

# PLANNING AND REGULATORY COMMITTEE

## UPDATE SHEET

15 November 2023

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### Section 1

#### Item 6 – 22/P/0459/OUT - Land North of Mulberry Road, Congresbury, BS49 5HD

#### **Additional information from the applicant**

The following further submission has been received from the applicant:

- The historic landscape and the setting of Park Farmhouse were assessed by a suitably qualified and competent expert. It is concluded that the surviving elements is of no more than local interest and that there is no evidence of any archaeological remains. Immediate setting of the Park Farmhouse has already been compromised by previous development.
- Landscape character - the site and surrounding river corridor landscape have no regional or national landscape designation and therefore the proposed development would only have a slight adverse impact on a very small part of the 'LCA J2 – River Yeo Rolling Valley Farmland'.
- Visual Impact - no significant changes to the visual experience from the majority of local footpaths within the local landscape with only a change to the visual experience from a 'short section' of the two footpaths that pass through the development site.
- Landscape features are to be incorporated into the proposal with no housing to be constructed within the 'ecological buffer' and the 're-directed' footpaths would continue within a natural corridor, lined with native species trees, grassland and boundary hedge.
- The proposed development is a continuation of the settlement edge to Congresbury without being a prominent feature in its own right.

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

An additional letter from CRAG has been received in response to the letter from the applicant referred to in the officer report. The principal planning points made are as follows:

- a settlement boundary is put in place to define the edge of a village and it is not for developers to determine how it should be adjusted and redrawn.
- the net density excluding public areas is about 44dph which is “a higher density than nearby housing”. This scale of development is completely unacceptable in this rural setting.
- there are significant and demonstrable impacts in this case that outweigh the benefits offered by housing development as proven by the dismissal of the previous appeal for the Park Farm site in 2000.
- the site is connected to the Congresbury Yeo, a Site of Nature Conservation Interest and part of the West of England Nature Partnership’s water strategic network. The site provides irreplaceable habitat for protected and threatened species and it is therefore not appropriate to apply the tilted balance.
- until independent assessments are available, it is questioned whether it is possible to accurately assess the ecological impact. The site provides irreplaceable habitat for protected and threatened species.

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- the Neighbourhood Plan has weight and seeks to protect the landscape and rural character. The development will have a destructive impact on the character of the village.
- the proposal is inappropriate to its setting. It is outside the village settlement boundary on ancient grazing land connected to a listed farmhouse.
- routing the public footpath through the middle of a housing estate will make it unpleasant for both walkers and residents as well as difficult to maintain.
- the site is part of a greatly valued landscape: it is an ancient grazing field, never ploughed, once a deer park and connected to the listed Park Farmhouse. It is the views from the site that matter most and these will be completely obscured by urban development
- there is evidence that the site floods and will be exacerbated by climate change and water table.
- In the planning appeal by Barratt Homes to build on land near to Silver Street in Congresbury (2015) it was acknowledged that the B3133/A370 junctions was close to capacity. Any resident will be able to give you a true account of the actual issues with congestion on this B road.
- the NHS currently has no commitment to developing a new medical centre to serve Congresbury and Yatton so the offer by the applicant is meaningless.

### Officer comments:

*Natural England and the Council's ecologist do not object to the proposals on biodiversity grounds. The mitigation land amounts to around 5ha of land and it is intended that the HRA will provide more details of the land and its future management for biodiversity objectives. This is a requirement of the proposed s106 agreement. The applicant has observed that the current policy position within the adopted Local Plan is to "avoid a net loss and deliver a net gain in biodiversity where possible" (Policy CS4 and DM8), but has stated that biodiversity net gain (BNG) will be achieved. This requirement is reinforced in Condition 22 and will be sought as part of the Greater Horseshoe Bat Management Plan on the mitigation land to be secured through a Section 106 agreement.*

*The applicants have confirmed that they do not intend to divert the Public Right of Way but even so any diversion can only be secured by procedures separate to the planning decision. Further, the parameter plans will not form part of the list of approved plans in recommended condition 4, if the application is approved. Detailed considerations (e.g. ecological buffers, the public right of way, setting of the listed building, living conditions of neighbours, movement around the site, preservation of views and landscape mitigation) will be addressed at the reserved matters stage. A change to the proposed recommendation is set out below to make clear the parameter plans are excluded.*

### Congresbury Parish Council

Comments on the letter from the applicant as follows:

- the applicant's letter reiterates previous inaccuracies
- the proposed development is contrary to the current Core Strategy and Neighbourhood Plan
- there would be adverse impact on wildlife and ecology, especially the bat population.
- The proposed development is removing a large amenity green space that is connected to footpaths along the river and into the village.

