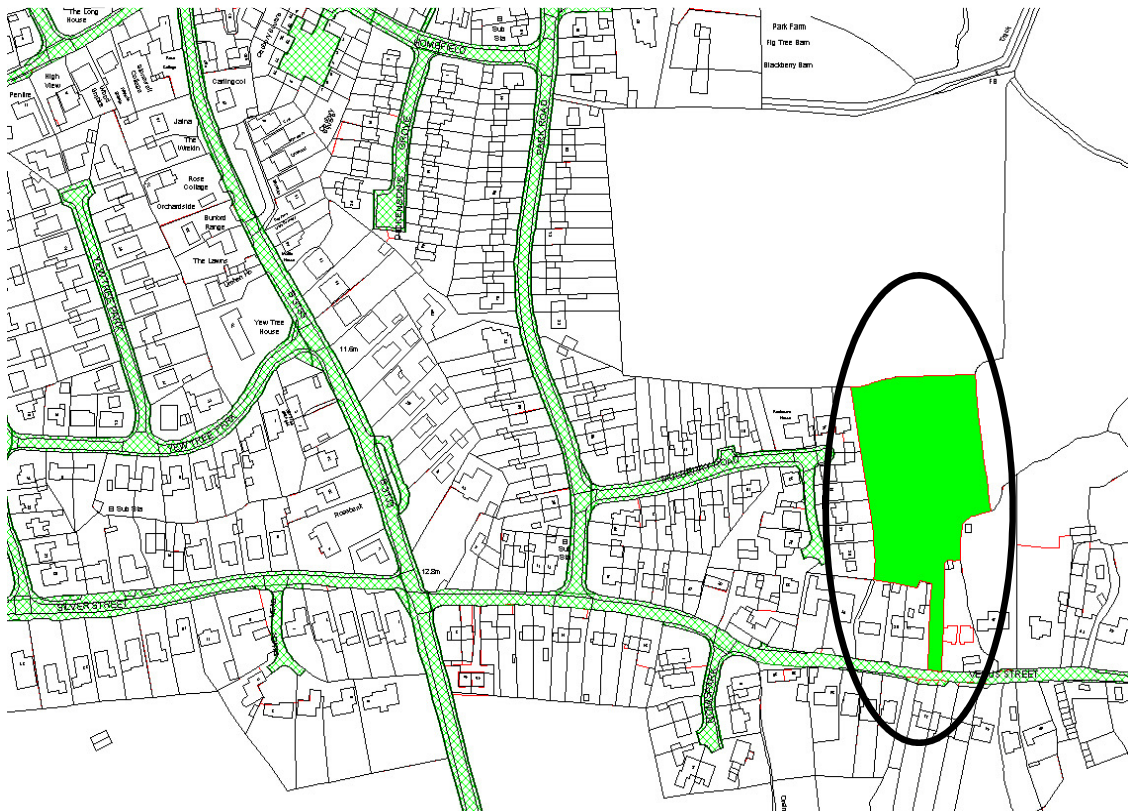


Planning and Regulatory Committee 09.03.16

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APPLICATION NO: 16/P/0147/F	CASE OFFICER: Emma Schofield
APPLICANT: Strongvox Ltd & Mrs M Meaker	TARGET DATE: 13 April 2016
PARISH/WARD: Congresbury/Congresbury and Puxton	
WARD COUNCILLOR(S): Cllr T C Leimdorfer	
SITE ADDRESS: Land to the north of, Venus Street, Congresbury	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2015 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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11. **Section 1: 16/P/0147/F Proposed erection of 14no. dwellings including landscaping, provision of parking and a vehicular and pedestrian access from Venus Street on land to the north of, Venus Street, Congresbury.**

REFERRED BY COUNCILLOR LEIMDORFER

Background

This application is effectively a duplicate application of application 15/P/0109/F which was originally for 19 dwellings but was amended to reduce the number to 14. That application (15/P/0109/F) is currently at appeal for non-determination which is being held in abeyance until 10 March 2016, to allow for this current application to be determined.

At the Planning and Regulatory Committee on 13 January 2016, members resolved that had the Committee been able to determine application 15/P/0109/F, the Committee would have been minded to grant permission subject to a S106 Agreement and suitable conditions for the following reason:

Members emphasised that every site should be considered on its individual merits and considered that this site was for a smaller scale of development in a more sustainable location than the Brinsea Road appeal case. It was within an area that had been built up over recent years and which was a natural infill on the extremity of a service village with good access to local services and employment opportunities. The need for the additional housing, including affordable housing, weighed in favour of the proposal.

Summary of recommendation

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

The Site

The application site comprises a field located to the east of the existing village of Congresbury. On its northern and eastern boundary the site is surrounded by further fields. To the north-west lies the village of Congresbury and residential properties. The site access is via Venus Street, which connects to the B3133 Brinsea Road.

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The Application

The proposal is for 14 new dwellings which will be provided as a mix of detached and semi-detached properties. The proposed scheme also allows for 4 of the dwellings to be provided as affordable units and consists of a mix of 2, 3 and 4 bedroom properties. Access to the development will be made from a private access road taken from Venus Street.

Relevant Planning History

Year	Reference	Proposal	Decision
2015	15/P/0109/F	Proposed erection of 14 houses including landscaping, provision of parking and construction of vehicular and pedestrian accesses	Currently at appeal for non-determination.

The site is also near to the Brinsea Road appeal site where the Inspector dismissed the appeal for housing on the 30 November 2015.

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Congresbury

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing

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CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS25	Children, young people and higher education
CS27	Sport, recreation and community facilities
CS32	Service Villages
CS33	Smaller settlements and countryside
CS34	Infrastructure delivery and Development Contributions

Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The next stage is the examination of the other remitted policies.

North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

Three NSRLP policies were not saved in March 2010. The Core Strategy supersedes some but not all of the remainder. It does not fully supersede the policies listed below.

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
GDP/3	Promoting good design and sustainable construction
ECH/6	Archaeology
ECH/9	Forest of Avon
ECH/11	Protected species and their habitats
ECH/12	Wildlife sites of international importance
H/7	Residential development within settlement boundaries
H/8	Residential development in the countryside
T/6	Parking standards
T/7	Protection, development and improvement of the rights of way network and other forms of public access
T/10	Highway safety, traffic and the provision of infrastructure associated with development
T/11	Travel plans
CF/2	Cultural and community facilities within settlement boundaries

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Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
1	Building a strong, competitive economy
3	Supporting a prosperous rural economy
4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment

Other National Policy Guidance

- National Planning Practice Guidance (March 2014)

Emerging Development Plan

The Sites and Policies Plan Development Plan Document is being prepared and will replace the North Somerset Replacement Local Plan once adopted.

The Sites and Policies Plan Part 1: Development Management Policies is currently out for consultation on the proposed Main Modifications following the examination hearings in November 2015 and the Inspector's interim report which was received on 13 November 2015. The consultation on the proposed Main Modifications ends on 2 March 2016 and following this it is anticipated that we will receive the Inspector's final report in April 2016. The plan making is now in its final stages and close to adoption so policies within the plan carry significant weight in accordance with paragraph 216 of the NPPF and can be used to determine planning applications.

Part 2 of the Plan (the Site Allocations Plan) will address site allocations and is due to be published for consultation in February/March.

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The following policies are relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM19	Green infrastructure
DM24	Safety, traffic and infrastructure
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

The Parish Council is also preparing a Neighbourhood Plan (neighbourhood area designated).

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- Affordable Housing SPD (adopted November 2013)
- Travel Plans SPD (adopted November 2010)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005) Development
- Development Contributions SPD (adopted January 2016)
- Creating Sustainable Buildings and Places SPD (adopted March 2015)

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Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 81 letters of objection have been received. The principal planning points made are as follows:

- Increase traffic on Venus Street as a narrow road is hazardous.
- Concerns about the Venus Street and Brinsea Road junction
- Inadequate infrastructure to support expansion of village. GP surgery at capacity. Cumulative impact must be considered.
- Impact of traffic upon listed buildings.
- The houses are out of character. Higher density.
- Parking problems. Insufficient parking proposed.
- No public transport system
- Loss of wildlife habitat.
- Little employment in Congresbury
- Drainage/sewage systems will not cope. Concern over risk of flooding. Housing in Mulberry Road at a lower level.
- Located on agricultural land outside settlement boundary.
- The site is in an unsustainable location and remote from village amenities.
- Proposal detrimental to the quality of life for those living in Venus Street and Mulberry Road, in terms of noise, overbearing impact, loss of light, privacy and outlook. Human rights breached.
- Village will become an urban sprawl.
- Congresbury is a village and does not have the facilities to support this development.
- Brinsea Road Appeal decision dismissed on grounds of being unsustainable. This equally applies to this application.
- Noise, traffic and disruption during construction
- Impact upon archaeology
- Visual impact upon landscape
- Contrary to policies CS9, CS32, CS33 of Core Strategy, H/7 and H/9, of Replacement Local Plan and local planning policy

Congresbury Parish Council: (Full comments are attached at Appendix 1)

In summary, Congresbury Parish Council objects to the application and recommends that North Somerset Council refuse planning permission. The Parish Council requests that the previously submitted documents are considered as reasons for refusal for the new application. The previously submitted documents include the objection to the original application 15/P/0109/F, a revised statement dated 29 April 2015, the Parish Council's submission to the Planning

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Inspectorate on the appealed application 15/P/0109/F and the Congresbury Planning Policy. In addition the Parish Council would like it noted that this site is not in the schedule of allocated sites and green spaces, appendix 1 of the Sites and Policies Plan report from North Somerset Council. This document is used to identify sites and proposed to meet the need for residential, employment and other uses to 202. Therefore the Parish Council believes that North Somerset Council must refuse this application as any development must be a plan led process and the absence of this site in the Sites and Policies Plan indicated that this is not the case for the application.

(Officer comment: At the Executive Committee Meeting on 2 February 2016 the site was put forward for allocation in the Sites and Policies Plan and was approved by the Committee for the purposes of consultation.)

The Parish Council objected to the original application (15/P/0109/F and recommended that North Somerset Council refuse planning permission as this application would not adhere to North Somerset Council or Congresbury Parish Council policy and does not adhere to national policy. It expects North Somerset Council to demonstrate that it would not allow any development outside Congresbury settlement boundary until the Parish Council, representing the village decides it is the right time and the right place for development.

When that application was amended to reduce the number of units, the Parish Council accepted that the applicant has reduced the total proposed units from 19 to 14 and altered the type of affordable properties from three storey flats to two storey houses. The outer edges of the new homes were moved further from the green buffer that forms the site boundary and the alignment of the northern edge of the proposed units altered in order to fully align with the adjacent buildings on Mulberry Road. Congresbury Parish Council believes that these changes are improvements to the proposed development as the original proposed flats were not in keeping with the character of the street and with neighbouring properties. The removal of these proposed flats and replacement with two storey houses is more in keeping and this change has also reduced the housing density of the development which again is more in keeping with the immediate area. However, Congresbury Parish Council still recommends and expects North Somerset Council to refuse planning permission as this application would not adhere to North Somerset Council or Congresbury Parish Council policy and does not adhere to national policy. It expected North Somerset Council to demonstrate that it would not allow any development outside Congresbury settlement boundary until the Parish Council, representing the village decides it is the right time and the right place for development.

The Parish Council has made comments to the Planning Inspectorate on the non-determination appeal (application 15/P/0109/F): It draws the Inspector's attention to the Brinsea Rd appeal decision, which was dismissed on

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sustainability grounds. This decision equally applied to this site as the walking distances are above 800 with distances to the school measured as 1700m or a 21 minute walk. Venus Street does not have a pavement along its entirety, therefore the route could be considered as substandard and not an attractive and safe route. It therefore fails to comply with paragraph 32 of the National Planning Policy Framework. The proposal is considered to be unsustainable development, to have an impact upon local residents through loss of light and privacy and increased traffic, the proposal has no support from residents and is contrary to the Congresbury Planning Policy.

