agreed with the Council. The UU contains a number of planning obligations which I deal with later in my decision.

7. On 12 July 2017 the Council's Planning & Regulatory Committee resolved that, had it been able to determine the application, it would have refused planning permission for the following reason:  
*"The proposed erection of up to 59 dwellings on agricultural land represents a form of development that fails to respond to the character of the settlement, will be out of keeping with the rural landscape character and quality of the area and will result in harm to the rural setting and edge of the village. The proposal is therefore contrary to Policies CS5, CS12, CS14 and CS32 of the Core Strategy and Policies DM10 and DM32 of the Sites and Policies Plan Part 1".*
8. The proposed North Somerset Site Allocations Plan (SAP) is currently at examination. A note issued by the Examining Inspector on 26 June 2017 (CD14.1) asked that the Council test the provision of additional housing sites to provide reassurance as to the delivery of a minimum of 20,958 new dwellings in North Somerset by 2026. The Inspector stated that this would increase choice and flexibility to assist in demonstrating a 5 year housing land supply and that the SAP should, as far as possible, aim to identify land to meet the need over the first five years of the residual period of the Core Strategy plan period (of 2006-2026).
9. On 5 September 2017, the Council's Executive Meeting gave approval for 28 sites to be put forward as additional housing allocations in the SAP and formal consultation on proposed modifications to incorporate these in the emerging plan has commenced. The additional sites proposed include the western portion of the appeal site with an indicative capacity of around 28 dwellings. The appellant has submitted an outline application for the development of up to 28 dwellings on that part of the site (Ref 16/P/1053/O) which has yet to be reported to the Planning & Regulatory Committee.
10. The Inquiry heard the Council's planning and landscape evidence and the advocate for the Council, Mr Leader, completed his cross examination of the appellant's landscape witness. Mr Leader subsequently informed the Inquiry that the Council accepted that the landscape and visual effects of the appeal scheme would be substantially indistinguishable from those resulting from development of that part of the site now proposed as a housing allocation in the SAP. Accordingly, the Council formally withdrew its landscape objection and its putative reason for refusal.

### **Main Issue**

11. In light of the withdrawal of the Council's landscape objection the main issue is whether the proposal would result in a sustainable pattern of development having regard to the site's location outside of the settlement boundary, its accessibility to services and facilities and to the risk of flooding.

### **Reasons**

12. The Council is unable to demonstrate a 5 year Housing Land Supply (HLS) as required by paragraph 47 of the National Planning Policy Framework (Framework) and, in accordance with paragraph 49 of the Framework, the relevant development plan policies for the supply of housing should not be considered up-to-date. The settlement boundaries for Wrington and other villages, which have been carried forward from a Replacement Local Plan

adopted in 2007, were established in the context of a housing requirement to 2011 only and are not the product of a full and objective assessment of housing needs as required by paragraph 47 of the Framework. The Council and appellant agree that these boundaries are time expired and are not up-to-date.

13. Either of these circumstances is sufficient to engage the second part of paragraph 14 of the Framework which states that, where relevant policies are out-of-date, 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 Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
14. The site does not fall within any of the designations given in Footnote 9 of the Framework as examples of policies or designations that would indicate that its development should be restricted. Hence, the proposal falls to be considered with regard to the first limb of this part of paragraph 14 and the 'tilted balance' in favour of development which this sets out.

#### *Development Plan*

15. The development plan comprises the saved policies of the North Somerset Replacement Local Plan (2007) (Local Plan), the North Somerset Core Strategy (adopted January 2017) (Core Strategy), and the North Somerset Development Management Policies Sites and Policies Plan Part 1 (adopted July 2016) (SPP). Part 2 of the Sites and Policies Plan– Site Allocations Plan (SAP) is currently at examination stage.
16. Core Strategy Policy CS 13 states that developable land will be identified to secure the delivery of a minimum of 20,985 dwellings within North Somerset between 2006 and 2026. This requirement is not based on a full and objective assessment of housing need but is the most up-to-date assessment of housing needs in the district.
17. Policy CS 14 states that the broad distribution of new housing will include a "minimum of 2,100 dwellings" in the Service Villages (SVs). Paragraph 3.197 explains that these larger villages support a wider range of facilities and act as a hub for surrounding areas. Core Strategy Vision 6 sets out the ambition that, by 2026, the SVs will become thriving rural communities and a focal point for local housing needs, services and community facilities. Under Policy CS 14 small scale development within or adjacent to the settlement boundaries of SVs may be appropriate subject to the criteria set out in Policy CS32.
18. The use of the words '*within or adjoining the settlement boundaries*' in the first part of Policy CS 32 clearly provides for development outside of the existing village envelope. As the appeal site immediately abuts the settlement boundary for Wrington the proposal complies with this part of the policy.
19. Having considered the arguments put to me I find that CS 32 does not set any ceiling as to the level of housing development acceptable either within or adjacent to the settlement boundaries. The reference to '*about 25 dwellings*' relates to proposals outside of the boundary and stipulates only that such proposals should be brought forward as allocations through Local or Neighbourhood Plans. As the site is not allocated in a development plan the

proposal conflicts with this procedural requirement. However, as the settlement boundaries are themselves agreed to out of date, only moderate weight should be given to this requirement of the policy.

20. WVA and other objectors argue that facilities and services in the village have declined since it was first designated as a SV and place considerable reliance on the Council's 2016 review (CD12.3) which found that Wrington performs less well than other SVs on some sustainability measures. However, Wrington's SV designation has recently been reconfirmed through the adoption of the Core Strategy (January 2017) and there is no current proposal to change that designation.
21. Subject to consideration of its compliance with the detailed criteria set out in Policy CS 32, the proposal is consistent with the approved development strategy, as set out in Policy CS 14 and Vision 6, of directing new housing development in the rural areas to the SVs and of providing for the growth of these settlements outside of their existing built area.

#### *Accessibility to facilities and services*

22. Notwithstanding recent changes Wrington retains a good level and range of local services and facilities. These include: a range of local shops, post office counter, opticians, dental surgery and pharmacy, two public houses, a garage/petrol station, primary school, two churches, a range of community halls and meeting places, and a large sports and recreation ground providing football, cricket, bowls and tennis facilities and a well-equipped and well maintained children's play area. It hosts a number of well supported clubs and activities and, perhaps unusually for a settlement of around 2,000 people, has two industrial estates accommodating a significant number and a diverse range of businesses.
23. With the exception of the primary school the key facilities are within 1.1 kilometres (km) of the centre of the site and most are within 900 metres (m). This is slightly over the 800m preferred maximum walking distance for village centres indicated in 'Providing for Journeys on Foot'<sup>1</sup> and in Manual for Streets (MfS) recommendations as to a walkable neighbourhood but the MfS figure is not an upper limit. More recent evidence in the 2015 'Planning for Walking' report (CD12.14) states that 80% of journeys shorter than 1 mile (1.6km) are made on foot and that, even in rural communities with fewer than 3,000 residents, people average 147 walking trips a year.
24. Consideration should also be given to the fact that Wrington is a relatively large village which has been designated as a SV in order to encourage its further expansion and growth. Having regard to this evidence and the concentration of most facilities in and around the village core, I consider that the 1.2km threshold adopted by the appellant provides an appropriate indicator that these facilities are within a reasonable walking or cycling distance of the site.
25. Although concerns were expressed about safety there is strong evidence that large numbers of local people walk or cycle along Cox's Green North and South as part of their regular, and in some cases daily, use of the 'Yellow Brick Road' route for leisure purposes. I observed people walking and cycling along this route on each of my visits to the village. This evidence that, even without the

