

# **Pineapple Farm, Mulberry Road, Congresbury**

## **Planning Statement**

M7 Planning Limited and M7 SW LLP

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**LICHFIELDS**

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# Contents

|            |  |           |
|------------|--|-----------|
| <b>1.0</b> | <b>Introduction</b>  | <b>1</b>  |
|            | Report Structure   | 1         |
|            | Environmental Impact Assessment Considerations                                   | 1         |
| <b>2.0</b> | <b>Site Location and Surrounding Area</b>  | <b>2</b>  |
|            | Site Description   | 2         |
| <b>3.0</b> | <b>Proposed Development</b>  | <b>5</b>  |
|            | Land use   | 5         |
|            | Access and movement  | 5         |
|            | Green Infrastructure   | 5         |
| <b>4.0</b> | <b>Planning Policy Context</b>   | <b>7</b>  |
|            | North Somerset Council Adopted Core Strategy                                     | 7         |
|            | North Somerset Council Development Management Policies Sites and Policies Part 1 | 7         |
|            | Congresbury Neighbourhood Development Plan                                       | 8         |
|            | Supplementary Planning Documents (SPDs)  | 8         |
|            | National Planning Policy Framework   | 9         |
|            | Planning Practice Guidance (PPG)   | 9         |
| <b>5.0</b> | <b>Planning Policy Analysis</b>  | <b>11</b> |
|            | Can North Somerset Council demonstrate a 5-year land supply?                     | 11        |
|            | Is Congresbury a suitable location to accommodate housing growth?                | 13        |
|            | Does the proposal constitute sustainable development?                            | 14        |
|            | Can suitable access to the site be obtained?                                     | 16        |
|            | Other policy considerations  | 17        |
|            | Does the proposal conserve and enhance the natural environment?                  | 17        |
|            | Does the proposal conserve and enhance the historic environment?                 | 19        |
| <b>6.0</b> | <b>CIL and S106 Heads of Terms</b>   | <b>22</b> |
| <b>7.0</b> | <b>Conclusion</b>  | <b>23</b> |
|            | <b>Appendix 1: EIA Screening Request</b>   | <b>24</b> |
|            | <b>Appendix 2: Economic Benefits</b>   | <b>25</b> |

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## 1.0 Introduction

1.1 This Planning Statement has been prepared by Lichfields on behalf of M7 Planning Ltd and M7 SW LLP. The Planning Statement accompanies an outline planning application for the development of up to 90 homes with all matters reserved except for access for residential development at Pineapple Farm, Land off Mulberry Road, Congresbury.

1.2 This document assesses the planning considerations associated with the proposal and considers the development in the context of national and local planning policy and guidance. This Statement should be read in conjunction with the other documents that form part of the planning application:

- 1 Parameter plans including site location plan
- 2 Design and Access Statement
- 3 Statement of Community Involvement
- 4 Ecology Assessment
- 5 Landscape and Visual Impact Assessment
- 6 Flood Risk Assessment/Drainage Strategy
- 7 Transport Assessment including Access Arrangement
- 8 Travel Plan
- 9 Heritage Desk Based Assessment
- 10 Energy Statement
- 11 Tree Survey and Arboricultural Impact Assessment
- 12 Topographical Survey
- 13 Phase 1 Site Investigation

### Report Structure

1.3 The document is structured as follows:

- 1 Description of the site and the surrounding area (Chapter 2);
- 2 Details on the proposed development (Chapter 3);
- 3 A summary of the planning policy context (Chapter 4);
- 4 An appraisal of the main policy issues which relate to this proposal (Chapter 5);
- 5 A summary of the matters for discussion and potential inclusion within a section 106 agreement (Chapter 6);
- 6 A summary of the main conclusions (Chapter 7).

### Environmental Impact Assessment Considerations

1.4 Consideration has been given to the requirement or otherwise for an Environmental Impact Assessment (EIA) to be undertaken for the proposed development.

1.5 A formal request for an EIA Screening Opinion is enclosed at **Appendix A**. This concludes that the development is unlikely to give rise to significant effects on the environment, having regard to the relevant criteria listed in Schedule 3 of the EIA Regulations.

## 2.0 **Site Location and Surrounding Area**

- 2.1 The site lies adjacent to the settlement boundary of Congresbury and extends to approximately 3.3 hectares.
- 2.2 Congresbury is a built-up residential area located approximately 5 miles to the east of the M5 motorway which runs from Portishead in the north to Exeter in the south. The B3133 is the main vehicular route through Congresbury. The B3133 connects to the A370 in the north with subsequent links to the M5. The M5 provides strategic links with Birmingham and Bristol in the north and Exeter in the south.

### **Site Description**

- 2.3 The site is located on the eastern edge of Congresbury; on flat land above the adjacent River Yeo corridor which is enclosed by ridges to the north. The application site comprises agricultural land used for sheep grazing. The site is typical of the surrounding agricultural field pattern with mature and dense hedgerows delineating field boundaries.
- 2.4 The site area is regular in shape and slopes slightly from south west to north east. This minor topographical slope aids the flow of surface water drainage into the pond and ditch network at the north east corner of the site.
- 2.5 The surrounding area is characterised by residential dwellings as well as agricultural fields. The site's boundaries are described as follows:
- Northern Boundary – The site is bounded to the north by Park Farm and agricultural fields;
  - Eastern Boundary – The site is bounded to the east by agricultural fields;
  - Western Boundary – The site is bounded immediately to the west by the existing residential settlement of Congresbury;
  - Southern Boundary – The site is bounded to the immediate south by existing residential dwellings which front onto Mulberry Road.

