

**Section 1**

# **North Somerset Council**

**ITEM 6**

**REPORT TO THE PLANNING AND REGULATORY COMMITTEE**

**DATE OF MEETING: 15 NOVEMBER 2023**

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

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

**TOWN OR PARISH: Congresbury**

**OFFICER/MEMBER PRESENTING: HEAD OF PLANNING**

**KEY DECISION: NO**

**RECOMMENDATIONS**

Subject to:

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

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

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

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

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

### 1. SUMMARY OF REPORT

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

### 2. POLICY

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

### 3. DETAILS

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

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

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

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

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

#### Comments on reasons for refusal

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

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

#### Reason 1

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

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

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

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

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

### Reason 2

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

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

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

### Applicant's comments

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

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

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

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

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

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

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

#### Further information

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

#### Primary school capacity

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

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

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

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

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

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

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

#### Doctors' surgery

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

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

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

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

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

### Public transport

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

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

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

## **4. CONSULTATION**

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

## **5. FINANCIAL IMPLICATIONS**

The national Planning Guidance makes it clear that LPAs are at risk of an award of costs against them on appeal if they are deemed to have acted unreasonably.

## **6. EQUALITY IMPLICATIONS**

As set out in the Committee report in Annex 1.

## **7. CORPORATE IMPLICATIONS**

As set out in the previous Committee report in Annex 1.

## **8. OPTIONS CONSIDERED**

Planning applications can either be approved or refused.



**AUTHOR** Richard Kent. Head of Planning

**BACKGROUND PAPERS**

Planning and Regulatory Committee report 11<sup>th</sup> October 2023, update sheet and draft minutes.

The planning application can be viewed at [22/P/0459/OUT](#)

# ANNEX 1

## SECTION 1 – ITEM 6

**Application No:** 22/P/0459/OUT

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

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

**Applicant:** M7 Planning Limited and M7 SW LLP

**Target date:** 1.6.22

**Extended date:** TBC

**Case officers:** Neil Underhay/Anette De Klerk

**Parish/Ward:** Congresbury/Congresbury and Puxton

**Ward Councillors:** Councillor Dan Thomas

### **REFERRED BY COUNCILLOR THOMAS**

#### **Background**

The application was refused contrary to officer recommendation at the meeting on 11 October. As the resolution is contrary to the officer recommendation the application has to be brought back for the decision to be made.

#### **Summary of recommendation**

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

#### **The Site**

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

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

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

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

### **The Application**

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

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

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

### **Relevant Planning History**

The following are the most recent relevant applications:

**Year:** 2000

**Reference:** 00/P/0139/O

**Proposal:** Residential development of 25 dwellings

**Decision:** Withdrawn

**Year:** 1999

**Reference:** 99/P/1226

**Proposal:** Residential Development of 25 dwellings

**Decision:** Refused and appeal dismissed in April 2000

### **Policy Framework**

#### **The Development Plan**

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

The following policies are particularly relevant to this proposal:

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

The Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016) – Referred to as ‘DMP’

The following policies are particularly relevant to this proposal:

- DM1 Flooding and drainage
- DM2 Renewable and low carbon energy
- DM3 Conservation Areas
- DM4 Listed Buildings
- DM5 Historic Parks and Gardens
- DM6 Archaeology
- DM7 Non-designated heritage assets
- DM8 Nature Conservation
- DM9 Trees
- DM10 Landscape
- DM19 Green infrastructure
- DM24 Safety, traffic and provision of infrastructure etc associated with development
- DM25 Public rights of way, pedestrian and cycle access

DM26	Travel plans
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM40	Retirement accommodation and supported independent living for older and vulnerable people
DM42	Accessible and adaptable housing and housing space standards
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

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

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

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

The following policies are particularly relevant to this proposal:

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

**Other material policy guidance**

National Planning Policy Framework (NPPF) (2023)

The following sections are particularly relevant to this proposal:

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

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Travel Plans SPD (adopted February 2023)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)

### Emerging Local Plan

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

### Consultations

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

### Third parties

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

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

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

- The scale of housing conflicts with North Somerset Council policies CS14, CS32 and CS33. The proposal should therefore be refused as a matter of principle.
- The Congresbury Neighbourhood Development Plan allocates several sites for housing, in addition to housing allocations in the North Somerset Sites Allocations Plan. This site is not identified for housing, and it is not required for housing.
- The proposal would harm the characteristics and features of the 'J2: River Yeo Rolling Valley Farmland' Landscape Character Assessment Area,
- Both the views into and views out of the AONB will be affected,
- The development would destroy this unique character and the historic connection between the rural, open countryside and the historic farmstead and listed farm building.
- The proposal would result in the loss of an attractive green space, which is crossed by public footpaths and is well used by walkers due to its quiet and peaceful

ambience and its connection to the wider rural landscape, which is also accessed by a network of green paths.