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<sup>1</sup> Institute of Highways and Transport/ DETR (2000)

- additional footway proposed by the appellant, the route is already well used contradicts the objectors' contention that future occupiers of the development would drive rather than walk or cycle to the village centre because of safety concerns.
26. Services and facilities within Wrington would be readily accessible and would provide the opportunity for the residents of the development to meet many of their daily needs within the village. The local businesses within the two industrial estates and elsewhere in the village would also provide potential for some residents to access local employment. I accept that such job openings may only arise from time to time but note that the SAP proposes further development at the Burnett Industrial Estate. Local employment opportunities rarely exist in smaller villages and the existence of these opportunities supports Wrington's SV designation.
  27. The residents may need to travel to other nearby SVs for supermarket shopping and other services but these villages are within between 4 and 6 km of Wrington. Whilst I note WVA's concerns about safety, these facilities could reasonably be accessed by cycle, mostly using roads labelled as very quiet roads on the North Somerset Cycle Network Map, and there is clear evidence of cyclists using many of the local roads. Some of these facilities and services could also be accessed via the A2 bus which provides an hourly service on weekdays with the bus stops being within about 280m of the site.
  28. Even if the majority of trips to services and facilities outside of Wrington were to be made by private car the distances involved would be relatively modest. Paragraph 29 of the Framework states that transport systems need to be balanced in favour of sustainable transport modes but recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Having regard to the site's rural location the proposed development would enjoy an appropriate level of accessibility to shops and services in Wrington and the neighbouring SVs. The proposal could, therefore, help to support the viability of shops and services both within Wrington and in other nearby settlements.
  29. The A2 service would provide a sustainable transport option for shopping and leisure trips to Weston-super-Mare and Bristol (with onward transfer via the Flyer Express from Bristol Airport). I accept that use of the A2 and Flyer Express link is not a practical option for a daily commute to Bristol City Centre because of the journey time involved. However, although Bristol and its environs accommodate many large employers, there is no evidence that the development would be occupied only by people who work in Bristol. Although the 2011 Census indicated that some 80% of people in Wrington ward travelled to work as a car driver, the 2015 Sustainability Review (CD12.3) recorded that 32.3% of its working population use sustainable means of travel to work (including home working) and stated that this is considered to be a relatively high proportion.
  30. The A2 service would provide for travel, within a reasonable journey time, to a wide range of potential employment opportunities in Weston-super-Mare, the airport and in the various settlements in between. I note the concerns about the proposed re-tendering of the A2 service but the provision of an additional 59 homes in the village would likely be a positive factor when it comes to assessing the future viability of the service.

31. There are examples of families moving into the village who have been unable to secure places at the local primary school but the availability of places is likely to change over time. The Council's education officers consider that the school would have capacity to accommodate the number of primary age children likely to be generated by the proposal. Subject to financial contributions towards special educational needs and youth provision and to the cost of transporting secondary students to Churchill Academy, the Council is satisfied that the proposal would not place an undue burden on educational provision in the area.
32. Within the context of Wrington's rural location the proposal would maximise opportunities to reduce the need to travel and encourage active travel modes. The local services and infrastructure would be able to accommodate the demands generated by the development. Accordingly, the proposal would comply with the third and sixth bullets of Policy CS 32 and, by providing support to existing shops, services and community activities in the village, would enhance the overall sustainability of the settlement.

*Proposed footway-deliverability*

33. In its capacity as Local Highway Authority the Council has confirmed that the proposed footway could be constructed within the adopted highway and would not require third party land (CD 2.2 paragraph 2.19). WVA's measurements of distances between the hedges on either side of the road do not demonstrate the extent, either of the highway over which public rights exist or that which is maintainable at public expense. This is recorded in the Council's definitive maps and no documentary evidence has been produced to show that those maps are inaccurate.
34. The only other documentary evidence before me is comprised in the Land Registry plans for various residential properties fronting the proposed route of the footway. There is a high degree of correlation between the registered boundaries of those properties and the extent of the adopted highway as indicated on the Council's plans. They serve to support my conclusion that the Council's plans are accurate.
35. Both these plans and my observations on the site visit suggest that the boundary treatments installed to some of the residential properties on Cox's Green North have encroached upon the public highway. Even if such encroachment occurred some years ago it does not change the status of the land as public highway. The Council has the necessary powers under the Highways Act 1980 to require the removal or cutting back of hedges or other features obstructing the highway. The Council would also be able to use its Highways Act powers to require that hedges are maintained so as to ensure a satisfactory width of footway over the long term. It would be for the Council to consider whether or not it should seek a developer contribution towards the cost of that future maintenance regime.
36. At one point on the proposed route a mature tree overhangs the highway and its roots are visible above ground level. Care would need to be taken in the construction of the footway in this location so as to minimise the potential for damage to that tree but I have no evidence that this would present an insurmountable obstacle. Accordingly, I find that the footway would be capable of being constructed and maintained over the long term.

*Proposed footway–suitability*

37. At 1.5m wide along most of its length the footway would fall below the 2m standard in the Council's Highway Design Guidance 2015 but, on my reading of the extract at Mr Long's Appendix I, this guidance is intended mainly to apply to paths within or on the boundaries of new residential development. A width of 1.5m would be sufficient for a wheel chair user, an adult with a child walking alongside, or two adults with a pushchair walking side by side in accordance with the guidance in MfS. Some 10m of the total 80m length of the footway would have a reduced width of 1.3m but this would still be wide enough to accommodate a wheelchair user or an adult with a child walking alongside.
38. Many footways in rural area are less than 2m wide due to the constrained width of the highway and MfS notes that widths can be varied between different streets to take account of pedestrian volumes and composition<sup>2</sup>. A local widening of the path would be possible in the vicinity of the south-bound bus stop and, other than in this location, the route is unlikely to be used by people walking or gathering in groups. The 1.5m footway width would be appropriate given its likely level of use and would not result in the frequent need for anyone to step into the carriageway to pass other users.
39. WVA and others question the desirability of locating the footway on the inside of a bend but made no reference to any policy or guidance that indicates that this should not be done. WYG's Drawing No SK999 shows that forward visibility for drivers of south-bound vehicles would be improved because those vehicles would be positioned further to the west. If two large vehicles were to meet in the vicinity of the bend there would be a risk that the south-bound vehicle could use the dropped crossings to the residential driveways to mount the kerb and proceed around the bend partly on the footway. However, I see no reason why this could be not prevented by appropriately sited and suitably designed bollards or railings that would not significantly reduce the usable width of the footway.
40. The concerns about the suitability of the remaining 5m wide carriageway for the type and level of use it would need to accommodate are not shared by the Highway Authority and I have seen no evidence that would lead me to question its conclusions in this respect. Similarly, I see no reason to doubt the Highway Authority's conclusion that the design of the proposed uncontrolled crossing over Cox's Green East would be acceptable.
41. WYG's Drawing SK13 demonstrates that the largest articulated vehicles permitted on UK roads would be able to access and egress the Burnett Industrial Estate without the need to encroach on the footway. In my experience HGV drivers can usually perform such manoeuvres within the path shown on vehicle tracking programmes. The driver of an HGV leaving the site would have a clear view of any pedestrian and could reasonably be expected to delay that manoeuvre if he or she felt that the front of the vehicle would need to overhang or pass in close proximity to the footway. Given the likely level of usage of the footway the residual risks to pedestrian safety would be very small.
42. My conclusion that the proposed footway and associated narrowing of the carriageway would not give rise to unacceptable safety risks is supported by

