

## SECTION 1 – ITEM 6

**Application No:** 20/P/1847/OUT

**Proposal:** 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

**Site address:** Land west of Rodney Road, Backwell

**Applicant:** Taylor Wimpey UK Ltd

**Target date:** 04.11.2020

**Case officer:** Lee Bowering

**Parish/Ward:** Backwell

**Ward Councillors:** Councillor Bridget Petty

### **REFERRED BY COUNCILLOR PETTY**

#### **Summary of recommendation**

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

#### **The Site**

The site comprises agricultural grazing land covering an area of approximately 2.5 hectares and is accessed from a short length of cul-de-sac which is part of the Rodney Road housing development located approximately mid-way between West Town Road, to the south, and Moor Lane located to the north.

The site has a gradual incline from Rodney Road and then within the site gradually falls away south westwards to incorporate part of the adjoining field and part of the field located to the west.

West Leigh Infant School, and a field owned by this Council, adjoin the northern boundary of the site with a single detached bungalow, (18 Rodney Road) located immediately alongside the sites north-eastern boundary.

The cul-de-sac also provides access to the neighbouring four buildings comprising Scout & Guide HQ, Judo, Rainbows Pre-School and the Junior Football Club, which are located on land immediately adjoining the east boundary of the site. Beyond these buildings and associated parking area, lies the Backwell Recreation Ground, with agricultural fields located to the west.

The site boundaries for the most part comprise tree and native planting with a group of protected trees (TPO 733) located within the hedge line located immediately to the south of the site.

A public right of way, LA2/32/10 runs north to south through the site and provides connection with the school with a second public right of way, LA2/31/40, running eastwards along the northern part of the Council owned land to then pass through part of the site, and connect with Rodney Road, and the existing network of footpaths beyond.

### **The Application**

- This is an outline application for up to 65 dwellings, with garaging and parking, with all matters reserved for subsequent approval, with the exception of access, which is to be considered as part of this application.
- The site is accessed from Rodney Road with the existing public rights of way, which cross the site, and will be incorporated into the development of the site.
- A mix of two, three, four and five-bedroom family houses are proposed, comprising mainly two storey heights with some two and half storey.
- Up to 20 of the proposed dwellings will be for affordable housing (30%)
- The site density is 26 dwellings per hectare.
- The existing boundary hedgerows around the site are retained and reinforced with new planting for the most part, with some hedgerow loss necessary to provide sustainable drainage measures, including an attenuation pond located towards the southern end of the site.
- An area of land off-site, and located to the north of the railway line at Youngwood Lane Nailsea, is provided in connection with the proposed development for ecological mitigation and BNG purposes, and this is referred to in greater detail within Issue 3 of this report.

### **Relevant Planning History**

There is no relevant site history, however the applicant has recently undertaken a similar development on their Moor Lane, Backwell site

### **Policy Framework**

The site is affected by the following constraints:

- Site located outside the settlement boundary for Backwell, except for a small piece of land at the boundary of 18, Rodney Road
- North Somerset and Mendip Bats SAC - Consultation area Zone A
- Landscape Character Assessment - Area J5 (Land Yeo and Kenn Rolling Valley Farmland)
- Grade 2 Agricultural Land Classification
- Part of site located within Zone 1c of the EA Source Protection Area
- TPO 733 within neighbouring hedge row to south

## The Development Plan

### North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

- 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
- CS7 Planning for waste
- CS9 Green infrastructure
- CS10 Transport and movement
- CS11 Parking
- CS12 Achieving high quality design and place making
- CS13 Scale of new housing
- CS14 Distribution of new housing
- CS15 Mixed and balanced communities
- CS16 Affordable housing
- CS20 Supporting a successful economy
- CS32 Service Villages
- CS34 Infrastructure delivery and Development Contributions

### Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

- 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 provision of infrastructure etc associated with development
- 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
- DM42 Accessible and adaptable housing and housing space standards
- DM48 Broadband
- DM70 Development infrastructure
- DM71 Development contributions, Community Infrastructure Levy and viability

### Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

SA2 Settlement boundaries and extension of residential curtilages

The Backwell Neighbourhood Plan

The Backwell Neighbourhood Plan was formally 'made' by the council on 24 March 2015, at which point it became part of the statutory development plan.

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
Sustainability 1	Renewable energy
Sustainability 2	Sustainable drainage
Highway 1	Transport assessments
Highway 2	Provision of transport infrastructure
Highway 3	Provision of cycling and walking routes
Development 1	Housing and commercial development
Development 2	Small dwellings
Development 3	Affordable Social Housing exception sites
Development 4	Development on agricultural land
Development 5	Communal entrance gates

**Other material policy guidance**

National Planning Policy Framework (NPPF)

The following sections are particularly relevant to this proposal:

1	Introduction
2	Achieving Sustainable Development
5	Delivering a sufficient supply of homes
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

National Planning Practice Guidance

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (January 2013)
- North Somerset Parking Standards SPD (November 2021)
- North Somerset Landscape Character Assessment SPD (September 2018)
- Biodiversity and Trees SPD (December 2005)
- Creating Sustainable Buildings and Places SPD (Revised Version 2021)
- Travel Plans SPD (November 2010)
- Affordable Housing SPD (November 2013)

- Development contributions SPD (January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (January 2018)
- Accessible Housing Needs Assessment SPD (April 2018)
- Renewable and Low Carbon Energy Generation in North Somerset: Solar Photovoltaic (PV) Arrays (November 2013)

### **Consultations**

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

**Third Parties:** 417 letters of objection and 10 letters of support have been received. Eight letters of representation have also been received from Backwell Residents Association.

