

BACKWELL RESIDENTS ASSOCIATION

Hon Secretary Mike Veal, 36 Longthorn, Backwell, BS48 3GY
Tel No. 01275 461187 – e mail address: smveal@talktalk.net

Your Ref: 20/P/1847/OUT

Our Ref:

Lee Bowering
Principal Planning Officer
Strategic Development Service Team
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-Super-Mare
BS23 1UJ

24 September 2020

Dear Mr Bowering,

20/P/1847/OUT | Outline application for residential development of up to 65 dwellings with matters of access for approval and all other matters of appearance, scale, layout and landscaping reserved for subsequent approval | Land West Of Rodney Road Backwell

Backwell Residents Association (BRA) is an independent organization with a paid up membership of 400 households representing up to 700 residents. It is objecting to this application and has commissioned two consultants to help provide appropriate input to the responses:

- Lucy White Planning – Planning Consultant
- LvW Highways Ltd – Traffic and Highways Consultant. (See Enclosures)

Principle of Development

The starting point for consideration of the proposals is the statutory development plan, which comprised of the North Somerset Core Strategy, Sites and Policies Plan and the Backwell Neighbourhood Plan.

Policy CS32 of the Core Strategy identifies Backwell as a service village. Policy CS14 recognises 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. Policy CS32 clarifies that schemes of up to 25 dwellings can be considered through planning applications whilst larger proposals should be brought forward through the Local Plan or Neighbourhood Plan.

The application site lies outside the settlement boundary of Backwell where application proposals for new housing development should be no more than around 25 dwelling.

The proposals are also contrary to the Backwell Neighbourhood Plan on the basis the proposals lie outside the settlement boundary and Planning Policy Development 1 which supports housing development in Backwell which is at a level appropriate to the size and character of the settlement. For the reasons set out below, the scale of the proposals combined with the impact on the existing residential area is not acceptable.

It is acknowledged that North Somerset Council is currently unable to demonstrate a five-year housing land supply and accordingly the National Planning Policy Framework (Framework) proposals for sustainable development should be granted permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Within this context, these representations highlight that the proposals would prejudice the Framework's policies for protection of areas and assets and the benefits of the proposals would, in BRA's view, be significantly and demonstrably outweighed by the adverse impacts of the proposals.

In determining the application, it should be recognised that the presumption in favour of sustainable development does not change the statutory status of the development plan. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted (Framework, paragraph 12).

In cases where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where criteria a-d in paragraph 14 apply.

In respect of Backwell Neighbourhood Plan, criteria b, c and d all apply. In respect of the plan's age (criteria a), made in March 2015, the plan remains valid and consistent with the provisions and time frame of the strategic tier of the development plan and should remain the starting point for consideration of these proposals.

BRA highlights the following concerns regarding the development proposals.

Pre-Application Consultation

Based on the information provided within the application forms, Taylor Wimpey has not sought to engage with North Somerset Council through a pre-application submission to seek the prior views of Officers and consultees despite the site's location within Consultation Zone A of the North Somerset and Mendip Bats Special Area of Conservation.

The North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (Adopted January 2018) (Bat SPD) advises that it is "essential" for developers of sites within Consultation Zone A to hold early discussions with the local planning authority (LPA) where development proposals are likely

to affect the habitat. Engagement with the local planning authority must take place prior to submission of a planning application and before a masterplan is submitted. Despite this, there is no evidence that any discussions have taken place with the LPA in this respect, contrary to the SPD.

A public exhibition was held by Taylor Wimpey in the parish hall on 21 November 2019 to present proposals for the application site. At the time BRA and the Parish Council expressed significant concerns to Taylor Wimpey regarding the coverage of the event's publicity. Significant areas of Backwell did not receive leaflets to inform them of the event and Taylor Wimpey acknowledged at the event that the leaflet drop was incomplete and that this was unacceptable. In addition, limited information regarding the proposals was available at the event which focussed largely on company information. No details of the proposed vehicular and pedestrian accesses were provided which was a particular area of concern for residents.

Notwithstanding the limitations imposed by the current pandemic on further consultation events, Taylor Wimpey should be required to address the inadequacies of the first consultation through further communication with residents to provide an update on the proposals prior to submission of the formal planning application. As it stands, inadequate consultation has taken place with the local community to enable a meaningful input to the proposals prior to submission of the formal application.

Adjoining Land

The application site adjoins land owned by North Somerset Council (NSC) to the north and land within Taylor Wimpey's control via an option agreement to the south-west which was promoted through the Joint Spatial Plan for strategic scale residential development. BRA has concerns regarding the implications of the proposed development for these landholdings.

NSC's landownership provides the potential to enlarge West Leigh Infant School's facilities and as the determining authority for this planning application and the Local Education Authority, NSC must ensure that any development proposals for this adjoining land do not prejudice the enlargement of the school campus.

In respect of Taylor Wimpey's adjoining landownership of Grove Farm, this application must be considered on its own merits as a stand-alone development. Any proposals through this application which serve to facilitate development or access to development on Grove Farm would be premature and contrary to the adopted statutory development plan and must be strictly controlled.

Site Constraints

Ecology

The Bat SPD requires applicants of sites within Consultation Zone A to undertake automated detector surveys for bats during the survey season, with at least 50 survey days between April and October, with at least one week of surveys in each month of April, May, August, September and October.

The ecology report prepared by Tyler Grange records automated detector surveys undertaken in 2016 and 2017 with an update survey in 2019 during 2 weeks in September and 2 weeks in October only.