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<sup>2</sup> Paragraph 6.3.23 of Mr Long's Appendix J

the findings of the Road Safety Audit (CD6.2) which identified no areas of concern. The audit report confirms that an appropriate brief was provided (paragraph 1.7) and that that Audit Team undertook a visit to the site as part of their assessment (paragraph 1.5). I have no reason to conclude that a qualified and experienced Audit Team would provide that confirmation if they had any reservations as to the extent or quality of the information provided.

43. The proposed footway and associated works have been considered on a number of occasions by the Council's technical officers who have been aware of the concerns raised by WVA and the Parish Council. The scheme has been developed and refined in response to comments made by those officers on the initial proposals submitted in April 2016 and the officers' conclusions as to the acceptability of the revised scheme are clear.
44. The proposal would also provide some 200m of new footpaths within a landscape corridor within the site. As they would be separated from the carriageway these would be safer for pedestrians than the existing routes along Havyatt Road and Cox's Green East. I see no reason why these paths could not be designed so that they would be pleasant to use and provide users walking south from the village with views towards the Mendips. I agree that these paths and the proposed footway would provide significant betterment for residents of the development and for pedestrians who walk from the centre of Wrington to and from the Havyatt Road Industrial Estate. The proposals would provide tangible benefits to this section of the highway.
45. Those walking to and from the village centre would need to use sections of Silver Street where there is only a virtual path or no path at all. However, the absence of a separate footway is clearly signed, traffic speeds are low and this route is already used by large numbers of people on a daily basis. I see no reason why the lack of a separate footway here would act as a major disincentive for residents of the development to walk or cycle to and from the village centre.

#### *Flood risk*

46. Wrington is identified as a vulnerable village in the Local Flood Risk Management Strategy and flooding is an issue of major local concern. Other parts of the village have experienced a number of past flood events and Paragraph 22.1 of the Council's 2012 Flood Investigations Report (WVA2) indicates that the primary source of flooding is fluvial flooding from the brook some distance to the north of the appeal site.
47. That part of the appeal site proposed for residential development is located in Flood Zone 1 as identified in the Government and Environment Agency (EA) mapping. Government policy in the Framework and Planning Practice Guidance (PPG) seeks to direct residential development to such areas. This land sits within a separate catchment to most of the village and drains into the main river upstream of the Old Mill. There is no evidence that either this area or the land where the proposed flood attenuation basins would be sited has been subject to past flooding. Hence, the residential development would not be located in an area at risk of flooding and no conflict arises with paragraph 100 of the Framework in this regard.
48. A small area of land in the north west corner of the site falls to the north rather than to the south. However, if the public open space were to be located in this

- part of the site as now proposed, that land would be largely free of buildings and hard surfaces. The drainage strategy would direct surface water drainage to the south and control the rate of discharge to the water course so that the existing greenfield run-off rates are not exceeded. The development of this land as proposed would not lead to an increased risk of flooding elsewhere.
49. The 40% climate change allowance included in the calculations of the storage capacity within the Sustainable Drainage System (SuDS) would provide for some degree of betterment. The attenuation basins would be sited within a large area of open land to the south of the watercourse that defines the southern limit of the proposed built development but neither the SuDS nor the site layout has yet been designed in detail. Sufficient land is available to provide flexibility in relation to the size and design of the proposed swales and storage facilities so as to deal with WVA's concerns about the high water table.
50. Cox's Green North has flooded on a number of occasions in the past 9 years and it is likely that the inadequate capacity and some blocking of the highway drainage system have contributed to these flooding events. The appellant acknowledges that this section of road is subject to a high risk of surface water flooding and I agree with that conclusion. However, I do not accept that the application of PPG paragraph 002 supports WVA's assertion that this should be treated as being in Flood Zone 3 rather than Zone 2. I consider that to be a misinterpretation of the PPG.
51. Although intended to improve the quality of pedestrian links to and from the village centre the footway would not comprise 'residential development' and is rightly characterised as 'essential infrastructure' for the purposes of applying PPG guidance. Table 3 of the PPG<sup>3</sup> (APP3) shows that the provision of essential infrastructure is appropriate in Zones 1 and 2 and does not require an Exceptions Test. For this reason paragraph 39 of the PPG is not relevant to the proposed footway.
52. The Council's Flood Risk Management Team states that parts of Silver Street, Cox's Green and Havyatt Road within the red line boundary have been subject to past flooding. It notes that springs behind the houses (also referred to in WVA's evidence) may have added to the issues, particularly to flooding on the road. The consultation response recommends that, where road improvements are proposed, an investigation into the surrounding drainage and proposed new drainage is required in order to reduce the risk of flooding.
53. A planning condition has been drafted which would require that no development take place until a flood drainage investigation and a scheme to mitigate the risk of road flooding (to a 1 in 30 year return plus climate change) along the roads within the site boundary has been submitted and approved. The investigation would need to consider the nature, extent and sources of past flooding events. The resultant scheme would have to ensure that the footway would not be at risk of flooding and that the construction of the footway, new site accesses and other highway works would not result in an increased risk of flooding to these roads. The inclusion of a 40% allowance for climate change would provide the opportunity to achieve some degree of betterment compared to the existing situation.