- The site provides an important feeding and foraging habitat for bats, amphibians, reptiles, insects, and other wildlife, which cannot be mitigated by the proposed development. The proposal is contrary to policy CS4 of the North Somerset Core Strategy.
- The vehicles access points to serve the proposed development is substandard in terms of its width and geometry. The connecting access road also unable to satisfactorily cater for the level of additional traffic, due to their width, alignments, visibility, junctions, restricted usable width due to the volume of on-street parking, all of which would cause harm to road and pedestrian safety and convenience.
- The site is not in a sustainable location in terms of its connectivity to local services and facilities (particularly schools and healthcare facilities), and it would be over-reliant of vehicle access. Local bus services have also been reduced, with further cuts planned, making this site truly car reliant.
- The site is in Flood Zone 2 and close to areas that are in Flood Zone 3. The site is susceptible to localised flooding during sustained wet weather and it is not suitable for housing. Its development could also harm water quality, particularly local water courses, which would be detrimental to wildlife
- Local sewer infrastructure, particularly foul sewer systems, are outdated and have limited capacity, which could be overloaded by the extra demands placed on them.
- The site is Grade 2 agricultural land, which falls into the category of 'Best and Most Versatile' farmland. This makes it an important resource, which should be retained.
- A planning appeal for 25 dwellings was dismissed in 1999, due to its impact on landscape character and the setting of a Grade II Listed building at Park Farm. A much larger proposal can only exacerbate such harm.
- The construction and operational stages will give rise to noise, air and light pollution
- The immediacy of the proposed housing to neighbouring residents would cause overlooking and a loss of privacy, to the detriment of their living conditions.

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

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

Congresbury Parish Council

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

The Parish Council objects for the following reasons:

- The proposal on accounts of its scale and location outside the Congresbury Settlement Boundary conflicts with policies CS14 and CS32 of the North Somerset Core Strategy.
- The proposal conflicts with policies H1a of the Congresbury Neighbourhood Development Plan (CNDP) because it would exacerbate traffic impacts on the A370 / B3133 Smallway and A370 / B3133 High Street traffic junctions, which are already operating near to or over capacity. The Parish Council (PC) also has concerns about the impact of the proposal on the wider road network and certain junctions, and it considers the limited width of Mulberry Road, including pinch-points, roadside parking, the swept path analysis, is not suitable for the projected level of traffic that would arise from the proposed development.
- The proposed development is removing a large amenity green space that is connected to footpaths along the river and into the village. The plans will urbanise the east side of Congresbury. Residents of streets including Park Road, Dickenson's Grove, Cadbury and Bramley Square, Homefield and Brinsea Road will have further to walk to access our green and open spaces. This goes against the Congresbury vision to ensure sites are accessible to all. The PC objects to moving the public footpath that stretches across the field and is a very well used amenity by the village.
- The north-east corner of the site is in flood zone 3 and during peak rainfall, the field contain surface water as infiltration rates are poor, and water will need to be removed from site, without adding additional pressure on local water courses. The Parish Council considers the size of the attenuation pond would out of character (impact on Park Farm listed buildings) and gives rise to safety concerns given the nearby proposed revised public footpath. It also has concerns about the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.
- An appeal decision from 2000 (APP/D0121/A/99/1031669) for a 25-house development was dismissed. The appeal decision refers to the Park Farmhouse as a Grade II Listed building and that special regard is paid to the desirability of preserving the setting of the listed building. The construction of the proposed development and the means to it would visually and separate the farmhouse from the previously associated farmland and would thus have a harmful effect on the setting of the listed building. The Parish Council considers that if the development is permitted by North Somerset Council the green buffer outlined would not be adequate and as a minimum must be substantially increased to the top section of



the field adjacent to the historic Park Farm. In addition, landscaping must be provided to vision screen completely the development from the heritage asset.

