

Congresbury Parish Council

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Objection to planning application 22/P/0459/OUT - Outline planning application for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access. Land North of Mulberry Road Congresbury BS49 5HD

Congresbury Parish Council recommends refusal of planning application 22/P/0459/OUT.

Applicant: M7 Planning Limited and M7 SW LLP 16 Riverside Omega Park Alton, Hampshire United Kingdom GU34 2UF

Position agreed at Congresbury Parish Council Full Council meeting on 7 April 2022.

1.0 Congresbury Parish Council objections

Congresbury Parish Council objects to the full planning application 22/P/0459/OUT. The application for outline planning for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

Congresbury Parish Council 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.

Congresbury Parish Council objects to this development according to the following issues.

This development does not adhere to the following:

- **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.
Vision 6 of North Somerset Core Strategy for Service Villages States that ‘By 2026 the Service Villages will become thriving rural communities and a focal point for local housing needs, services, and community facilities. They will become more self-contained in terms of providing jobs and serving the local and surrounding community for all their day to day needs, whilst protecting their individual character’. The Parish Council fails to see how an additional 90 dwellings in this location will comply with this vision especially with regard to protecting the character of our village.
- **Settlement Boundary** – There is no evidence to support the need for development outside of the settlement boundary. North Somerset Council CS14 states that ‘At service villages there will be opportunities for small scale development of an appropriate scale either within or abutting settlement boundaries or through site allocations.’ The proposed development cannot be described as a small-scale development and therefore the application must be dismissed.
The proposed site is not currently listed on the North Somerset Site allocation schedule. Although the Parish Council was shocked to see that the site has been added to Schedule 1 of the North Somerset Plan Preferred Options consultation document. It is expected that Congresbury residents will strongly oppose this listing during the public consultation phase of the Local Plan.

- **Congresbury Parish Council Neighbourhood Development Plan 2018-2036**

The Congresbury Neighbourhood Plan went to referendum on Thursday 19 September 2019, and 86% voted in favour of the plan meaning the plan was approved. This means that the plan now has the full weight of the development plan in decision making. The plan was formally 'made' by North Somerset Council at the Full Council meeting of on 12 November 2019. The proposed Development goes against Policies.

- H1 (b) Sustainable Development and Location Principles

The Highways and Transport Evidence Base Report of the Neighbourhood Development Plan states that the two junctions of A370 / B3133 Smallway and A370 / B3133 High Street are operating over or close to capacity and therefore preferred developments will be in areas that will have the least impact on these junctions. Consideration is also needed regarding traffic from surrounding villages such as Churchill, Langford and Yatton. Approved and proposed developments in these locations will significantly increase the traffic along the B3133 thereby exacerbating congestion at the A370/B3133 junctions. This has exponentially increased since the plan was approved with a number of new developments in Churchill, Sandford, Langford and Yatton. All of these have adversely impacted on the junctions and plans for further development in these areas will further adversely impact on traffic congestion in our village.

- H2 (b) Sustainable Development Site Principles

North Somerset district is home to an above average proportion of older residents (North Somerset Housing Strategy 2016–21). The Strategy indicates that an additional 4,600 homes specifically for older people with varying levels of support, ranging from leasehold schemes for the elderly through to housing for people suffering from dementia, will be required over the period 2016 – 2036. Congresbury has a limited supply of bungalows, and many are located at the fringes of the village, therefore any development with a proportion of suitable houses for older residents will be supported. The Neighbourhood Development Plan resident consultation had a large number of respondents outlining their concerns that there is very little housing available for young persons. It is noted that the proposal has indicated that there will be an opportunity to re-balance the housing stock to encourage diversity and that a mix of 1,2-,3- and 4-bedroom homes will be provided including those catering for first-time buyers and the elderly. However, there is no indication of the details of the mix and outlining planning permission should not be given until a more detailed plan has been provided with a firm agreement to honour this statement.