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<sup>3</sup> Reference ID: 7-067-20140306

54. The scheme required under that draft condition would seek to protect the proposed footway from flooding in a 1 in 30 year event but that may not be sufficient to keep pedestrians dry if the adjacent road is flooded. In such conditions passing vehicles, even at low speed, could cause a wash of floodwater and, due to the relatively narrow width of the footway, a pedestrian would be at risk of being soaked by cold and dirty water. Such a risk could discourage people from using the footway when the road is flooded and would effectively sever this link to the village until the floodwater had receded.
55. The use of a 1 in 30 return would be appropriate for flood drainage works on Havyatt Road and Cox's Green East where new paths would be available within the site. However, for the reason set out above, I consider it reasonable that the scheme for those sections of highway through which the proposed footway would run should be designed to a 1 in 100 year return to ensure that the footway remains usable in all expected conditions. This would also have the benefit of increasing the probability that road vehicles would be able to access the site via Cox's Green North at times when Havyatt Road (to the south of the site) and Nates Lane are flooded.
56. WVA's concerns about whether an appropriate road drainage scheme could be provided are not shared by the Council's Flood Drainage Team or those advising the appellant. Some technical challenges may exist but I have no evidence that there is no realistic prospect of a workable solution being agreed. Hence, there is no objection to the use of a Grampian condition to secure the submission and approval of a suitable drainage scheme.
57. Subject to these works being secured by means of a planning condition I find that the proposed footway would not be at an unacceptable risk of flooding and would not increase the risk of flooding to the highway. The proposed footway would provide a suitable and usable means by which the future residents of the development could access services and facilities in the village centre on foot or by bicycle and to walk to the nearby bus stops. This would provide a safe and attractive pedestrian route to facilities and services within the village and the proposal, therefore, complies with the seventh bullet of Policy CS 32. It also complies with the requirement in paragraph 32 of the Framework that safe and suitable access should be provided for all people.

## **Other Matters**

### *Landscape and visual effects*

58. The proposed development would be well contained in medium and longer distance views by the intervening landform, the existing settlement pattern and the significant vegetation around the site perimeter and elsewhere within and at the edge of the village. Its visibility would, accordingly, be limited to local viewpoints and to one or two glimpsed views in which it would be seen in the context of the existing built area of the village. There would be some temporary loss of screening due to the translocation of small sections of the existing hedges. However, the completed development would be heavily screened from views by people passing on Cox's Green and Havyatt Road and its visual effect on the surrounding area would be minimal.
59. The development of existing pasture land for new housing would inevitably have a direct and permanent effect on the appearance of the site itself and on its immediate surroundings. However, this part of the J2 Landscape Character

Area (LCA) is heavily influenced by existing residential development in Wrington and the surrounding villages and by the scale and height of the industrial buildings within the Havyatt Road and Burnett estates. The development would be limited to 2 storeys and would be within an extensive and enhanced landscape setting. Having regard to these considerations I find that the proposal would cause no harm to the LCA and would have no material effect on views from or into the Mendips Area of Outstanding Natural Beauty.

60. The approach to Wrington via Havyatt Road is rural in character but the edge of the village is effectively defined by the limits of the industrial estate. The roadside hedge and trees do not fully screen the estate's large buildings, the access junction, or the large vehicles that tend to park at the entrance to the estate. A new access would be formed on the opposite side of the road but the retained and translocated hedges would provide a good level of screening to the buildings envisaged along the western edge of the site. There would, therefore, be limited change in the contribution that the boundary hedge currently makes to the rural character of the road.
61. The proposal would extend the built area such that the buildings at Oakdene Farm would no longer be detached from the main part of the village but this would not have a significant harmful effect on the setting of the settlement. Although this group of buildings was identified as a 'core settlement' in the Avon Historic Landscape Characterisation assessment the buildings no longer display many of the key attributes of that classification (APP4). The new houses envisaged on Cox's Green East would be in keeping with the general scale, character and style of the existing properties and, as these would form part of a much larger development, would not constitute ribbon development. The overall scale of the development would also be in keeping with that of the existing built area of the village.
62. I therefore find that the proposal would not have a significant harmful effect on landscape character or the rural setting of Wrington. I also agree that the landscape effects of the appeal proposal would not be substantially different to those that would occur through the development of that part of the site which the Council has proposed as an additional housing allocation in the SAP. This is a material consideration of significant weight.
63. The evidence of an historic 'village green' at the north-western corner of the site is inconclusive and this possible history should not, in my view, act as a major constraint on the site layout. Locating the main area of public open space here rather than to the south of the new housing would, however, make that facility more accessible to existing residents of the village.
64. I find that the proposal complies with SPP Policy DM10 which states that development proposals should not have an unacceptable adverse effect on the designated landscape character of the district and should be carefully integrated into the natural and built environment. Although the proposal is in outline form the indicative layout, landscape strategy and Design and Access Statement demonstrate that an appropriate scale, form and quality of development could be achieved which would respect the character of the site and its surroundings. Accordingly, the proposal also complies with SPP Policy DM32 and with the first bullet of Core Strategy Policy CS32.

### *Heritage asset and living conditions*

65. Oakdene Farm is a non-designated heritage asset but, as most of the buildings have been altered and are no longer used for agricultural purposes, its value lies mainly in the site's interest as an historic farmstead. The farmhouse may retain some older elements internally but its external appearance is that of a moderately sized, Victorian villa. The original outbuildings have also been modernised externally as part of their conversion to alternative use. The setting of the farmhouse is largely comprised within its curtilage and there is adequate room within the appeal site to offset the new buildings so that they would not cause any harm to that setting. I am satisfied that no harm would be caused to the significance of the non-designated asset.
66. The proposal is in outline form and details of the layout and design of the proposed dwellings would need to form part of a reserved matters application. The Council would need to consider the relationship between the proposed buildings and neighbouring properties and their private amenity spaces to ensure that there would be no unacceptable effects on the living conditions of occupiers of the existing or proposed dwellings. Nothing that I have seen on my site visit suggests that this could not be achieved.

### *Highway congestion*

67. There is significant local concern about the effects of the additional traffic likely to be generated by the proposal on the local highway network. However, no technical evidence has been submitted to challenge the findings of the Transport Assessment or the conclusions of the Council's Highways and Transport Team that the increase in traffic is unlikely to result in a severe impact on local roads. I accept that conclusion and find no conflict with the fifth bullet of Policy CS32 or with paragraph 32 of the Framework which states that development should be refused on transport grounds where the residual impacts on the network are severe.

### *Foul water drainage*

68. Wessex Water has confirmed that there is adequate capacity in the existing public foul sewer in Cox's Green to take the anticipated flows from the proposed development and that the sewage treatment works has capacity to accommodate the development. A possible need for additional pumping capacity at the Wrington Gardens Sewage Pumping Station has been identified but Wessex Water has indicated that any improvements required could be funded by the infrastructure charges generated by development connections. No unacceptable effects would, therefore, result from the proposal with regard to the capacity of these systems.

### *Agricultural land*

69. Some objectors suggest that the site includes Grade 3a quality agricultural land but there is no evidence to confirm this. The most recent data sets (Plan 3 of NCS5) suggest only a moderate probability of the site including best and most versatile land (BMV). However, on the basis of the only recent site specific survey of land to the west (Plan 2 of NCS5), there is no reason to assume that the land within the site is of uniform quality. There is, therefore, no evidence that the proposal would involve the loss of a significant area of BMV land or of any conflict with paragraph 112 of the Framework in this regard.