### **Drainage**

- 2.6 The vast majority of the application site is located in Flood Zone 1, apart from a small section within Flood Zone 3 to the north east corner which includes a pond. A dry ditch runs parallel to the eastern hedgerow boundary and this will be used to attenuate and discharge the surface water drainage from the site. Land with Flood Zone 3 has been included in the application boundary for urban drainage purposes and as it presents the opportunity to create new wildlife habitats. No residential development or surface water flood attenuation is proposed within Flood Zone 3.

### **Site Access**

- 2.7 Full details of the accessibility of the site are provided within the Transport Assessment. In summary, vehicular access to the site is proposed via the redevelopment and widening of the existing lane to the south of the site which is accessed off Mulberry Road. Mulberry Road takes its access from Park Road, linking to Brinsea Road.
- 2.8 The proposed access comprises a 5.5m standard of road with an adjacent 2m footway on the western side of the road. There is proposed to be a pedestrian / cycle link from the north west corner of the site directly onto Park Road. 6m radii is proposed onto Mulberry Road, which is the typical urban standard where the access is not required to accommodate high levels of

commercial vehicles. The proposed access has acceptable Manual for Streets (MfS) compliant levels of visibility in both directions.

## **Ecology**

- 2.9 The application site comprises widespread habitats including poor semi-improved grassland, grazed by sheep, bordered by species-poor and species-rich hedgerows, some with trees. Scattered scrub and tall ruderals are also present around the site's boundaries.
- 2.10 The site has no statutory or non-statutory nature conservation designations, although it forms part of an area identified as the North Somerset and Mendips Bat Special Area of Conservation (SAC) Band A consultation zone. In order to mitigate the impact of the proposal upon the SAC, EAD ecology identifies a requirement for landscape buffers to be retained along the northern boundary of the site.
- 2.11 Ecological surveys have been undertaken to inform the outline planning application. Surveys for bat activity and bat roosting have been conducted in accordance with the North Somerset and Mendip Bats SAC Guidance on Development Version 2.1 (2019). At least seven bat species have been recorded including lesser and greater horseshoe. Several trees within the boundary of the site would be retained as these are suitable for roosting bats.

## **Trees**

- 2.12 The site boundaries are formed by a range of species rich and species poor trees and shrubs and gardens of adjoining properties. There are no Tree Preservation Orders on site.
- 2.13 Except for the boundary vegetation, the site does not contain any trees or vegetation of note that would preclude development.

## **Heritage**

- 2.14 The application site contains no above-ground Designated Heritage Assets and no known archaeology within the site.
- 2.15 A 1567 manorial survey of Congresbury indicates that the application site is considered to have been part of a park created within the Middle Ages, this park was associated with the freehold estate of Park Farm that lies to the north of the site. The research indicates that there is no evidence for any of the earthworks or heritage features associated with the park to be within the site.
- 2.16 A geophysical survey of the site was undertaken in November 2020 indicating that there is no evidence for structures or features of archaeological interest.
- 2.17 The nearest offsite heritage asset is Park Farmhouse (UID 1129233), a Grade II listed building which is located approximately 40m north of the site boundary.
- 2.18 Beyond the site there are three further Grade II listed assets:
- Collin's Bridge, over the River Yeo (150m north west);
  - Yeoman's Orchard (160m south); and
  - Pineapple Farmhouse (125m south).

## **Local Services and Facilities**

- 2.19 The site is located within walking distance (300m) to a wide range of existing services and facilities, including a convenience store, a bakery, a post office, a takeaway and a butcher (The

Precinct, Brinsea Rd). St Andrews C of E Primary School is located approximately 1km north west of the site. There are also additional services and facilities including a doctor's surgery, pharmacy, pubs/restaurants and hairdressers within 1km of the site.

- 2.20 The site is well located to a variety of amenities using public transport. The Brinsea Road (North and South bound) bus stop is located 400 metres from the site and is serviced by the A2. 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.
- 2.21 Additionally, Yatton is located within cycling distance which offers a wider range of services and facilities including Yatton railway station (approximately 3km).
- 2.22 The site presents strong sustainability credentials and is therefore considered to be sustainably located, meaning that the proposed scheme would contribute towards achieving sustainable development.



## 3.0 **Proposed Development**

3.1 The proposed description of development is as follows:

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

### **Land use**

3.2 The proposal is for up to 90 residential dwellings comprising a range of dwelling types developed on approximately 3.3ha of land. The proposed development also includes public open space and a children’s equipped play area.

3.3 The proposed development comprises a variety of house types and sizes ranging from 1, 2, 3- and 4-bedroom homes which will include homes that cater for first time buyers and the elderly. The definitive mix of the proposed dwellings will be determined at reserved matters stage.

3.4 Subject to s106 negotiations, the proposal will be providing policy compliant 30% affordable housing. Affordable housing will be integrated into the scheme layout using the same design principles as for the open market housing.

3.5 The affordable units are intended to be spread across the site, with no more than 6 units being sited together in accordance with the Councils’ SPD on affordable housing.

3.6 The affordable housing will include a mix of social rented, affordable rented and intermediate tenures.

### **Access and movement**

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

3.8 Vehicular access to the site will be provided from Mulberry Road in the form of a new priority junction. It is however envisaged that the vast majority of pedestrian movements will utilise the existing PROW connection to the north west of the site.

3.9 The vehicular access would comprise a standard 5.5m road with an adjoining shared space for pedestrian access.

3.10 The proposed visibility splays meet the typical urban standard and are compliant with the Manual for Streets, in both directions of travel.