Other Comments Received:

Environment Agency:

No comments to make on application.

North Somerset Levels Internal Drainage Board:

The site lies just outside the North Somerset Levels Internal Drainage Board area within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibility requires it to ensure flood risk and surface water drainage is managed effectively. If the Local Planning Authority are minded to approve the application would request that a condition is applied regarding a surface water drainage strategy to be approved and informative regarding the need for an interceptor before surface water enters the rhyne and the need for Land Drainage consent for any works within 9 metres of a watercourse.

Wessex Water:

Waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web pages on their website. Further information can be obtained from their new connections team for waste water.

Separate systems of sewer drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

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Bristol Water:

No objection. Applicant is advised to contact them regarding supplying this development.

Natural England:

No objection subject to conditions regarding external lighting details. Also the ecology buffers need to be clearly demarcated and maintained.

Avon Fire and Rescue Service:

No objection subject to the provision of a fire hydrant.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development (2) the impact upon the living conditions of neighbouring residents (3) transport and access considerations, (4) landscape impact (5) flood risk and drainage, (6) ecology, (7) archaeology and (8) infrastructure requirements and (9) other considerations.

Issue 1: The principle of development in this location

Section 38 (6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is consolidated in paragraphs 11 and 196 of the NPPF. The relevant parts of the development plan for the site comprises the saved policies of the North Somerset Replacement Local Plan 2007 and the adopted policies within the Core Strategy. Following a legal challenge to the Core Strategy regarding the housing numbers, Policy CS13 (scale of new housing) was remitted back to the Planning Inspectorate for re-examination, along with 8 other related policies. On 18 September 2015 the Secretary of State confirmed that he had reviewed the Core Strategy Inspector's conclusions and was satisfied that the recommended housing requirement of 20,985 dwellings over the period 2006-2026 was appropriate. The approval of the new housing requirement means that Policy CS13 is now an adopted as part of the development plan

5 year supply of deliverable housing sites

Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements plus an additional buffer of 5% moved forward from later in the plan period to ensure choice and competition in the market for land.

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With the Core Strategy housing requirement now fixed at 20,985, in relation to the annual assessment at 1 April 2015 the Council does not have sufficient sites to meet the 5 year housing land supply. This was confirmed as common ground between the parties at the recent Brinsea Road, Congresbury appeal (14/P/1901/O). Under the circumstances where the Council is unable to demonstrate a five year supply of deliverable housing sites, the housing policies in the Core Strategy and Local Plan are not considered to be up to date and paragraph 14 of the NPPF is engaged. This states that where the development plan is absent, silent or relevant policies are out-of-date, the presumption is to approve sustainable development unless any adverse impacts of doing so would “significantly and demonstrably” outweigh the benefits.

As a result, in the absence of a 5 year housing supply, the settlement boundaries and other criteria identified to control housing development are not considered up to date and carry little weight. This means that whilst the application site is outside the previously defined limit for development and is not supported by the local community, this cannot be used to oppose the principle of development until the five year supply is restored.

Core Strategy policies CS14, CS32 and CS33 and policy H/8 of the Local Plan are related to the supply of housing. If the Council cannot demonstrate a 5 year housing land supply, they can only be afforded limited weight in so far as they relate to the supply of housing. However, significant weight can nevertheless still be given where those policies reflect other aspects of the NPPF such as the need for any development to respect the character and appearance of the area.

Housing Distribution Strategy

The increased housing figure in Policy CS13 will affect other ‘remitted’ policies. This starts with Policy CS14 (Distribution of new housing) which must be updated to identify, in broad terms, where the remaining housing balance up to 2026 will be delivered.

The report to the Council’s Executive Committee in October 2015 set out that the Council must find land for an additional 1,175 dwellings for the plan period up to 2026 to meet the remaining shortfall. The report indicated that this is expected to be distributed across the main towns and Service Villages. No additional housing other than ‘windfall’ development is expected at ‘Infill’ villages on the basis that they are the least sustainable locations.

This strategy will steer the detailed housing allocations in Part 2 of the Sites and Policies Plan (the Sites Allocation Plan). The Sites Allocation Plan is however at an early stage of preparation and the consultation and examination process means that it will be at least 12 months before it can be formally adopted. In the meantime the Council must determine planning applications for housing and the

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urgent need to provide a deliverable supply 5-year housing land must carry substantial weight in the decision making process.

The draft Site Allocations Plan was considered at Executive Committee on 2 February 2016. This includes additional residential allocations to address the new Core Strategy housing requirement. Preparation of this document and the associated evidence base has informed the Council's position on 5 year supply. The draft considered by the Executive includes proposed new housing allocations at Weston-super-Mare, the three towns and at some key service villages. The current application site was included on the basis of the Committee's previous resolution that it would have granted permission for the application (15/P/0109/F) currently the subject of the appeal against non-determination. No allocations are proposed at infill villages on sustainability grounds.

It is recognised that given the circumstances, the Council cannot rely on the plan-making process alone to address the housing shortfall, and must also actively grant permissions in parallel with the plan making process. This is already in progress with, for example, the Committee resolving to approve a proposed development at Pudding Pie Lane, Churchill (141) at its meeting in January. It is anticipated that by granting planning permission for other similar sites in and around the main towns and service villages in accordance with the draft Site Allocations Plan the 5 year supply will be secured.

Sustainability

The NPPF (Para 7) suggests that there are three dimensions to what can be regarded as sustainable development: economic, social and environmental.

Congresbury, is identified as a Service Village in the Core Strategy with a population of 3,497 and 1,475 dwellings (2011 Census). An assessment of the overall sustainability of Congresbury was considered at the recent appeal against the refusal of residential development on land at Brinsea Road on the southern side of the village. In that case, the Council accepted that the village was broadly sustainable and the Inspector, based on the evidence available to him, considered that the village has a good range of everyday services and facilities. However, the Inspector agreed with the Council that that site was not an appropriate location for the residential development proposed due to the lack of accessibility to local services and facilities by means other than the private car. This was due to the inadequacy of pedestrian, cycle and bus routes.

The same issues could equally apply to the current site and formed part of the Committee's consideration of the previous application. The closest facilities to the site are based at the precinct on Brinsea Road (which include a Post Office, convenience store, take away, bakers and butchers (0.5km from the site) and at the A370 crossroads (1km from the site). The main food store in the village is

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the Tesco Express on the north side of the river and some 1.5 km from the site. Congresbury Primary School is located some 1.5km from the site whilst the nearest secondary school is at Churchill School, some almost 4km away. The site is approximately 1km from the bus stop on the A370 and the nearest rail station at Yatton is some 3.8 km from the site.

The pavement alongside Venus Street does not extend to the site entrance, requiring pedestrians to walk in the highway and on Brinsea Road there are places where the restricted width of the footpath and the heavy traffic in peak periods detracts from the comfort of the walk. The recent appeal decision did not support the argument that the B3133 into Congresbury is conducive to encouraging increased walking or cycling, particularly for the elderly, disabled or parents with children. The Inspector concluded that given that site's peripheral location, this was a significant shortcoming and accepted the view that private car journeys are likely to be predominant means of accessing local services and facilities. Since the application site is a similar distance from local services, it could be similarly concluded that car journeys are likely to be the predominant means of accessing local services and facilities. However, this does not necessarily mean that the application should be refused. These impacts must be balanced against the significant benefits of providing more housing and affordable housing to meet the Council's housing needs. The Committee, at its meeting on the 13 January 2016, considered this and concluded that the principle of the development was acceptable.

Issue 2: Impact upon living conditions of neighbouring residents

Neighbouring residents in Mulberry Road and Venus Street have raised concern about the impact upon their light, privacy and outlook and the impact of additional vehicle movements adjacent to no. 43 Venus Street.

In terms of the impact upon the properties in Venus Street, to the south of the application site, the proposed development (the dwelling at plot 1) would be 18m away from the rear of the nearest property at 39 Venus Street and over 3m from the rear boundary with this property. As such, it would comply with the Council's Residential Design Guide and it is considered that that there would be no harmful loss of light or overbearing impact to these properties that would warrant a reason for refusal. Furthermore no side windows are proposed facing these properties, and therefore no harmful loss of privacy would result.

The proposed access to the development would be sited between the properties at 41 Venus Street and 43 Venus Street. The residents at 43 Venus Street have raised concern about noise and disturbance to their property which would be very close to the access. The access was previously in use as an agricultural access and this property which is relatively new (planning permission granted in 2012 for two detached houses) has no side windows facing onto the access. It is therefore

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considered that use of this access would not unacceptably affect the living conditions of the residents at this property so as to warrant a reason for refusal.

In terms of the impact upon the residents at 31, 33, 35, 37 and 39 Mulberry Road, the proposed development would be at least 3m away from the rear boundary with these properties as a 3m ecological buffer would remain between the boundary hedgerow and the development. The proposed dwellings would also be at least 21m from the rear of the houses in Mulberry Road, which would also comply with the Council's Residential Design Guide. As such, it is considered that there would be no harmful impact upon the living conditions of these properties in terms of loss of light, outlook or privacy or overbearing impact that would warrant a reason for refusal.

The nearest property to the development, at 29 Mulberry Road, has its side elevation nearest to the development, with its rear garden extending north. This property has been extended to the side and therefore the side wall of the house is just over 1m from the boundary hedge and would be approximately 5m from the side wall of proposed dwelling at plot 7 as well as the garage and bin store. The residents at this property have raised concerns about the impact upon their living conditions in terms of the proximity of the development to their property, in particular upon light and outlook to side ground floor kitchen windows and a side first floor bedroom window which would face onto the side wall of plot 7. As the proposed development would be approximately 5m away from these windows and the ground floor kitchen is also served by another window on the west elevation, it is considered that no harmful loss of light or overbearing impact would occur that would warrant a reason for refusal. No side windows are proposed in the side elevation of plot 7 and therefore no harmful loss of privacy would occur.

Therefore no objections are raised in terms of the impact upon the living conditions of neighbouring properties and the proposal is considered to comply with Policies GPD/3 of the Replacement Local Plan, Policy CS3 of the Core Strategy, emerging policy DM32 of the Sites and Policies Plan as well as the Council's Residential Design Guide "Protecting the living conditions of neighbours" Supplementary Planning Document.

Issue 3: Transport and access

Traffic generated by the development site could access Brinsea Road either directly from Venus Street or via Park Road. The traffic can therefore be shared between the two junctions with only modest impact on each.

The sole vehicular access to the residential development is proposed via a simple priority junction with Venus Street. Subject to conditions securing improvement to the western entry radius to Venus Street, and the re-alignment of

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a garden wall this access arrangement is acceptable. The visibility at the proposed access onto Venus Street will satisfy the requirements of Manual for Streets that are applicable for a junction.

The on-site parking provision exceeds the minimum required by the North Somerset Parking Standards and allows for some off street visitor parking. Whilst there is little capacity for additional on street parking, due to the narrow road widths, the design complies with current Council standards.

No personal injury accidents were recorded in the most recent five year road injury accident record for Venus Street. One accident was recorded on Brinsea Road. Whilst the narrow eastern end of Venus Street and the Venus Street/ Brinsea Road junction are perceived by some objectors as dangerous, low speeds contribute to a low accident rate.

Manual for Streets advises on the minimum levels of forward visibility that should be provided for any given speed and states that "*Limiting forward visibility helps keep speeds down*". In this case there is a close correlation between the limiting forward visibility on the bend to the west of Nomis Park and the recorded average speed of vehicles. Whilst it would be possible to require the applicant to provide features such as virtual footways, this is not considered necessary as the Manual for Streets standards are already achieved and they could create a false sense of security for road users.