The principal planning points of objection made are as follows:

- The site is located outside the settlement boundary, and is not referred to in the Neighbourhood Plan for development,
- Access roads from Station Road and the A370 are inadequate and unsuitable to accommodate increase traffic due to narrow width of existing roads,
- Busy and dangerous access in close proximity to infant school and two pre-schools, scout hut and the playing fields,
- The proposal will add to existing congestion and gridlock in Rodney Road, Embercourt Court Drive, Westfield Road and all surrounding roads which were not built for heavy usage and are now used as a 'rat run' to avoid Station Road and its junction with the A370,
- Access point far too narrow and inadequate to meet the needs of new housing, within an area which is busy with pedestrians and cars all day, health and safety risk to pedestrians and vehicles,
- The proposal does not mitigate any of the hazards to pedestrians trying to access the recreation ground, tennis club, and judo club, dangerous access for adults with young children on the school run, and for those attending Rainbow preschool, concern regarding walking children to school during construction work,
- There is a weight restriction of 7.5 ton on Rodney Road, which suggests that the road is inappropriate for HGV's, existing infrastructure not able to handle the additional traffic,
- Danger to pedestrians and cyclists due to narrow roads and parked cars,
- Alternative access should be sought from the Weston end of the village from A370,
- Local bus and train provision is inadequate,
- The site is in an elevated position and will be very prominent.
- Impact on wildlife, loss of natural environment and detrimental to nature and animal habitats, lack of bat surveys and threat to local ecology,
- Existing footpath provides key access point across site to Westleigh School, development of fields a major loss to the local community and dog walkers,
- Proposal far too close to infant and preschools and will harm the welfare of children,
- Existing schools do not have space to accommodate demand from additional housing,

- Proposal at odds with North Somerset Council's own declaration of Climate Emergency, the green space is at the heart of the community and creates a rural school atmosphere to the infant school,
- Concerned that new houses will not be built to sustainable standards.
- Proposal not in keeping with village setting, harmful to local resident's mental health and well-being, negative social and environmental impact on Backwell community,
- Proposal would lead to increased pressure on local facilities, including schools and medical facilities,
- There are zero local job opportunities for the residents of the new houses, village becoming increasingly overcrowded,
- Loss of trees and hedgerows and impact on TPO, development must avoid impact on Strawberries and Cream protected tree,
- Surface water run off concerns to local residents.

The principal planning points of support made are as follows:

- This scheme is in a sustainable location next to a school, existing park, existing housing and bus stops. Easy walking distance to buses and trains,
- Drainage system appears appropriate,
- The proposal will provide much needed affordable housing for young people who have been brought up in village and are currently being forced away because of lack of appropriate housing,
- Will bring more trade to local businesses

**Backwell Residents Association:**

The Residents Association also objects raising many of the same issues already referred to by the Parish Council and third-party representations received.

**Backwell Parish Council:**

Comments dated 01 September 2020, 06 October 2020, 03 February 2021, 07 December 2021 and 28 June 2022 have been received from Backwell Parish Council which maintains its objection to the outline planning application. The respective letters from the Parish are appended to this report (Appendices A to E refer).

The Parish Council cite;

- conflict with the adopted Development Plan outweighs any benefits associated with the delivery of new housing,
- the proposals are contrary to Policy Development 1 of the Backwell Neighbourhood Plan and Policy CS32 of the North Somerset Core Strategy,
- the proposal lies outside the settlement boundary for Backwell and is not allocated in the adopted Development Plan
- the scale of the development far exceeds the threshold of 25 dwellings permitted by Policy CS32 for delivery of housing through planning applications and would fail to enhance the overall sustainability of Backwell, as required by Policy CS32
- the layout and design of the proposed access would have a harmful impact on the character and safety of this part of the village, introducing a new

vehicular through route immediately adjacent to the existing residential bungalow, 18, Rodney Road.

The Parish Council has made specific reference to the presence of bats and the legislation and mitigation requirements associated with the protected species. The applicant has subsequently undertaken an Ecological Assessment which the Parish has responded to in their letter dated 28 June 2022, Appendix 5 refers.

Backwell Parish Council expresses considerable concerns in respect of the proposed vehicle access, and its relationship with the existing entrance to Backwell Playing Fields.

Notwithstanding the revisions to the proposed access and works to the public highway along Rodney Road, the Parish Council maintains its objection to the introduction of a new access in close proximity to the entrance to the playing fields and the potential risk to pedestrian safety. The Parish Council also maintains its objections to the introduction of additional traffic onto Rodney Road, a relatively narrow residential street with on street parking, which already experiences congestion from high levels of on street parking and vehicle movements, particularly around drop-off and pickup times, which sit outside the normal peak times observed through transport assessments.

The Parish Council acknowledges that the highway authority's concerns have been addressed, however the provision for safe pedestrian routes remains unresolved. It maintains its concern that the introduction of a new vehicular access immediately adjacent to Backwell Playing Fields entrance presents a considerable risk of conflict between pedestrians and vehicles, particularly given the high level of usage are young children and families.

In summary the Parish Council maintains its objection to the proposals for up to 65 homes off Rodney Road and recommends the application should be refused on the following grounds:

1. The proposals are contrary to statutory development plan, including North Somerset Core Strategy and Backwell Neighbourhood Plan.
2. An appropriate assessment cannot be completed to demonstrate that the proposals were not give rise to any adverse effect on the integrity of the bat SAC.
3. The vehicular access proposals would create a risk to pedestrian safety and would result in significant harm to the residential amenity of occupiers of 18 Rodney Road.

**Other Comments Received:**

**Natural England**

No objection - subject to appropriate mitigation being secured.

Natural England have assessed the two submitted Habitat Evaluation Procedure (HEP) calculation sheets dated August 2020 and May 2022 which has informed the applicant's submitted Ecological Assessment. The habitat land management codes used for the 2020 HEP were not so detailed as those provided in the May 2022 HEP which demonstrate that the area of mitigation land is in excess of that required to meet the off-site compensation needs whilst also providing Biodiversity Net Gain. Natural England are satisfied that the 2022 HEP calculations are robust.

The Local Planning Authority will need to complete a Habitat Regulation Assessment before any consent is granted, including consultation with Natural England, to meet Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Avon Fire and Rescue

Avon Fire & Rescue Service seeks the provision of six Hydrant requirements associated with this application. The costs will need to be borne by developers through developer contributions.

Avon and Somerset Constabulary (Crime Prevention Design Adviser)

No objection subject to comments on design points to be considered at the reserved matters stage.