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

### **Green Infrastructure**

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

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

### **Density**

3.14 The proposed development will incorporate medium densities. A density of less than 30 units per hectare are proposed for the development.

### **Scale**

3.15  
3.16 The proposal is for up to 90 residential dwellings up to 2 storeys in height informed by the findings of the local character assessment set out in the Design & Access Statement.

### **Design**

3.17  
3.18 The development will seek to incorporate a number of key design features as have been set out within the Illustrative Masterplan. Some of the key features include:

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

## 4.0 **Planning Policy Context**

4.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 The statutory development plan for the site comprises the Core Strategy (adopted 2017), Development Management Policies (Sites and Policies Part 1, adopted 2016), Site Allocations Plan (Sites and Policies Part 2, adopted 10 April 2018) and the Congresbury Neighbourhood Development Plan (made 2019).

4.3 The planning policy framework relevant to the determination of the planning application is as follows:

### **North Somerset Council Adopted Core Strategy**

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

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

- CS1 (Addressing climate change and carbon reduction);
- CS2 (Delivering sustainable design and construction);
- CS3 (Environmental impacts and flood risk assessment);
- CS4 (Nature Conservation);
- CS5 (Landscape and the historic environment);
- CS9 (Green Infrastructure);
- CS10 (Transportation and movement);
- CS11 (Parking);
- CS12 (Achieving high quality design and place-making);
- CS13: (Scale of new housing);
- CS14 (Distribution of new housing);
- CS15 (Mixed and balanced communities);
- CS16 (Affordable Housing);
- CS32 (Service Villages); and
- CS34 (Infrastructure delivery and development contributions).

### **North Somerset Council Development Management Policies Sites and Policies Part 1**

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

4.7 It is considered, that the following Development Management Policies are relevant to the determination of this application:

- DM1 (Flooding and drainage);
- DM2 (Renewable and low carbon energy)
- DM4 (Listed Buildings);
- DM6 (Archaeology);
- DM8 (Nature Conservation);
- DM9 (Trees and Woodlands);
- DM10 (Landscape);
- DM24 (Safety, traffic and provision of infrastructure, etc. associated with development);
- DM25 (Public rights of way, pedestrian and cycle access);
- DM26 (Travel Plans);
- DM28 (Parking Standards);
- DM32 (High quality design and place-making);
- DM34 (Housing type and mix);
- DM36 (Residential densities);
- DM37 (Residential development in existing residential areas)
- DM70 (Development Infrastructure); and
- DM71 (Development contributions, Community Infrastructure Levy and viability)

## **Congresbury Neighbourhood Development Plan**

- 4.8 The application site falls within the Congresbury Neighbourhood Development Plan (NP) area. The NP was made on 12 November 2019 and forms part of the statutory development plan.
- 4.9 The following Neighbourhood Development Plan Policies are relevant to the determination of this application:
- Policy H1 (Sustainable Development Location Principles)
  - Policy H2 (Sustainable Development Site Principles)
  - Policy EH4 (Landscape and Wildlife Preservation Measures)
  - Community Action T2 (Parking, Walking and Cycling Solutions)
  - Community Action F1 (Community Facilities)

## **Supplementary Planning Documents (SPDs)**

- 4.10 Adopted Supplementary Planning Documents (SPDs) are material planning considerations in the determination of planning applications, albeit they do not form part of the adopted development plan (Annex 2 NPPF). We consider the following SPDs relevant to the determination of this application.
- Affordable Housing SPD (2013);
  - Accessible Housing Needs Assessment SPD (2018);
  - Biodiversity and Trees SPD (2005);
  - Creating Sustainable Buildings and Places in North Somerset SPD (2021);
  - Development Contributions SPD (2016);

- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development SPD (2018);
- Parking Standards SPD (2013);
- Residential Design Guide SPD-section 1 (2013); and
- Travel Plans (2010).

## **National Planning Policy Framework**

4.11 The NPPF is a material consideration in the determination of this application. The most pertinent chapters of the document are:

- Chapter 2 (Achieving sustainable development);
- Chapter 5 (Delivering a sufficient supply of homes);
- Chapter 6 (Building a strong, competitive economy);
- Chapter 8 (Promoting healthy and safe communities);
- Chapter 9 (Promoting sustainable transport);
- Chapter 11 (Making effective use of land);
- Chapter 12 (Achieving well-designed places);
- Chapter 14 (Meeting the challenge of climate change);
- Chapter 15 (Conserving and enhancing the natural environment);
- Chapter 16 (Conserving and enhancing the historic environment);

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

4.12 Lichfields considers the following sections of the PPG relevant to the determination of this application:

- Flood risk and coastal change;
- Historic environment;
- Housing supply and delivery;
- Housing needs of different groups
- Open space, sports and recreation facilities, public rights of way and local green space;
- Planning obligations; and
- Use of planning conditions;

## **Key Policy Considerations**

4.13 A review of the policy framework has identified four key policy tests that need to be considered in determining the enclosed planning application.

4.14 The key policy tests are as follows:

- 1 Can NSC demonstrate a 5-year land supply?
- 2 Is Congresbury a suitable location to accommodate part of the increased housing need?
- 3 Does the proposal constitute sustainable development?
- 4 Have drainage and flooding matters been considered?

5 Can suitable access to the site be obtained?

4.15

Other policy considerations are as follows:

- Does the proposal conserve and enhance the natural environment?
- Does the proposal conserve and enhance the historic environment?