Visibility for drivers emerging from Venus Street at its junction with Brinsea Road can be achieved in full accordance with the requirements of Manual for Streets. Nevertheless some objectors have expressed concern on this point. On inspection, visibility in both directions can at times be limited by excess growth of vegetation either in a private garden (to the right) or on the highway verge to (the left). Both of these can be controlled by the highway authority, are not matters for the applicant to address and could not form the grounds for a refusal of the application. If these hedgerows are well maintained, adequate visibility can be achieved in both directions.

Nevertheless, in response to the concerns about the visibility at the junction the applicant has agreed to contribute £8000 to fund the installation of a vehicle activated speed (VAS) on B3133 Brinsea Road on its northbound approach to its junction with Venus Street. This payment should be secured by S106 Agreement if the appeal is allowed.

The Transport Statement has highlighted the distances to local facilities and recognises the need to encourage greater use of sustainable travel from the

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development and in the locality. The applicant has agreed to contribute financially as follows:

- A sum of £120 per dwelling for travel information packs and sustainable travel incentives; and
- A contribution of £2,000 towards pedestrian improvements at Venus Street's junctions with Park Street and Brinsea Road.

Therefore there is no objection to the development on highway or parking grounds. The proposal would comply with Policies CS10 and CS11 of the Core Strategy, Policy T10 of the Replacement Local Plan, emerging Policies DM24 and DM28 of the Sites and Policies Plan as well as the Council's Parking Standards SPD.

Issue 4: Impact on the landscape and the character of the surrounding area

The site is situated in a landscape that is characterised as *Chew Rolling Valley Farmland*. There are public rights of way adjoining the northeast corner of the site and there is an extensive network of routes to the north and east of the site, including the Two Rivers Way. The development location is therefore visible from many public vantage points from these paths, but it will largely be seen in the context of existing development.

In terms of the original layout of the previous scheme (application 15/P/0109/F), the 19 houses and their garages, pushed well beyond the existing building line at Mulberry Road, therefore making them more prominent in the local landscape as seen from the north and east and offering insufficient space for further boundary tree planting and very small garden spaces. Also, a number of garages, dwellings and a parking area to the east also encroached upon perimeter hedges and their buffer zones, as a consequence of the density of development proposed.

As a result of these comments, the layout of the previous application was amended from 19 to 14 dwellings, and is the same as the layout for this application. This has resulted in moving the proposed dwellings away from the boundary and consistent with the existing building line at Mulberry Road, therefore making them less prominent in the local landscape (as seen from the north and east) and offering more space for further boundary tree planting and larger gardens.

The development of greenfield sites on the edge of settlements does have an impact, but as the appeal inspector highlighted, such change will not always equate to harm. Given the size and scale of development, it is concluded that the revised proposal is unlikely to have an overriding adverse impact on local

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landscape character, perimeter hedges and local views which would outweigh the benefits to be derived from the additional housing.

Neighbouring residents have also raised concerns about the proposed density and design of the development in terms of its impact upon the surrounding area. The surrounding area is mixed in character with a mix of detached and semi-detached dwellings. Whilst the proposed density is marginally higher than neighbouring properties which have slightly larger plot sizes, it is not excessive and the proposed layout would make an efficient use of the site whilst at the same time retaining the necessary ecological buffers to the hedgerows. It is considered that the proposed layout would have no detrimental impact upon the character of the surrounding area and the proposed design, which would comprise a mixture of stone and rendered dwellings, would be in-keeping with the surrounding development.

The proposal is therefore considered to comply with Policies CS12 of the Core Strategy, Policy GDP/3 of the Replacement Local Plan and emerging Policy DM32 of the Sites and Policies Plan.

Issue 5: Flood Risk and Drainage

Policy CS2 entitled Delivering Sustainable Design and Construction is intended to encourage sustainable development and Policy CS3 controls environmental impacts and flood risk.

The site falls within Flood Zone 1 (low probability of flooding having a less than 1 in 1,000 annual probability of fluvial or tidal flooding). The Environment Agency considered the previous proposal for exactly the same development and had no objections subject to the submission of appropriate surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

- The surface water drainage strategy for the site needs to be resolved in order to mitigate against the additional surface water run-off rates and volume produced from the proposed development.
- Calculations for runoff, proposed storage volume and discharge rates need to be verified.
- Confirmation of outlet location will be required along with evidence that all land drainage consents have been received from the relevant authority.
- Maps showing exceedance routes.
- A maintenance schedule for the crate system which details how it will be looked after for the lifetime of the development.

The Council's Flood Risk and Drainage Team originally raised an objection to this application but the applicant has subsequently submitted additional information including updated drainage designs and calculations. This is

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sufficient to address these concerns subject to conditions regarding details of a sustainable drainage scheme and method statement to be submitted and conditions regarding the maintenance of the drainage system.

Therefore no objections are raised to the proposed development on drainage or flooding grounds and the proposal is considered to comply with Policy CS3 of the Core Strategy, Policy GDP/4 of the Replacement Local Plan and emerging Policy DM1 of the Sites and Policies Plan.

Issue 6: Ecology

Although the site does not have any nature conservation designations, the application site is in close proximity (less than 1.5km) to a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the North Somerset and Mendip Bats Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Kings' Wood and Urchin Wood Site of Special Scientific Interest (SSSI).

The Ecological Assessment Report (WYG Planning and Environment, April 2015) recommends that *a test of significance* in relation to the North Somerset and Mendip Bats Special Area of Conservation, is required by Natural England, and in mitigation, it proposes to minimise artificial lighting, and if used, recommends it should be directed away from hedgerows and trees during the construction and operational phases of development to minimise impacts to foraging and commuting bats. The applicant's statement detailing general lighting design principles will be needed to include no light spill above 0.5 lux or light levels not exceeding existing levels along the eastern boundary hedgerow. The measures set out to minimise lighting on site in general are welcomed. As Horseshoe bats have been recorded along the eastern hedgerow, it is considered that a buffer of 5m minimum will be required along this hedgerow to ensure that low enough light levels are achievable. The layout plan reflects this showing a 3m ecological buffer to the western hedgerow and a 5m buffer to the eastern hedgerow.

A Habitats Regulations Assessment has been completed and concludes that the proposal would not have a likely significant effect (alone or in combination with other plans and projects) on the North Somerset and Mendip Bats Special Area of Conservation, provided that specified planning conditions are imposed if planning permission is granted.

It is recommended that a detailed soft landscaping plan (including fencing to protect and retain ecological buffers, ecological buffers (min 5m along eastern hedge boundary and min 3m along remaining boundaries) native species-rich

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screening planting to minimise light spill and planting/enhancements to benefit reptiles, dormouse, badger and hedgehog) is conditioned.

A detailed reptile mitigation scheme (to include consideration of amphibians) would need to be conditioned to include enhancements to the retained ecological buffer habitat (including locations of habitat piles), management of habitat and what to do in the event that reptiles (and/or amphibians) are encountered during construction works.

A separate Landscape and Ecological Management Plan for the ecological buffers and hedgerows would also need to be conditioned to maintain and enhance habitats for protected species present/likely to be present.

Finally, whilst no badger sets were found on site or within 30m of the site, a condition is recommended requiring an updated badger survey to be completed 4-6weeks prior to the commencement of development.

The proposal is therefore considered to comply with Policies CS4 of the Core Strategy, Policy ECH/11 of the Replacement Local Plan and emerging Policy DM8 of the Sites and Policies Plan.

Issue 7: Archaeology

There is insufficient evidence from the current survey of Roman kilns, but a condition is recommended for an 'augmented archaeological watching brief' to be completed during construction. No objections are raised on this ground.

Issue 8: Infrastructure requirements

The adopted Policy CF/1 of the North Somerset Replacement Local Plan will require that new residential developments of 10 units or more should provide on-site provision and/or financial contributions to cover the costs of community services to serve the new residents.

In addition to Policy CF/1 of the North Somerset Replacement Local Plan, Policies CS34 of the Core Strategy and DM71 of the emerging Sites and Policies Plan state that development proposals will be expected to provide a contribution towards the cost of any infrastructure required to support development and regeneration. This is supported by an Infrastructure Delivery Plan (IDP) which sets out a general approach to infrastructure delivery, a list of key infrastructure schemes and a prioritisation of those schemes. The IDP is being developed as

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part of the Core Strategy evidence base together with the Local Plan evidence based information that is currently used.

Affordable Housing

Under Policy CS16, all sites proposed for 10 or more dwellings, or comprising 0.3ha or more are required to provide 30% on-site affordable housing, at nil public subsidy, with a tenure split of 82% social rent and 18% shared ownership. This application proposes 14 dwellings; therefore the affordable housing requirement is a minimum of 4 units (Plots 1 to 4). In this particular case all units shall be provided as social rent.

Built Sport and Leisure Facilities and Playing Pitches and Informal Open Space

The new residents will impact on a range of leisure facilities within the local area, the majority of existing facilities are already at capacity and would not be able to take the increase in usage from the new residents. The off-site contribution would work towards mitigating the impact on existing facilities to aim to increase the capacity and accessibility for the new residents.

The request is for an off-site contribution of £12,948 (this includes 50% reduction on the contribution for 4 affordable units) that will fund the increase in capacity at the local community hall facility and other built sport facilities. In addition, an off-site contribution of £3,840 (this includes 50% reduction on the contribution for the 4 affordable units) is requested towards increasing capacity of the existing grass pitches and or changing facilities in Congresbury.

The requirement for informal open space is normally delivered on site and 14 dwellings would generate a need for 210m², a commuted sum and supervision fee. However given the scale of the site and location close to open countryside, it is suggested that an off-site payment of £6,910 subject to indexation be provided towards the Millennium Green which is the main informal recreation site in the village.

Libraries

A contribution of £4,570 is sought for Congresbury library to provide additional children's stock, and associated fixture /fittings service capacity to meet the demands of the new residents.

Highways

A contribution of £8000 has been agreed to fund traffic calming on Brinsea Road on its northbound approach to its junction with Venus Street. A sum of £120 per dwelling for travel information packs and sustainable travel incentives is

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requested together with a contribution of £2,000 towards pedestrian improvements at Venus Street's junctions with Park Street and Brinsea Road.

Issue 9: Other considerations

Impact upon listed building

Neighbouring residents have raised concerns about the impact up of increased traffic upon listed buildings. The nearest listed building to the application site are Pineapple Farmhouse which is Grade II listed and is located 6 dwellings away from the proposed access to the west and Yeoman's Orchard which is also Grade II listed and is directly opposite Pineapple Farm. Whilst an increase in traffic along Venus Street may have an impact upon the setting of these buildings, which are close to the road, it is not considered that the traffic increase associated with 14 dwellings would result in substantial harm to their setting, that would warrant a reason for refusal.

Noise and disruption during construction

In order to minimise disruption during the construction period, a condition is recommended to restrict the hours of noisy construction activities and deliveries. Any damage to the highway is a legal/civil matter and is not a planning consideration.

The Crime and Disorder Act 1998

The Crime and Disorder Act places a Duty on Local authorities to have regard to crime and disorder issues in exercising their functions. The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

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

Conclusion

This application is effectively a duplicate application of 15/P/0109/F which is currently at appeal for non-determination. The Committee previously considered

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this application and concluded that had the Committee been able to determine application, it would have been minded to grant permission.

Since the previous application went to Committee, the site has been put forward for allocation in the Sites Allocations Plan which was considered at and approved by the Executive Committee on 2 February 2016 for the purpose of consultation. Whilst the previous officer's report recommended refusal of the application on sustainability grounds, this has to be weighed against the Planning and Regulatory Committee's previous decision together with the significant benefit which derives from boosting the Council's housing supply including provision for affordable housing. The proposed development would be much smaller than the Brinsea Road scheme and would not have an unacceptable impact upon the living conditions of neighbouring properties or the surrounding landscape, which the appeal Inspector found also weighed against the Brinsea Road scheme.