- The bat surveys were undertaken in 2019/20 and further bat surveys should have been undertaken, as the site is in such a sensitive location for bats. Off-site bat mitigation is required, but the application does not include this. Other concerns including the impact on bats include methods to reduce light spill from the development, and insufficient information to demonstrate how dark corridors would be achieved.
- Concerns regarding the capacity of surface water and foul sewers to cater for the extra demands placed on it.
- The development should incorporate houses that are suitable for older people. Notwithstanding the applicant's intention to provide a mix of 1 to 4 bed dwellings, they expect a firmer commitment to this breakdown, which has not been provided. They also note a discrepancy in the proposed density of the development amongst the application documents and expect this to be clarified (CRAG below make the same comment).
- The regime to maintain the proposed children's play area, informal footpaths and public open space are not specified.
- There are misleading and inaccurate statements about the proposed housing density.

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

- Proposed development does not adhere to current planning policies of North Somerset Council and Congresbury Parish Council. The application fails Vision 6 of North Somerset Core Strategy for Service Villages Sites and Policy SC14. There is no evidence to support the need for development outside of the settlement boundary and site is not currently listed on the North Somerset Site allocation schedule. Proposals go against policies H1 (b) Sustainable Development and Location Principles, H2 (b) Sustainable Development Site Principles and Policy H3 Housing Allocations in the Congresbury Parish Council Neighbourhood Development Plan 2018-2036.
- Proposed development is out of character for the village and has an impact on the visual nature of the village boundary. Proposed buildings are at a too high density for a rural village, lacks proposals for bungalows and new proposals for 2.5 storey homes are out of character.
- Concerns raised regarding number of highway safety issues. The development poses a danger to those entering and exiting the site as access road is inadequate.

The pedestrian crossing on B3133 is inadequate. Increased traffic on the B3133 adding to issues at the junction on A370.

- The development will have an adverse impact on the ecology and environment. Protected Bat species and other wildlife including slowworms and possible otter habitats will be harmed. This loss of habitat for protected species means this is not a sustainable development.
- Proposal is inadequate in its design for drainage, flooding, wastewater and pollution prevention. There are issues with attenuation pond related to safety and visual impacts.
- Proposal would increase the urbanisation of a rural community and reduce the green space available to residents of Congresbury. Lead to reduced access to green and open spaces and the moving of the public footpath contrary to the 'Congresbury Neighbourhood Development Plan Community Action T2 (f) to maintain and wherever possible improve the network of public rights of way within the village.
- Concerns regarding the impact on heritage in this area. The green buffer outlined in the Heritage Statement would not be adequate and as a minimum must be substantially increased to the top section of the field adjacent to the historic Park Farm and landscaping must be provided to vision screen completely the development from the heritage asset.

### Congresbury Residents Action Group (CRAG)

The application should be refused on the following grounds:

1. Non-compliance with planning policies and creation of a planning precedent
2. Adverse impact on landscape
3. Adverse ecology consequences, particularly because it would result in the loss of a valuable bat habitat which cannot be replaced in the site, the so-called dark corridors in the site are unlikely to be achievable and inadequate information has been provided in respect of the off-site mitigation in terms of its location, biodiversity value and on-going management. No evidence is provided to show that a Habitat Regulations Assessment has been adopted by North Somerset Council.
4. North Somerset Council should be applying a Biodiversity Net Gain requirement of at least 10% if this application is to be approved.
5. The developer must take 'appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects' both during and after construction, and that they should have surveyed the habitat and undertaken a presence/absence survey; however, EAD Ecology's Ecological Impact Assessment (EIA) did not include otter surveys.
6. The applicant should be required to commit to measures to avoid and mitigate against otter disturbance, for example, providing fencing and funding for new otter

- holts, and new wet woodland / wetland creation as offsite mitigation in the immediate vicinity of the development site.
7. Flood risk and drainage issues
  8. Significant travel and transport issues, resulting in an unsafe and unsustainable development.
  9. Development on the site has been previously considered and dismissed in the 2000 housing appeal
  10. The local primary school is already at its capacity such that the proposal would result in pupils having to be transported out of Congresbury to other schools. This compounds the unsustainable nature of the proposal.
  11. The development goes against the landscape character of the area and is outside the village development boundary, but even without this, the net density of 51 units per hectare is too high for village fringe, and 2.5 storey houses at the outer village perimeter is unacceptable for the character of the area, push light higher which will add to light pollution and impact on bats, and may open up the field beyond to potential future development.
  12. The previous planning appeal to build up to 25 units was refused due to impacts on the countryside and heritage – this remains the same.