### *Ecology*

70. The habitats within the site are of low value and a number of measures are proposed which would result in an overall increase in its biodiversity. The hedgerows known to be used by bats for commuting or foraging would be retained with a wildlife buffer of 10m width and appropriate lighting controls would ensure minimal effect on these corridors. I have seen no evidence that the loss of cow dung would have a significant adverse effect on the supply of food for the bats foraging in the area. Hence, I have no reason to conclude that the proposals would have an adverse effect on any protected species that might be present on or using the site or on their habitats.
71. Because of the site's proximity to the North Somerset and Mendip Bats Special Conservation Area (SCA) a Habitats Regulation Assessment has been carried out in consultation with Natural England. That assessment concludes that the proposal would not be likely to have any significant effects on the interest features of the SCA or on the qualifying species associated with it. These conclusions have been reached with regard to the likely effects of the proposed development on its own and in combination with other plans and projects.
72. I accept the conclusions of that assessment and find that there is no need to withhold planning permission on these grounds.

### **Conclusions on Development Plan**

73. Having regard to the above considerations I find that the proposal complies with and is positively supported by the development strategy set out in Core Strategy Policy CS 14 and CS 32. I find no conflict with any of the criteria set out in the seven bullets listed in CS 32 or with the policy's requirement that development should enhance the overall sustainability of the settlement. The only conflict that I have identified is with the procedural requirement that sites outside of the SV settlement boundary for more than about 25 dwellings should be brought forward as allocations in the development plan.

### **Conclusions on Paragraph 14**

74. With the 821 dwellings expected on the 28 additional site allocations the Council contends that sufficient land is available for 9,411 dwellings. This is slightly under the 9,524 required for a 5 year HLS with a 20% buffer, using the Sedgefield approach which the Examining Inspector has indicated to be appropriate, and equates to a 4.94 years supply. Mr Clements assesses the increased supply as being 7,575 dwellings representing a shortfall of 1,949 dwellings and a supply of 3.98 years.
75. Although the Examining Inspector asked the Council to test the allocation of additional sites to accommodate up to 2,500 dwellings, the additional sites put forward have a combined capacity of only 821 dwellings. It remains to be seen whether these will enable the Inspector to find the SAP sound. The shortfall in the 5 year HLS amounts to over 1 year's supply on the appellant's estimate. Even if the Council's estimate is accepted, the identified supply is largely dependent upon allocations proposed in the SAP but there is no certainty as to when that new plan might be adopted.
76. The proposal would provide positive social benefits by contributing up to 41 market housing and up to 18 affordable dwellings to help meet local needs. Given the absence of any housing allocations in a current development plan

and the uncertainty as to when the shortfall in the 5 year HLS will be addressed I afford substantial weight to these benefits. Although required as a link between the site and the village centre the footway would provide safer routes for existing residents and those working in the Havyatt Road industrial estate and for those using the route for leisure purposes. Existing residents would also be able to use the pedestrian routes and public open space within the site. These social benefits should be afforded moderate weight.

77. The proposal would deliver economic benefits through the investment and employment involved in its construction and the additional expenditure by future residents in shops and services in Wrington and other nearby villages. Economic benefits would also flow from the New Homes Bonus and additional Council Tax revenues generated. I consider that the financial contributions to be secured through the UU should be regarded as providing mitigation for the effects of the development rather than benefits. However, I attach significant weight to the other economic benefits listed above.
78. Although partly needed in mitigation the landscaping and ecological works would result in an overall enhancement in the biodiversity of site. The SuDS and Flood Drainage Scheme to the adjacent highways also have potential to provide some betterment. As these elements of the proposal have not yet been subject to detailed design and testing I attach only modest weight to these potential environmental benefits.
79. There is a conflict with the procedural requirement under Policy CS32 but the only harm that might flow from that conflict is to the expectation that the local community might have that any decisions about the capacity of the village to accommodate more housing should be taken through the development plan process. Such harm is, however, likely to occur in situations where the development plan has not been successful in ensuring a 5 year HLS and where the Framework stipulates that the relevant policies for the supply of housing should not be regarded as being up-to-date. Only limited weight can, therefore, be given to that conflict with Policy CS 32.
80. In light of these considerations, and when assessed against the policies in the Framework as a whole, I find that the adverse impacts of the proposal would be of limited scale and would not significantly and demonstrably outweigh the benefits identified above. The proposal therefore benefits from the presumption in favour of sustainable development set out in paragraph 14 of the Framework.

### **Conditions**

81. A schedule of draft conditions was discussed at the inquiry and I have taken account of the comments made by the parties on those draft conditions.
82. A condition is need to confirm that the permission is granted in accordance with the approved plans including those showing the means of access and associated off-site highway improvements. I have assessed the proposal on the basis that it is for up to 59 dwellings and a condition has been attached to limit the development to this number. I have also attached a condition requiring that a 5m wide maintenance strip be retained at the top of the bank to the water course running through the southern part of the site. WVA suggested a 10m wide strip but as this is a maintenance strip rather than an ecology buffer I consider that 5m is adequate.

83. The landscape strategy is illustrative and a condition is needed to require that the landscaping reserved matters are informed by a detailed landscape strategy and masterplan to ensure that as much as possible of the existing landscape structure is retained and that new landscaping is of sympathetic design. This condition and that requiring the approval of all external facing materials are needed to ensure an appropriate quality of development. The site is known to have some potential archaeological value and a condition requiring an archaeological investigation and scheme of works is required.
84. To ensure a satisfactory development and minimise the risk of flooding elsewhere details of the SuDS need to be approved prior to commencement of development and the scheme will need to be implemented before any dwellings are occupied. Conditions have been attached to require these actions and that no unnecessary culverting of any existing watercourse should take place.
85. Due to the flood risk to highways a condition is needed to require an investigation and Flood Drainage Scheme to provide mitigation. For the reasons already set out the scheme for that section of highway through which the proposed footway would pass should be designed to a 1 in 100 year return plus climate change whilst a 1 in 30 year return plus climate change would be appropriate for other components of the scheme. The conditions include a requirement that the scheme be completed before any development above slab level is commenced. WVA's suggestion that this should be done before any development is commenced on the main site would be unduly onerous and could constrain opportunities for the most efficient and cost effective design and implementation of all the drainage works.
86. To ensure the protection of trees and hedges to be retained a condition is needed to require that a protection scheme is approved and implemented. A Construction Method Statement is needed to minimise disruption to the highway and adverse effects on the living conditions of nearby residents. Other controls to minimise the risk of harm to features of ecological and landscape value during construction are needed and conditions have been attached to require method statements in respect of these matters and for the translocation of hedges. To ensure a good quality landscape over the longer term a condition is needed to require the replacement of trees or hedges which die or are lost in the first 10 years after the works have been completed.
87. A condition requiring a lighting scheme is needed to minimise the risk of disturbance to bats and this condition should include the provision of information to the first occupiers of the houses to discourage them from installing inappropriate external lighting. In the interests of preserving/enhancing biodiversity a condition is needed to require that the enhancement works recommended in the Ecological Assessment are implemented in full.
88. The proposed footway is key to facilitating pedestrian movements to and from the village centre and it is important that this be provided at an appropriate point in the development programme. In view of the extent of detailed design still to be carried out, and having regard to the views put forward by the parties, I consider it reasonable that this should be completed prior to the commencement of any of the dwellings. This would enable site preparation and below ground works to be undertaken at the same time as the footway construction. A condition is needed to require that the site accesses and

visibility splays are completed before any of the dwellings are occupied. This is necessary to ensure the safe and satisfactory operation of the development.