In terms of transport implications, it is concluded that the development would comply with the highway requirements in Policy T/10 of the Local Plan and policy DM24 of the emerging Sites and Policies Plan. The surface water drainage and flood risk considerations can be addressed through conditions and the impacts on ecology are capable of being mitigated. In terms of the impacts upon infrastructure, S106 contributions are proposed to mitigate this. In conclusion, the merits of the proposal are considered to outweigh the sites location on the edge of this service village.

RECOMMENDATION: Subject to the completion of a legal agreement securing (a) 30% on-site affordable housing provision (b) financial contributions towards public open space, playing pitches and changing facilities, built sports and leisure facilities and libraries (c) agreed traffic management measures and pedestrian safety improvements, and (d) financial contribution to sustainable travel packs, the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with plan numbers: Location Plan (1417.LO1.03), Site plan (1417.LO1.01 Rev J), Roof plan (1418.LO1.02 Rev C), Helford Plans and Elevations. P14 (1417-21.01), Helford Plans and Elevations P7 (1417.21.02), Thornton Plans and elevations P6 and 12 (1417-23.01 Rev A), Thornton P5 & 13 (1417-23.03) , Thornton Plans and Elevations plot 11 (1417.23.02), Type

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E P9 & 10 (1417-24.01 Rev A), Type E Plot 8 (1417-24.02 Rev A), 2 and 4 bed Plans and Elevations P3 & 4 (1417-26.01 Rev A), 3 bed Plans and Elevations P1 & 2 (1417-26.02), Street Elevation Sheet 1 (1417.L03.01 Rev A), Street Elevation Sheet 2 (1417.L03.01 Rev A), Garage and Binstore plans and elevations (1417-L03.03 Rev A), Design and Access Statement (1417 Nov 2015) and Proposed site access arrangement (1407-70 SK05).

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

3. Prior to, and within 6 weeks of, commencement of any works, a survey for badger setts on site and within a 30m buffer area (unless otherwise agreed in writing with the Local Planning Authority), will be undertaken, and if any setts are identified within the survey area, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: To ensure the survival of rare or protected species in accordance with Policies ECH/11 and ECH/12 of the North Somerset Replacement Local Plan and Policy CS4: Nature Conservation in the adopted North Somerset Core Strategy and Policy DM8 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modification's January 2016).

4. The development hereby permitted shall not be commenced until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and in accordance with Policy T/10 of the North Somerset Replacement Local Plan and Policy DM24 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modification's January 2016).

5. No development shall commence until details of a lighting strategy, designed to be sensitive to bats, and the timing of any construction works during the period March to October (inclusive), has been submitted to and approved in writing by the Local Planning Authority.

The lighting strategy shall include:

- (i) details for the type and location of the proposed lighting;
- (ii) existing lux levels affecting the site;

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- (iii) the predicted lux levels; and
- (iv) lighting contour plans.

The scheme shall ensure that light levels do not exceed 0.5 lux on features important to bats – bat boxes, foraging habitat and flight lines, in particular the eastern and northern boundary corridors.

The development shall be undertaken in accordance with the approved details.

Reason: To comply with the Habitats and Species Regulations and ensure the survival of rare or protected species in accordance with Policies ECH/11 and ECH/12 of the North Somerset Replacement Local Plan and Policy CS4: Nature Conservation in the adopted Core Strategy.

6. Prior to the commencement of development, a Landscape Ecological Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall include objectives and management prescriptions as recommended by the Ecological Assessment Report (9th April 2015) which shall include:
- Endoscope inspection of the dead tree located to the north of the site by a licensed bat ecologist immediately prior to its removal to ensure bats have not taken it up as a roost in the interim;
 - Details for the management of the buffer and hedgerow for the benefit of wildlife.
 - If the layout changes and a 3m buffer cannot be included within the design, or if there is to be any removal of hedgerows, a dormouse nest tube presence/likely absence survey would likely be required and potentially a reptile translocation;
 - Supervision of reptile clearance strategy detailed within section 4.3.7 of the Ecological Assessment report;
 - Provision of 2 x bat boxes, 2 x bird boxes and 2 x hedgehog boxes within the development.

The approved plan shall be fully implemented and adhered to over the operational phase of the development.

Reason: To ensure the survival of rare or protected species in accordance with Policies ECH/11 and ECH/12 of the North Somerset Replacement Local Plan and Policy CS4: Nature Conservation in the adopted North Somerset Core Strategy and Policy DM8 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modification's January 2016).

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7. Prior to the commencement of development, a detailed reptile mitigation scheme (to include consideration of amphibians) shall be submitted to and approved in writing, by the Local Planning Authority. The scheme shall include enhancements to the retained ecological buffer habitat (including locations of habitat piles), management of habitat and a strategy to account for reptiles and/or amphibians encountered during the construction of the development. The provisions of this scheme shall be adhered to during the construction and operational phase.

Reason: To comply with the Habitats and Species Regulations and ensure the survival or rare or protected species in accordance with Policies ECH/11 and ECH/12 of the North Somerset Replacement Local Plan and Policy CS4: Nature Conservation in the adopted North Somerset Core Strategy and Policy DM8 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modification's January 2016).

8. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. No site clearance shall be carried out on site between 1st March and 30th September inclusive in any year, unless a check has been carried out beforehand by a qualified ecologist following a methodology agreed with the local planning authority.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and in accordance with policies ECH/11 of the North Somerset Replacement Local Plan and Policy CS4 of the North Somerset Core Strategy and Policy DM8 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modification's January 2016).

9. No works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas and any other related infrastructure have been constructed either on or off site and details of the materials have been submitted to and approved in writing by the Local Planning Authority.

These shall include, all brick, stone, colour of render, roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. Construction shall be only in accordance with the approved sample panel and approved materials in terms of colour of brick, mortar mix, jointing and means of laying unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To ensure that the materials to be used are acceptable in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan and Policy CS12 of the North Somerset Core Strategy.

10. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: Monday to Friday 08:00 and 18:00, Saturday 09:00 and 13:00, nor at any time on Sundays, Bank or Public Holidays.

Reason: To mitigate the impact of construction traffic during the construction period and in the interests of highway safety in the local and strategic road network in accordance with policies CS1, CS10 and CS30 of the North Somerset Core Strategy.

11. No development shall take place until plans and sections, indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction for the: proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, car parking and street furniture has been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be laid out, constructed and completed in accordance with the approved details and in accordance with a detailed programme that is to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy T/10 of the North Somerset Replacement Local Plan and Policy DM24 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modification's January 2016).

12. No other part of the development hereby approved shall be commenced until: the access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway with the ironwork set to base course level: the visibility splays required by this permission have been laid out; the footway on the public highway frontage required by this permission has been constructed up to base course level; and construction traffic roads, site compound and staff car park have been constructed in accordance with details to be submitted to an approved in writing by the Local Planning Authority.

Reason: In the interests if highway safety and in accordance with Policy T/10 of the North Somerset Replacement Local Plan, Policy DM24 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modification's

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January 2016) and in accordance with the Council's Highways Development Design Guide December 2015.

13. No development shall be commenced on the site until details of the soft landscaping of the site have been submitted to and approved in writing by the Local Planning Authority. The required details shall include plans of the locations for planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed, together with a planting and maintenance schedule comprising a full species list, sizes of plants, planting densities, soil preparation and post-planting management regime. The plan shall also include habitat for foraging and commuting horseshoe bats and screening planting along the eastern corridor. This should include boundary habitats (hedgerow/tree lines), lawned locations (as buffers), tree and shrub planting across the site to provide foraging and habitat connectivity. Native flowering tree and shrub species to be employed including fruit and nut-bearing species and nectar-rich flowering/night flowering plants.

The approved landscaping scheme shall be carried out in accordance with the approved planting and maintenance schedule, or in the first planting season following the completion of the development, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority, and shall be maintained for a period of 10 years from the time of planting of the last elements of the approved landscaping plan. Any trees or other plants which die before or during this 10 year period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with Policies GPD/3, ECH/11 and ECH/12 of the North Somerset Replacement Local Plan and Policies CS4 and CS30 of the North Somerset Core Strategy and emerging policies DM8 and DM32 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modification's January 2016).

14. No development shall be commenced on the site until details of the hard landscaping of the development have been submitted to and approved in writing by the Local Planning Authority. The required details shall include plan, elevation and section drawings, specifications and if required samples of the location, dimensions, design, appearance, construction details, materials and finish of all free-standing or retaining walls, fences and other means of enclosure, gates, bollards, street furniture, lighting columns, kerbs, drainage channels and grilles and tree protection features. The development shall be completed in accordance with the

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approved details, and so retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the character and amenity of the area in accordance with Policy GPD/3 of the North Somerset Replacement Local Plan and Policy CS12 of the North Somerset Core Strategy.

15. The development hereby permitted shall not commence until final details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to the LPA and approved in writing by the LPA. Those details shall include:
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (5 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - Flood water exceedance routes, both on and off site;
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and Technical Guidance to the National Planning Policy Framework (March 2015) and policies GDP/3 of the North Somerset Replacement Local Plan and Policies CS1, CS2, CS3, CS9 and CS12 of the North Somerset Core Strategy and Policy DM1 of the Sites and Policies Plan Development Management policies Publication Version February 2015 (incorporating proposed main modifications January 2016).

16. The approved drainage system shall not be constructed until the pre-construction requirements set out below have either been; submitted to and approved by the Local Planning Authority, or adhered to as stipulated within the requirement.

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The method statement shall include:

Schedule of works;

- details of construction of all SuDS components;
- management of any temporary works that will affect the approved system mitigation for;
- pollution/sediment loading,
- potential damage to SuDS during construction,
- flooding and damage up or down stream.
- increase discharge to downstream systems

The drainage system shall be carried out in accordance with the approved details and implemented in accordance with a timescale to be approved in writing with the local planning authority.

Reason: This is to ensure that the SuDS are adequately planned, and that the development is served by an adequate and approved means of drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and Technical Guidance to the National Planning Policy Framework (March 2015) and policies GDP/3 of the North Somerset Replacement Local Plan and Policies CS1, CS2, CS3, CS9 and CS12 of the North Somerset Core Strategy and Policy DM1 of the Sites and Policies Plan Development Management policies Publication Version February 2015 (incorporating proposed main modifications January 2016

17. The drainage system must be maintained by the developer prior to the management company adoption to ensure it functions as designed. The maintenance requirements set out below must have either been; submitted to and approved in writing by the Local Planning Authority, or adhered to as stipulated within the requirement prior to handing over to the management company.
- a 12 month functioning period where the developer is responsible during this period
 - Rectifying any defects prior to handover that occur, until such time as the drainage system is passed to the management company
 - The developer to supply copies of electrical and other test certificates, where appropriate, and the operation and maintenance manuals for the drainage system

Reason: This is to ensure that the development is served by an adequate means of drainage and in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan and Policies CS1, CS2, CS3, CS9 and CS12 of the North Somerset Core Strategy and Policy DM1 of the Sites

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and Policies Plan Development Management policies Publication Version February 2015 (incorporating proposed main modifications January 2016).

18. The drainage works hereby permitted shall not be offered to the management company until the developer provides the information below to the Local Planning Authority:
- As built drawings
 - Confirmation that details of required maintenance will be given to the owner of any privately owned drainage sections and in any land deeds
 - Maintenance Schedule and Operational manual
 - The name and address of the owners of each of the SUDS elements
 - The name and address of the operator of each of the SUDS elements
 - The name and address of the management company
 - Any necessary evidence to show any defects have been rectified

Reason: To ensure that maintenance of the SUDS system can be carried out in the lifetime of the development and in accordance with policies GDP/3 of the North Somerset Replacement Local Plan and Policies CS1, CS2, CS3, CS9 and CS12 of the North Somerset Core Strategy and Policy DM1 of the Sites and Policies Plan Development Management policies Publication Version February 2015 (incorporating proposed main modifications January 2016).

