Land north of Mulberry Road, Congresbury

Statement of Common Ground

M7 Planning Limited and M7 SW LLP

16 August 2024

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1.0 Introduction

1.1 The Statement of Common Ground (SOCG) has been prepared in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 as amended by the Town and Country Planning (Hearings and Inquiries Procedures) (England) (amendment) Rules 2009 (2009 SI 445) and guidance set out in PINS: Procedural Guidance: Planning Appeals – England (May 2024). It follows the format set out in the Procedural Guidance.

1.2 It has been prepared in respect of appeal against the refusal of outline planning permission by North Somerset Council (NSC) for the proposed development of up to 70 dwellings at Land North of Mulberry Road, Congresbury (LPA Reference: 22/P/0459/OUT).

1.3 NSC resolved to refuse outline planning permission for the proposed development at the meeting of the Planning Committee on 15 November 2023. The Decision Notice, issued on the 21 November 2023, cited four reasons for refusal (see Core Documents).

Scope of the Document

1.4 This statement is prepared jointly on behalf of the Appellant (M7 Planning Limited and M7 SW LLP) and NSC. Its purpose is to set out agreed key factual background information to assist the Inspector and to avoid duplication.

Signed


.....(Lichfields, on behalf of M7 Planning Limited and M7 SW LLP)


North Somerset Council)

Appeal Reference

1.5 The appeal reference is APP/D0121/W/24/3344142.

Site Address

1.6 Land North Of Mulberry Road, Congresbury, BS49 5HD

Agreed Description of Development

1.7 The full description of development as set out on the decision notice is as follows:

"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."

2.0 Site Location

The Site and Surroundings

2.1 The site lies immediately to the north and east of the settlement boundary of the Service Village of Congresbury and extends to approximately 3.3 hectares.

2.2 Congresbury is a 'Service Village' with a population of 3,724 people[1], located approximately 5 miles to the east of the M5 motorway. The B3133 (Brinsea Road) is the main vehicular route through Congresbury. It connects to the A370 in the north with subsequent links to the M5.

2.3 The application site is located adjacent to the eastern edge of Congresbury. It comprises a single agricultural field that slopes from 13.9m AOD from the south west corner to 7.84 AOD in the north east.

2.4 The site is typical of the surrounding agricultural field pattern that gently slopes down towards the River Yeo located c130m to the north of the site and c200m to the east. Mature and generally dense hedgerows and wet ditches with ponds delineate field boundaries.

2.5 The surrounding area is characterised by residential dwellings within the settlement and agricultural fields beyond. The site's boundaries are described as follows:

1 **Northern Boundary** – The site is bounded to the north by a hedgerow closest to the settlement, the stone wall adjoining Park Farm and a hedge in combination with a wet ditch at the end furthest from the settlement. To the north of the site boundary are agricultural fields;

2 **Eastern Boundary** – The site is bounded to the east by a hedgerow. Public right of way AX16/29/10 runs along the inside of the eastern boundary. To the east are agricultural fields;

3 **Western Boundary** – The site is bounded immediately to the west by the rear gardens to a row of semi-detached 20th century 2 storey dwellings, fronting Park Road, that have 2nd floor windows at eaves height. These dwellings form the existing built form of Congresbury. The boundary features to these rear gardens are generally defined by a combination of garden hedges and fences; and,

4 **Southern Boundary**– The western side of this edge to the site is bounded to the immediate south by the rear gardens, defined by hedges, of existing 20th century houses which front onto Mulberry Road. The eastern section of this boundary is an agricultural hedge that forms the rear garden boundaries to the recently developed two-storey dwellings on Potter's View sited on more elevated land. These dwellings themselves are taller than the older style houses backing onto the site.

Drainage

2.6 The majority of the application site is located in Flood Zone 1, apart from a small section (extending to c0.5% of the site) within fluvial Flood Zone 3a and risk of reservoir flooding

[1] Census Data 2021 (Comprises Lower Super Output Area E01014764 (North Somerset 014A) and E01014765 (North Somerset 014B))

(wet and dry day) to the north east corner, which includes a pond. A dry ditch runs parallel to the eastern hedgerow boundary.