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- The proposals for flood mitigation include a raised attenuation pond that would be out of character for the landscape and have a visual impact on the listed buildings
- No details have been provided of sewage disposal.
- The draft local plan has no legal status and the site should be removed.
- The harm identified in the 2000 appeal decision would still be caused by this development.

#### Officer comments:

*These matters are addressed in the committee report. The attenuation pond will also form part of reserved matters and sufficient space will need to be allowed to ensure that natural bank gradients are incorporated with marginal planting, landscaping, and appropriate maintenance margins.*

**Additional Third-Party comments:** 8 additional letters of objection. Most raise similar points to those reported at the last meeting. Additional planning points made are as follows:

- Same reasons for refusal apply regardless of the reduction in dwelling numbers from 90 to 70.
- Site should not have been included in local plan given previous appeal decision.
- Lack of clarity regarding the maintenance and period of funding of the s106 planning obligations.
- Despite the offer of a financial contribution towards a doctors' surgery there is no support from Mendip Vale or NHS Estates for this.
- Wessex Water state that foul water drainage needs more appraisal and determination of risks before planning permission.
- Questions whether the Parish Council and local people were consulted when the "Independent Landscape Sensitivity Assessment" was carried out.
- Proof should be provided that there is a local housing need in Congresbury village and not from people outside of the area.
- The proposed mitigation for Horseshoe Bats is unsatisfactory – should be at least 10% net gains in respect of wildlife and should specify what happens after 30 years or in event that YACWAG cease to exist.
- Questions whether the width of the access junction is adequate to accommodate construction vehicles and furniture removal trucks.

#### Officer comments:

*The submitted Site Location Plan Rev A, 28th March 2022 correctly indicates the location of the application site. The final number of dwellings and layout will be dealt with under the reserved matters application. The Landscape Sensitivity Assessment (2018) was commissioned to support the work on the new Local Plan process and was published on the website. It was an independent consultant's technical evidence report and not subject to specific public consultation although all supporting documents are available for comment during consultation on the local plan.*

*Details of the s106 agreement will be part of a negotiation with the developer in compliance with the relevant SPD. This will include contingency arrangements for management of the mitigation land for biodiversity. Natural England has withdrawn its objection. Major developments in England will be*

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*required to deliver 10% BNG from January 2024 and this will only apply to new applications for planning permission made after the implementation date. The management and monitoring proposals for the off-site mitigation would be specified in a Greater Horseshoe Bat Management Plan, to be secured through the S106 agreement. Neither Wessex Water nor Natural England require any further change or information before planning permission is granted. Conditions 14-17 inclusive address flooding and drainage matters.*

### AMENDMENT TO RECOMMENDATION

#### Approved Documents

Condition 4 be amended to delete parameter plans which would not form part of the permission (documents to be omitted are struck through):

#### Amended condition 4

Delete the following plans from the list:

Masterplan December 2022 – V2  
Development Extent Parameter Plan December 2022  
Green Infrastructure Parameter Plan December 2022  
Density Parameter Plan December 2022  
Building Heights Parameter Plan December 2022  
Access & Movement Parameter Plan December 2022

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#### **Item 7 - 22/P/2105/FUL - Land Adjoining Coombe Farm, Sandford Road, Winscombe**

#### **Additional comments**

#### Update and clarification on Habitats Regulation Assessment (HRA)

The submitted shadow HRA states that the development needs to provide the equivalent of a minimum of 0.21ha of optimal additional replacement habitat for Greater Horseshoe Bats and an offsite area of a minimum of 0.17ha is required for Lesser Horseshoe Bats. Deficits in SAC horseshoe bat habitat provisions in accordance with the bat SPD constitute a likely significant effect on the SAC and must be accounted for. Therefore the Council is working with the applicant to seek details of offsite mitigation and to ensure that the deficit is accounted for. Once details of offsite HEP provisions are provided, an HRA can be produced. The Council can therefore not yet finally conclude that “individually or cumulatively with other developments in the area, the development is unlikely to have significant effects on the SAC.”