89. Also for the purposes of ensuring a satisfactory development a condition is needed to require that facilities for refuse/recycling storage and collection for each of the dwellings be provided prior to occupation. Finally, a condition requiring that the dwellings adopt an appropriate level of renewable or low carbon technology is needed in the interests of supporting the wider transition to low carbon energy use.
90. I have not adopted the suggested conditions relating to the completion of vehicle accesses and parking provision for individual dwellings as these details should be dealt with in a future reserved matters approval. For the same reason I have not taken on board a proposed condition relating to the pedestrian routes within the site. These would need to form part of a reserved matters application which would be subject to consultation in the normal manner.

### **Planning Obligations**

91. Paragraph 204 of the Framework requires that planning obligations should only be sought, and that weight be attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development proposed; and are fairly and reasonably related in scale and kind to the development. The submitted UU includes obligations relating to affordable housing, public open space and recreation, green infrastructure, education, highways and transport and emergency services.
92. Core Strategy Policy CS16 requires affordable housing on sites of 9 dwellings or more with a benchmark requirement of 30% of the total number of units. The UU will secure this provision and the means of ensuring that this meets affordable housing needs over the longer term. It includes an indicative mix of dwelling sizes and tenure but retains flexibility for this to be adjusted at the reserved matters stage through the approval of an Affordable Housing Plan.
93. The proposed on-site open space and play area accord with the Council's planning standards but arrangements are needed for their future management. The development is likely to lead to increased usage of the existing play area and sports/ recreational facilities and it is appropriate that contributions be made towards the cost of improvements to accommodate that increased demand. The UU obligations provide for such payments which have been calculated in line with the Council's standard ratios plus an allowance for indexation.
94. The landscaping proposals are likely to include neighbourhood open space, green corridors and areas of woodland and ecological enhancement. The woodland area is likely to be smaller than required by the Council's Developer Contributions Supplementary Planning Document (2016) (SPD) and the development would also be expected to contribute to allotment provision. These would not be provided on site and a financial contribution to enhance existing off-site provision is needed to comply with the SPD requirements.
95. The local primary and secondary schools have capacity to accommodate the number of school age children expected to live within the development. However, the proposal would increase pressures on special educational needs

and youth provision and on services for transporting students to the Churchill Academy and Sixth Form. The contributions in relation to these matters have been calculated using established and approved methods and are fair and reasonable in relation to the number and type of dwellings envisaged. The open space, green infrastructure and educational contributions are necessary so that the development would not cause significant adverse impacts on services and infrastructure in the area in accordance with the third bullet of Core Strategy Policy CS32.

96. The Highways and Transport obligations require the preparation and implementation of a Travel Plan and contributions to the cost of travel information packs and other measures to encourage the occupiers of the development to use sustainable transport. These are needed to ensure that the residents have a choice of travel options open to them. An appropriate number of fire hydrants are needed to ensure the safety of the future residents and the UU includes appropriate obligations for the payment of a commuted sum for the installation and future maintenance of this equipment.
97. All the obligations in the UU are necessary to render the development acceptable in planning terms and to ensure compliance with the development plan and the Developer Contributions SPD. They are directly related to the development and are reasonably related in scale and kind. The Council's compliance statement confirms that the obligations would not breach the Community Infrastructure Levy Regulations. Accordingly, I attach significant weight to these obligations in my consideration of the appeal.

## **Conclusions**

98. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development unless material considerations indicate otherwise.
99. With the UU in place the proposal complies with Core Strategy Policies CS9 (Green Infrastructure), CS10 (Transport and Movement), CS16 (Affordable Housing), CS25 (Children and Young People), CS26 (Ensuring Safe and Healthy Communities) and CS34 (Infrastructure Delivery and Developer Contributions) and the related policies of the SPP. It also complies with Core Strategy Policy CS12 and SPP Policies DM10 and DM32 in relation to design quality and its effects on the landscape character. For the reasons set out earlier the proposal is compliant with and derives positive support from Core Strategy Policy CS14 which provides for the expansion of SVs beyond their existing development limits such that these villages can accommodate at least 2,100 additional dwellings over the plan period.
100. The proposal complies with the substantive requirements of Policy CS32 and the detailed criteria in its seven bullet points. The only conflict is with the procedural requirement in relation to proposals for more than about 25 dwellings on sites outside the settlement boundary. However, the settlement boundaries are out-of-date and in view of the shortfall in the 5 year HLS and uncertainty as to when this might be remedied through the adoption of the SAP I give that conflict limited weight. I note that the Inspector in the Congresbury<sup>4</sup> appeal (CD 10.4) concluded that Policy CS 32 should be given full weight. However, that decision was issued prior to the handing down of the

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<sup>4</sup> APP/D0121/W/16/3151600

Supreme Court's judgment in Hopkin Homes (CD 9.1) and appears to have been made in the absence of any evidence to the contrary.

101. The proposal benefits from a presumption in favour of sustainable development in accordance with paragraph 14 of the Framework and this material consideration is more than sufficient to outweigh the limited conflict with the development plan. Accordingly, I conclude that the appeal should be allowed and that outline permission should be granted subject to the conditions in the attached schedule and the planning obligations provided in the UU.

*Paul Singleton*

INSPECTOR

## Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - BHP Drawing No 3014.P.100 Rev C – Site Location Plan
  - WYG Drawing No A094971-GA01 Rev B – Proposed Site Access on Havyatt Road.
  - WYG Drawing No A094971-GA02 Rev B – Proposed Site Access on Cox's Green
  - WYG Drawing No A094971-GA03 Rev A – Proposed Footway and Uncontrolled Pedestrian Crossing.
- 5) No more than 59 dwellings shall be erected on the application site.
- 6) No development shall take place within 5 metres of the top of the bank on either side of the watercourse that runs across the southern part of the appeal site as shown on Drawing No 3014.P.100C.
- 7) The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy to demonstrate that the proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site. The submitted details shall also include a programme for the implementation of the approved works. The works shall thereafter be carried out in accordance with the approved details and programme.
- 8) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 9) No development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and:
  - (1) The programme and methodology of site investigation and recording;
  - (2) The programme for post investigation assessment;
  - (3) The provision to be made for analysis of the site investigation and recording;
  - (4) The provision to be made for archive deposition of the analysis and records of the site investigation;

(5) The nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

All works shall thereafter be carried out in accordance with the approved scheme.