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

- Site only included in the Preferred Options consultation document because it was submitted by developer through the Local Plan 'calls for sites' process. At present time only the adopted Local Plan should determine decisions and weight should be given to policies CS32 and DM8. Site is not in an appropriate location for development.
- Revised access plan cannot be considered acceptable before the results of a Stage 1 RSA are published. Concerns regarding the lack of public transportation and sustainable transport in the area.
- Development would destroy site's Historic Landscape Characterisation.
- Questions the public benefit of the scheme as it does not 'outweigh the harm' it would do to a designated heritage asset. Enhanced screening would damage present surroundings of designated heritage asset.
- Site contains an archaeological Monument (MNS2254 in the North Somerset Council Historic Environment Record). The EIA and proposed development design do not recognise or propose to conserve/retain these important heritage features nor the historic right of way.
- Loss of established bat habitat in such a strategically important location for bats is unacceptable. Mitigation measures are insufficient and offsite mitigation not provided for the loss of grassland habitat or disturbance to range of species such as grass snake, slow worms and otters both during and after development work.
- Development of the proposed application site prior to the improvement of mitigation land is unacceptable. Any proposed improvements must be guaranteed to be in perpetuity. Proposed 'dark corridors' for bats not achievable due to lit pedestrian

routes and taller houses of 2.5 storeys spilling light. This impact has not been assessed in the HRA.

- Proposed offsite mitigation not adequate, unclear how site can be enhanced and its location within Flood Zone 3/flood water storage area indicated high probability of flooding
- Drainage issues should be addressed as part of planning application and not left for reserved matters, concerns remain regarding increased flood risk, lack of pollution prevention and sewage removal from site.

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

### Natural England

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

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

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

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

### Environment Agency

No objection providing that the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met and

subject to the conditions in the Recommendation below, included within the Decision Notice

### Wessex Water

The applicant proposes the surface water generated by the developed site will be attenuated on site within a detention basin with an outfall to local watercourse at a restricted rate of 9 litres/second. Where elements of this system are offered for adoption by Wessex Water the system must be in accordance with Sewerage Sector Guidance and the Design and Construction Guidance. If the application gains outline approval, Wessex Water expect to see SuDS components designed with multiple benefits included in future detailed applications (in line with Wessex Water's SuDS Adoption requirements).

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

Bristol Water: No objection.

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

### **Planning Issues**

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

#### **Issue 1: The principle of development**

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

Paragraphs (paras) 7 and 8 of the National Planning Policy Framework ('the NPPF') says the purpose of the planning system is to contribute to sustainable development, which has three overarching objectives: economic, social, and environmental. Para 9 says these objectives should be delivered through development plans and through policies in the NPPF. Para 11 says planning decisions should apply a presumption in favour of

sustainable development. Whether a development is sustainable, or not, should be judged against policies in the NPPF, taken as a whole.

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

Footnote 8 of the NPPF says the ‘most important’ policies will be treated as out-of-date where “the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer)”. A planning appeal decision in June 2022 for Farleigh Farm, Backwell concluded that the Council’s housing land supply was 3.5 years. This remains the most recent tested position. As a consequence, the most important policies are therefore deemed out-of-date, and have reduced weight in deciding this application.

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

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

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

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

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

## **Issue 2: Transport and Traffic**

Policies CS10 and DM24 support development that is safe, and which allows for a choice of travel modes, while DM25 promotes the protection and enhancement of public rights of

way. A Transport Assessment (TA) and Travel Plan (TP) has been provided with the application, in accordance with Policy DM26 (Travel Plans).

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

Pedestrian routes to these facilities are well-lit and adequately surfaced. The safety of more pedestrians crossing Brinsea Road to reach these facilities is, however, contingent on a new pedestrian crossing being provided in Brinsea Road and the developer would be required to meet the full costs of delivering this crossing. The exact location and type of crossing (either signal controlled or a zebra type) would need to be determined by the Council's planned traffic calming works in Brinsea Road.

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

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

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

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

- Sustainable Travel Vouchers at £150/dwelling.

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

One of the PRoW's crosses the site on a diagonal south-east to north-west alignment. The other is from north to south close to the east facing site boundary. The relationship of any new development to the public footpaths would be addressed at the reserved matters stage. Any proposal to divert a public footpath would require separate approval from a formal process that is separate to the planning application process.