**Principal Planning Issues**

The principal planning issues in this case are (1) the principle of the development, (2) highway and pedestrian safety and capacity of local roads, (3) impact on protected species and habitat and the off-site mitigation measures proposed, (4) layout and impact on the character of the area and living conditions of the adjoining property and nearby properties, (5) drainage and flood risk, (6) Impact on landscape and public rights of way, (7) other matters and (8) development contributions and Community Infrastructure Levy.

**Issue 1: The principle of development in this location**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration.

Paragraph 11 of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay, and in cases where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Policies are deemed to be out of date in the absence of a five-year land supply of deliverable sites for housing. This is applicable in North Somerset at present. This issue is addressed further in the planning balance section of this report.

Location

The site is located outside but adjoining the settlement boundary for the Service Village of Backwell. The proposal to develop the site with housing is therefore subject to policy CS32 of the Core Strategy. Policy CS32 identifies several criteria which are designed to enhance the overall sustainability of the settlement. Sites located outside the settlement



boundaries in excess of about 25 dwellings must be brought forward as allocations through Local Plans, or Neighbourhood Plans. The proposal, for up to 65 dwellings, is therefore in conflict with this out-of-date policy. Neither the North Somerset Site Allocations Plan or the Neighbourhood Plan for Backwell identify the site for development and by virtue of paragraph 11 of the NPPF, these plans, including housing policies referred to within the Core Strategy, carry less weight in the absence of the five-year land supply.

The applicant has confirmed that the development will provide 30% on-site affordable housing provision at nil public subsidy, with a tenure split of 77% social rent and 23% shared ownership. The affordable housing requirement is therefore 20 units which will be delivered via a s106 agreement.

It is considered that the site can provide up to 65 dwellings together with a satisfactory mix of dwelling sizes, which will be secured under the reserved matters submission.

## **Issue 2: Highway and pedestrian safety and capacity of local roads**

### Traffic generation and highway impact

The applicant has used the TRICs database software which has provided the assessment which details 25 two-way trips in the AM Peak and 28 two-way trips in the PM Peak. This calculation, and the data which it is based upon, are considered acceptable.

Major improvements (reduced speed limit and traffic calming) were made to Station Road since the assessment period (2017) which included the school traffic data. This has resulted in additional traffic in the immediate vicinity of the site. The Transport Assessment demonstrates that the maximum proportional increase in traffic through a local junction as a result of the proposed development would be 1.4% at the A370/Rodney Road junction in the AM peak hour. This represents an increase in traffic within the typical range of daily variation in flows on the road network.

The proportional increase in traffic through A370/Station Road/Dark Lane as a result of the proposed development would be 0.8% in the AM and PM peak hours. This represents an increase in traffic within the typical range of daily variation in flows on the road network.

The A370/Station Rd/ Dark Lane junction is already congested, and direct mitigation is not possible. The applicant proposes to mitigate the impact by minimising trips from future residents of the proposed development, and existing residents. The applicant proposes to achieve this by improving pedestrian and cycle facilities in the vicinity of the site and providing an on-site car club.

The applicant has indicated their intention to refresh the yellow box junction lining at the Rodney Road junction and this will be secured as part of the Section 278 works. Further mitigation is required on the cul-de-sac end of Rodney Road where there is currently an informal island arrangement.

### Access

Because all matters are reserved for subsequent approval, except access, it is necessary therefore to consider the details of the access at the point where it meets the public highway as well as the general off site highway works considered necessary to make the proposal acceptable.

Whilst the layout of the access road within the site would be dealt with as part of the reserved matter submission, the applicant has nevertheless responded to local concern over the intended access arrangements immediately within the site given gradient constraints and the proximity to the neighbouring bungalow, 18 Rodney Road. The applicant has provided two access options which are both considered acceptable in highway terms but would result in two different landform profiles in context to the neighbouring bungalow.

The proposed access options do not unacceptably impact on the access road to the Scout HQ, day nursery and playing fields as that access road is outside of the boundary of the development and proposed works shown in the Site Sections Plan. The two options are further referred to under Issue 4.

The proposed access to the site is off the cul-de-sac (no-through road) section of Rodney Road. This part of the road is regularly used for the parking of vehicles due to the proximity of the scout hut and nearby playing fields. To ensure the flow of traffic into, and out of the proposed development, it will be necessary to require the applicant, by way of s106 Agreement, to pay for a Traffic Regulation Order (TRO) and to fund the costs associated with parking restrictions in the relevant locations.

The applicant has proposed improvements to the existing highway network around the immediate vicinity of the site access, including a one-way system along the south-western side of the landscaped island containing the protected 'The Strawberries and Cream' tree. The proposal has been the subject of a road safety audit which has not identified any issues. It is considered that this proposed arrangement will mitigate the impact of extra trips on the junction and around the landscaped island.

#### Proposed changes to northern off-site junction of Rodney Road

Plans have been submitted showing a modified junction and a minimum of 25m visibility splay at the northern off-site junction of Rodney Road. A design speed of 20mph is considered acceptable for this area so the 25m junction visibility splays are acceptable. The applicant has submitted a photograph which demonstrates that the existing protected tree on the landscaped island does not obscure visibility at the junction.

#### Pedestrian priority and links

The applicant has proposed improvements to the existing footway layout around the site vehicle access, including a raised table crossing immediately within the site boundary.

The applicant has agreed to upgrade the public footpath from Rodney Rd to Westfield Drive to a 3m wide shared tarmac foot/cycleway. The provision of a surfaced shared foot/cycleway will make the route more attractive than the current unsurfaced footpath and suitable for all weather use. This should be secured by Section 278 highway agreement.

Given that active travel modes should be planned in as first choice travel options, the site layout at reserved matter stage should be designed to give pedestrians priority. Give way lines should be provided either side of the raised table to show that pedestrians and cyclist have priority. It is considered that these requirements can be fully addressed as reserved matters stage.