## 5.0 **Planning Policy Analysis**

### **Can North Somerset Council demonstrate a 5-year land supply?**

5.1 Paragraph 74 of the NPPF states:

*“... Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old...”*

5.2 The Council has published an interim Land Supply Statement with a base date of April 2021. This statement presents an ‘interim’ position as the Council transitions from using the housing requirement in the Core Strategy to Local Housing Need (informed by Standard Methodology) as the Strategic Polices in the adopted Core Strategy are more than 5 years old. We understand that pending engagement with landowners and developers of each site to confirm assumptions made in the ‘interim’ statement, a final land supply position statement will eb published.

5.3 The Interim Statement advises that eh standard method output of North Somerset is 1,339 homes per year. Applying a 20% buffer, the Interim Statement concludes that the five year land supply requirement stands at 8,034 dwellings, equivalent to 1,607 units per annum.

5.4 The above Interim Statement advises that the Council has a deliverable supply of 7,762 units for the period April 2021 – March 2026. Assuming that this figure is accurate, at face value it would equate to a **4.8 year** land supply.

### **Presumption in favour of sustainable development**

5.5 The presumption in favour of sustainable development is applicable in this case. NPPF states at paragraph 11:

*“Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:...*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; 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.”*

### **Most relevant policies out-of-date**

5.6 NPPF states at paragraph 11, footnote 8 that the policies which are most important for determining an application for housing should be considered out-of-date in “...situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74).”

5.7 As set out in the preceding section, we consider that North Somerset Council is unable to demonstrate a 5-year housing land supply.

- 5.8 In the *Paul Newman Homes v SoSCLG and Aylesbury Vale District Council* High Court Judgment (HCJ)<sup>1</sup>, the High Court concluded that the decision maker should identify the “*basket of relevant policies*” from the development plan that constitute the most important for determining the application, before then considering whether that basket, when viewed overall, is out-of-date. The fact that one or more of these is/are out-of-date is “*relevant but not necessarily determinative*” of whether the basket is itself out-of-date (paragraph 35).
- 5.9 The “*basket of relevant policies*” that are most important for determining this application are those that relate to development in the open countryside, based on the settlement boundary for Congresbury defined in the North Somerset Sites and Policies Plan (Part 2) Policies Map, as well as the definition of the settlement boundary itself.
- 5.10 Hence, the following policy requirements are considered to be out-of-date:
- 1 Core Strategy Policy CS1(1): Addressing climate change and carbon reduction  
Development should be focused “*in accordance with the settlement strategy set out in the Area Policies*”.
  - 2 Core Strategy Policy CS32: Service Villages  
“*Sites outside the settlement boundaries in excess of about 25 dwellings must be brought forward as allocations through Local Plans or Neighbourhood Plans*”.
  - 3 Sites and Policies Plan Part 2 (Site Allocations Plan) Policy SA2: Settlement boundaries  
Policy SA2 states: “*the settlement boundaries for the towns, service and infill villages are shown on the Policies Map.*”

### **Weight to be given to out-of-date policies**

- 5.11 The *Crane v SoSCLG and Harborough District Council* HCJ<sup>2</sup> set out that the weight to be given to out-of-date policies is not prescribed by NPPF<sup>3</sup> but that the decision maker is left to decide this weight as a matter of planning judgment. The HCJ states that this weight will vary according to the individual circumstances of the case, which will include, for example, the extent to which the policies actually fall short of providing for the required five-year supply. Hence, it is important to consider the significance of the shortfall, the reason for the shortfall, and the prospect of development coming forward in the short term to make up the shortfall.
- 5.12 The Council’s official land supply stands at 4.8 years. We consider that this figure is a best case scenario as a thorough critique of the land supply assumptions by the Council against the updated definition of ‘deliverable’ is likely to result in the overall assumed supply by the Council to reduce significantly. This undersupply reflects the dated nature of the adopted Core Strategy, which was the subject of a legal challenge and allocation of strategic sites that have proven challenging to bring forward in their entirety. The emerging Joint Spatial Plan which would have allowed major growth locations to be identified was recently abandoned at Examination and the emerging new Local Plan 2023-2038 is still at a very early stage and as such there is no immediate mechanism to address this substantial undersupply.
- 5.13 For these reasons, we consider that the out-of-date policies identified above can only be afforded very limited weight in the determination of this application.

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<sup>1</sup> *Paul Newman Homes v SoSCLG and Aylesbury Vale District Council*. 6 September 2019. EWHC 2367 (Admin).

<sup>2</sup> *Crane v SoSCLG and Harborough District Council*. 23 February 2015. EWHC 425 (Admin).

<sup>3</sup> Whilst this HCJ refers to the 2012 NPPF these principles are still considered to apply.



### **No reason for the presumption not to apply**

- 5.14 The proposed development does not fall within either of the two exceptions to the presumption in favour of sustainable development outlined in NPPF paragraph 11d (i and ii). This is explained in further detail below:
- 1 NPPF paragraph 11d(i) relates to Framework policies that protect “*areas or assets of particular importance*”, which are specified in footnote 6<sup>4</sup>. The proposed development does not fall within any of these criteria.
  - 2 NPPF paragraph 11d(ii) indicates that the presumption does not apply if the adverse impacts of the proposal “*would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*”
- 5.15 As demonstrated below, the proposed development will provide important benefits, and these will not be outweighed by any potential adverse impacts. Hence, the proposal is not excluded from the presumption on this basis.