Furthermore, work is ongoing with the applicant regarding the BNG assessment of the site. There is a need to clarify the assessment of the baseline value of the habitats on site and further information is to be provided evidencing the current baseline which will inform appropriate offsetting requirements.

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### Section 2

#### Item 8 - 23/P/1828/LDP - Land Off, Abbots Leigh Road, Abbots Leigh

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

- The application does not have sufficient information to allow for determination. Information such as on-site parking, number of plots on-site and other activities that will take place on the site should be required.
- The proposed use involves works amounting to operational development, eg soil importation, cut and fill; access and marking out plots and constructing raised beds and cannot come forward without unlawful operational development.
- It can be concluded as a matter of fact and degree that the proposed allotments constitute a material change of use.
- The proposed use falls within leisure use rather than agriculture;
- Lack of information will result in unauthorized works or works that amount to operational development being completed to facilitate the allotments operation.
- The proposal will have an adverse impact on ecology, with the removal of a protected hedgerow and on the basis the site is within the buffer zone of an SSSI and other ecological designated areas.
- The proposed allotments does not comply with the legal definition of an allotment.
- The proposal does not comply with the criteria of the lease.
- Previous planning applications for allotments required a minimum number of parking spaces per. allotment plot.

##### Officer Comments

*The application must be considered on the basis of the information submitted by the applicant. As it is not a planning application conditions cannot be imposed. The application does not include anything further than the use as the site as an allotment. Compliance with the lease is a civil matter. The applicants has suggested that if other activities take place they would fall within permitted development rights for temporary use of a land by virtue of Town and Country Planning (General Permitted Development) Schedule 2, Part 4 , Class B – temporary use of land.*

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#### **Item 10 - 23/P/1062/FUL - Land North East Of Bow Cottage, Gatcombe Lane, Flax Bourton**

##### **Amended plans**

An amended landscape plan (drawing no. LP01B) has been submitted which shows planting alongside the perimeter of the horse arena and along the northern and southern boundaries of the application site.

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

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Two additional letters of objection have been received. The principal planning points made are as follows:

- The landscape scheme is inadequate and will not overcome harm to the rural character of the area
- The landscape scheme does not address loss of biodiversity.
- Reference is made to a 2008 appeal decision which included a horse arena in Wraxall where the Inspector in dismissing the appeal had concerns that the existing landscaping was limited and could not be guaranteed to remain.
- Nearby existing trees could ultimately fail and further reduce the limited screening they provide.
- The proposed development is based on an unlawful business at Gatcombe House.
- The development will result in 'previously developed land' which could lead to further development in the future.

Two additional letters of support have been received which welcome the arena as a training facility for disabled riders and say that the arena is visually acceptable and in keeping with the rural setting.

#### Officer comments:

*The planting scheme will involve a mix of tree and hedgerow planting to help soften and screen the arena so it will appear less obtrusive when viewed from outside the site as explained in the officer's report. The loss of habitat has been calculated by a qualified ecologist and this loss has been offset by a compensatory planting scheme within the adjoining field in the ownership of the applicant. Concern has been raised that plant whips will take a long time to become established. It is generally accepted that the smaller the plant the less transplant shock they suffer.*

*The appeal (Wraxall) referred to in the objection letters was primarily concerned with the permanent storage of trailers on the land. It was dismissed on the grounds that the storage of trailers was inappropriate development in the Green Belt. In the current application, the use of the small parking area is considered suitable for the use of the horse arena. The car park will not be used to store vehicles permanently and a condition will be attached to control this. Council records indicate that the keeping of horses has taken place for over 10 years and therefore could be immune from any enforcement action.*