Separate uncontrolled crossing points, comprising dropped kerbs and tactile paving, are provided to improve pedestrian connectivity across Rodney Road in locations to the north and south-east of the existing landscaped island located. It is recognised that visibility from the northern proposed pedestrian crossing point is restricted by existing third-party boundary walls and further compounded by any parked car on this section of highway. No other alternative location for the crossing has however been identified. If at the detailed design stage, a suitable level of visibility can be achieved at the northern drop crossing, then it would be desirable for the crossing to be provided. If suitable visibility is not achievable, then the drop crossing should be omitted, but the omission of this drop crossing would not in itself be highway grounds for refusal.

Internal footways and crossing points should take priority over motorised traffic and vehicular movements and this will be addressed at reserved matters stage. Any necessary amendments to the off-site junctions, footways and road markings are to be delivered via section 278 highway agreement and should be delivered prior to construction starting on site. The appropriate condition is recommended.

### Public rights of way

The Rodney Road access will affect the legal alignment of public footpath LA2/31 so the developer will need to apply for a public path diversion order under if planning permission is granted. The existing public right of way running through the site and alongside the school may need to be improved with a tarmac surface or similar solid surface to help improve the accessibility to the site and the school entrance. The section of public footpath (LA2/31) immediately to the west of the Rodney Road access be surfaced and made 3 metres wide to allow for pedestrian and cycle access.

### Tracking

The applicant has provided a vehicle tracking assessment for refuse and emergency vehicles which shows that such vehicles would be able to safely access and manoeuvre along the proposed roads. Any proposals to adopt the internal roads should be included at the Reserved Matters stage of this application.

The applicant has also provided a swept path analysis at northern off-site junction of Rodney Road. The refuse vehicle used for tracking purposes in the swept path analysis 11.2m long. The maximum length of refuse vehicle used within North Somerset is 9.6m, so this represents a worst-case scenario. The tracking results are therefore acceptable. It is however recognised that a parked vehicle might cause a refuse vehicle to mount kerbs. Traffic regulation order (TRO) costs are recommended by section 106 contribution, and this will provide the opportunity to introduce parking restrictions in this area should parking on the junction become an issue.

### Car & Cycle parking

Local residential car parking standards and cycle parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking and cycle spaces for residential development, Policy CS11 of the Adopted Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces.

Based on the illustrative layout, and up to 65 units proposed, the site is capable of providing the necessary car parking provision for each plot, together with the required cycle parking provision which will be secured by planning condition.

#### Travel Plan

A Travel Plan should be prepared and include a contribution per resident to be spent flexibly on sustainable travel such as taster bus tickets and cycle equipment. The details and measures within the travel plan should be secured by Section 106 agreement.

#### Car Club provision

The developer will be required by planning condition to deliver a car club for a minimum of 3 years, to include 3 years membership for all eligible residents. The car club should be based on site or within 500m walking distance. The appropriate planning condition is recommended.

#### Home to School and Public Transport

It is considered that the site offers good public transport links in close proximity and good access to local schools. The development will nevertheless increase public transport demand and add vehicle trips to an already congested highway network.

It is considered that private car trips from the future and existing local residents can be offset by improving the public transport offer and in particular the X7 service, or any future equivalent service and by replacing the two bus stops in Meadow Close. The appropriate financial contribution would be secured by s106 Agreement.

#### Construction traffic

Given the residential nature of the highway network around the site and prevalence of on-street parking, funding for Temporary Traffic Regulation Orders, and any associated traffic management and lining works will be sought by Section 106 contribution.

The local rural highway network and the volume of material that may need to be removed and brought to site must be considered and a construction management plan required before the commencement of development on the site. This is likely to include but not be limited to, heavy goods vehicle (HGV) routing, provision for staff car parking, times of site operation, volume of HGV movements throughout the day, highway safety measures such as wheel washing facilities and mitigation measures for any remedial works required. The appropriate planning condition would secure this requirement.

Overall, there are no overriding adverse highway or transport impacts arising from the development proposal subject to the appropriate conditions and development contributions. The proposal satisfies development plan policies CS10, CS11, DM24 and DM28.

### **Issue 3: Impact on protected species and habitat and the off-site mitigation measures proposed**

Policy CS4 of the Core Strategy and DM8 of the Sites and Policies Plan Part 1 seek to protect priority habitats and the policy requires that development that could directly or indirectly harm protected species will not be permitted unless the harm can be avoided or mitigated. The NPPF puts in place the framework for assessing development proposals.

This includes reference to minimising impact to biodiversity and ensuring that Local Planning Authorities place appropriate weight to statutory and non-statutory conservation designations, protected species, and biodiversity.

This site is of potential relevance to the North Somerset and Mendip Bats Special Area of Conservation (SAC) due to its importance for lesser and greater horseshoe bats. The site lies within Consultation Band A of the SAC.

To mitigate the loss of habitat and make the development acceptable, a Shadow Habitats Regulations Assessment has been undertaken. This concludes that, whilst the application site has been assessed as being of Regional Importance for Greater Horseshoe bats and County Importance for Lesser Horseshoe bats, mitigation measures on the site, plus the provision of a managed site for off-site mitigation will result in no net loss of bat habitat and an improvement in managed foraging resource. The conclusions of the Shadow Habitats Regulations Assessment are therefore considered acceptable.

The Shadow Habitats Regulations Assessment, was informed by the submitted Ecological Assessment, which includes a calculation of habitats lost in line with the Sites of Area Conservation Guidance. The calculation assumes a worst-case scenario (ie all habitats lost on the application site) and concludes that 0.67 hectares of replacement habitat are needed. The Habitat Evaluation Procedure calculation is accepted and has been endorsed by Natural England.

#### Off-site mitigation land

A suitable site (land off Youngwood Lane) has been proposed, within the same consultation band as the application site. The Youngwood Lane site connects directly to both the Kenn river and the railway line, both important linear features in the landscape, known to be used for commuting and foraging by both species of Horseshoe bat.

The off-site mitigation site will be managed in perpetuity for Horseshoe bat foraging and also Biodiversity Net Gain. The details of this, which will include a small pond or scrape, will need to be secured by Section 106 Agreement. It is important that management of habitats on the off-site mitigation site begin as soon as any bat habitat on the application site is impacted by development, i.e. in the planting season closest to any clearance of habitats on the application site.