The 2016/2017 surveys are now significantly out of date and cannot be relied upon in this application. Given the mobile nature of bats their flight paths and areas of foraging can be affected by changes in the wider landscape, which are beyond the control of the applicant. In absence of complete surveys for a full 50-days within the last available complete season, the impact of the proposals upon the Bat SAC cannot be appropriately assessed, contrary to the provision of the Bat SPD.

The Ecology Report concludes at paragraph S.9 that the proposals would result in an overall deficit in bat habitat on site of 1.18 hectares. This represents a significant adverse impact on the local environment which weighs against the proposals.

The applicant indicates that an off-site contribution of 1.3 hectares (10% net gain included) of arable or grassland farmland or woodland improvements would be required to address this shortfall. To comply with the Bat SPD, such provision of replacement enhanced habitat must be accessible to the population of affected horseshoe bats (paragraph A5.55). However, the application offers no details of a suitable site to demonstrate that adequate habitat can be created and safeguarded close to the bat population to mitigate the harm.

In the absence of adequate survey information and mitigation, there is grounds to refuse planning permission within the context of paragraph 11di of the National Planning Policy Framework.

Agricultural Land Classification

The application site comprises Grade 2 agricultural land which represents best and most versatile agricultural land which should be retained for this use. Planning Policy: Development 4 of the Backwell Neighbourhood Plan serves to prioritise the use of poorer quality agricultural land for significant developments which are demonstrated to be necessary at Backwell. In addition, the Framework requires planning decisions to take account of the economic and other benefits of best and most versatile agricultural land (paragraph 170).

The applicant has failed to demonstrate that the housing needs cannot be met through the development of other poorer quality agricultural land elsewhere in North Somerset, contrary to the Neighbourhood Plan and Framework. Should the Council be minded to approve the application, the material harm associated with the loss of best and most versatile agricultural land must be balanced against the benefits of the scheme.

Housing Mix

The Applicant's revised offer of 30% affordable housing provision is accepted as compliant with the Development Plan policy, however, BRA must express its disappointment that the proposal to exceed this requirement has been withdrawn.

The Applicant's offer to provide 10% of the scheme as affordable home ownership tenure, in line with the Government's expectations, is welcomed.

In addition, the mix of market housing should take account of local housing needs. The proposals should take account of Neighbourhood Plan Planning Policy: Development 2 which identify a need for smaller dwellings with a floorspace of no more than 100sqm and retirement housing.

BRA in conjunction with Backwell Parish Council and Backwell Resistance undertook an electronic and hard copy survey of the village in July 2020 to seek views on the future of Backwell. Respondents expressed a desire for new housing developments to include retirement housing and starter homes with lower demand for family homes. Any proposals for new development should incorporate a genuine mix of house types which can cater for this range of housing needs.

Vehicular and Pedestrian Access

BRA has appointed highway consultants to review the Transport Assessment and access proposals which are submitted in detail (not reserved) as part of this planning application.

BRA is particularly concerned about the safety of the proposed access point, which is a well-used public right of way, providing the most direct pedestrian access from Rodney Road to West Leigh Infants School. Similarly, the proximity of the proposed access to the main entrance to the Backwell Playing Fields raises safety concerns.

The access serves a large car parking area available to users of the playing fields as well as pedestrian access to Backwell Football Club, Backwell Judo Club, Rainbows Pre-School and Backwell Scouts and Guides. BRA is concerned that the frequency and volume of trips by cars, pedestrians, cyclists and particularly young families and unaccompanied children through the playing fields entrance/exit in close proximity to the proposed entrance to a housing development of up to 65 additional homes will result in conflict between vehicles and pedestrians which would prejudice highway and pedestrian safety.

A separate Transport Review setting out LvW Highways' observations and concerns regarding the proposals is **attached** and should be treated as BRA's representations on highway and transport matters. The review includes photographs evidencing the extent of on-street parking in the local road network. In summary, the principal areas of concern and objection are:

1. The absence of full and robust survey data to assess the transport proposals, including the absence of adequate junction surveys and the reliance on traffic counts undertaken during July when school holidays markedly reduce traffic volumes. Up to date, robust traffic surveys and assessment of all relevant junctions must be carried out to inform the application, prior to determination of the outline planning application;
2. The unsuitable nature of Rodney Road and adjoining local roads to support additional traffic;
3. The proximity of the site access to the Backwell Playing Fields entrance and West Leigh Infants School and the serious risks associated with increased conflict between pedestrians and vehicles;

4. The absence of detailed proposals for the existing carriageway adjoining the site access or any commitment on the part of the applicant to fund such proposals;
5. Concerns regarding the ability to access the site safely during the construction phase by construction traffic.

Infrastructure

Finally, BRA expresses concern regarding the capacity of existing infrastructure to accommodate an additional 65 households in Backwell.

The existing infants and junior schools have limited capacity to accommodate additional children and with the current development of Taylor Wimpey's Coppice Place development on Moor Lane for 65 homes, this will inevitably reduce capacity within these schools with new families moving into the area. The Joint Spatial Plan had recognised the need for a new primary school to meet the needs of strategic growth at Backwell. In the absence of new school provision, BRA questions how additional capacity can be created within existing schools to accommodate the pupil product yield from this development.

The above comments and enclosed transport review form the basis of our objections to this application. However, in the event that the Local Planning Authority is minded to grant planning permission, we would like to request that consideration be given to the imposition of the following planning conditions and legal obligations:

1. A clear prohibition against any vehicular access onto land to the west of the application site.
2. Agreement to a mix of housing tenure and sizes which responds to identified local housing needs;
3. Provisions to ensure the design and construction meets all appropriate standards and guidelines.

We would be happy to discuss our objections to the proposals in further detail with you either via telephone or a meeting. We look forward to hearing from you.

Yours sincerely



Michael Rose
(on behalf of BRA)

Enc. Transport Review, LvW