### **Is Congresbury a suitable location to accommodate housing growth?**

- 5.16 Congresbury is designated in the Adopted Core Strategy as a Service Village. Vision 6 states:
- “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.”*
- 5.17 Core Policy CS14 encourages small scale development within or abutting settlement boundaries or through site allocations. Development outside of a service village location and of a larger scale will need to demonstrate that it constitutes sustainable development in accordance with Core Strategy policy CS32 (Service Villages).
- 5.18 The latest Residential Land Survey (April 2021) published by the Council advises that to achieve the Core Strategy housing requirement an average of 1,742 dwellings per annum would need to be delivered over the remaining 5-year plan period. During the first 15-year Core Strategy period (2006-2021) the average completions have stood at 818 dwellings per annum, which clearly demonstrates the step change that is required in delivery going forwards.
- 5.19 Significant growth is already directed towards the principal town of Weston-super-Mare as well as the second-tier towns of Clevedon, Nailsea and Portishead. These settlements are constrained from further significant expansion due to constraints such as the sea, the M5 motorway and the green belt. Supporting paragraph 3.196 of Core Strategy Policy CS14 (Distribution of new housing) states:
- “Clevedon and Portishead are both highly constrained by Green Belt and flood constraints, although there may be opportunities at Nailsea outside the Green Belt.”*
- 5.20 It is therefore logical to assume that in order to meet the adopted housing requirement figure additional sources of supply in addition to existing allocations need to be identified in the short to medium term. Service Villages such as Congresbury present a valuable opportunity to assist

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<sup>4</sup> NPPF footnote 7: “*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.*”

in meeting housing needs without presenting a departure from the thrust of the adopted Core Strategy.

- 5.21 The proposal site is of an appropriate scale within the context of Congresbury and presents a logical opportunity to deliver sustainable growth in an appropriate location.

### **Does the proposal constitute sustainable development?**

- 5.22 As demonstrated above, NSC does not have a 5-year land supply and therefore the enclosed application should be considered in the context of the presumption in favour of sustainable development (NPPF paragraph 11d).

- 5.23 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives that are interdependent and which need to be pursued in mutually supportive ways: economic objective, social objective and environmental objective.

### **Economic objective**

- 5.24 The development will provide significant economic benefits to the local community. These benefits include:

- 1 92 construction jobs for local people;
- 2 £190,000 in additional Council Tax payments to the council;
- 3 £495,000 in expenditure in the local area as new homeowners seek to personalise their new property; and
- 4 £2.0m in resident expenditure on weekly goods at local shops and businesses by the new residents;
- 5 Avoiding the risks of failing to meet the housing need.

- 5.25 An infographic which demonstrates the full Economic Benefits of the proposal can be found in **Appendix 2**.

### **Social objective**

- 5.26 The proposal will provide a good mix of housing through the delivery of up to 90 new 1, 2, 3 and 4-bedroom dwellings. 30% of the dwellings will be affordable in nature and will allow those not able to access market housing to benefit from a home. This is important in meeting Policies CS13, CS14, CS15 and CS16 of the Core Strategy and Policy DM34 of the Development Management Plan.

- 5.27 Congresbury is a sustainable settlement that benefits from a wide range of existing services and facilities within walking distance of the site (300m). The village local centre 'The Precinct' on Brinsea Road, approximately 300m from the site currently provides a general convenience store, a baker and sandwich shop, a butcher, a post office, and a fish and chip shop. There are also additional facilities including doctor's surgery, pharmacy, pubs/restaurants and hairdressers within 1km from the site to the north.

- 5.28 Congresbury also contains a primary school (St Andrews Church of England School) located 1km north-west of the site and leisure facilities in the form of tennis courts, a cricket pitch and a bowling lawn.

- 5.29 The site is well located to a variety of amenities using public transport. The Brinsea Road (North and South bound) bus stop is located 400 metres from the site and is serviced by the A2, local service. The X1 Weston Super Mare to Bristol Bus Station service stops at Station Road (approximately 1.4km walking distance), with services every 15 minutes during the day.

Additionally, the site is within cycle distance to the centre of Yatton with a wider range of facilities including Yatton railway station (approximately 2.5 miles). Further details can be found in the Transport Assessment.

5.30 The site is located adjacent to the eastern periphery of Congresbury and is therefore in a good position to create sustainable links with the village. The two existing public rights of way (PROW) which cross the site will be improved and retained providing valuable pedestrian connections to the local street network and surrounding amenities. The PROW also provides walking connections to the wider countryside adjoining the site to the east.

5.31 The site therefore echoes the NPPF sustainable development principles, along with the Sustainable Development Location Principles of Policy H1 within the Congresbury Neighbourhood Development Plan (NP). Likewise, the proposed development is aligned with the sustainable development principles sought under Policy H2 of the NP.

### **Environmental objective**

5.32 Due to the limited nature conservation value of the site there are few potential impacts associated with the proposed development. Further details are addressed within paragraphs 5.55 - 5.73.

5.33 It is clear from the above analysis that the proposed development responds positively to all three objectives which underpin the planning system in so far as delivering sustainable development.

### **Have flood risk issues been considered?**

5.34 Responding to flooding matters requires a multi-faceted approach – locating the right development in the right place whilst also ensuring that it does not increase the risk of flooding within the site or elsewhere.

5.35 Policy CS3 of the Adopted Core Strategy states that development in zones 2 and 3 of the Environmental Agency Flood Map will only be permitted where it is demonstrated that it complies with the sequential test set out in the NPPF and associated technical guidance.

5.36 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

5.37 The vast majority of the planning application site is located outside of a high flood risk area within Flood Zone 1 (low probability of flooding having a less than 1 in 1,000 annual probability of fluvial or tidal flooding). The planning application boundary includes a small area of standing water in the north east corner which is located in Flood Zone 3 (having a less than 1 in 100 annual probability of fluvial flooding or 1 in 200 probability of tidal flooding); this area will not be developed and will form part of the open space. All built development will be located within flood zone 1 in accordance with NPPF sequential approach.