Submission of a Construction Ecological Management Plan and a Landscape and Ecological Management Plan (covering management of habitats at the application site and at the off-site mitigation site) for approval should be secured by condition.

#### Further advice on mitigation

Habitats on the site currently provide limited opportunities for foraging Greater Horseshoe bats with a distinct lack of favourable habitats and management types. It is considered that the survey effort for bats was adequate, and the lack of favourable habitats is reflected in the 2021 bat survey results. Foraging Greater Horseshoe bats were mainly identified from June onwards on all site boundaries but with the greatest number of registrations on the southern boundary of the site.

The pattern for Lesser Horseshoe bats was similar; they were also recorded on all site boundaries in slightly higher numbers (as would be expected due to larger population size) but with the highest number of registrations on the western boundary of the site.

As the land to the west of the application site is grazed, this would be consistent with increased insect prey occurring on the western site boundary. In both cases the Ecological Assessment concludes that the application site is unlikely to form part of core foraging habitats. Natural England accept this conclusion.

Mitigation measures on the application site include retention of boundary hedgerows with a three-metre buffer, creation of a sustainable drainage system with appropriate marginal planting in the south-west corner of the site, which will attract insect prey, and creation of areas of grassland around the sustainable drainage system. Creation and management of these areas should be secured by the Construction Environmental Management Plan and Landscape and Ecological Management Plan.

A lighting assessment has been undertaken for the application site. This only models predicted light spill from street lighting but the assessment concludes that, due to the distances between houses and retained, and enhanced boundary habitat, this habitat is unlikely to be affected by unacceptably high levels of light spill (above 0.5 lux in line with the North Somerset and Mendip Bats SAC Guidance on Development). It is recommended that the submission of a detailed lighting assessment be secured by condition for approval at the detailed design stage. This assessment must demonstrate that levels of light spill on boundary vegetation will be 0.5 lux or below on day one of the development being occupied.

Bat surveys of the Youngwood Lane site have been undertaken using static bat detectors in May and June 2022. These show low levels of use by Horseshoe bats at this site, indicating that Horseshoe bats use the area but that foraging opportunities on the site can be improved for Horseshoe bats through specific management (primarily grazing of the grassland).

The Landscape and Ecological Management Plan must set out the management prescriptions for the Youngwood Lane site. The site is slightly larger than required for replacement bat habitat, enabling the proposed development at Rodney Road to achieve a Biodiversity Net Gain. In addition, it has been agreed that the applicant will endeavour to transfer the site to a community organisation for its ongoing management and will allow it to be used for educational, or wellbeing purposes (school visits) if possible.

The required adoption of the HRA and the Section 106 Agreement necessary to secure the mitigation as set out in the plans and reports accompanying the application are referred to in the recommendation at the end of this report.

#### **Issue 4: Layout and impact on the character of the area and living conditions of the adjoining property, and nearby properties**

This is a green field site on the edge of the existing settlement which comprises a mix of mainly one and two storey housing. The development of the site will undoubtedly change the open character of the site and introduce a mix of modern house types which will appear very different from those within the immediate surrounding area.

The height and type of dwellings proposed will need to be given careful consideration at the reserved matters stage to ensure that the location of any taller house types respect the sites sloping contour. Scope nevertheless exists to accommodate some two and a half

storey houses which generally do not have a ridge height that exceeds that of a traditional two storey dwelling.

Policy DM32 of the Sites and Policies plan seeks to ensure high quality design and buildings and ensure that the design and layout of development should not prejudice the living conditions of adjoining occupiers. The developer will also be required to comply with the requirements of policy DM42 which requires both market and affordable housing to be constructed to meet the nationally described space standards.

The proposals, whilst in outline form, are capable of achieving a satisfactory layout, as shown on the illustrative plans. Whilst this would be assessed further at reserved matters stage, it is considered that there is sufficient space relative to the site shape, land profile and proportions to ensure the quantum of development now sought is capable of being set in such a manner that it does not prejudice the living conditions of future residents.

The detailing of the proposed boundary with 18 Rodney Road, and the preferred option to be agreed in respect of the level of the proposed access road, and footway, that passes alongside 18 Rodney Road, should nevertheless be given careful consideration to ensure an acceptable arrangement that maintains the living conditions of this neighbouring bungalow. (Options 1 and 2 below refer). The detailing of the boundary, and associated landscape considerations, are nevertheless issues that can be agreed under the reserved matters submission, with particular emphasis on protecting the living conditions of 18 Rodney Road.

Option 1 presents a small (up to) 900mm retaining wall on the southern/ left hand side of the access as you move into the site from Rodney Rd. This offers the ability for the footpath/ road level to be flush with the ground level of number 18 Rodney Rd. Option 2 presents a higher finished road level with banking on the northern side/ right hand side of the access as you move into the site from Rodney Rd. This removes the requirement for a retaining wall on the southern side and banks down from the back edge of footpath on the northern side.

Both options allow for new replacement planting along a green verge on the northern side of the access/ right hand side of access as you move into the site from Rodney Rd.

It is considered that option 1 provides the most opportunity for providing a scheme which avoids the risk of an overbearing development due to the raised ground levels necessary to achieve option two and the length of supporting structure required alongside number 18. Furthermore, it is considered that option 2 would give rise to a potential maintenance issue at the foot of the resulting bank where litter and general rubbish would likely gather.

It is nevertheless considered that an appropriate layout can be achieved that would be in accordance with the guidelines of the Residential Design Guide SPD and the aims of policy DM32.

## **Issue 5: Drainage and Flood Risk**

The submitted Flood Risk Assessment confirms that the site is located within Flood Zone 1 and is at low risk of flooding from surface water and reservoirs. The surface water drainage strategy has considered the drainage hierarchy and has applied the use of SuDs features, where possible.

Infiltration testing has been undertaken which indicates that discharging through infiltration is unsuitable within this site. The applicant has however demonstrated that a suitable surface water drainage strategy can be achieved. However, the submission is an outline application and the level of detail provided is high level. Further details will therefore be required as an integral part of the reserved matters submission.