2.7 This area located within Flood Zone 3a is proposed not to form part of the developable area and is to be used as public open space only. The flood attenuation areas proposed are outside of Flood Zone 3a. All residential development proposed is located in Flood Zone 1.

Access

2.8 A farm track provides access into the site from Mulberry Road. Public right of way AX16/8/30 (footpath) runs diagonally through the site from the north west corner to the south east corner. Public right of way AX16/29/10 runs along the eastern boundary.

Figure 2.1 Map showing alignment of PROW

Source: https://map.n-somerset.gov.uk/dande.html

2.9 Public right of way AX16/8/30 connects through to Park Road, a residential road with footway on both sides of the street.

Ecology

2.10 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 its boundaries.

2.11 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 addition, the River Yeo, which is approximately 140m to the north east of the site, is a Site of Nature Conservation Interest (SNCI).

2.12 Ecological surveys were 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.

Trees

2.13 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 trees within the site itself.

2.14 There are no Tree Preservation Orders on or immediately adjacent to the site.

Heritage

2.15 The application site contains no Designated Heritage Assets and there is no known archaeology within the site.

2.16 Section 5 of the Heritage Statement (andrewjo1-409961) discusses the Geophysical Survey of the site. Paragraph 5.6 of the Heritage Statement states that there is no evidence for structures or features of archaeological interest.

2.17 The nearest designated heritage asset is Park Farmhouse (UID 1129233), a Grade II listed building which is located approximately 40m north of the site boundary.

2.18 The earliest fabric of the farmhouse may have originated as a park lodge, with the presence of a park in this area known from documentary sources of the 14th and 16th centuries, and its extent indicated by the placename and fieldname evidence. No park pale or other man-made boundary features are extant.

Local Facilities and Services

2.19 The site is located within walking distance (300m) to existing services and facilities in the Precinct, Brinsea Road. Pavements are present along the route to these facilities. The precinct includes:

1 Welcome Convenience Store;

2 Cottage Loaf Bakery & Sandwich;

3 Hodders Family Butchers;

4 Post Office;

5 Oldfields Fish & Chip Shop; and,

6 Dream Doors Kitchen Shop.

2.20 Adjacent to the precinct is Tincknell Town & Country Store which is a large country store selling a range of goods including clothing & footwear, home & kitchenware and children's toys.

2.21 There are also additional services and facilities including a primary school, pharmacy, pubs/restaurants and hairdressers within Congresbury. These are detailed in Table 2.1:

Table 2.1 Services and Facilities in Congresbury

Facility/Service	Location	Distance from site (m)
Playground	The Causeway	645
The Plough Public House	High Street	685
Congresbury Bowling Club	Mill Leg	700
Congresbury Sports Club	Stonewell Drive	735
Broadstone Playing Fields	Drove Road	810
Methodist Church	High Street	855
The Old Inn	Paul’s Causeway	875

Memorial Hall	High Street	890
The Congresbury Arms	High Street	950
Emzz Pizza & Kebab	Broad Street	980
Day Lewis Pharmacy	Broad Street	995
Café	Broad Street	990
Broad Street Hair & Beauty	Broad Street	1,000
Bus Stop (Eastbound)	Station Road	1,055
Bus Stop (Westbound)	Station Road	1,070
Ziggy's Deli	Broad Street	1005
St Andrew's Church	Church Drive	1035
Coventry Building Society	Station Road	1050
Beyond the Fridge (hair salon)	Station Road	1060
Premier Convenience Store & ATM	Station Road	1065
Library	Station Road	1160
St Andrews Church of England Primary School	Church Drive	1,260
Congresbury Community Pre School	Church Drive	1,260
Cadbury Garden Centre	Smallway	1,665
Tesco Express & ATM	Bristol Road	1,560
Shop n Drive Store & ATM	Weston Road	1,915

Source: Ashley Helme Associates Ltd– Distances measured via existing/proposed pedestrian infrastructure and Lichfields research

2.22 The nearest bus stop is located at Station Road and this is served by the following public services:

Table 2.2 Table of Bus services

Service	Route	Frequency (Mon-Sat)
X1	Weston-Bristol	20 min
X5	Weston-Portishead	12 trips (9 trips on Sat)
A3	Weston-Bristol Airport	60 min

Source: Ashley Helme Associates Ltd

2.23 In addition, the B1 Congresbury to Montpelier School service runs from this stop once in the morning, with a return journey in the afternoon. This service is only available to students that attend the school.