19. The dwellings hereby approved shall not be occupied until measures to generate 15% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies and a programme for their implementation have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the measures shall be installed on site and become fully operational in accordance with the agreed details and programme. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the dwellings and in accordance with paragraph 17 and section 10 of the National Planning Policy Frameworks and policies CS1 and CS2 of the North Somerset Core Strategy and Policies DM2 and DM32 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modifications January 2016).

20. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a

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programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered and in accordance with Policy ECH/6 of the North Somerset Replacement Local Plan and DM6 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modifications January 2016).

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending or revoking and re-enacting that Order, no extensions or external alterations to the dwelling shall be carried out.

Reason: In the interests of the character of the area and the living conditions of neighbouring properties and accordance with Policy GPD/3 of the North Somerset Replacement Local Plan (saved policies) and policy CS3 of the North Somerset Core Strategy and emerging Policy DM32 of the Sites and Policies Plan Development Management Policies Publication Version February 2015 (incorporating proposed main modifications January 2016).

22. Prior to the occupation of the development hereby permitted a scheme for the provision of a fire hydrant and future maintenance thereof shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and an agreed timescale.

Reason: To ensure that adequate infrastructure is provided in accordance with Policy CS34 of the North Somerset Core Strategy and Policy DM70 of the Sites and Policies Development Management Policies Publication Version February 2015 (incorporating proposed main modifications January 2016).

Informatives

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1. Waste water connections will be required from Wessex Water to serve the proposed development. Applications and guidance information is available from the Developer Services web-pages at www.wessexwater.co.uk. Further information can be obtained from the New Connections Team on 01225 526333.

The applicant is advised that separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

2. The applicant is advised that when an application is made for adoption under Section 38 of the Highways Act, the entire site access road from its junction with Venus Street shall be of a shared surface provided with 25mm upstands to distinguish between the main vehicular carriageway and the marginal strips/footways located on either side of the carriageway.
3. Land drainage consents will be required from the North Somerset Levels Internal Drainage Board (IDB) for the construction of the proposed outlet and discharge of surface water runoff into the Passage Rhyne north of the site. Any surface water from the Highway should go through an interceptor before entering the rhyne.
4. Any temporary or permanent works within 9 meters of a watercourse, including an outfall, must be subject of a Land Drainage Consent application to the North Somerset Levels Internal Drainage Board, 2 months prior to the commencement of works on site (Land Drainage Act 1991 – Section 23 and Land Drainage Byelaws made under Section 66.
5. The applicant is advised that the North Somerset and Mendip Bats Special Area of Conservation is a highly protected suite of sites for wildlife and ecology of international importance.

Qualifying features:

- Semi-natural dry grassland and scrubland: on calcareous substrates (Festuco-Brometalia)
- Tilio-Acerion forests of slopes, screens and ravines
- Caves not open to the public
- Lesser horseshoe bat *Rhinolophus hipposideros*
- Greater horeshoe bat *Rhinolophus ferrumequinum*

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Appendix 1 – Congresbury Parish Council Comments:



Congresbury Parish Council

The Old School Rooms
Station Road
Congresbury
BS49 5DX

Tel: 01934 838802

Chairman: Councillor Diana Hassan
Parish Clerk: Liz Greaves
Administrator: Tony Sawyer

www.congresbury-pc.gov.uk
Email: clerk@congresbury-pc.gov.uk
Email: admin@congresbury-pc.gov.uk

Objection to planning application 16/P/0147/F – Erection of 14 no. dwellings including landscaping, provision of parking and a vehicular and pedestrian access from Venus Street.

Congresbury Parish Council recommends refusal of planning application 16/P/0147/F.

Applicant: Strongvox Ltd & Mrs M Meaker York House Blackbrook Park Avenue Taunton TA1 2PX

Agent acting for applicant: White Young Green (Wellington) Hawkridge House Chelston Business Park Wellington TA2 8YA

Position agreed at Congresbury Parish Council Planning Committee on 25th January 2016.

1. INTRODUCTION

- 1.1. Congresbury Parish Council acknowledges the full application ref 16/P/0147/F for the erection of 14 houses, associated parking, landscaping and construction access from Venus Street. It is understood that this application is made using the applicant's free go following the

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appeal ref APP/D0121/W/15/3138994 by appellant Stongvox Ltd for non-determination.

- 1.2. Congresbury Parish Council submitted an objection to the original application of the planning application 15/P/0109/F; this position was agreed at the Planning Committee dated 23rd February 2016.
- 1.3. Following the applicant reducing the total number of units from 19 to 14 and altering the type of affordable properties from three storey flats to two storey houses, the Parish Council submitted a revised statement which was dated 29th April 2015.
- 1.4. Following the applicant lodging the appeal for non-determination, Congresbury Parish Council submitted an updated document to the Planning Inspectorate. This document is a further update to the original submissions and is a response to the 'Appellant's Statement of Case' November 2015. This position was agreed at the Full Parish Council meeting on the 11th January 2016.
- 1.5. The Parish Council Planning Committee met on the 25th January 2016 and resolved to recommend refusal of the full application reference 16/P/0147/F. The Parish Council requests that the previously submitted documents are considered as reasons for refusal for the new application. The 3 previously submitted documents and Congresbury Parish Council Planning Policy are contained as appendices. In addition the Parish Council would like it noted that this site is not in the schedule of allocated sites and green spaces, appendix 1 of the Sites and Policies Plan report from North Somerset Council. This document is used to identify sites proposed to meet the need for residential, employment and other uses to 2026. Therefore the Parish Council believes that North Somerset Council must refuse this application as any development must be a plan led process and the absence of this site in the Sites and Policies Plan indicates that this is not the case for this application.

APPENDICES

Appendix 1 - Congresbury Parish Council original objection 23rd February 2015

Appendix 2 - Congresbury Parish Council revised Statement 29th April 2015

Appendix 3 – Congresbury Parish Council submission 11th January 2016

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Appendix 4 - Congresbury Planning Policy

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Congresbury Parish Council

The Old School Rooms
Station Road
Congresbury
BS49 5DX

Tel: 01934 838802

Chairman: Councillor Diana Hassan
Parish Clerk: Liz Greaves
Administrator: Tony Sawyer

www.congresbury-pc.gov.uk
Email: clerk@congresbury-pc.gov.uk
Email: admin@congresbury-pc.gov.uk

Objection to planning application 15/P/0109/F - Proposed erection of 19 houses including landscaping, provision of parking and construction of vehicular and pedestrian accesses from Venus Street.

Congresbury Parish Council recommends refusal of planning application 15/P/0109/F.

Applicant: Strongvox Ltd & Mrs M Meaker York House Blackbrook Park Avenue Taunton TA1 2PX

Agent acting for applicant: White Young Green (Wellington) Hawkridge House Chelston Business Park Wellington TA2 8YA

Position agreed at Congresbury Parish Council Planning Committee on 23rd February 2015.

1.0 Congresbury Parish Council statement

Congresbury Parish Council objects to the full planning application [15/P/0109/F](#). The application proposes to erect 19 houses including landscaping, provision of parking and construction of vehicular and pedestrian accesses from Venus Street. Congresbury Parish Council recommends and expects North Somerset Council to refuse planning permission as this application would not adhere to

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

Congresbury Parish Council objects to this development according to the following issues (more detail is provided in section 2):

This development does not adhere to the following:

- **Principles of sustainability development** as outlined in the National Planning Policy Framework (NPPF)ⁱ. The applicant does not adhere to the principles of a sustainable development as outlined in paragraph 7 of the NPPFⁱⁱ.
- **North Somerset Core Strategy** – This development is against the policies and principles set out in North Somerset Core Strategy. The development has not got support of the local population, will not provide any long term job opportunities and will not protect the character of the community. The development will not help to achieve the Councils Vision and six aims based on the views of local people and government priorities set out on within the Core Strategy.
- **Congresbury Parish Council planning policy** – The development is outside the settlement boundary so contravenes policies set out in section 5 of Congresbury Parish Councilⁱⁱⁱ planning policy. Section 5 states ‘**The overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, so it may be enjoyed by all**’. Paragraph 5.2 states that in order to protect the character of the village, residential development should not be permitted outside the settlement boundary.
- **There is no evidence to support the need for the development outside of the Congresbury settlement boundary.** The agent has not provided any evidence to support this application about the **local need** for housing within the village. The application is based on the uncertainty caused by the challenge to North Somerset Council Core Strategy and the remittance of key planning policies.
- **The development goes against local opinion.** The agent has not provided any evidence of a majority of Congresbury residents supporting this development outside the village boundary. The agent’s own consultation shows the majority of respondents are resistance to the development.
-

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- **The type and size of homes within the proposed development is against the character of the street.** The proposal for flats in this location is not in keeping with the character of the street and is out of character with those neighbouring where the majority is large detached low density properties.

2.0 Congresbury Parish Council objections in detail

The follow sections provide further details and reasons for the summary provided in section 1.

2.1 Sustainable development

The agent has justified the application on the grounds that the housing estate will be a 'sustainable development' so should be supported as outlined in the National Planning Policy Framework (NPPF). The agent considers that North Somerset Council's Five Year Land Supply Position Statement October 2014 is fundamentally flawed and a severe overstatement of the Council's demonstrable supply. Therefore the application should be made in presumption in favour on its credentials of sustainable development. This is supported in NPPF in paragraph 14 which states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development'. However Congresbury Parish Council does not believe that the agent has demonstrated the housing development fits the sustainable development criteria outlined in paragraph 7 therefore planning can be refused on this basis.

The agent has provided a case in paragraphs 4.6.1 – 4.6.15 but provides no evidence. We believe that in the absence of any substantive evidence, the agent has failed to demonstrate that the housing estate will be a sustainable and can be refused due to it being outside the settlement boundary, and the adverse impacts it will cause. We would expect new homes to be in places where people will want to live, close to jobs and cause the least harm to the environment.

- 2.1.1 **Economic role** – The agent has claimed that the housing development would create up to 46 jobs. This is based on 'Laying the Foundations: A housing strategy for England', the agent has not indicated whether only local builders and labour from the village would be used during the construction phase. There are very few local jobs in Congresbury to support this proposed housing, therefore this cannot be justified as a sustainable development. With no proposed building of business units on the site, there are no new long term job opportunities for local people or any sustained economic benefit to the village. The scheme will inevitably contribute to further out-commuting, this would add further pressure to the road network, especially adding to at capacity junction with the B3133 and A370.

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The application states that there would be an increase in local spending but no evidence is provided to back up this conclusion – no surveys, no reports or journals referenced.

We don't understand how this development would achieve 'contributing to building a strong, responsive and competitive economy' as outlined in paragraph 7 of NPPF.

- 2.1.2 **Social role** – Paragraph 7 of the NPPF states 'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'. The agent offers only that a significant proportion of affordable housing would be provided. The agent offers no evidence of local need for housing in the village or has offered any supporting evidence of how the housing estate outside the village boundary would support a healthy community. It loosely states shops available and distances and considers this sufficient evidence.

The agent states that as Congresbury is a service village it is considered to be a suitable location for modest residential development. CS32 states that 'Proposals for small scale development appropriate to the size and character of the village which respects the character of the village and supports or enhances the village's role as a local hub for community facilities and services, employment and affordable housing, including public transport will be supported'. There is no evidence provided on how the described 'modest' development fits these criteria and that there are sufficient local services and infrastructures in place including public transport (lack of bus services) and footpaths.