- 10) No development shall take place until full details of the design, implementation, maintenance and management of the Sustainable Drainage Scheme (SuDS) for on-site surface water drainage have been submitted to and approved in writing by the local planning authority. Those details shall include:
- (1) Information about the design storm period and intensity, discharge rates and volumes (both pre and post development);
  - (2) Temporary storage/ attenuation facilities to provide adequate attenuation to deal with the surface water run-off from the site up to the 1 in 100 year flood event and include allowance for climate change.
  - (3) Means of access to attenuation and storage facilities for maintenance purposes (5 metres minimum);
  - (4) The methods to be employed to delay and control surface water discharged from the site which must be limited to predevelopment runoff rates and discharged incrementally for all return periods up to and including 1 in 100 years;
  - (5) The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
  - (6) Flood water exceedance routes, both on and off site;
  - (7) Management and maintenance plan for the SuDS for the lifetime of the development to include arrangements for adoption of the system by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the long term operation and maintenance of the SuDS to an approved standard and working condition throughout the lifetime of the development.
  - (8) Proposals for the interim maintenance of the SuDS prior to its adoption by an appropriate public or other body so as to ensure it functions as designed including details of; (a) a 12 month functioning period where the developer is responsible for the operation and maintenance of the SuDS during this period; (b) the responsibility for rectifying any defects prior to the adoption of the SuDS by an appropriate body; and (c) the submission of copies of electrical and other test certificates, where appropriate, and the operation and maintenance manuals for the system
- No dwelling hereby approved shall be occupied until the SuDS has been constructed and completed in accordance with the approved details.
- 11) No culverting of watercourses shall take place except to create access points without the prior written approval of the local planning authority.
- 12) No development shall take place until an investigation has been carried out and a Flood Drainage Scheme to mitigate for road flooding along those sections of Silver Street, Cox's Green and Havyatt Road within the red line boundary of the permission have been submitted to and approved in writing by the local planning authority.
- (1) The investigation and Flood Drainage Scheme should have regard to the capacity and condition of the existing road drainage system and the extent and rate of discharge onto the highway at times of flood from the springs running from behind residential properties fronting the highway.

- (2) In respect of Cox's Green North and Silver Street the Flood Drainage Scheme shall be designed to mitigate for highway flooding to a 1 in 100 year return plus climate change via a piped drainage system with an approved outfall.
- (3) In respect of Havyatt Road and Cox's Green South and East the Flood Drainage Scheme shall be designed to mitigate for highway flooding to a 1 in 30 year return plus climate change via a piped drainage system with an approved outfall.

No development above ground slab level shall take place until the Flood Drainage Scheme has been completed in accordance with the approved details and brought into commission.

- 13) No site clearance, preparatory work or construction and landscaping operations (including any changes to ground levels) shall take place until a scheme for the protection of all trees and hedgerows to be retained as part of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  - (1) A Tree Protection Plan identifying all trees and hedgerows to be retained and their root protection areas (RPA);
  - (2) An Arboricultural Method Statement setting out appropriate working methods in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced);
  - (3) In relation to any works where incursions into the RPA of any hedges and trees to be retained (including works to the site accesses and the proposed footway) full details and specifications of the methods of carrying out those work including details of any 3D cellular confinement system and 'no dig' methods of construction.
  - (4) Details of the siting and specification of temporary fences or other protection to protect trees and hedges during the construction works.

The scheme for the protection of the retained trees and hedgerows shall thereafter be carried out in accordance with the approved details.

- 14) No development, including any demolition, excavation and site clearance works, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall provide for:
  - (1) The method and duration of any pile driving operations to include expected starting and completion dates;
  - (2) The hours of work on the site and for the making of deliveries to and from the site which shall not exceed the following hours: 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays, nor at any times on Sundays or Bank Holidays;
  - (3) The responsible person (e.g. site manager) to be contacted in the event of complaint arising from the construction works;
  - (4) The routing of HGVs and other vehicles bringing machinery, plant, materials or other equipment and the removal of waste or other materials from the site, with such routing being designed to minimise the volume of construction traffic passing through Wrington Village Centre;
  - (5) The parking of vehicles of site operatives and visitors;
  - (6) Details of wheel washing facilities;
  - (7) Measures to control the emission of dust and dirt during construction;

- (8) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (9) A scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Method Statement shall be adhered to throughout the full duration of the construction period.

- 15) No development, including any site enabling works or vegetation clearance, shall take place unless a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Environment Management Plan shall include mitigation measures required to protect legally protected species and their retained habitats from injury or damage and shall include:
- (1) Information for construction workforce;
  - (2) Timings of site clearance;
  - (3) Details of appropriate fencing for buffer areas to protect retained on site habitats;
  - (4) Overnight ramps placed within open trenches and daily checks of excavations for trapped wildlife;
  - (5) Pre-commencement surveys for species that are dynamic in distribution (e.g. badger);
  - (6) A walk over check by an ecologist immediately prior to vegetation and other site clearance activities.

The approved plan shall be implemented and adhered to during the vegetation clearance and construction phases.

- 16) No development, including any site enabling works or vegetation clearance, shall take place unless a Landscape Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The Landscape Ecological Management Plan shall cover a ten year period and shall include;
- (1) Measures for the establishment, enhancement and management of habitats within the site, including planting schedules and details of ongoing management.
  - (2) A programme and timetable for the implementation of the works and for subsequent management activities as well as a monitoring schedule for habitats and species, including bat monitoring post completion.

All measures and works shall be completed in accordance with the approved details and programme.

- 17) No works in relation to the translocation of any section of any existing hedgerow shall commence unless a Method Statement for those works has been submitted to and approved in writing by the local planning authority. The Method Statement shall include a detailed mitigation plan for any protected species that are known or are likely to use the hedge for nesting (including dormice and breeding birds) and the method and timing of the translocation of the hedge. All works should subsequently be carried out in accordance with the approved details and programme.
- 18) Any trees or hedges that are retained, planted or translocated as part of the approved Landscape Masterplan and Strategy which, within ten years following the completion of the landscape works, die, become seriously diseased or otherwise damaged, or are removed without the prior written

consent of the local planning authority shall be replaced in the first available planting season with others of the same species and size unless otherwise agreed in writing by the local planning authority.

- 19) No development shall commence until a Lighting Scheme for the development has been submitted to and approved in writing by the local planning authority. The Lighting Scheme shall provide full details of the external lighting, including both temporary/construction and permanent lighting including:
- (1) Details of the type and location of the proposed lighting;
  - (2) Existing lux levels affecting the site (dark and full moon);
  - (3) The predicted lux levels;
  - (4) Lighting contour plans;
  - (5) Proposals for the provision of Residents' Welcome Packs to inform the first occupiers of each of the dwellings hereby approved of the desirability of minimising the level of external illumination.
- The scheme shall ensure that lighting levels for all lighting installed as part of the development do not exceed 0.5 lux on features important to bats, including foraging, habitat and flight lines and boundary buffer corridors. All external lighting shall be installed and operated in accordance with the approved details.
- 20) The development shall proceed in strict accordance with the ecological avoidance and mitigation measures outlined in Section 9 of the Ecological Assessment Cox's Green, Wrington (Ethos Environmental Planning, February 2017) and shall incorporate all recommendations for enhancements including the provision of 10m ecological buffers on the south, west and northern boundaries of the development site.
- 21) No development of any of the dwellings hereby approved shall commence until the construction of the new pedestrian crossing to Cox's Green East and footway to Cox's Green North has been completed in accordance with the details shown on WYG Drawing No GA03A.
- 22) None of the dwellings hereby approved shall be occupied until the construction of the new site accesses to Cox's Green East and Havyatt Road has been completed and their related visibility splays have been provided in accordance with the details shown on WYG Drawing Nos GA01B and GA02B. The approved visibility splays shall thereafter be maintained free of vegetation or other obstruction above 600mm above the nearside carriageway level for the lifetime of the development.
- 23) No dwelling shall be occupied until facilities for the storage and collection of household waste and recycling from that dwelling has been provided in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. Thereafter the approved facilities shall be maintained and retained exclusively for that purpose for the lifetime of the development.
- 24) No dwelling hereby approved shall be occupied until measures to generate 15% of the on-going energy requirements of that dwelling (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the details that have been first submitted to and approved in writing by the local planning authority.