2.24 In the event the appeal is allowed the appellant has agreed to provide a financial contribution of £100,000 over four years to pay towards improving the bandwidth of existing bus services by increasing the peak vehicle requirement. It is further agreed that the appellant will provide a total of £40,000 to upgrade two bus stops.

2.25 The service village of Yatton is located within cycling distance which offers additional services and facilities including Yatton railway station (approximately 4km from the proposed development site). The villages of Claverham, Langford and Churchill are also within 5km of the site, providing an opportunity to cycle to facilities within these settlements including Churchill Academy and Sixth Form, Bristol Veterinary School and

employment locations such as Mendip Spring Golf Club and Hotel, Monaghan Mushrooms, Urchinwood Manor Riding and Event Centre, Garden Park Hewish Garden Centre and Hilton South Bristol. The Strawberry Line (traffic free cycle route) provides a link to Yatton, Winscombe and Sandford. In the event the appeal is allowed the appellant will provide a contribution of £1000 to improve signage of the Strawberry Line to the west of the appeal site.

2.26 It is agreed that Yatton Railway Station is located circa 4km northeast of the appeal site, with services running to Nailsea and Backwell, Weston-super-Mare, Cardiff Central, Taunton, Tiverton Parkway, Bristol Temple Meads, Exeter St Davids and London Paddington.

2.27 The travel plan included within the appeal documents (1814/2, June 2022) is agreed in principle. In the event the appeal is allowed the appellant will provide a contribution of £150 per dwelling to promote sustainable transport choices.

3.0 Appeal proposal

3.1 This Section sets out the agreed factual information regarding the appeal proposals, noting that this is an outline scheme with all matters reserved save for the point of access. The RMA process will address a number of matters, such as detailed design. As per the Inspector's Case Management Conference note the decision will not be based on the parameter and illustrative layout plans. The below commentary on the parameter plans (paragraphs 3.2 – 3.13) is provided by the appellant. It is not agreed by the Council because approval of these details are not being sought through the appeal.

Land Use Parameter Plan (MR50001)

3.2 The proposal is for up to 70 residential dwellings comprising a range of dwelling types and sizes including 1, 2, 3- and 4-bedroom homes. The specific mix of the proposed dwellings will be determined at reserved matters stage.

3.3 The proposal will provide 30% affordable housing in accordance with the requirements of the adopted development plan. In the event the appeal is allowed this will be secured through a S106 agreement. Affordable housing will be integrated into the scheme layout using the same design principles as for the open market housing.

3.4 The affordable units are intended to be spread across the site, with no more than six units being sited together in accordance with the Councils' SPD on affordable housing. The affordable housing will include a mix of social rented, affordable rented and intermediate tenures.

3.5 The proposed development also includes public open space and a children's equipped play area. The area for residential development is limited to 2ha.

Access and Movement Parameter Plan (MR50001)

3.6 The proposed development layout has been designed with 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.

3.7 Vehicular access to the site will be provided from Mulberry Road in the form of a new priority junction. This would comprise a standard 5.5m road with an adjoining shared space for pedestrian access. The proposed visibility splays meet Manual for Streets stopping distance, in both directions of travel, based on the recorded 85%ile speeds of Mulberry Road. It is envisaged that the majority of pedestrian movements will utilise the existing PROW (AX16/8/30) connection to the north west of the site which links through to Park Road, a residential road with footway on both sides of the street.

3.8 Parking is a matter to be agreed at reserved matters stage. Electric vehicle charging points will be included on-site.

3.9 The PROW running diagonally through the site will be retained in situ. A revised illustrative masterplan is submitted with this appeal [MR50001/1100 Rev A – Revised Sketch Layout] to demonstrate how this is achieved.

Green Infrastructure Parameter Plan (MR50001)

3.10 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 will provide an additional means of accessing the existing services and facilities in the surrounding area by pedestrians and cyclists.