- 2.1.3 **Environmental role** – The agent has not provided any details on how the build will be sustainable in terms of the environment during the life cycle of the homes. The focus is purely on the build with no consideration how these homes will impact the environment in the long term. The agent has stated that as the site is not within a sensitive area and is located entirely within Flood Zone 1 that the proposed development can be comprehensively mitigated to ensure that it can proceed without significant and demonstrable adverse impacts. The agent offers no evidence of how the development would 'contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.' We would expect the development to adhere to the highest code for sustainably homes, demonstrating the claim that it would be a sustainable development.

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2.2 Congresbury Parish Council policies and settlement boundary

Congresbury Parish Council has policies in place to protect residents and the character of the village. The Parish Council has a number of important policies and documents showing local needs and does not support this development which is outside the settlement boundary. Congresbury Planning Principles and Statements section 5 'The overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, so it may be enjoyed by all'. Paragraph 5.2 states that in order to protect the character of the village, residential development should not be permitted outside the settlement boundary. Appendix 2 is a copy of Congresbury Parish Council key planning policy principles and statements.

The agent has not provided a justified need for the development to be outside of this settlement boundary. Instead of working with the community as intended by Government (both local and national) policies, the applicant has decided that the village needs these houses in this location, seeking to discredit North Somerset Council's land supply. This demonstrates a lack of collectiveness on behalf of the agent and applicant. By disregarding the views of the local community they do not support the local community.

The agent has not outlined why it has chosen this location in preference to other more sustainable locations within North Somerset that have better transport infrastructure and employment opportunities.

The area of land chosen was identified in the SHLA but Congresbury Parish Council did not support any of the proposed locations when originally they were consulted on in 2012. Congresbury Parish Council believes there has been sufficient development in recent years and no further development is required. The Parish Council are currently starting work on identifying when and where possible future developments might happen. We would expect the applicant to withdraw its application and work with the Parish Council and allow the community to decide on where development should take place.

The development would have negative impacts on the:

2.2.1 Environment and bio-diversity

The applicant has stated that following an ecological survey was carried out in March 2014 which provided a summary of recommendations including the provision of a 3m buffer along the sites hedgerows which would be incorporated as part of the design. The site plans do not show how the hedgerows would be excluded from private ownership or outlines how this area would be managed and for what period by the site management company. Congresbury Parish

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Council expects that further detail must be provided on this aspect especially as the site is in close proximity to the North Somerset and Mendip Bats Special Area of Conservation.

Strongvox Homes Design and Access Statement provides very limited information and there is no evidence contained how they aim to comply with CS4 which is '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 networks of habitats. A net loss of biodiversity interest should be avoided, and a net gain achieved where possible.' No evidence is provided whether Strongvox Homes will be following recommendation in their commissioned Ecological Assessment Report section 4.4 to maximise opportunities to deliver biodiversity enhancements.

2.2.2 Traffic and transport

Policy T10 of the Local Plan states that development will only be permitted if it would not prejudice safety or emergency vehicle access. The applicants Transport Statement paragraph 2.5 states that the visibility splays at the Venus Street/Brinsea Road junction is substandard and that North Somerset Council Highways require a contribution towards vehicle activated speed signs. This junction already has a vehicle activated speed sign therefore Congresbury Parish Council fails to understand the benefit to road safety of additional signs where clearly the only option is to ensure the splay reaches minimum standards.

The Notice of Decision for Application No: 14/P/1901/O, Land off Brinsea Road, Congresbury, BS49 5EX states 'the existing road network in Congresbury has insufficient capacity to accommodate the increase in traffic likely to be generated by the proposed development, leading to unacceptable queues and delay on a route performing a strategic function'. Although the proposed development at Brinsea Road is larger than the application at Venus Street, Congresbury Parish Council would have expected that the impact on the A370 junction to have been considered in the submitted Transport Statement especially as the development would increase the use at peak times. The agents planning statement paragraph 4.5.14 states that the proposed development would generate relatively low levels of vehicle trips, with only ten 2-way vehicular movements in both the AM and PM peak hours. Congresbury Parish Council feels that this is a serious underestimate for a development of this size with a total of 44 car parking spaces.

The applicants Road Safety Audit Stage 1 prepared by TMS provides detailed recommendations that Congresbury Parish Council endorses. The audit recommendation states 'During the detailed design a pedestrian/mobility audit should be carried out for the stretch of Venus Street that does not have a

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footway. This will identify potential hazards to pedestrians for the 100 stretch of Venus Street between the site access and the existing footpath to the west, and should also recommend potential mitigation such as the provision of a virtual footway'. Congresbury Parish Council finds it impossible to understand that the Designer's response to this was to disagree on the grounds that Venus Street is currently operating as a 'shared surface' with no recorded PIA's in the most recent five year period. The proposed development would significantly increase the pedestrian and cycle use of the road as well as the increase in traffic. This combined with the mix of housing type would we believe increase the number of children using the road to either walk or cycle to and from school, there must be a safe route for them to do so and enabling the reduction on the reliance of the use of cars. The current plans are not in compliance with North Somerset LP/T objective which states 'to locate and design development, especially mixed uses, to reduce the need to travel, especially by car, and enable cycling and walking to work, school and other facilities'. Clearly this will not happen if there is not a perceived safe route that residents can use.

Congresbury Parish Council also has concerns over width of the access road to site. North Somerset Highways have indicated that the access should be increased to 5.5m wide. The shown swept path analysis for refuse vehicles with a 5.0m wide access is of concern as there seems to be no margin for error vital for those using the 1m wide footpath proposed on the eastern side. This will be of serious concern for the residents of the existing properties. The Parish Council is also concerned that access for emergency services and other large vehicles could be put at risk with further cars and on road parking in the new development and overspill onto Venus Street. The applicant has not addressed these and how they would be prevented.

2.2.3 Infrastructure

Congresbury Parish Council would like to agree with the comments from the Flood Risk Management (Drainage) Team that further information is required from the applicant before the application can be agreed. With no details on how the underground storage for flood water would work and be maintained there is a serious risk of failure and this could lead to flooding in the new development and surrounding houses. There is a real risk that there is extra water would drain into the River Yeo. The extra water could increase the risk to 300 homes at risk from the River Yeo in Congresbury.

Congresbury Parish Council would also request that further information is provided to ensure that there is sufficient capacity to:

- From Bristol Water to supply these additional homes and would not cause reduce water pressure to other residents in Congresbury.

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- Cope with the additional sewage the site will produce. There have been previous issues with regard to the foul sewers from Venus Street with frequent blockages. There are concerns from residents that any additional capacity would cause deterioration to the rest of the village. No details have been provided apart from a standard maps showing size of pipes. The applicant should provide detailed modelling of likely outflows and details of the age and condition of the sewers in the local area.
- Broadband supply. New houses outside the settlement boundary of a village that does not have very fast broadband will only add issues to the network and deteriorate the quality to existing residents.

3.0 Community support and financial arrangements through Section 106

Congresbury Parish Council objects to this planning application but has included as Appendix 1 to this application the template form to request a section 106 planning obligation. We would expect a wide range of long term projects and guarantees to ensure any future impacts of the development would be supported by the applicant.

4.0 Final statement

Congresbury Parish Council objects to the full planning application [15/P/0109/F](#). The application proposes to erect 19 houses including landscaping, provision of parking and construction of vehicular and pedestrian accesses from Venus Street.

We recommend and expect North Somerset Council to refuse this application due to contravening national and local planning policies, that the application does not support sustainable development, has an adverse impact on the local community and supporting infrastructure. We completely disagree with the summary in paragraph 4.6.15 of document titled 'Land north of Venus Street, Congresbury: Planning Statement' prepared by the agent that states 'the proposed development is considered to perform an important economic, social and environmental role and is considered a sustainable development as defined in the Framework.' No evidence has been submitted to support this statement and Congresbury Council does not agree with this statement.

The application conclusions are based on the uncertainty caused by the challenge to North Somerset Council Core Strategy and the remittance of key

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planning policies. Any planning decisions must be community and plan led rather than developer led.

Appendix 1 – s106 request form

FORM TO REQUEST A SECTION 106 PLANNING OBLIGATION

(Community requests format)

<p>Section 1: Application details <i>To be completed by Development Management officers</i></p>
<p>Application no: 15/P/0109/F</p>
<p>Case officer & contact number: David Tate</p>
<p>Description of development: Proposed erection of 19 houses including landscaping, provision of parking and construction of vehicular and pedestrian accesses from Venus Street</p>
<p>Location: Land off Venus Street</p>
<p>Parish: Congresbury</p>
<p>Application status: Full Planning Application</p>
<p>Other relevant information:</p>
<p>Section 2: Request for S106 obligations <i>To be completed by whoever is making the request– please note that <u>all sections must be completed and that you should be as specific as possible in your answers.</u></i></p>
<p>1. Summary of request(s): A – Provide a safe pedestrian access for pedestrians from the development. In addition ensure that the existing pavements from the site into the village include dropped kerbs at key crossing points (for example the pavement along Venus Street crossing Park Road) to facilitate users with pushchairs, wheelchair users and powered mobility vehicles. B – Contribute towards the provision of an improved safe access route from the village to the Strawberry Line for both pedestrians and cyclists. C- To make contributions for preschool provision within the village. D- To make contributions for youth provision in off-site community facilities. E- To contribute towards the village current and emerging community halls and towards the improvement of sports pitches, courts and existing play areas.</p>
<p>2. Reason for Section 106 request: (a) Please explain the specific problem that this development will cause that you are trying to solve. Give details of any evidence that would support your case, for example, transport or education statistics:</p>

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A – There is currently no pavement within the immediate vicinity of the proposed development along the length of Venus Street to provide a safe route for pedestrians. Mitigation such as the provision of a footpath, road markings, warning signs and lighting would significantly improve the route and would ensure that residents would be confident in walking and cycling reducing the need to use their vehicles for every journey. Existing pavements at the junction of Venus Street and Park Road do not have dropped kerbs at crossing points. If these were added it would be easier for pedestrians walking to key village amenities.

B - The provision of an improved safe access route from the village to the Strawberry Line for both pedestrians and cyclists is key to encourage sustainable modes of transport and reduce the reliance on the use of cars.

C- Congresbury has a community led preschool which provided places for children aged 2-4. The preschool has limited capacity and any new development would generate an estimate of 3-6 children who would request a place.

D- There would be an increase in young people generated by a development of this nature, the provision of funding for youth provision within existing buildings in the community would mitigate any negative impacts.

E- There would be an increase in numbers of residents using current community buildings; a contribution towards current and emerging buildings would reflect the community needs for providing accessible social facilities. There would be an increase in numbers of residents and visitors using sports pitches, courts and existing play areas.

(b) Please explain how your request will address the problem you have identified. What would the consequences (short-/medium-/long-term) be if the request is not granted?

A – There is currently no safe access along Venus Street for pedestrians. Without this request the consequences could be a serious or fatal accident for pedestrians/cyclists. The improvements will provide a safer way for pedestrians including disabled persons to access village facilities and amenities. It would be a long term solution making walking from the development to the village easier. If the request is not granted residents may choose to use their cars rather than more sustainable means.

B – The provision of an improved safe access route from the village to the Strawberry Line for both pedestrians and cyclists is key to encourage sustainable modes of transport and reduce the reliance on the use of cars. The consequences of not granting this request may be to reduce the use of the Strawberry Line and increase reliance on cars for shorter journeys that could have been made by in a more sustainable way.

C- The consequences are that local residents would need to access preschool care out of the village; this would increase the use of vehicles at peak times, increasing traffic congestion. Lack of investment into the Community Preschool could jeopardise its future.

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D- The request for youth provision is to mitigate the negative consequences that can result from disaffected young people.

E- The improvement of existing and emerging village halls would ensure that in the medium and longer term Congresbury has community halls that are fit for purpose. The consequences of not addressing this need is that current facilities would not be able to afford to improve standards reducing their use having the consequence that the village would be lacking in buildings for social and community services.