The intention is to convey the surface water from the development towards an attenuation basin that is proposed to be located in the south-western corner of the site.

Details requiring the submission of a sustainable drainage system and the future management and maintenance of the sustainable drainage system are recommended to satisfy the requirements of policy CS3 of the Core Strategy policy and policy DM1 of the Sites and Policies Plan Part 1.

## **Issue 6: Impact on landscape and public rights of way**

### Landscape

The site is located against the backdrop of the settlement edge with both short and distance views of the site gained from the adjoining, and nearby properties and from the south and west where parts of the site will be more visible from public rights of way and other locations.

The existing site boundaries, particularly to the south, east and west, include a number of established trees, with further trees and planting providing the boundary separation with the adjoining West Leigh Infant School. A number of the existing trees have the potential to mature further and become specimens which are necessary for climate and ecological emergency. The reserved matters submission should therefore take account of the potential offered by the existing landscape features, which it is recommended should be the subject of an Arboricultural Method Statement. This in turn should inform the final layout and root protection measures necessary to safeguard the future health of the boundary trees and reduce the pressure for future tree works as a result of the proposed development. The appropriate conditions are therefore recommended.

It is recognised that some tree and hedge removal will nevertheless be necessary to accommodate the development and in particular the sustainable drainage system, but equally the opportunity exists within the proposed development to not only mitigate any landscape losses with replacement planting, but to include additional planting and reinforcement of existing site boundaries. These measures will be secured by condition and would be dealt with at the reserved matters submission stage.

The site has therefore is used by the local community for dog walking, and exercise, with evidence of a trodden routes around the perimeter of the larger field in which the proposed houses would be built. The definitive PROW, which crosses north to south through the site, is well used and there appears to be a second north to south route also in existence which is not a formal PROW. The illustrative layout nevertheless shows the definitive PROW passing through the proposed housing development.

The proposed development of the site will physically change the appearance and open character of the site from that of a semi-rural feel to an urbanised built form. It is therefore important that the existing PROW is incorporated into a green corridor north south route as



it passes through the development. This level of detail would be secured under the reserved matters submission which in turn would satisfy policy CS30 and policies DM9, DM10, DM25 and DM32.

## **Issue 7: Other matters**

### Impact on setting of Listed Building

The proposed development is in the wider setting of Grade II listed Grove Farm which is located approximately 375 metres to the southwest of the site boundary at its closest point. The existing hedgerows, together with additional planting secured by condition on the boundary of the site, will ensure that the proposed development will have a neutral effect on the setting of the listed building. The proposal is therefore in accordance with policy CS5 and policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### Archaeology

There are no designated nor non-designated heritage assets recorded within the application boundary. There is some evidence for prehistoric activity in the area and the potential for archaeological remains at this site is low, due in part to the lack of archaeological fieldwork undertaken in the vicinity. A condition requiring the developer to afford access to an archaeologist nominated by the Local Planning Authority to observe the excavations and record items of interest and finds, is recommended.

### Third Party Representations

The Parish Council comments together with the third-party representations and those of the Backwell Residents Association, have been given full consideration. It is recognised that there is strong opposition to the development. All the issues which have been raised have been taken into account in reaching the recommendation below.

## **Issue 8: Development Contributions and Community Infrastructure Levy**

Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal. This application is for residential development of up to 65 dwellings and therefore subject to developer contributions which are identified below.

### Affordable Housing

Policy CS16 of the Core Strategy follows Government Policy and sets out the Council's policy on Affordable Housing and says the trigger for on-site provision are schemes of 10 or more dwellings. There is no upper limit on affordable housing provision, but 30% of the total housing number provided as 'affordable housing' is the normal requirement. Policy CS30 of the Core Strategy reaffirms a target of 30%. The applicants have agreed that they would deliver 30% of the homes as 'affordable housing' units which, based on a total of 65 units coming forward equates to an affordable housing requirement of 20 of the units. This will require a tenure split of 77% social rent and 23% shared ownership.

### Ecology Mitigation

Planning Issue 3 of this report sets out the requirement to secure an area of off-site land for ecology and bat mitigation purposes. The delivery, and future management arrangements, of an area of off-site land to be secured in perpetuity for ecology/bat

mitigation purposes. The land shall be offered at nil cost, in the first instance to the Council, or its nominee or if these do not wish to accept transfer, a management company shall be put in place to oversee the future management of the land prior to the commencement of the housing development.

The Section 106 Agreement will seek to secure a sum towards its future maintenance for ecological objectives. The housing development shall not commence until details comprising a scrape / wet area and details of new planting for the off-site mitigation land has been submitted and agreed by the Local Planning Authority and implemented in accordance with a programme to be agreed. The transfer shall, at the discretion of the Council, permit limited access for educational purposes in accordance with an agreed framework. Agreement shall be secured for the management contribution towards the off-site bat mitigation land.

Traffic Regulation Order (TRO) for parking restrictions around site entrance

A contribution of £3,600 is required for TRO application and lining costs, in the event that parking restrictions are required within the first 10 years following occupation. Other works within the highway to be secured by s278 Agreement.

Public Transport contribution

To encourage the use of public transport and having regard to the increase in the number of residents associated with the proposed development, the sum of £100,000 (comprising 4 yearly payments of £25,000) to be secured for the X7 bus service, or any future equivalent service and the sum of £40,000 for improvements to the bus stops in Meadow Close. The cost of a new shelter with Real Time Information is £20,000 including installation of cabling and electrical costs, therefore £40,000 is the sum required to upgrade both stops. These are improvements required as part of the West of England Bus Service Improvement Plan (BSIP) and Enhanced Partnership (EP).

Sustainable Travel Vouchers

To promote sustainable travel the sum of £120 per dwelling as per Travel Plan to be spent flexibly on sustainable travel such as taster bus tickets and cycle equipment.

PROW Improvements

To secure (a) an off-site financial contribution for approximately 97m of link path, which is outside the redline, to improve the surface with stone/dust as route will have more traffic using it. The route is depicted on the Stantec Proposed Pedestrian Connections to Primary School Plan (drawing number 46669/5501/010 rev A.), (b) financial contribution for improvement to the footpath surface on public footpath LA2/31 in the vicinity of the site and (c) the existing public right of way running through the site and alongside the school to be improved with a tarmac surface or similar to solid surface thereby improving the accessibility to the site and the school entrance.