5.38 The site-specific FRA submitted as part of the enclosed planning application has been produced in accordance with the requirements of NPPF, Planning Practice Guidance, and EA advice notes. This demonstrates that that the proposed homes will be flood-free for the 100-year (+ CC) and 1000-year events and that safe routes of access and egress can be provided. It can be concluded that in terms of flood risk the proposed development is acceptable.

## **Surface water drainage**

- 5.39 The Flood and Water Management Act 2010 (Schedule 3) establishes Sustainable Drainage Approval Body (SAB) in County Councils and requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards.
- 5.40 In accordance with Development Management Policy 1 (Flooding and drainage), in developing the site, the following will be integrated into the proposals:
- A dry ditch/watercourse runs parallel to the eastern hedgerow boundary. This this will be used to discharge the surface water drainage from the site.
  - A detention basin is proposed in the north east corner of the site where the volume of water attenuated and discharged to Greenfield runoff rates of 9 l/s. A small swale is proposed to convey surface water the existing dry ditch/watercourse. This swale will improve the water quality by assisting in the removal of contaminants prior to outfall to the existing watercourse.
  - It is the applicant's intention to offer the detention basin and the associated swale to Wessex Water (in accordance with DCG) or a management company for adoption purposes and future ongoing maintenance.
- 5.41 The illustrative masterplan has also taken into consideration that all development and attenuation features will be located outside of Flood Zone 3.

## **Foul drainage**

- 5.42 In order to meet the foul drainage requirements of the proposed development the installation of a new pumping station is proposed. The new pumping station will be located to the north east of the development from where it will discharge to the existing foul sewer network, likely to be in Mulberry Road, which is owned and operated by Wessex Water.

## **Can suitable access to the site be obtained?**

- 5.43 Policy CS10 of the Adopted Core Strategy states that travel management policies and development proposals that encourage an improved and integrated transport network and allow for a wide choice of modes of transport as a means of access to jobs, homes, services and facilities will be encouraged and supported.
- 5.44 Of note, Policy DM25 (Public rights of way, pedestrian and cycle access) promotes the protection and enhancement of public rights of way and how new developments can enhance these strategic multi user routes.
- 5.45 Policy DM24 (Safety, traffic and provision of infrastructure, etc. associated with development) promotes development that would not prejudice highway safety. Paragraph 110(b) of NPPF states that safe and suitable access to a site should be achieved for all people.
- 5.46 A standalone Transport Assessment (TA) and Travel Plan (TP) has been prepared by Mark Baker in respect of the proposed development and forms part of the planning application, in accordance with Policy DM26 (Travel Plans). This sets out full details on access and transport matters. An overall summary on vehicular and pedestrian access is set out below.

## **Vehicular Access**

- 5.47 Vehicular access to the site is proposed via the redevelopment of the existing agricultural access to the south of the site which is accessed off Mulberry Road. Mulberry Road takes its access from Park Road, linking to Brinsea Road.

- 5.48 This vehicular access is a standard 5.5m width which allows for bi-directional vehicle travel. The design of the vehicular access via a priority junction onto Mulberry Road incorporates appropriate levels of visibility splays for both vehicles and pedestrians. The junction design and construction will conform to both Manual for Streets and NSC guidance with a 6m width and appropriate visibility splay in both directions (see drawing 10173/200 Rev D).
- 5.49 The Transport Assessment makes it clear that a safe and suitable access to the site can be obtained. The enclosed TA concludes that in the context of NPPF paragraphs 110 to 112 that at any of the junctions, or any link at any junction expressed as being of specific concern would continue to operate with minimal additional impact, queuing or delays. There is not by any reasonable interpretation a severe impact of the proposal, and none that does warrant any detailed operational assessments
- 5.50 It is envisaged that the internal highway network would take the form of a primary spine road leading to a number of shared space areas and cul-de-sacs in the form of lanes and shared space driveways.
- 5.51 Whilst parking is a matter to be agreed at reserved matters stage, it is envisaged that a range of different parking typologies will be utilised, including on plot parking, on-street parking and an overlooked parking court. Electrical vehicle charging points will also be included on-site.

### **Pedestrian and cycle access**

- 5.52 The proposed development would create safe and suitable connections with Congresbury, particularly through the PROW where the vast majority of pedestrian and cycle movements are envisaged to take place.
- 5.53 A segregated 2m wide pedestrian footpath is proposed along the western side of the access into the site.
- 5.54 The internal pedestrian network of the proposed development will be designed to connect the proposal to the open space/ play area which connects to the existing PROW. The enhancement and retainment of the PROW (in accordance with Policy DM25) will provide pedestrian connections to the local street network and surrounding amenities, along with walking connections to the wider countryside adjoining the site to the east.