3.11 The existing trees and hedges forming the site boundary are to be retained. 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 Parameter Plan (MR50001)

3.12 The proposed density of development across the planning application area is 21.27 dwelling per hectares.

Scale (Building Heights – MR50001 Rev A June 2024)

3.13 The proposal is for up to 70 residential dwellings and up to 2.5 storeys in height within the body of the proposed development and 2 storeys on the edge.

Environmental Impact Assessment

3.14 Both parties agree that the proposal does not constitute EIA development requiring the preparation of an Environment Statement.

3.15 The applicant submitted a screening request on 27 May 2021.

3.16 The committee report concluded that the proposal is below the thresholds at which EIA Screening is required and that the proposal is not 'EIA' development.

4.0 List of plans that informed the Council's decision

4.1 The appellant and NSC agree that the documents listed below are those which NSC made its decision.

Table 4.1 Documents that NSC made their decision upon

Document	Reference	Version	Date
Site Location Plan	MR50001_1000	Rev A	28.03.22
Topographical Survey Drawing	A980/11216/1	Rev A	October 2019
Framework Plan	MR50001	V2	December 2022
Proposed Access Arrangements: Option 1	1814/01	Rev A	October 2022
Offset Site Location (Location of the proposed off-site bat mitigation)	22.02.23	-	22.02.23
Planning Statement	20588840v2	V2	January 2022
Design & Access Statement	-	Rev B	12.12.22
Ecological Impact Assessment Report	210516_P1031_EcIA_Final1	-	May 2021
Flood Risk Assessment & Drainage Strategy	20116	Rev 3	December 2020
Reservoir Flood Risk Report	100381628GX01	-	30.06.23
Technical Note: Response to ecological comments made by the Environment Agency	230809_P1031_Mulberry Rd_Ecology Response Three_Aug 2023_Final: August 2023	-	09.08.23
Heritage Statement	Andrewjo1-409961	-	November 2020
Statement of Community Involvement	20588592v1	V1	January 2022
Highways Report	1814/1	-	June 2022
Travel Plan	1814/2	-	June 2022
Landscape and Visual Impact Assessment - Baseline Study	011_110 LVIA	-	November 2020
Lighting Impact Assessment – Lighting Baseline	4206	0.1	21.04.21
Preliminary Risk Assessment (Phase 1 Desk Study)	E05481-CLK-00-XXRP-G-0001	S2 P01	12.10.20
Energy Statement	-	-	April 2021
EIA Screening Request			27.05.21
(Bristol Water) Asset Plan			05.07.23
Habitats Regulations Assessment* *Please note this was a LPA document and does not appear on the LPA online register. It has not been provided to the appellant and should be supplied by the LPA.	-		February 2023

Document	Reference	Version	Date
Arboricultural Information including Arboricultural Constraints Report and Arboricultural Impact Assessment	D14 425 02 D14 425 P3	- P3	October 2020

Source: NSC Committee Report November 15 2023

4.2 The plans before the LPA for determination were:

1. Site Location Plan (MR50001_1000 – Rev A)
2. Topographical Survey Drawing (A980/11216/1 – Rev A)
3. Framework Plan (MR50001 V2)
4. Proposed Access Arrangements: Option 1 (1814/01 Rev A)
5. Offset Site Location (Location of the proposed off-site bat mitigation) (22.02.23).

5.0 List of any new plans not previously seen or consulted on by the local planning authority

5.1 It was agreed during the determination of the application that the PROW running diagonally through the site would be retained in situ. A revised illustrative masterplan is submitted with this appeal (MR50001/1100 Rev A– Revised Sketch Layout) to demonstrate how this could be achieved. This is in line with the judgement in Holborn Studios Ltd v The Council of the London Borough of Hackney (2018), which refined the "Wheatcroft principles" set out in Bernard Wheatcroft v Secretary of State for the Environment (1982). The illustrative sketch layout would not form part of the approved drawings package in any case should the appeal be allowed and is therefore not a substantive change.