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

### Issue 3: Flood Risk and drainage

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

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

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

- *The available government maps overestimate the flood risk extent that can be anticipated as a result of failure of Blagdon dam due to conservative assumptions used in the specification for the hydraulic modelling. It cannot be said that there is no reservoir flood risk to the development area but only a small fraction of the area could conceivably be affected.*
- *The annual probability of the risk occurring at the site is in the order of 1 in 100,000 which is not a societal risk normally considered as a constraint to housing development. Societal expectations of the government in keeping people safe from flooding does not usually extend to consideration of events of such low probability.*



- *There is a theoretical risk that the development could impose a requirement for safety improvements at Blagdon dam which would a matter for Bristol Water to consider. It is anticipated that the chance of the development materially affecting the safety management of the reservoir would be virtually nil given the existing high level of hazard posed by the reservoir and the very small additional hazard associated with the development.*

Bristol Water has raised no objection to the conclusion reached in the report. Whilst the Council's Flood Risk Management Team acknowledge that the risk of reservoir flooding is low, it is considered that a residual risk remains. The residual risk is present for the lifetime of the development i.e. 100 years and over that time the condition of the reservoir bank may deteriorate. The most practicable way to manage the risk is to make the properties potentially impacted resilient to flood risk. This can be addressed through a planning condition and at the reserved matters stage..

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

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

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

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

additional storage at the site's proposed pumping station to limit the impact on the downstream network. This matter can be controlled under a planning condition.

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

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

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

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

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

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

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

changed in that respect. They say this proposal, because it is a much larger scheme than the dismissed appeal, would have a more harmful impact on the appearance of the area.

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

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

The proposal would change the character and appearance of the site from a green rural edge to an extension of the built-up area. This will harm its character and appearance to some extent making it contrary to the referred planning policies. This harm should, however, be contextualised in that the site is not subject to statutory landscape designations and has a relatively low sensitivity in the wider landscape hierarchy. The level of landscape harm is, therefore, no greater than moderate overall, notwithstanding the local sensitivity to the proposed development. The site is too distant from the Mendip Hills AONB to have any more than a very low impact on views from it.

### **Issue 5: Ecology**

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

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

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

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

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

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

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

The application site is about 900 metres from the Kings Wood and Urchin Wood Site of Special Scientific Interest (SSSI). This is part of the North Somerset and Mendip Bats Special Area of Conservation (SAC) and is in an area known to be particularly important for foraging horseshoe bats. The site is also within consultation band A of the North Somerset and Mendip Bats SAC Guidance Supplementary Planning Document.

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

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

Management measures for the mitigation land include:

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

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

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

- The pond on site and further ponds / drainage channels identified off-site within 250m, provided suitable breeding habitat for amphibians, including great crested newt which is a legally protected Priority Species.
- Grass snake and slow worm were recorded on the site.
- The site provided suitable nesting and foraging habitat for common/widespread bird species, including dunnock.
- Unsuitable nesting habitat for a Schedule 1 bird species.
- Survey indicates dormouse were absent from the site.
- No badger setts were recorded within the site boundary.

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

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

### **Issue 6: Density, mix and tenure**

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

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

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

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

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

### **Issue 7: Heritage Assets**

A geophysical survey of the site in November 2020 indicated no evidence of structures or features of archaeological interest. Further analysis through trenching works should, however, be undertaken and the results issued, as this could have a bearing on a reserved matters application, particularly the layout of the development. This can be addressed through a planning condition.

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

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

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

Para 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be

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

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

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

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

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

## **Issue 8: Other matters**

### Impact of the development on the living conditions of near neighbours

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

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

### Agricultural Land Classification

Paragraph 174b of the NPPF says planning decisions should contribute to and enhance the natural environment by: "recognising... the economic and other benefits of the best and most versatile agricultural land..." About 80% the site is potentially Grade 2 agricultural land ('Very Good Quality') with the rest being Grade 3. Grade 3 agricultural land is divided

into sub-grades 3a (good quality) and 3b (moderate quality) respectively. It is not known whether the Grade 3 land is graded 3a or 3b, which is usually established by a combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land. The loss of Grade 2 agricultural land is a material consideration that weighs against the proposal but is not sufficient to warrant refusal of the application.

### Potential for Ground Contamination

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

### Trees

There are no Tree Preservation Order affecting the site and there are no adverse impacts on trees to warrant reasons for refusal. An arboricultural report would however be required as part of a reserved matters application, identifying how trees would be retained during development. Landscaping is a reserved matter and will be required to show all vegetation to be retained and new planting.

### Housing Design Requirements

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

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

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

The Council's Community Infrastructure Levy (CIL) which commenced in 2018, applies a standard charge which developers must comply with. This requires developers to pay towards the cost of infrastructure, the demand on which would be increased by the proposal. Money from CIL can be used towards the following: education; community and



leisure uses, green infrastructure, flood risk and drainage, transport and travel, and a range of other services including health services.