### **Other policy considerations**

#### **Does the proposal conserve and enhance the natural environment?**

##### **Ecology**

- 5.55 Policy CS4 of the Adopted Core Strategy states that the biodiversity of NSC will be maintained and enhanced by:
- “Seeking to ensure that new development is designed to maximise benefits to biodiversity, incorporating, safeguarding and enhancing natural habitats and features and adding to them where possible, particularly network of habitats.”*
- 5.56 DM8 (Nature Conservation) identifies the appropriate mitigation measures to safeguard or enhance ecological attributes within the area. The Policy identifies the importance of proposal which are located within the North Somerset and Mendip Bats SAC consultation area to identify their potential impact on the SAC, and to incorporate *“appropriate mitigation measures through site design and lighting strategies.”*

- 5.57 The Ecological Impact Assessment submitted as part of the application identifies several opportunities to ensure that the ecological qualities of the site and surrounding area are protected and enhanced. The development will retain key features within the site to create 'green corridors' which will provide foraging routes and connectivity between the habitat features within the site.
- 5.58 Protective measures have been proposed such as mitigating construction lighting through the submission of a Construction Ecological Management Plan (CECoMP) which will be appended to the Construction Environmental Management Plan (CEMP). A lighting plan will also be submitted prior to the commencement of development, to ensure that foraging routes and habitats are not adversely impacted by light spill.
- 5.59 To mitigate the minor, residual loss of habitat for foraging bats, off-site habitat enhancement and creation measures will be proposed. This can either be proposed under the control of the applicant, or via a financial contribution to the LPA.
- 5.60 The 'offset' would be wholly located within Consultation Zone A. This will be conditioned and secured prior to the commencement of development. As the scheme is proposed in outline, the amount of land required to offset this loss of habitat is not definitive, however it is anticipated that approximately 1.75ha of land would be needed based on the maximum quantum of development.
- 5.61 Other features are also proposed, which include the retention of suitable habitats for amphibians and by incorporating habitat features into the scheme such as bird boxes and bat boxes within some of the buildings proposed.
- 5.62 As recognised by the Ecological Impact Assessment, the proposed development will not give rise to any significant, adverse residual impacts. Likewise, there are several opportunities for the developer to implement enhancements both on and off site which will be incorporated into the proposed development as far as practicable.

## **Trees**

- 5.63 Policy DM9 (Trees and Woodlands) deals specifically with trees and woodland and seeks to retain, protect and enhance existing trees and woodland in development proposals, where possible.
- 5.64 Biodiversity and Trees SPD (2005) states that an applicant of a development proposals will be expected to:
- *Undertake a tree survey in accordance with BS 5837:2005 Trees in Relation to Construction Recommendations.*
  - *Provide layout drawings which show the position of the trees and other landscape features, existing and finished site levels; services and sight lines.*
  - *Provide an arboricultural method statement for works that may affect trees, which should include the type of construction and positioning of protective fencing on a Tree Protection Plan and any other techniques to minimise damage, such as details of 'no dig' paved surfaces, site compounds and any arboricultural works.*
  - *Provide an Arboricultural Implication Study on more complex sites*
- 5.65 A tree survey has been carried out by JP Associates in accordance with BS5837:2012. The survey identified the quality and value of existing trees on site, allowing decisions to be made as to the retention or removal of trees in the case of any development.

- 5.66 The site boundaries are formed by a range of species rich and species poor trees and shrubs and gardens of adjoining properties. There are no Tree Preservation Orders on site.
- 5.67 Except for the boundary vegetation, the site does not contain any trees or vegetation of note that would preclude development.

### **Landscape**

- 5.68 Policy CS5 states that
- “The character, distinctiveness, diversity and quality of North Somerset’s landscape and townscape will be protected and enhanced by the careful, sensitive management and design of development.”*
- 5.69 Policy DM10 (Landscape) is also relevant. The Policy reiterates the importance of protecting and enhancing the distinct qualities of the North Somerset landscape by permitting development which will carefully integrate within the surrounding area, by respecting the local character.
- 5.70 Chapter 15 of the NPPF is also an important consideration as it states that the planning system should contribute to conserving and enhancing the natural and local environment.
- 5.71 The application site is not located within any designated landscape for its scenic quality or beauty.
- 5.72 A Landscape and Visual Impact Assessment (LVIA) has been undertaken by Steele Landscape Design for the proposed development. The assessment for the site indicates that the site is not within any designated landscape for its scenic quality or beauty.
- 5.73 The site is located on the eastern edge of Congresbury; on flat land above the adjacent River Yeo corridor which is enclosed by ridges to the north. The application site comprises agricultural land used for sheep grazing, this is typical of the surrounding agricultural field patterns with mature and dense hedgerows within the area. The site area slopes slightly from south west to north east. This minor topographical slope aids the flow of surface water drainage into the pond and ditch network at the north east corner of the site.
- 5.74 North Somerset Council’s Landscape Sensitivity Assessment (2018) categorises the site’s distinctive landscape character type as ‘J2 – River Yeo Rolling Valley Farmland’. The Landscape Sensitivity Assessment has also determined the following for the site; “Point 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.”
- 5.75 The southern, western, and north-western boundaries of the application site abut existing residential development. The northern, eastern and north eastern boundaries abut agricultural fields. Due to the site’s location being adjacent to existing residential developments within the Congresbury area, the proposal would be perceived to be a continuation of the eastern edge of Congresbury, infilling the ‘gap’ between Park Farm and the residential properties of Mulberry Road. As such, the proposal would integrate reasonably well with the local landscape and is not an immediate and obvious feature within views from the wider surrounds.

### **Does the proposal conserve and enhance the historic environment?**

- 5.76 Policy CS5 of the Adopted Core Strategy states that:

*“The Council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as conservation areas, listed buildings, buildings of local significance, scheduled monuments, other archaeological sites, registered and other historic parks and gardens.”*

5.77 Development Management Policy 4 (Listed Buildings) recognises the importance of protecting listed buildings and their settings. Furthermore, Development Management Policy DM6 (Archaeology) sets out that development proposals will be expected to safeguard unidentified heritage assets.

5.78 Paragraph 194 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

5.79 Annex 2: Glossary of the NPPF defines a Heritage Asset as:

*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”*

5.80 The application site contains no above-ground Designated Heritage Assets and no known archaeology within the site supported by a geophysical survey. Further historic details associated with the site are identified within the sub headings below.