5.2 A drafting error on the key of the 'Building Heights Parameter Plan' was identified on 27 June 2024. The parameter plan erroneously restricted building heights to 2 storeys within the body of the proposed development and up to 2.5 storeys on the edge. Whilst this plan did not inform the Council's determination, the key has been corrected such that the maximum height of development proposed is restricted to 2.5 storeys within the body of the proposed development and up to 2 storeys on the edge.

Table 5.1 List of any new plans not previously seen or consulted on by the local planning authority

Document	Reference	Version	Date
Revised Sketch Layout	MR50001/1100	Rev A	Nov 2022
Building Heights Parameter Plan	MR50001	Rev A	June 2024

Source: Lichfields

5.3 The above amended plans have been shared with PINS and the Local Planning Authority.

6.0 Relevant planning history

6.1 The following planning history relates to the site itself:

Table 6.1

Reference	Description	Decision	Date of Decision
99/1226	Outline application for residential development of up to 25 units and associated open space and means of access	Refused	N/A (non determination)
00/P/0139/O	Residential development of up to 25 units and associated open space and means of access. NB: This is a re-submission of application 99/1226	Withdrawn	01/08/00
T/APP/D0121 /A/99/ 1031669/P7	Appeal in relation to 99/1226	Dismissed	28/04/00
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. **[note this is application to which the current appeal relates]**	Refused	21/11/23

Source: NSC Online Planning Register

6.2 The timetable for application 22/P/0459/OUT was as follows:

- 22 February 2022 - Planning application submitted;
- 2 March 2022 - Planning application validated;
- 11 October 2023 - Recommended for approval within committee report;
- 11 October 2023 - To committee– resolution to refuse contrary to officers' recommendation;
- 15 November 2023 - Back to committee – refused subject to four reasons for refusal.

7.0 List of the most important development plan policies for determining the application, focussing in particular on those recited in the reasons for refusal

7.1 The statutory development plan for the site comprises the North Somerset Core Strategy (adopted 2017), North Somerset 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).

National Planning Policy Framework

7.2 The National Planning Policy Framework (NPPF) is a material consideration for planning applications and is therefore relevant to the determination of the appeal. It was updated on 20 December 2023.

In terms of the most important policies for the determination of the appeal they are as follows:

North Somerset Core Strategy 2006-2026 (adopted April 2012; remitted policies adopted January 2017)

1 CS13 (Scale of New Housing);

2 CS14 (Distribution of New Housing);

3 CS32 (Service Villages);

4 CS5 (Landscape & Historic Environment) and,

5 CS25 (Children, young people and higher education)

6 CS26 (Ensuring safe and healthy communities)

Sites and Policies Plan Part 1 (Development Management Policies) (adopted July 2016)

1 DM10 (Landscape);

2 DM4 (Listed buildings); and,

3 DM25: (Public rights of way, pedestrian and cycle access)

Sites and Policies Plan Part 2 (Site Allocations Plan) (adopted April 2018)

1 SA2 (Settlement Boundaries).

Congresbury Neighbourhood Plan (made 2019)

1 H1 (Sustainable Development Location Principles);

2 H2 (Sustainable Development Site Principles);

3 H3 (Housing Allocations); and,

4 EH4 (Landscape and Wildlife Preservation Measures).

8.0 Other relevant planning policy/guidance/material considerations

North Somerset Core Strategy 2006-2026

1 CS1 (Addressing climate change and carbon reduction);

2 CS2 (Delivering sustainable design and construction);

3 CS3 (Environmental impacts and flood risk management);

4 CS4 (Nature Conservation);

5 CS9 (Green Infrastructure);

6 CS10 (Transportation and movement);

7 CS11 (Parking);

8 CS12 (Achieving high quality design and place-making);

9 CS15 (Mixed and balanced communities);

10 CS16 (Affordable Housing);

11 CS34 (Infrastructure delivery and development contributions).

Development Management Policies (Sites and Policies Part 1)