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

- Home to School Transport
- Public transport to provide support to local bus service(s) operating in the immediate community.
- Public transport contributions for bus-stop improvements
- Traffic Regulation Order (TRO) contribution for parking restrictions around site access road – should this be required.
- Strawberry Line signage improvement contribution
- Sustainable Travel Vouchers
- 30% of the dwellings to be as 'affordable housing' to be on site as part of the development. The applicant would have to demonstrate viability issues for the Council to consider a lower percentage
- Delivery of Neighbourhood Open Space, Woodland, and an equipped Play Area together with commuted maintenance sums
- Delivery of off-site Bat Mitigation land with a management / maintenance plan

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

### **The Crime and Disorder Act 1998**

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

### **Local Financial Considerations**

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

## Equalities assessment

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

## Conclusion and Planning Balance

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

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

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

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

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

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

agreement. This impact is given moderate weight and the opportunity to provide appropriate mitigation significant weight.

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

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

### **Recommendations**

Subject to

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

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

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

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

#### **Outline / Time Limits**

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

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

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

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

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

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

### **Approved Documents**

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

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

Planning Statement, January 2022  
Design & Access Statement Rev B, 12<sup>th</sup> December 2022  
Ecological Impact Assessment Report Ref: 210516\_P1031\_EclA\_Final1, May 2021  
Flood Risk Assessment & Drainage Strategy Project no. 20116 Rev 3, December 2020  
Reservoir Flood Risk Report by Mott and MacDonald dated 30 June 2023  
Technical Note: Response to ecological comments made by the Environment Agency, 9<sup>th</sup> August 2023  
Heritage Statement, November 2020.  
Statement of Community Involvement, January 2022  
Highways Report, June 2022  
Travel Plan, June 2022  
Landscape and Visual Impact Assessment - Baseline Study, November 2020  
Lighting Impact Assessment – Lighting Baseline, 21<sup>st</sup> April 2021  
Preliminary Risk Assessment (Phase 1 Desk Study) Report no. E05481-CLK-00-XX-RP-G-0001, 12<sup>th</sup> October 2020

Energy Statement, April 2021

EIA Screening Request, 27<sup>th</sup> May 2021

(Bristol Water) Asset Plan, 5<sup>th</sup> July 2023

Habitats Regulations Assessment: February 2023

Arboricultural Constraints Report Ref: D14 425 02 & Arboricultural Impact Assessment Ref: D14 425 P3, October 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

### **Construction Management Plan**

5. No phase or component of development shall be commenced, including demolition, ground works or vegetation clearance, until a Construction Environmental Management Plan (CEMP) for that phase of development / element has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (a) the location where site operatives and visitor vehicle parking shall take place on the site
  - (b) the location of the site compound for the loading, unloading and storage of plant and materials including waste materials, and temporary site offices.
  - (c) the routing of construction traffic within a 400 metres radius of the site including an existing condition survey of all highway infrastructure on those access routes in that radius
  - (d) the erection and maintenance of security hoarding
  - (e) the means to reduce mud and debris from the site being deposited on the road network, including details of road cleaning and/or wheel wash facilities
  - (f) measures to control the emission of dust and dirt during construction.
  - (g) measures to control noise from works on the site
  - (h) detailed measures including interceptors to prevent silt, fuel, chemicals, or other contaminants from entering the water environment, including storage and disposal facilities for contaminants during construction.
  - (i) managing complaints
  - (j) details of measures to avoid harm to protected species and their habitats during construction. This shall include the following:
    - i) Risk assessment of potentially damaging construction activities.
    - ii) Identification of “biodiversity protection zones” based on up-to-date survey information and pre-commencement surveys, where appropriate, for habitats and protected and notable species.
    - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
    - iv) The location and timings of sensitive works to avoid harm to biodiversity features.
    - v) The times during which construction when specialist ecologists need to be present on site to oversee works.
    - vi) Responsible persons and lines of communication.
    - vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
    - viii) Use of protective fences, exclusion barriers and warning signs if applicable.

- ix) Details of monitoring and remedial measures, including compliance reporting to the Local Planning Authority.