### **Archaeology**

5.81 Initial historical research has been undertaken by Andrew Josephs Associates. A 1567 manorial survey of Congresbury indicates that the application site is considered to have been part of a park created within the Middle Ages, this park was associated with the freehold estate of Park Farm that lies to the north of the site. The initial research indicates that there is no evidence for any of the earthworks or heritage features associated with the park to be within the site. The geophysical survey of the site carried out in November 2020 concludes that site appears to have always had an agricultural use with no evidence for structures or features of archaeological interest.

### **Listed Buildings & Non-Designated Heritage Assets**

5.82 There are no Listed Buildings within the site. The nearest offsite heritage asset is Park Farmhouse (UID 1129233), a Grade II listed building which is located approximately 40m north of the site boundary.

5.83 The application site is located within the wider setting and therefore the proposed development is likely to have an impact upon the setting and significance of Park Farmhouse.

5.84 The above potential impact on the significance of Park Farmhouse can however be mitigated through sensitive design and detailed landscaping at the reserved matters stage which would result in less than substantial harm to the significance of this heritage asset.

5.85 The setting of the listed building has also been considered within the site layout through the proposal of an ecological buffer between the listed Park Farmhouse and the proposed development (situated alongside the northern boundary).

5.86 Beyond the site are three further Grade II listed assets:



- Collin's Bridge, over the River Yeo (150m north west);
- Yeoman's Orchard (160m south); and
- Pineapple Farmhouse (125m south).

5.87 Given the distances between the proposed development site and the above heritage assets, it is considered that the proposal will not lead to any harm to these heritage assets.

### **Conservation Area**

5.88 The site is not located in a conservation area and has no intervisibility with the Congresbury Conservation Area 325m to the north of the site.

### **Scheduled Ancient Monuments**

5.89 There are no scheduled ancient monuments on the site or in close proximity to the site.

## 6.0 CIL and S106 Heads of Terms

- 6.1 The policy requirements for planning obligations are set out in the North Somerset Core Strategy (adopted January 2017) and detailed in the Council’s Development Contributions SPD (January 2016), and North Somerset Council’s Community Infrastructure Levy (CIL) Charging Schedule that took effect in January 2018.
- 6.2 Core Strategy Policy CS34 (Infrastructure delivery and development contributions) states that development proposals will be expected to provide a contribution towards the cost of infrastructure. It states:
- “Contributions will be collected through Section 106 agreements and/or through a Community Infrastructure Levy once a Charging Schedule is in place...*
- Once the Charging Schedule is in place, S106 Agreements will continue to be used for site specific costs and affordable housing.”*
- 6.3 The North Somerset CIL Charging Schedule indicates that the proposed residential development is liable for CIL and is located in Zone C: Rest of District and on a site not designated as a Strategic Development Area. The CIL tariff will therefore be based on a rate of £80 per sqm<sup>5</sup>.
- 6.4 The Development Contributions SPD (January 2016) states at paragraphs 31 and 32 that planning obligations may be required from any development proposal *“if and when there is evidence that mitigation measures are needed”*.
- 6.5 It is essential, that in accordance with section 122 of the CIL Regulations (as amended) that came into effect on 6 April 2011 that s106 obligations are:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 6.6 Financial contributions and or obligations are envisaged in the form of s106 obligations for the following Heads of Terms:
- 1 Affordable housing
  - 2 Arrangements relating to the maintenance and management of open space
  - 3 Transport and travel
  - 4 Education

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<sup>5</sup> The CIL Charging Schedule states:

*“The amount of CIL payable (known as the “chargeable amount”) is calculated by multiplying the net increase in Gross Internal Area (GIA) (m<sup>2</sup>) by the relevant CIL rate (£/m<sup>2</sup>) as set out in the Charging Schedule, index linked for inflation using the Royal Institution of Chartered Surveyors’ All-in Tender Price Index figures for the year in which this Charging Schedule took effect and the year in which the planning permission was granted. “*

## 7.0 Conclusion

- 7.1 This Planning Statement accompanies the outline planning application for the proposed development of up to 90 residential dwellings on land to the immediate east of Congresbury beyond the existing settlement boundary.
- 7.2 The Council's latest 5-year housing land supply position statement (April 2021) confirms a deficiency at 4.8 years. The most recent NSC 'Residential Land Survey' dated April 2021 indicates that the total number of completions within the plan period stands at 12,273 (April 2006 – March 2021). This leaves a residual 8,712 dwellings to deliver over the remaining five years to fulfil the adopted housing requirement. The emerging new Local Plan is at a very early stage and there is no immediate mechanism to address the shortfall.
- 7.3 NSC does not have a 5-year land supply and therefore the enclosed application should be considered in the context of the presumption in favour of sustainable development (NPPF paragraph 11d).
- 7.4 The application site is in a sustainable location for development. The site has clear synergies with Congresbury with easy access to local services and facilities.
- 7.5 There are no technical issues that would preclude the development of the application site coming forward.
- 7.6 The development of this site will provide a range of benefits including:
- Up to 90 new homes that cater for the housing needs of different groups in North Somerset, including first time buyers and the elderly;
  - 30% Policy compliant affordable housing;
  - Assisting NSC in meeting its increased housing needs and demonstrating a 5-year housing land supply; and
  - Delivery of a new children's play area, informal footpaths and public open space.
- 7.7 It is clear that the application is sustainable and that any adverse impacts are outweighed by the benefits of the development when assessed against the policies of NPPF. Planning permission should therefore be granted.

# **Appendix 1: EIA Screening Request**

# Appendix 2: Economic Benefits





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