Improvement to sports pitches and courts ensures that facilities are adequate for additional use, consequences of not addressing this issue is that residents would travel outside of the village to access other sports clubs and facilities.

A contribution to improve play areas in the village would ensure equipment can be updated to ensure current standards are met and areas have a variety of equipment to encourage learning and social development. Consequences of a grant towards play areas would be that damaged equipment may not be replaced.

(c) Are there any other ways in which this problem might be solved? Please give details and explain why other options have been ruled out:

A- No

B- The provision of cycle lanes on key roads

C- No

D- No

E- No

3. Details of request:

(a) What are you requesting? Please be as specific as possible.

e.g.

(i) Financial contribution(s): how much do you need and how has that been calculated?

(ii) Land contribution(s): how much is needed and where does it need to be (e.g. near a main road / in a quiet location / highly visible etc)?

(iii) Works-in-kind (e.g. something that the developer would build): please give detailed requirements of what is needed and where.

(iv) Other: please provide as much detail as possible.

Congresbury Parish Council would be happy to discuss the financial contributions and liaise with the relevant officer(s) from North Somerset Council for all requests.

(c) When is the request needed (this would normally be a trigger related to the build-out of the development, e.g. a certain number of houses occupied)? Please give reasons for the proposed timing:

Requests A and C should be considered at the start of the occupation phase of the development.

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Requests B, D and E can be following the completion of the development.
5. Support for the proposal:
(a) Has this request been discussed with the developer? If so, please provide a summary of the discussions and the developer's response: Congresbury Parish Council has had no discussions with the developer over s106 requests.
(b) Does the request have support from any of the following: North Somerset Council? Your local Parish Council? Any other local organisation? If so, please give details of discussions to date and the level of support offered (for example, any formal votes of support)? A- Parish Council B- Parish Council C- Parish Council and the Chairman of Congresbury Community Preschool D- Parish Council E- Parish Council and Helen Mitchell, Operation and Support Officer Development & Environment
6. Long-term sustainability:
Please give details of how the project or service requested would be sustained in the long-term? e.g. who will manage it, how will it be funded? A- North Somerset Council B- Parish Council C- Community Preschool D- Congresbury Youth Partnership and Congresbury Parish Council E- Existing arrangements for the management and maintenance of community hall facilities. For sports pitches and courts it would be the responsibility of the football, cricket and tennis clubs. Parish Council for play areas.
7. Any other information:
Please use this space to add any further information you think relevant:

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APPENDIX 2



Congresbury Parish Council

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Station Road
Congresbury
BS49 5DX

Tel: 01934 838802

Chairman: Councillor Diana Hassan
www.congresbury-pc.gov.uk

Parish Clerk: Liz Greaves
Administrator: Tony Sawyer

Email: clerk@congresbury-pc.gov.uk
Email: admin@congresbury-pc.gov.uk

29th April

2015

Objection to planning application [15/P/0109/F](#) - Proposed erection of 14 houses including landscaping, provision of parking and construction of vehicular and pedestrian accesses from Venus Street.

Congresbury Parish Council recommends refusal of planning application [15/P/0109/F](#)

Applicant: Strongvox Ltd & Mrs M Meaker York House Blackbrook Park Avenue Taunton TA1 2PX

Agent acting for applicant: White Young Green (Wellington) Hawkridge House Chelston Business Park Wellington TA2 8YA

Position agreed at Congresbury Parish Council Planning Committee meeting 27th April 2015

5.0 Congresbury Parish Council revised statement

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Congresbury Parish Council objects to the full planning application [15/P/0109/F](#). The application proposes to erect 14 houses including landscaping, provision of parking and construction of vehicular and pedestrian accesses from Venus Street.

Congresbury Parish Council accepts that the applicant has reduced the total proposed units from 19 to 14 and altered the type of affordable properties from three storey flats to two storey houses. Together with moving the outer edges of the new homes further from the green buffer that forms the site boundary and an altered alignment of the northern edge of the proposed units, in order to fully align with the adjacent buildings on Mulberry Road.

Congresbury Parish Council believes that these changes are improvements to the proposed development as the original proposed flats were not in keeping with the character of the street and with neighbouring properties. The removal of these proposed flats with replacement with two-storey houses is more in keeping and this change has also reduced the housing density of the development which again is more in keeping with the immediate area.

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

6.0 Changes to original Parish Council objection

Congresbury Parish Council wishes to amend slightly the objection report agreed at the Congresbury parish Council Planning Committee on 23rd February 2015. The main body of the objection including Appendix 1 - s106 request form and Appendix 2 – Copy of Congresbury Planning Policy remains unchanged.

The following are the amendments to the document only;

1. Section 1 Congresbury Parish Council statement – revision of statement to text above ‘Congresbury Parish Council revised statement.
2. Section 1 Congresbury Parish Council statement- **removal** of bullet point 6 reading
‘The type and size of homes within the proposed development is against the character of the street. The proposal for flats in this location is not in keeping with the character of the street and is out of character with

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those neighbouring (majority large detached properties) with a higher density of properties.'

3. Amendment of section 2.2.2 Traffic and Transport to reflect the Internal Memorandum from D&E Highways and Transport. The amended section is;

2.2.2 Traffic and transport

Congresbury Parish Council acknowledges the Internal Memorandum from D&E Highways and Transport.

Congresbury Parish Council welcomes the recommendation that a condition be applied to increase the western entry radius at the access from 6m to 10m. It is hoped that this condition will improve safety at the access road and provide a greater margin for error for larger vehicles using the carriageway.

The D&E Highways and Transport section on Highways Safety outlines that it is believed that the Manual for Street standards are already achieved and therefore the requirement for the applicant to provide features such as virtual footways is not considered necessary. This is contrary to the applicants Road Safety Audit Stage 1 prepared by TMS which provided detailed recommendations that Congresbury Parish Council endorses. The audit recommendation states 'During the detailed design a pedestrian/mobility audit should be carried out for the stretch of Venus Street that does not have a footway. This will identify potential hazards to pedestrians for the 100 m stretch of Venus Street between the site access and the existing footpath to the west, and should also recommend potential mitigation such as the provision of a virtual footway'. The proposed development would increase the pedestrian and cycle use of the road as well as the increase in traffic. This combined with the mix of housing type would we believe increase the number of children using the road to either walk or cycle to and from school, there must be a safe route for them to do so and enabling the reduction on the reliance of the use of cars. The current plans are not in compliance with North Somerset LP/T objective which states 'to locate and design development, especially mixed uses, to reduce the need to travel, especially by car, and enable cycling and walking to work, school and other facilities'. Clearly this will not happen if there is not a perceived safe route that residents can use.

Congresbury Parish Council understands that Venus Street would be classified as a 'shared surface' but considers that the recommendations outlined in the Manual for Streets are adopted. Paragraph 7.2.10 of Manual for Streets outlines 'Shared surfaces can cause problems for some disabled people. People with cognitive difficulties may find the environment difficult to interpret. In addition, the absence of a conventional kerb poses problems for blind or partially sighted

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people, who often rely on this feature to find their way around.’ Congresbury Parish Council expects that there is an alternative means for visually-impaired people to navigate by and this is included as part of the scheme. This must be in discussion with the community and local residents.

Congresbury Parish Council believes that the site is not sustainable as most of the residents would be highly dependent on their cars as the proposed development is not well served by transport links and safe pedestrian and cycling routes. The prepared applicant Transport Statement outlines that there is an existing A2 bus services with the nearest bus stop located near to Yew Tree Park. This service has been discontinued. The X5 and A2 services no longer run through Congresbury. These concerns lead the Parish Council to refuse the current outline application on the grounds that the proposed application does not provide any mitigation schemes to encourage cycling and walking to access services and facilities. The residents would be dependent on using their cars, increasing the current heavy use of the village road network.

Policy T10 of the Local Plan states that development will only be permitted if it would not prejudice safety or emergency vehicle access. The applicants Transport Statement paragraph 2.5 states that the visibility splays at the Venus Street/Brinsea Road junction is substandard and that North Somerset Council Highways require a contribution towards vehicle activated speed signs. This junction already has a vehicle activated speed sign therefore Congresbury Parish Council fails to understand the benefit to road safety of additional signs where clearly the only option is to ensure the splay reaches minimum standards. The photo below shows the current

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Current activated speed sign

Venus Street junction with
Brinsea Road

Congresbury Parish Council would like an explanation on where an additional vehicle activated speed sign would be located and further detail on how the s106 contribution of £2,000 would be spent on pedestrian improvements at the Venus Street junctions with Park Road and Brinsea Road.

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APPENDIX 3



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Chairman: Councillor Diana Hassan
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Tel: 01934 838802
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Congresbury Parish Council representation to planning appeal for non-determination
APP/D0121/W/15/3138994

Appellant/Applicant: Strongvox Ltd

Site Address: Land to the north of Venus Street, Congresbury, BS49 5HA

Position agreed at Congresbury Parish Council 11th January 2016

1. INTRODUCTION

- 1.1. Congresbury Parish Council acknowledges the appeal (APP/D0121/W/15/3138994) by appellant Strongvox Ltd due to non-determination.
- 1.2. Congresbury Parish Council submitted an objection to the original application of the planning application 15/P/0109/F; this position was agreed at the Planning Committee dated 23rd February 2015.
- 1.3. Following the applicant reducing the total number of units from 19 to 14 and altering the type of affordable properties from three storey flats to two storey houses, the Parish Council submitted a revised statement which was dated 29th April 2015.

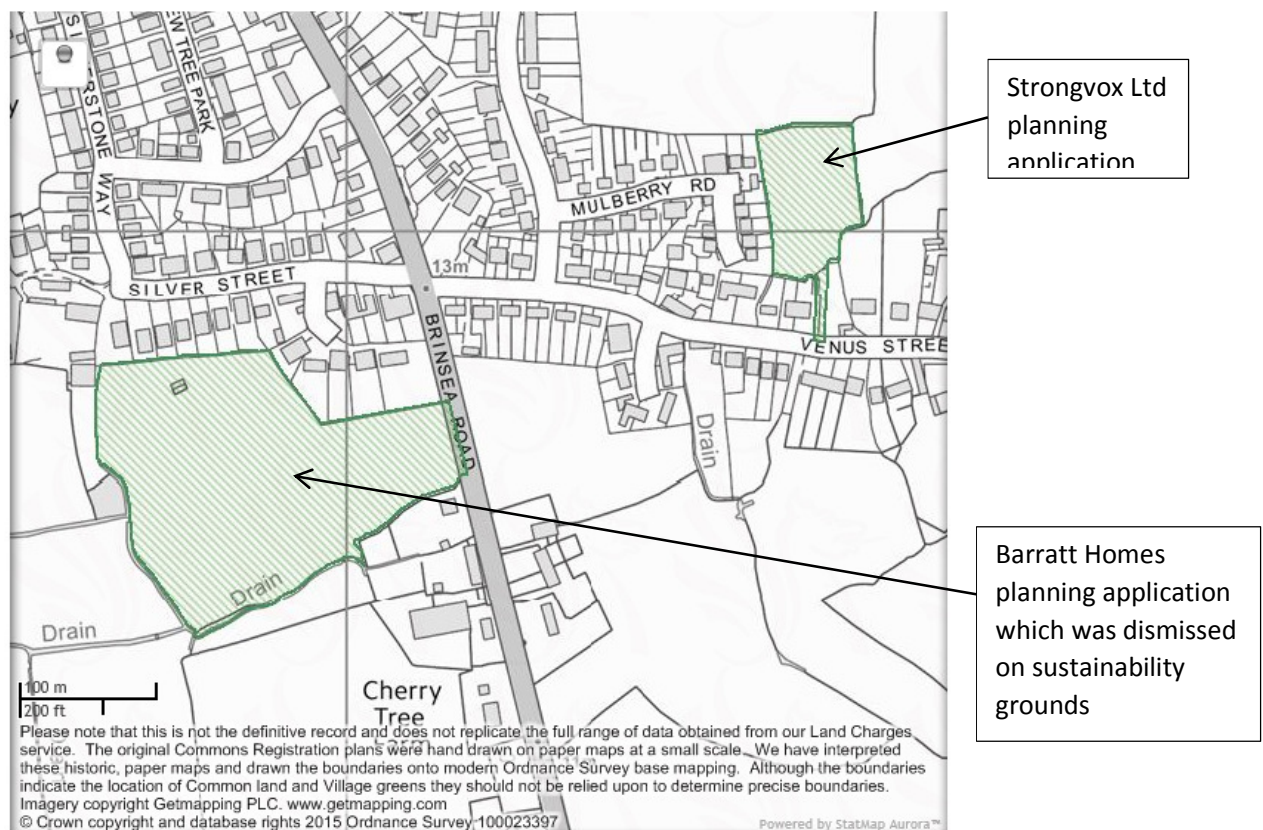
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1.4. The Parish Council insists that these 2 documents are considered as evidence as part of the appeal. This document is a further update to the original submissions and is a response to the 'Appellant's Statement of Case' November 2015.