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

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

### **Access/Visibility Splays/Parking**

6. No dwelling shall be occupied until details of a car club scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, has been submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise (where applicable):
- The allocation of 1 car club parking space
  - The provision of 1 vehicle
  - Provision of car club membership for all eligible residents of the development for a minimum of three years
  - Promotion of the scheme
  - The duration of the scheme

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

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

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

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

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

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

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

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

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

### **Finished Levels**

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

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

### **Flood Prevention / Drainage**

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

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

13. No works to take place within the off-site habitat enhancement area until the 'Greater Horseshoe Bat Management Plan' has been submitted to, and approved in writing by, the LPA with consultation from the Environment Agency. The plan must follow the information outlined within the submitted Ecology Response Report dated 09 August 2023 (ref: 230809\_P1031\_Mulberry Rd\_Ecology Response Three\_Aug2023\_Final: August 2023).

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

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

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

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

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

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

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

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

16. No above ground works shall be commenced until details of appropriate flood resilience and resistance measures, together with a programme of implementation



and a programme of maintenance for the lifetime of the development, have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, such works shall be carried out in accordance with the approved details and programmes.

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

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

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

### **Landscaping and Trees**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Lighting**

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

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

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

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

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

## Ground Conditions

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

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

25. Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no phase or element of development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land relation to the intended use of the land after remediation. The development shall take place in accordance with the approved remediation scheme.
- Reason: To ensure that land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy.

## Archaeology

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

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in

accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

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

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

### **Renewable Energy**

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

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

### **Technical Housing Standards**

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

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

### **Accessible Homes**

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

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

**Permitted Development**

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

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

The planning application can be viewed at [22/P/0459/OUT](#)

## Appendix 1: Comments from Congresbury Parish Council

### 1.0 Congresbury Parish Council objections

Congresbury Parish Council objects to the full planning application 22/P/0459/OUT. The application for outline planning for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

Congresbury Parish Council recommends and expects North Somerset Council to refuse planning permission as this application would not adhere to North Somerset Council or Congresbury Parish Council policy and does not adhere to national policy. We expect North Somerset Council to demonstrate that it would not allow any development outside Congresbury settlement boundary until the Parish Council, representing the village decides it is the right time and the right place for development.

Congresbury Parish Council objects to this development according to the following issues.

**This development does not adhere to the following:**

- **North Somerset Core Strategy** – This development is against the policies and principles set out in North Somerset Core Strategy. The development has not got support of the local population, will not provide any long-term job opportunities, and will not protect the character of the community.

Vision 6 of North Somerset Core Strategy for Service Villages States that 'By 2026 the Service Villages will become thriving rural communities and a focal point for local housing needs, services, and community facilities. They will become more self-contained in terms of providing jobs and serving the local and surrounding community for all their day to day needs, whilst protecting their individual character'. The Parish Council fails to see how an additional 90 dwellings in this location will comply with this vision especially with regard to protecting the character of our village.

- **Settlement Boundary** – There is no evidence to support the need for development outside of the settlement boundary. North Somerset Council CS14 states that 'At service villages there will be opportunities for small scale development of an appropriate scale either within or abutting settlement boundaries or through site allocations. 'The proposed development cannot be described as a small-scale development and therefore the application must be dismissed.

The proposed site is not currently listed on the North Somerset Site allocation schedule. Although the Parish Council was shocked to see that the site has been added to Schedule 1 of the North Somerset Plan Preferred Options consultation document. It is expected that Congresbury residents will strongly oppose this listing during the public consultation phase of the Local Plan.

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

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

○ H1 (b) Sustainable Development and Location Principles

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

○ H2 (b) Sustainable Development Site Principles

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

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

○ Policy H3 Housing Allocations

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

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



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

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

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

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

- **Urbanisation of a rural community**

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

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

- **Flooding**

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

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

- **Heritage**

An appeal APP/D0121/A/99/1031669 for a proposed development by Bryant Homes Limited South-west was dismissed and planning permission refused in April 2000. Although planning policy has changed over the past 20 years, the Parish Council believes that several conclusions from the appeal decision are still relevant to this application.