1 DM1 (Flooding and drainage);

2 DM2 (Renewable and low carbon energy)

3 DM6 (Archaeology);

4 DM7 (Non-designated heritage assets)

5 DM8 (Nature conservation);

6 DM9 (Trees and Woodlands);

7 DM19 (Green infrastructure)

8 DM24 (Safety, traffic and provision of infrastructure, etc. associated with development);

9 DM26 (Travel Plans);

10 DM28 (Parking Standards);

11 DM32 (High quality design and place-making);

12 DM34 (Housing type and mix);

13 DM36 (Residential densities);

14 DM37 (Residential development in existing residential areas)

15 DM70 (Development Infrastructure); and,

16 DM71 (Development contributions, Community Infrastructure Levy and viability)

Supplementary planning documents

1. Biodiversity SPD (adopted 2024)
2. Affordable housing SPD (adopted 2013)
3. Creating sustainable buildings and places SPD (adopted 2021)
4. Landscape character assessment SPD (adopted 2018)
5. North Somerset and Mendip Bats SAC guidance SPD (adopted 2018)
6. Development contributions SPD (adopted 2016)

National Planning Policy Guidance

Emerging North Somerset Local Plan 2039

9.0 Areas of agreement and disagreement

Areas of Agreement

Core Strategy

9.1 Policy CS13 is not compliant with the NPPF as it is not based on an up-to-date SHMA.

9.2 Policy CS13 was not reviewed and replaced by 2018 as per the policy, the supporting text to Policy CS13 and the Inspector's report into the re-examination of remitted policy CS13.

Sites and Policies Part 1: Development Management Policies

9.3 The appeal site is within the Greater Horseshoe Bats Habitat Location: North Somerset & Mendip Bats.

Sites and Policies Part 2: Site Allocation

9.4 The site is not allocated for residential development.

9.5 The site is outside the defined settlement boundary.

9.6 The site is not within a green belt, strategic gap or local green space.

Congresbury Neighbourhood Development Plan

9.7 The site is within the Congresbury Neighbourhood Plan area.

9.8 The site is not allocated for residential development.

9.9 The site is not within the Congresbury NP Area of High Landscape Sensitivity.

9.10 The site is not allocated as a Local Green Space.

Housing Land Supply

9.11 Should it be confirmed that NSC cannot demonstrate a housing land supply (see separate Housing Land Supply SoCG) in line with the NPPF then it is agreed that the housing policies would be deemed out of date.

Transport and Access

9.12 It is agreed that the final Highways Report (HR) and Travel Plan (TP) documents submitted with the planning application are:

- i HR – ref 1814/1, June 2022
- ii TP – ref 1814/2, June 2022

9.13 In addition, the following Designers Response (DR) report was prepared following a Stage 1 Road Safety Audit of the access proposals and off-site highway works:

- i DR – ref 1814/3/A, January 2023.

9.14 The HR report adopts the following study junctions:

REF	JUNCTION	CONTROL
SJ1	Site/Mulberry Road	Priority
SJ2	B3133 Brinsea Road/Venus Street	Priority
SJ3	B3133 Brinsea Road/Park Road	Priority
SJ4	A370 Station Road/B3133 Brinsea Road	Traffic signals
SJ5	A370/B3133 Smallway	Traffic signals

9.15 It is agreed that the study junctions considered in the HR report represent an appropriate extent of the local highway network to examine the traffic impact of the proposed development.

9.16 Traffic data, trip generation rates, % distribution figure and junction modelling are all agreed.

9.17 It is agreed that the times when the traffic that would be generated by the appeal proposal if allowed is greatest on weekday AM and PM peak hours. The expected increase in traffic, including AM and PM peak flows, would operate within the road and junction capacities and without any significant adverse impacts on road safety. It is agreed that there would not be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe (NPPF para 115).

9.18 The appeal proposals seek approval for the site access arrangements. These arrangements are shown on drawing number 1814/01/A.

9.19 It is agreed that the new entrance point into the site, subject to the provision of the agreed visibility splays, has been assessed as safe for pedestrians, cyclists and motorists.

9.20 It is agreed that the following off-site highway works would need to be delivered through a S278 agreement and undertaken in the event the appeal were allowed:

i Drawing number 1814/01/A – Proposed appeal site access

ii Drawing number 1814/04/A – Proposed zebra or puffin crossing on Brinsea Road (exact location to be agreed with the Local Highway Authority).

9.21 It is agreed that the site is within an acceptable and practical walking distance of local services and facilities in Congresbury.

9.22 It is agreed that the proposed development from a highways perspective is not in conflict with national or local policy.