M7 Planning Limited and M7 SW LLP have made contradictory statements in their documentation about the density of the housing. In the Design and Access Statement page 26 it is stated that the density will be up to 44dph. In the Planning Statement page 6 it states that the proposed development will incorporate medium densities. A density of less than 30 units per hectare are proposed for the development. This discrepancy is totally unacceptable and must be clarified. The proposed number of 90 dwellings is unacceptable in such a rural setting where adjacent land has been classified as medium sensitivity from the document- Identified Landscape Sensitivity Assessment Areas (Wardell Armstrong – Landscape Sensitivity Assessment March 2018).

- **Policy H3 Housing Allocations**

Policy H3 allocates development sites in Congresbury. The sites have been allocated as they are considered to be in sustainable locations.

Many areas of the village were considered for possible development, and it was concluded that there is scope for development west of the village centre, along the A370. During the lengthy consultation process over 25 potential sites were looked at and analysed with input from residents, local landowners, and potential developers. From this in-depth process it was concluded that any development east of Park Road would harm the important landscape of the Yeo Valley. Access from Park Road would also be a problem and would affect the operation of the A370/B3133 High Street junction.

The Neighbourhood Development Plan concluded that there are other locations to develop in a more strategic and sustainable way.

Congresbury Neighbourhood Plan contains the vision for Congresbury which includes that.

- Congresbury will continue to be a safe and pleasant place to live and will aspire to achieving a sustainable infrastructure that minimises its carbon footprint and maximises the opportunity for recycling. The green spaces within the village will be made accessible and will be maintained for the benefit of all.
- Any future developments should be appropriate to the existing character and needs of the village.

- **Urbanisation of a rural community**

The proposed development is removing a large amenity green space that is connected to footpaths along the river and into the village. This is out of character for Congresbury which is a village that has good access to green and open spaces. The plans will effectively be urbanisation of the east side of Congresbury. Residents of streets including Park Road, Dickensons Grove, Cadbury and Bramley Square, Homefield and Brinsea Road will have further to walk to access our green and open spaces. This goes against the Congresbury vision to ensure sites are accessible to all. Congresbury Parish Council would object to moving the public footpath that stretches across the field and is a very well used amenity by the village.

Congresbury Neighbourhood Development Plan Community Action T2 (f) has the action to maintain and wherever possible improve the network of public rights of way within the village. The proposed site is also a key link to access the 2 Rivers Way and any proposal to reduce access must be opposed.

- **Flooding**

The majority of the site is slightly elevated compared to land further north-east of the site that is classified as flood zone 3. The north east corner substantially falls away from the rest of the land and is within flood zone 3. During peak rainfall, the field does contain surface water as infiltration rates are poor due to the underlying clay soil. The Parish Council would then agree with the flood report that infiltration of excess water is

not possible and would need to be removed from site, without adding additional pressure on local water courses. It should be noted that the flood report was a desk top study and the Parish Council would have preferred a local study to be undertaken.

The proposal from the developer is the building of an attenuation pond and then discharge at greenfield rates. The Parish Council would raise objections to the attenuation pond, location and size, being out of character (impact on Park Farm listed buildings) and safety concerns given the nearby proposed revised public footpath. The information provided does not provide any details of whether the pond would need a pump to drain water from the site (if so, increasing carbon emissions and adding to the climate emergency). The Parish Council would have serious concerns of the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.

The area is also subject to flooding if the dam failed at Blagdon Lake. It is disappointing that the developer has stated inaccurate facts such as the asset is 'publicly funded' which it is not. This leads us to question how accurate the report is.

