

PLANNING AND REGULATORY COMMITTEE**UPDATE SHEET****15 November 2023****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.
- 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.
- 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 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 Pla, 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