Biodiversity

9.23 It is agreed 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.

Foul Drainage

9.24 Both parties agree that details of foul drainage can be controlled by way of planning condition.

Heritage and Archaeology

9.25 Both parties agree that harm to the setting of the Grade II Park Farmhouse will be 'less than substantial' in accordance with paragraph 208 of the NPPF.

9.26 It is agreed there is no direct impact on the physical fabric of listed building or any of its curtilage listed structures. It is agreed that the elements which make the highest contribution to the listed building's significance through setting comprise the immediate setting which includes the gardens and farm courtyard to the rear.

9.27 It is agreed that the statutory duty (part I section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 in relation to preserving or enhancing a heritage asset is breached as there is some harm to the setting of the Grade II listed building.

9.28 In accordance with paragraph 205 of the NPPF, 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 irrespective of the level of harm to its significance.

9.29 It is agreed that paragraph 208 of the NPPF does not prohibit harm to heritage assets.

Ground Contamination

9.30 Both parties agree that there are no ground contamination issues and that this matter can be controlled via condition.

Agricultural Land

9.31 Both parties agree that the land is Grade 2 agricultural land and that this is a material consideration in the determination of the appeal.

Landscape

9.32 It is agreed that the site is not the subject of any landscape designation. The site is not and does not form part of a valued landscape having regard to NPPF paragraph 180.

9.33 The 'North Somerset Landscape Character Assessment Supplementary Planning Document' 2018 (LCA) identifies that 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:

- Transitional area at 5m to 60m AOD with gentle rolling landform. •
- Predominantly Mercia Mudstone geology with areas of Alluvium, Head and Lias. •

- Presence of the River Yeo running from east to west through the area plus numerous tributaries, drainage channels, small ponds and at the far east of the area, Blagdon Lake.
- Strong valley feel particularly to the east of the area with enclosure given by the rising wooded limestone ridges to north and south.
- Rural pastoral landscape with sheep, cattle and horses grazing.
- Irregular medium sized fields of medieval enclosure along the river and on the hill sides.
- Full hedgerows and frequent hedgerow trees.
- Riverside trees of willow and oak and modest bridges.
- Presence of small farm orchards with concentration of larger cider orchards around Sandford.
- Scattered farmsteads plus large villages on higher ground at the base of the ridges and along major routes.
- Traditional buildings of stone with red roof tiles including farms, churches and historic village centres plus modern infill and ribbon development of brick and render.
- Network of A roads, minor roads and winding rural lanes.

9.34 The appeal site is in an area described as of 'moderate/weak' character, with the landscape in 'good/declining' condition. The landscape strategy for the River Yeo Rolling Valley Farmland Landscape Type is to *"conserve the peaceful, rural nature of the landscape with intact pasture and field boundaries and to strengthen and enhance the area of weaker character particularly where the landscape is affected by modern development to the west of the M5"*.

9.35 It is agreed that the Landscape Sensitivity Assessment (March 2018) prepared by Wardell Armstrong on behalf of NSC (which forms part of the evidence for the emerging Local Plan 2039) categorises the site as low sensitivity.

9.36 It is agreed that the site is not within the Congresbury Neighbourhood Plan Area of High Landscape Sensitivity.

9.37 It is agreed that the proposed development would bring about a significant urbanising effect on the parts of the site that are proposed to be developed.

9.38 It is agreed that the amenity value of the public right of way that passes through the site will be detrimentally affected.

Areas of Disagreement

Landscape

9.39 The extent of the impact on the landscape and visual receptors is not agreed.

9.40 The extent to which the Landscape Sensitivity Study (2018) applies to this appeal, in terms of the level of site-specific details and sensitivity of the site, is not agreed.

Enhancing sustainability

9.41 The Council and appellant disagree on whether the development would enhance the sustainability of the settlement.

9.42 The Council and the appellant disagree on whether there is adequate local infrastructure to serve the development.

Heritage

9.43 There is disagreement on whether Core Strategy Policy CS5 accords with the NPPF. The appellant's view is that it doesn't as it contains no provision for the weighing of heritage harm against public benefits.