- **Heritage**

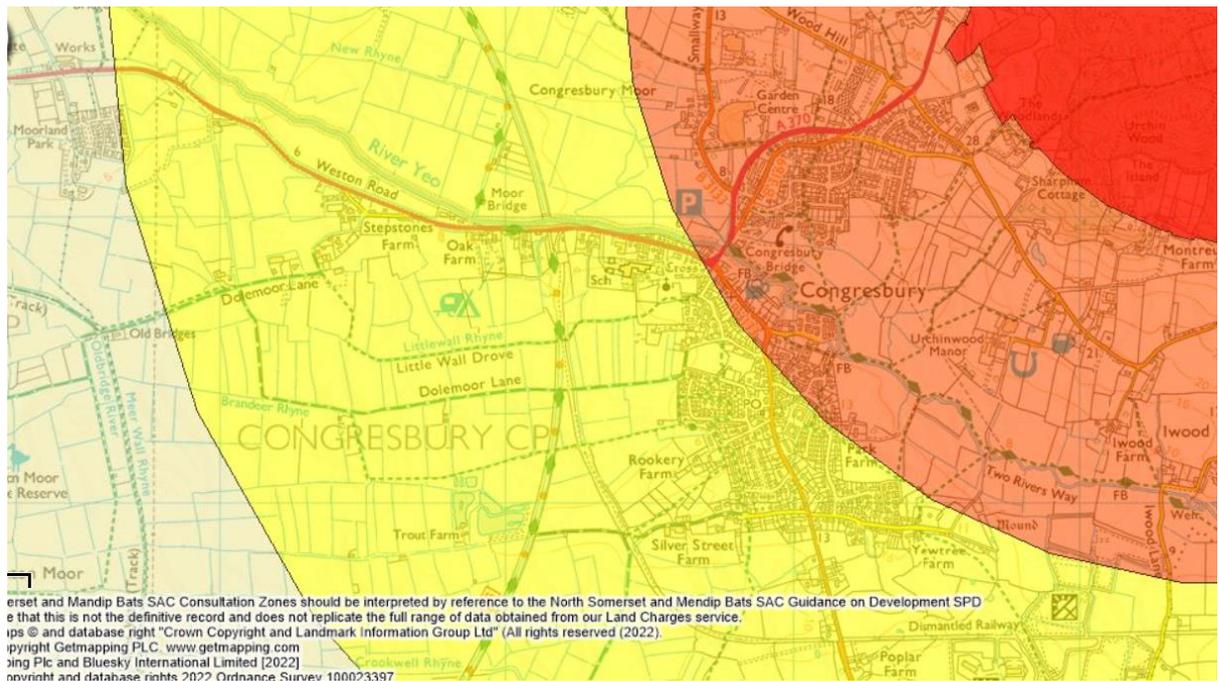
An appeal APP/D0121/A/99/1031669 for a proposed development by Bryant Homes Limited South-west was dismissed and planning permission refused in April 2000. Although planning policy has changed over the past 20 years, the Parish Council believes that several conclusions from the appeal decision are still relevant to this application. The appeal decision refers to the Park Farmhouse as a Grade II Listed building and that special regard is paid to the desirability of preserving the setting of the listed building. The construction of the proposed development and the means to it would visually and actually separate the farmhouse from the previously associated farmland and would thus have a harmful effect on the setting of the listed building.

The recommendations from the Heritage Statement by Andrew Josephs Associates states that the location of the housing within the development should stand off the boundary with Park Farmhouse, leaving a green buffer. The southern boundary equally should retain a green corridor of open space or gardens to retain the historical alignment of the former park's southern boundary in the modern landscape.

The Parish Council considers that if the development is permitted by North Somerset Council the green buffer outlined would not be adequate and as a minimum must be substantially increased to the top section of the field adjacent to the historic Park Farm. In addition, landscaping must be provided to vision screen completely the development from the heritage asset.

- **Ecology**

The applicant has provided a comprehensive Ecological Impact Assessment. The Parish Council is disappointed that the bat surveys were undertaken in 2019/20 and would have expected further bat surveys to be undertaken especially as the site is in such a sensitive location with bat consultation zones A and B as shown below.



Paragraph 4.2.1 states 'To mitigate the residual loss of greater horseshoe foraging habitat, off-site habitat enhancement/creation measures ('off-setting') on a site under the control of the applicant would be implemented directly by the applicant or if a suitable mechanism was available, via a financial contribution to North Somerset Council. The off-set site would be within the greater horseshoe bat Consultation Zone A and would be managed in perpetuity under a greater horseshoe bat Management Plan. The Management Plan would be approved by North Somerset Council and secured through S.106 agreement. The off-set would be secured prior to commencement of development. Based on the outline development proposals and assuming conversion of arable/grassland-ley to meadow (managed specifically for greater horseshoe bat) the off-set site would need be approximately 1.75ha (refer to Appendix 14 for HEP calculation). The quantum of land conversion required for the off-set would be confirmed using the HEP metric.'