2. DETAILS TO SUPPORT OBJECTIONS

2.1. Congresbury Parish Council would like to bring to the Planning Inspectors attention of a recent appeal by made by BDW Trading Ltd against the decision of North Somerset Council. The appeal was dismissed on sustainability grounds on 30 November 2015. Planning inspectorate appeal reference APP/DO121/W/3004788. Figure 1.0 provides details of the sites

Figure 1 – Location of appeal site and recent dismissal of Barratt Homes planning application



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2.2. In the appeal decision the Inspector stated (paragraph 42.) that ‘With the exception of the Brinsea Road shops and nearest bus stop, walking routes from the appeal site to local services and facilities are around the preferred maximum tolerances, rather than the desired or acceptable distances, set out in the Chartered Institute of Highways and Transport publication Providing for Journeys on Foot. With the above exceptions, all are beyond Manual for Streets’ recommended 800m (although it is explicit that this is not an upper limit’.

This decision applies equally to the Strongvox site as the walking distances are above 800m with distances to the school measured as 1700m or a 21 minute walk. The Brinsea Road appeal decision also stated ‘Any consideration of the ‘ready accessibility’ of services and facilities must also include the quality of routes to them’. Venus Street does not have a pavement along its entirety, therefore the route could be considered as substandard and not an attractive and safe route. Congresbury Parish Council wishes to emphasise the view that private car journeys are likely to be the predominant means of accessing local services and facilities. It can be considered therefore that the proposal does not accord with paragraph 32 of the National Planning Policy Framework.

2.3. Congresbury Parish Council provides the following additional detail to support our call for dismissal of the appeal and refusal of the application:

2.3.1. Unsustainable development

The appellant has failed to show that this is a sustainable development as outlined in the NPPF. Congresbury Parish Council does not agree with the statement in Paragraph 5 of the appellant statement of case that the development benefits significantly and demonstrably outweighs adverse impacts (test in Paragraph 14 of NPPF). We believe this as the appellant has not provided any compelling evidence to back up these statements. We draw attention to Paragraph 7 of the NPPF provides details to demonstrate sustainability:

2.3.1.1. **Economic** – The appellant has failed to provide any detailed evidence that this development will provide a local economic benefit to Congresbury. Specific issues are:

- The appellant (paragraph 5.4.4) has failed to provide any evidence that this will provide 70 jobs for local people. Without evidence this statement should be dismissed.

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- The appellant provides no evidence to support its very general statement in paragraph 5.4.7 and 5.4.8.
 - 2.3.1.2. **Social** – The appellant has failed to provide any substantial evidence to provide this development will support housing needs of current and future generations as described in the NPPF.
 - 2.3.1.3. **Environment** – The appellant has failed to provide any evidence to support the NPPF (Paragraph 7) view that sustainable development should contribute to protecting and enhancing our natural environment and improving biodiversity. There is a lack of evidence that the appellant has necessary consent for surface water discharge as outlined by North Somerset Internal Drainage board.
- 2.3.2. Impact on local residents – The appellant has failed to demonstrate that there will not be adverse impacts on neighbouring residents through loss of light and privacy together with the appearance of buildings. The Parish Council would like to reiterate their previous concerns over the access to the site and whether it is wide enough and also that there will be a negative impact on local residents through the increased traffic both in Venus Street and Park Road.
- 2.3.3. No support from residents – The appellant has failed to demonstrate any substantial support from local people for the development of the site or has considered the needs of current and future generations. This is demonstrated in its statement of case where the appellant fails to provide any details of what people desire and focusses on a technical loop hole of the shortfall of the 5 year available land supply.

3. CONCLUSION

We conclude that this appeal should be dismissed and the application refused as this is an unsustainable development, will impact on local residents, is against planning policy of Congresbury Parish Council and is not supported by local residents.

APPENDIX 4

Date of adoption by Parish Council	12 th January 2015 for policy principles and statements	Next review date	January 2016
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Key Planning Policy principles

The Planning Committee will ensure all decisions are based on sustainable development principles including:

- a) Social inclusion, recognising the needs of everyone.
- b) Effective protection and enhancement of the environment.
- c) Where appropriate through the provision of good quality affordable housing so that the vitality of the village can be perpetuated.
- d) Support growth of local employment.
- e) Preserving and enhancing the character of the village.
- f) Development should be well designed and not impose burdens on the residents or create problems for the future
- g) Ensuring planning decisions conform to the Local Plan, unless there are overriding material considerations.
- h) Ensure that any development or change in use does not have a detrimental impact on infrastructure on the village or its surroundings. Any “planning gains” i.e. Section 106 of the Town and Country Planning Act 1990 monies and/or Community Infrastructure Levy (when adopted) to be used for the benefit of the village.

Planning Policy statements

1. Economic Development

Benefit to area – look favourably on any proposed development within its policy parameters which would offer marked public benefit e.g. improved community facilities, and/or improvements in traffic and road safety or increased local employment.

2. Community Services & Facilities

Encourage mixed and multi-purpose uses that maintain community vitality and quality of life and developments that reduce the need to travel.

3. Housing - a place to live

All applications must be considered against the need for the village to be a community to live in.

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- 3.1 Affordable housing (housing association homes for rent or shared ownership) – consider sympathetically the merits of any suitable scheme put forward for affordable housing if there is proof of a local housing need even if outside the settlement boundary.
- 3.2 When dealing with extensions for dependent relatives and holiday annexes, care should be taken not to permit a sizeable unit that could become a semi-detached separate dwelling.
- 3.3 The word infill is to be interpreted as development on vacant unused land amid an existing group or settlement. Infill within an existing boundary should be supported as long as it is not to the detriment of the neighbour's amenity and does not contribute to creating a dormitory settlement, with high levels of out-commuting.
- 3.4 Flats, conversions and houses of multiple occupation:
Conversion of dwelling will be permitted if it does not have an adverse effect on the character and amenities of the property or adjoining properties. The standard of the accommodation must not create an over intensive use of the site. The converted property must not have an effect on the character of the wider area.
- 3.5 The provision of off street parking is encouraged. Developments that cause on-street parking and potentially harm the safety of the highway for road users and pedestrians will be strongly discouraged.
- 3.6 New developments will be looked at favourably if they are sustainable homes, eco-friendly, designed as “homes for life”, use Sustainable Drainage Systems (Suds) or are Secured by Design (SBD) which is a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures. All standards must be as per North Somerset current requirements; information is available on the North Somerset Council website at; http://www.n-somerset.gov.uk/Environment/Planning_and_development_management/Pages/Planning-Home-page.aspx

4. Conservation Area & Design / Character of Congresbury

Ensure development respects and where possible enhances local character. Designs should be of good quality using appropriate materials. It is essential that a cohesive impression of the distinctive character of the area be respected and enhanced.

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- 4.1 The character, appearance and setting of the Conservation area should be preserved and enhanced. Advice should be sought from Congresbury Conservation Group and where appropriate other agencies e.g. English Heritage, the North Somerset Council Conservation Officer, County Archaeologist, Tree Preservation Officer etc. Appendix 2 outlines the Congresbury Conservation area.
- 4.2 Cables should be placed underground wherever possible, especially within the conservation area. Telecommunications companies should be required to share masts wherever possible.
- 4.3 Strategic open spaces and recreation spaces within the village should be retained.
- 4.4 All traditional stone boundary walls should be retained and repaired where necessary and encouragement given to the planting of native hedging where appropriate. Where new development adjoins existing stone walls, it should incorporate matching stone boundary walls.
- 4.5 Existing/original features such as windows, doors, and railings which contribute to the character of the building/area should be retained. Replacement windows and doors should match the original in terms of size, design, colour and material.
- 4.6 The scale, design and materials of any redevelopment or new development (including extensions) must be appropriate to the area in which it is located.
- 4.7 Scheduled Ancient Monuments and Listed Buildings must be protected and preserved; the County Archaeologist is to be kept informed of any proposed plan involving these. Appendix 1 provides details of buildings listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended in the village of Congresbury for its special architectural or historic interest.

5. Settlement Boundary & Countryside around Congresbury

The overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, so it may be enjoyed by all.

- 5.1 Reuse of an existing building can be accepted provided it meets the following criteria:
- It is suitable for conversion
 - And/or there is need to preserve a building of historical or architectural

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- importance
- It makes no significant impact on the countryside, landscapes or wildlife
- Has no detrimental impact on the surrounding infrastructure.

5.2 In order to protect the character of the village residential development should not be permitted outside the settlement boundary as defined in the North Somerset Local Plan, with the exception of affordable housing. This will be reviewed once the North Somerset Core Strategy is in place.

5.3 All sensitive views of the village should be protected.

6. Character of Landscape

6.1 Permit no development on areas that have been statutorily designated for their landscape, wildlife or historic qualities (e.g. Cadbury Hill and moors) and areas which give the village its unique character such as the river Yeo, moors and woodland.

7. Agricultural Land & Farm Diversification

7.1 Encourage development that delivers diverse and sustainable farming enterprises.

8. Open Spaces

8.1 Encourage other country side based enterprises and activities which contribute to rural activity (e.g. The Strawberry Line).

8.2 Support the preservation of footpaths, bridges, stiles, kissing gates and access points, to enable people to enjoy and fully utilize the countryside (e.g. walking, running, and cycling).

9. Equine Related Activities

9.1 To recognise horse riding & other equestrian activity are popular forms of recreation in Congresbury and can provide a useful form of farm diversification.

9.2 Development should be closely monitored to ensure against the proliferation of riding stables in the countryside which may adversely affect an area by nature of their design or location. Account should be taken of their locality to designated bridleways and byways open to all traffic (BOATs). Support will be given to equine enterprises that maintain environmental quality.

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10. Woodland

10.1 Sustainable management of existing woodland is to be encouraged.

11. Transport

Development will only be supported if it would not prejudice highway safety or emergency vehicle access.

11.1 Development giving rise to a significant number of travel movements will only be supported if it is not likely to lead to an unacceptable degree of traffic congestion or to generate traffic that cannot be accommodated without seriously affecting the character of the village and its surrounding area.

11.2 Development which can show it can be readily integrated with the public transport system or other forms of sustainable travel will be encouraged, i.e. a travel plan.

11.3 Encourage developments which reduce the need to out-commute.

ⁱ National Planning Policy Framework, Department for Communities and Local Government, March 2012

ⁱⁱ National Planning Policy Framework, Department for Communities and Local Government, March 2012, page 2, paragraph 7

ⁱⁱⁱⁱ Congresbury Parish Council, Planning policy, February 2014, revised January 2015 for policy principles and statement Section 5, page 6