9.44 There is disagreement on whether Policy DM4 of the North Somerset Development Management Policies 2016 document conflicts with national policy on heritage assets. The appellant's view is that it would prohibit any harm to the significance of a listed building through changes in setting. However, this would put it in conflict with national policy both now and at the time of adoption in 2016 and, as such, the weight that should be given to the policy is limited.

Public benefits

9.45 The extent of, and weight to be afforded to, the public benefits of the appeal proposals.

Suitability of the site for the proposed development

9.46 The suitability of Congresbury and the appeal site for additional housing of the scale proposed by appeal development is not agreed.

NPPF Paragraph 14

9.47 The Council and the appellant disagree on whether paragraph 14 of the NPPF is engaged.

9.48 The Council and the appellant disagree as to whether the adverse impacts of allowing the development that conflicts with the Congresbury Neighbourhood Development Plan would be likely to significantly and demonstrably outweigh the benefits.

S106 Matters

9.49 The precise financial contribution for home to school transport is not agreed.

9.50 The Council and the appellant disagree on whether the satisfactory provision has been made to mitigate the effect of the scheme on primary school places.

NPPF paragraph 11

9.51 Whether the 'the presumption in favour of sustainable development' is engaged.

9.52 In the event the Inspector were to consider the presumption in favour of sustainable development is engaged, there is disagreement on whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken as a whole.

Appendix 1 – List of draft agreed Conditions

A1.1 The below draft list of possible conditions has been agreed between the LPA and the appellant.

DRAFT CONDITIONS MULBERRY ROAD CONGRESBURY

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 MR50001 _1000 Rev A, 28th March 2022
   A980/11216/1 Rev A - Topographical Survey Drawing
   Framework Plan MR 50001 December 2022_V2
   1814/01 Rev A - Proposed Access Arrangements: Option 1, October 2022
   Offset Site Location (Location of the proposed off-site bat mitigation) 22nd February 2023
   Flood Risk Assessment & Drainage Strategy Project no. 20116 Rev 3, December 2020
   Travel Plan, June 2022

   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 and Transport

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 splays 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 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).

13. 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).

14. 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)

15. 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

16. 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.

17. 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.

18. 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.

19. 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.

Landscape Ecological Management Plan (LEMP)

20. 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

21. 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

22 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.

23. 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

24. 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).

25. 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

26. 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

27. 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

28. 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

29. 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).

Travel Plan

30. No dwellings shall be occupied until a Travel Plan coordinator has been appointed and the Residential Travel Plan including the Action Plan contained therein has been brought into use. The approved Travel Plan shall continue to be operated as approved unless amendments to the Travel Plan are first submitted to and approved by the Local Planning Authority.

Reason: In order to reduce the number of vehicle trips to and from the site in compliance with sustainable policies contained in National Planning Guidance and Policy DM24 of the Development Management Policies July 2016 and in accordance with the approved Travel Plan.

Appendix 2 – Draft s106 heads of terms

A2.1 The following draft s106 heads of terms were included in the committee report dated 15 November 2023.

1 Home to School Transport

2 Public transport to provide support to local bus service(s) operating in the immediate community.

3 Public transport contributions for bus-stop improvements

4 Traffic Regulation Order (TRO) contribution for parking restrictions around site access road – should this be required.

5 Strawberry Line signage improvement contribution

6 Sustainable Travel Vouchers

7 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

8 Delivery of Neighbourhood Open Space, Woodland, and an equipped Play Area together with commuted maintenance sums

9 Delivery of off-site Bat Mitigation land with a management / maintenance plan

9.53 It is agreed that a CIL contribution will be required.

Appendix 3 – Revised Sketch Layout (MR50001/1100 Rev A)

This plan is provided as an illustration only, without the benefit of full due diligence. No reliance should be placed on the accuracy of this plan.

Revision:	Description:	Date:
A	Layout updated to correspond with Landscape Strategy dwg reference (3265-4-6 0003 S0-P1).	23.07/24

Job.No|Drawing No.|Project

MR50001|1100

Mulberry Road, Congresbury

Drawing Title

Illustrative Masterplan

Date: Nov 2022 Scale: 1:500 Drawn by: TF Revsion: A

M7 Design

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