There appears to be no indication of where the off-site habitat enhancement on a site controlled by the applicant would be located and how this could be secured in perpetuity. The Parish Council believes that the green corridors outlined in the current application are not adequate for this off-setting. Until a Management Plan has been provided that provides further information the proposed application should not be approved.

In addition, the outline application does not include building orientation plans, methods to be employed to avoid or reduce spill from within buildings, use of landscaping and planting to protect and/or create dark corridors on site and how the grazed pasture/wild meadow of the current site could be replaced. These items are outlined in the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document.

Congresbury Parish Council is proud to have such important bat conservation sites within our district and firmly believes that everything possible must be done to protect these areas for our future generations.

The Ecological Impact Assessment provided also appears to have only concentrated on the proposed development site and has not provided an assessment of the impact on the surrounding area. The impact on the river ecosystem would, we consider be an essential part of a report of this kind taking into account the importance of the ecology.

- **Traffic**

M7 Planning Limited has provided a Technical Transport Assessment together with a Road Safety Audit report. The Parish Council objects to the report produced, especially the two leading statements in paragraph 1.1.8 (page 2) as we believe there are issues of access to the site and the traffic from the site will impact local capacity and residents (increasing the risk of accidents in Park Road and Venus Street).

We have serious comments on a number of subjects that have not been accurately considered.

1. JB Bartlett Consulting Ltd completed the Road Safety Audit: Item 3.2 states 'No information has been provided in terms of the scale and type of the proposed development that the link will be used to access. While the proposed access is probably acceptable for a small number of residential units the lack of pedestrian facilities to eastern side of the proposed access combined with localised pinch point and nature of Mulberry Road itself would not lend itself to a significant development.'

The Designers' response states 'Drawing 10173/300 shows the swept paths, which confirms the adequacy of the layout. The Audit Brief at 2.2.4 details the level of development, and the additional pedestrian access points.

This response may address the access point but does not make any reference to the pinch points and the nature of Mulberry Road. The photo below was taken on 18th March 2022 at 18.19. This photo shows a typical situation with cars parked along the road and on pavements. When the original houses were built in the 1960's the drives would have been for a single car. Many of the houses have extended this capacity but as the photograph shows this is still not adequate. Therefore, the Parish Council is in agreement with the safety audit statement that the nature of Mulberry Road is not adequate to support the proposed development of 90 dwellings.

The developer has demolished the garage and parking space at number 19 Mulberry Road. This means the new home owner (if owning a car) will need to park on the road. This would have an unacceptable impact on the traffic flow in and out of the proposed access point.



2. The Traffic Assessment states that 'The impact in absolute terms at the following junctions and links to demonstrate that the traffic impact at all locations will be acceptable, and that in the context of NPPF paragraph 108 that there will not be a severe residual cumulative impact. The junctions and links feeding them being at: i) B3133 / Park Road, ii) B3133 / Venus Street, iii) A370 / B3133 High Street (Congresbury Cross), and iv) A370 / B3133 Smallway. 6.3.6 Junctions (i) and (ii) are the first junctions either side of the site access to the north, and side. The impact of the development being diminished at the A370 junctions (iii) and (iv) due to the levels of traffic bound for the south onto the A38 that will avoid the A370, and then at junction (iii) due to the levels of traffic that will route to and from the west avoiding the A370/B3133 Smallway junction.'

Local knowledge suggests that the statement that most of the traffic would go south to the A38 and therefore avoid the A370 is incorrect. Most of the traffic from the village uses the A370 to commute into Bristol rather than the A38. This is due to the nature of Stock Lane and the constant delays caused by the amount of large HGV vehicles using this road and the difficulty caused by the narrow road. There are constant long delays as large vehicles are unable to pass each other at the numerous pinch points. Due to this the Parish Council believes further work needs to be completed to assess accurately the impact at the A370 junction with Brinsea Road.