## **APPEARANCES**

### FOR THE APPELLANT:

Christopher Boyle QC instructed by GL Hearn

He called:

Julian Cooper BSc (Hons) DipLD FLI AILA	Director, SLR Consulting
Chris Long BA MSc CMILT	Associate Transport Planner, WYG Group
Tony Clements BA (Hons) MCD MRTPI	Planning Director, GL Hearn Ltd
Matthew Mercer MEng MICE	Principal Engineer, WYG Group

### FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader of counsel instructed by Richard Kent, Head of Development Management NSC

He called

Kevin Carlton DipLA	Landscape Officer, NSC
Andrew Stevenson BSc PGDipTP	Principal Planning Officer, NSC

### FOR WRINGTON VILLAGE ALLIANCE:

Charlie Hopkins Solicitor (non-practising), Planning and Environmental Consultant

He called:

Deborah Yamanaka	District Councillor – dealing with planning matters
Katrina Russell MSc	dealing with sustainability
Tony Harden BSc	dealing with transport
Shail Patel FIMA	WVA Chair – dealing with flooding
Georgie Bird	Parish Councillor – dealing with landscape.

### INTERESTED PARTIES:

Claire Tucker – Owner of Burnett’s Industrial Estate

Martin Howse- Site Manager – Burnett’s Industrial Estate

Chris Knowlton – Polydec Ltd – Burnett’s Industrial Estate

### INTERESTED PARTIES – Residents of Wrington and nearby communities:

John Hoskinson	Jackie Tester
Mr G A Matthews	Brian Edwards

Grant & Korrina Cloke	Mandy Sennington
Sally Bartlett	Adrian Hopkins
Lizzie Gibbs	Dr Michael Ashby
Mrs Denny	Dr Charles Dixon
Georgina Yule	Caroline Holroyd
Colin Russell	Katrina Russell
Molly Fry	Alice Barratt
Keith Sinclair	Julie and Graham Firth
Echo Irving	Phil Parker
Duino Picek	Dawn Harvey

### **Documents/ Plans submitted at the Inquiry**

Appellant/ Council Statement of Common Ground on Highway Matters

Updated Draft of Unilateral Undertaking

Updated Schedule of draft conditions

Appellant/ Council Agreed Note on Site Allocations Plan – Testing of additional housing supply and Proposed Modifications Consultation

Sheet 3 of Topographical Survey Drawing No OSGM-02

List of Core Documents

Full Scale Print of WYG Drawing SK999 – Forward Visibility Assessment

Full Scale Print of BHP Drawing 3014.P.102A – Wider Context Site Plan

APP 1 – Extract from John Roque’s 1789 Map and overlay on revised indicative layout plan

APP 2 – Proposed 28 Dwelling Site allocation overlay on Appeal Site Red Line Plan

APP 3 – Extracts from PPG re Flood Zones and Risk Tables

APP 4 – Extracts from Avon Historic Landscape Characterisation Study 2014

APP 5 – Landscape & Visual Appraisal for 28 dwelling planning application on part of appeal site

APP 6 – Bus Timetable and Route Map for A2 Service

NSC 1 – Plan identifying proposed 28 dwelling site allocation of part of appeal site

NSC 2 – Red Line Plan for 28 dwelling planning application

NSC 3 – Illustrative Site Layout for 28 dwelling planning application

NSC 4 – CIL Compliance Statement re proposed planning obligations

NSC 5 – Agricultural land quality maps

WVA 1 – Extract from NCS Strategic Flood Risk Assessment Report 2008

WVA 2 – North Somerset 2012 Flood Investigations for Wrington area

WVA 3 – 2 photographs of flooding on Nates Lane – January 2015

WVA 4 – Extract from Weston Mercury 24 December 2013

WVA 5 – PPG Extracts re Flood Risk and Coastal Change

WVA 6 – WVA comments on suggested planning conditions and tracked changes version of schedule of suggested conditions.

**Documents submitted after the close of the Inquiry**

Signed and sealed Unilateral Undertaking dated 11 October 2017.

## **APPENDIX 2**

### **2018 SITE ALLOCATIONS PLAN RESIDENTIAL SITES ASSESSMENT**

High level objectives:				1. Improve Health and Wellbeing				2. Support communities that meet people's needs					4. Maintain and improve environmental quality and assets								
Sub-objectives:				1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	
<a href="#">Map of sites assessed for residential potential</a>	Site ref.	Site Area (Ha)	Capacity (Dwellings)	Open space within settlement	Playing pitches within settlement	Proximity to public leisure centre	Health facilities	Community facilities	Primary education	Secondary education	Employment	Nearest town facilities	Heritage	Biodiversity	Landscape	PDL/greenfield	Agricultural land class (BMV)	Tidal/ fluvial flood risk	Risk of surface water flooding	Air quality	
Land south of Cox's Green	HE14179	11.3471	172																		
South of Wrington	NS0120	1.54	40																		
Butts Batch	NS0121	2.83	100																		
Gatcombe Farm	SAP 24	1.4	10																		

High level objectives:				5. minimise consumption of natural resources					Result of the assessment
Sub-objectives:				5.1	5.2	5.3	5.4	5.5	Allocate for housing in Site Allocation Plan?
<a href="#">Map of sites assessed for residential potential</a>	Site ref.	Site Area (Ha)	Capacity (Dwellings)	Bus Transport	Bus Stops	Pedestrian/cycle links	Railway Station	Settlement Boundary	
Land south of Cox's Green	HE14179	11.3471	172						No. Green field plus flood risk. Accessibility poor. Scale of development proposed probably excessive for a village of this size, especially as remote from most village services, even though close to existing employment.
South of Wrington	NS0120	1.54	40						No. Green field at flood risk with intrusion into surrounding countryside and affect rural setting of village. Poor accessibility with narrow roads leading to village, Effect on Conservation Area
Butts Batch	NS0121	2.83	100						No. Green field with intrusion into surrounding countryside and affect rural setting of village. Poor accessibility and narrow roads leading to village
Gatcombe Farm	SAP 24	1.4	10						Unsustainable location . Distant from facilities with poor pedetrian/cycle links