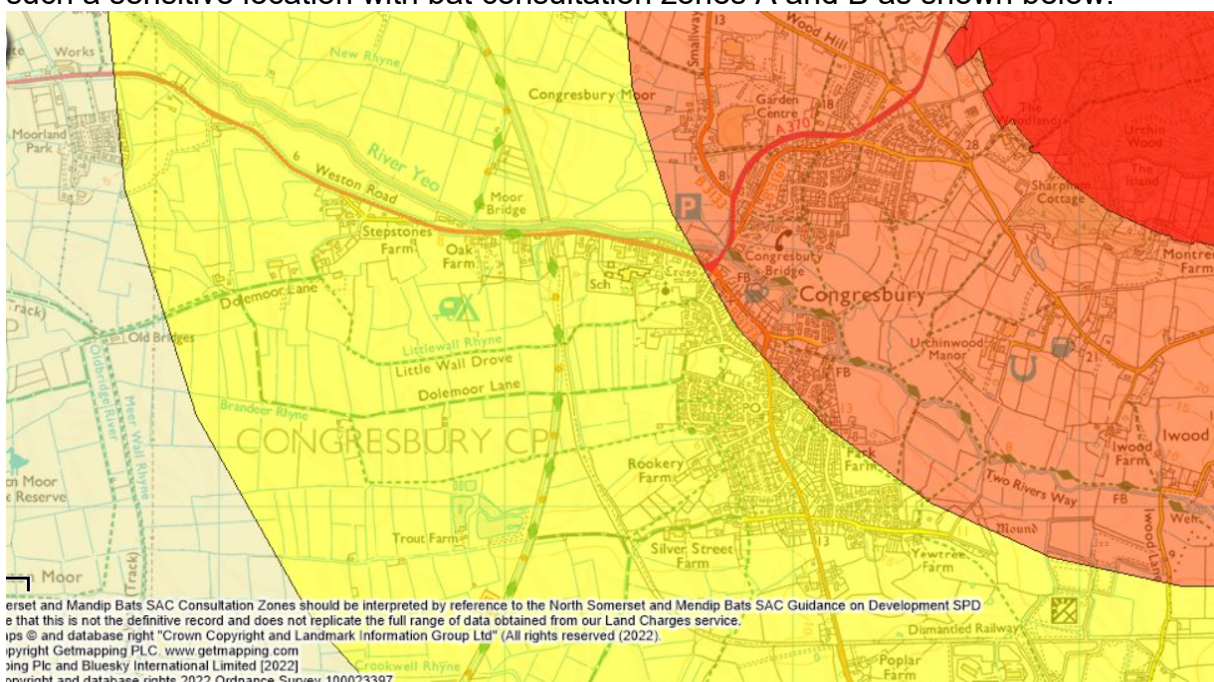
The appeal decision refers to the Park Farmhouse as a Grade II Listed building and that special regard is paid to the desirability of preserving the setting of the listed building. The construction of the proposed development and the means to it would visually and actually separate the farmhouse from the previously associated farmland and would thus have a harmful effect on the setting of the listed building.

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

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

- **Ecology**

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



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

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

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

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

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

- **Traffic**

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

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

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

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

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

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

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



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

The junctions and links feeding them being at: i) B3133 / Park Road, ii) B3133 / Venus Street, iii) A370 / B3133 High Street (Congresbury Cross), and iv) A370 / B3133 Smallway. 6.3.6

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

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

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

6.6.1 The absolute impact by junction being:

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

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

The Parish Council believes that this table is inaccurate as local knowledge would indicate that most vehicles would use the Venus Street junction to join the B3133 rather than attempt to negotiate the longer route of Park Road which again has lots of parked cars along the route. The figures in the table above should be switched for an accurate representation.

The Venus Street junction has very poor visibility with badly maintained verges and therefore the Parish Council would expect that as part of any development that a plan is put in place and funded by the Developer to improve this junction. This junction needs to be considered as part of the Road Safety Audit to outline the issues and recommend suitable provisions to ensure that vision both ways is improved.

- **Infrastructure**

Congresbury Parish Council would also request that further information is provided:

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

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

- **Misleading planning statement**

Congresbury Parish Council would like to highlight that M7 Planning Statement is inaccurate. Within this statement there are misleading statements:

- Including claims about the housing density (paragraph 3.14 states 30, while in the Design and Access Statement page 26 it is stated that the density will be up to 44 dph.
- Paragraph 4.4 indicates that the development is permitted within the Congresbury Neighbourhood Development Plan, but this is false. The development is not identified in the plan and goes against this legal document.

## 2.0 Final statement

Congresbury Parish Council objects to the full planning application 22/P/0459/OUT. The application for outline planning for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

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

Instead of working with the community as intended by the provision of our Neighbourhood Development Plan, the applicant has decided that the village needs these houses in this

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

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

## **ANNEX 2**

### **PLANNING AND REGULATORY COMMITTEE**

#### **UPDATE SHEET**

**11 OCTOBER 2023**

#### **Section 1**

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

#### **Additional Third Party comments**

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

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

#### **Updated transport information**

##### **Bus services**

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

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