Mark Baker Consultancy Ltd also lists the absolute impact by junction being:

6.6.1 The absolute impact by junction being:

	A.M Peak		P.M Peak	
	Arr	Dep	Arr	Dep
B3133 / Park Road (88%)	10	25	22	13
B3133 / Venus Street (10%)	1	3	2	2
A370/B3133 Smallway (32%)	4	9	9	5
A370/B3133 High Street (88%)	10	25	22	13

6.6.2 The absolute impact by link expressed as vehicles per hour being:

The Parish Council believes that this table is inaccurate as local knowledge would indicate that most vehicles would use the Venus Street junction to join the B3133 rather than attempt to negotiate the longer route of Park Road which again has lots of parked cars along the route. The figures in the table above should be switched for an accurate representation.

The Venus Street junction has very poor visibility with badly maintained verges and therefore the Parish Council would expect that as part of any development that a plan is put in place and funded by the Developer to improve this junction. This junction needs to be considered as part of the Road Safety Audit to outline the issues and recommend suitable provisions to ensure that vision both ways is improved.

- **Infrastructure**

Congresbury Parish Council would also request that further information is provided:

- From Bristol Water to ensure that there is sufficient capacity to supply these additional homes and would not cause reduce water pressure to other residents in Congresbury.
- Also that there is sufficient capacity to cope with the additional sewage the site will produce. There have been previous issues regarding the foul sewers from Brinsea Road with frequent blockages. There are concerns from residents that any additional capacity would cause deterioration to the rest of the village.
- To alleviate serious concerns for the Parish Council about the long-term maintenance and future flooding impacts to the proposed development and to the current residents of Park Road and Mulberry Road.
- On the regime to inspect and maintain the proposed children's play area and the informal footpaths and public open space. The applicants Planning Statement contains no information on how this would be managed in perpetuity and as no specific community consultation has taken place on these items, the applicant has received no feedback on whether these areas would be a used and provide a valued community asset.

- **Local Opinion** - The development goes against local opinion. The agent has not provided any evidence of a public consultation and the results of this process. The Parish Council believes that the majority of Congresbury residents do not support this development
- **Misleading planning statement**
Congresbury Parish Council would like to highlight that M7 Planning Statement is inaccurate. Within this statement there are misleading statements:
 - Including claims about the housing density (paragraph 3.14 states 30, while in the Design and Access Statement page 26 it is stated that the density will be up to 44 dph.
 - Paragraph 4.4 indicates that the development is permitted within the Congresbury Neighbourhood Development Plan, but this is false. The development is not identified in the plan and goes against this legal document.

2.0 Final statement

Congresbury Parish Council objects to the full planning application 22/P/0459/OUT. The application for outline planning for the erection of up to 90 no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

We recommend and expect North Somerset Council to refuse this application due to contravening national and local planning policies and Congresbury Neighbourhood Development Plan. The proposed number of 90 dwellings is unacceptable in such a rural setting where adjacent land has been classified as medium sensitivity. The Parish Council agrees with the Safety Audit traffic statement that the nature of Mulberry Road is not adequate to support the proposed development of 90 dwellings. The proposed development is also damaging to the landscape and has an adverse impact on the local community and supporting infrastructure.

Instead of working with the community as intended by the provision of our Neighbourhood Development Plan, the applicant has decided that the village needs these houses in this location. The agent has not outlined why it has chosen this location in preference to other more sustainable locations within North Somerset that have better employment opportunities. The Parish Council strongly believes that any planning decisions must be community and plan led rather than developer led.

The Parish Council agrees with the closing statement of the appeal APP/D0121/A/99/1031669 decision in 2000 that states 'Furthermore, and of such concern that it overrides all other considerations, the development would have a serious adverse effect on the character of Congresbury and the surrounding countryside.' This is just as relevant and important to Congresbury residents as it was over 20 years ago.