Fire Hydrants

Financial contribution towards a total of six on site Fire Hydrants at £1,500 + vat per Hydrant each (includes cost of five years maintenance).

Green Infrastructure

An off-site payment for the deficit of 650m<sup>2</sup> of Neighbourhood Open Space in accordance with the Development Contributions SPD. The contribution required to be confirmed when an accurately measured land use plan is finalised at the reserved matters stage.

The Agreement to secure the Transfer of the POS to the Council, its nominee or a management company and supervision fees for inspecting the POS.

Commuted sums required, where the POS areas are to be adopted.

#### Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL. The Charging Schedule and supporting information can be viewed on the website at [www.n-somerset.gov.uk/cil](http://www.n-somerset.gov.uk/cil).

The Council is not permitted to enter into S106 agreements requiring infrastructure that is to be funded through the CIL.

#### **Natural Environment and Rural Communities (NERC) Act 2006**

The impact of the proposal on European protected species is referred to within Issue 3.

#### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

The proposed development has been screened under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.

#### **Crime and Disorder**

The proposed development will not have a material detrimental impact upon crime and disorder. This issue is considered above.

#### **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

#### **Planning Balance and Conclusion**

As noted above, the Council cannot currently demonstrate a five-year housing land supply, with the most recent tested position indicating that supply stands at around 3.5 years. This means that Paragraph 11(d) of the NPPF is engaged.

In this particular case there are no areas or assets of particular importance where NPPF policies would provide a clear reason for refusing the development, and therefore consideration must be given to whether any adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits.

#### Adverse impacts

The scheme fails to accord with the locational strategy set out in the adopted development plan and is contrary to the provisions of Policy CS32 which seeks to restrict unsustainable

development. Whilst this policy is consistent with the aims of the NPPF, the particular circumstances in this case as described in Issue 1 above mean that this harm should only be afforded limited weight in the planning balance.

The proposal results in the loss of a green field which currently serves as a recreational and social extension of the existing built development which dog walkers, and other local residents make use of. The loss of this and the modest impact on the landscape should be given moderate weight.

This site comprises Grade 2 agricultural land, which is regarded as Best and Most Versatile (BMV) land in national policy. The framework requires the loss of BMV to be considered in decision making. The loss of this relatively small piece of land from a much larger swathe of BMV is considered to be a factor that carries modest weight against the proposal.

The proposed development would result in the loss of some existing hedgerow and trees and without the mitigation measures proposed would impact on the presence of bats and other wildlife. There is therefore some environmental impact likely in the short term whilst the development is implemented, and any new and replacement planting undertaken. This should be given moderate weight.

### Benefits

The provision of up to 65 dwellings is a social benefit that should be afforded significant weight. It would support the Government's objective of significantly boosting the supply of homes, as set out in paragraph 60 of the NPPF.

The proposed development would also provide the policy-compliant figure of 30% affordable housing. This further benefit too should also be afforded significant weight.

The delivery of 65 new homes would give rise to some economic benefits as a result of the jobs created during the construction phase and the spending power of new residents within the local economy. In a recent appeal decision for the delivery of 60 new homes the Inspector took note of the appellant's estimates and accepted that the proposed development could result in up to 46 direct and 44 indirect jobs and increased commercial expenditure of around £1.5 million per annum – figures. The Inspector concluded that these benefits would arise from any similar-sized housing development and gave them moderate weight.

The existing public right of way that crosses the site would be upgraded along with some resurfacing of the footpath beyond the site. This would significantly benefit those walking young children to and from West Leigh Infant School and would encourage greater use of the Public Right of Way network. Moderate to significant weight is given to this.

Both on and off site ecological and bat mitigation measures are proposed with a resulting biodiversity net gain which exceeds that required in respect of the development proposal. The landscape conditions which are recommended together with their subsequent implementation following the grant of the reserved matters application would benefit the habitat of local ecology and wildlife. This should be attributed significant weight.

## Conclusion

In this particular case, for the reasons set out above, it is considered that in the absence of a 5 year housing land supply the adverse impacts of approving the proposal would not significantly and demonstrably outweigh the benefits. The application is therefore recommended for approval.

## **RECOMMENDATION:** Subject to –

- a) the completion of a Habitat Regulation Assessment and
- b) the completion of a Section 106 legal agreement securing:
  - I. the provision of 30% Affordable Housing,
  - II. the delivery, and future management arrangements, of an area of off-site land to be secured in perpetuity for ecology/bat mitigation purposes,
  - III. financial contributions towards (i) funding of Traffic Regulation Order application and lining costs in connection with parking restrictions around site entrance, (ii) public transport, including provision of two replacement bus stops with shelters and associated cabling and electrical cost, (iii) travel plan comprising sustainable travel vouchers to be spent flexibly on sustainable travel such as taster bus tickets and cycle equipment, (iv) off-site improvements to surface of public right of way LA2/31, (v) six fire hydrants, including cost of installation and five years maintenance and (vi) an off-site payment for Neighbourhood Open Space.

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 in consultation with the Chairman and Vice Chairman and local members:

1. Approval of the details of the scale, layout, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, in writing before any development is commenced.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 and in accordance with policy DM32 of the North Somerset Council Sites and Policies Plan Part 1 and policy CS32 of the North Somerset Core Strategy.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of two years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiry of three years from the date of this permission, or before the expiry of two years from the date of approval of the last of the reserved matters to approved, whichever is the later.

Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following documents and approved plans and those to be approved under the conditions attached to this consent unless otherwise agreed in writing by the Local Planning Authority:

Documents

Planning Landscape and Visual Impact Appraisal 12414\_R01b  
Ecology Assessment – 12414\_R02h- 27.05.22  
Sustainability Statement July 2020  
Transport Statement August 2020 with appendices B,C & D  
Flood Risk Assessment August 2020 -46669/4001 Rev H  
Heritage Statement October 2020 -BSA1413\_2d  
Arboricultural Impact Assessment July 2020  
Lighting Impact Assessment 16-16960 – July 2021  
Geophysical Survey Report 01240- November 2020  
DAS – July 2020

Plans

Illustrative Masterplan 0689-1004-COLL-2e Location Plan – 0689-101  
Topographical Survey with red line – 0689 -100  
Parameter Plan Building Heights 0689-DAS-1A  
Parameter Plan Routes and Movement 0689-DAS-2A  
Parameter Plan Land Use 0689-DAS-3A  
46669/5501/009/F- Proposed amendments to Rodney Road layout including Footway Improvements  
46669/5501/001/D – Proposed Vehicle Access  
46669/5501/010/A Proposed Pedestrian Connections to primary school  
46669/5501/013 Swept Path Analysis

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

5. Notwithstanding the submitted access detail, no development shall commence until further details providing a series of cross sections of the proposed access road into the site over the initial 50 metre length from the existing highway, has been submitted to and approved in writing by the Local Planning Authority. The submitted detail shall include the finished road, kerb and pavement levels of the proposed road together with 1/50 scale drawings of any / all necessary supporting / retaining structure(s), including any associated new boundary detailing which shall be shown in context to the levels that currently existing at the site's northern boundary, and the immediate adjoining ground levels within the neighbouring garden (18, Rodney Road) located to the north of the site.

Reason: In the interest of highway and pedestrian safety and to ensure that an acceptable boundary design and detail is provided so as to protect the living conditions of the neighbouring dwelling, and in accordance with policies CS10 and CS12 of the North Somerset Council Core Strategy and policies DM24 and DM32 of the North Somerset Council Sites and Policies Plan Part 1.

6. No dwelling shall be occupied until the off-site highway works in Rodney Road, as shown on drawing numbers 46669/5501/009/F and 46669/5501/001/D have been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development is served by a satisfactory means of access for both vehicle and pedestrians in the interests of highway and pedestrian safety and in accordance with policies CS10 and CS12 of the North Somerset Council Core Strategy and policies DM24 and DM32 of the North Somerset Council Sites and Policies Plan Part 1.

7. No dwelling shall be occupied until the roads, footpaths and turning spaces, within the finally approved layout, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.

Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Council Core Strategy and policy DM24 of the North Somerset Council Sites and Policies Plan Part 1.

8. Details comprising the future management and maintenance arrangements for the proposed Landscape and Ecology measures proposed for the site shall be submitted to the Local Planning Authority in the form of a Landscape and Ecological Management Plan (LEMP) as part of the Reserved Matters application submission. The LEMP shall include: a location plan, planting schedule and workplan, detailing management objectives, timings and details of management prescriptions. It shall cover a ten-year period for the site. The site shall include measures for establishment, enhancement and management of habitats and provide Biodiversity Net Gain in accordance with details set out in the submitted Ecological Assessment Report, dated 27 May 2022. This shall include a timetable for management activities as well as a monitoring schedule.

The submitted detail shall also incorporate a monitoring schedule to cover bat activity during construction and in years 1, 3 and 5 post-construction, together with light levels within retained dark corridors. The approved detail shall thereafter be implemented in full in accordance with the recommendations and mitigation requirements of the LEMP.

The plan should also detail the measures for the protection and enhancement of biodiversity, including those specifically for the benefit of European Protected Species, within the site and shall be fully implemented. The submitted detail shall confirm that no fertilizers or pesticides will be used within the landscape and ecology areas. The development shall be carried out in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

Reason: To comply with policies CS4 and CS5 of the North Somerset Council Core Strategy, policies DM8, DM9, DM10 and policy DM32 of the North Somerset Council Sites and Policies Plan Part 1 and to comply with the Conservation of Habitats and Species Regulations 2010 (as amended) and paragraphs 174 and 179 of the National Planning Policy Framework (NPPF).

9. No development shall commence, including any works of demolition, until a Construction Traffic Management Plan and a Construction Environmental and Ecological Management Plan has been submitted to, and approved in writing by, the

Local Planning Authority. The approved plans shall be adhered to throughout the construction period and shall as a minimum provide for:

- (a) the parking of vehicles of site operatives and visitors,
- (b) times of site operation,
- (c) HGV routing, movements and marshalling throughout the day,
- (d) system for managing complaint's,
- (e) local consultation concerning the works and maintaining access for the neighbouring properties to be affected by the works,
- (f) highway safety measures such as wheel washing,
- (g) mitigation measures for any remedial works required,
- (h) storage of plant and materials used in constructing the development,
- (i) measures to limit the environmental impact of construction traffic on the local road network,
- (j) measures to control the emission of dust and dirt during construction,
- (k) measures to control noise and vibration from works on the site, particularly to avoid periods when bats are active,
- (l) a scheme for rapid collection, recycling/disposing of waste resulting from demolition and construction works,
- (m) site security,
- (n) details of fuel oil storage, bunding, delivery, use, managing minor and major spillage,
- (o) disposal of contaminated drainage, including water pumped from excavations,
- (p) Site induction for workforce highlighting pollution prevention and awareness,
- (q) measures to protect the landscape and ecology within the site and ensure retained boundaries remain available and suitable for bat foraging during construction activities,
- (r) measures to protect bat flight corridors during construction and ensure no severance from construction works,
- (s) construction delivery hours, to avoid school start and finish times (08.00-09.00 hours and 15.00-16:30 hours) and 08:00-09:00 hours on Saturdays,
- (t) mitigation measures required to protect legally protected species and their retained habitats from injury or damage and include information for construction workforce,
- (u) details of appropriate fencing for buffer areas to protect retained on site habitats,
- (v) overnight ramps placed within open trenches and daily checks of excavations for trapped wildlife,
- (w) pre-commencement surveys for species that are dynamic in distribution (e.g. badger),
- (x) a walk over check by ecologist immediately prior to vegetation and other site clearance activities.

Reason: In order to preserve highway safety, local amenity, ecological interest, European protected species and the living conditions of nearby residents and in accordance with policies CS1, CS2, CS3, CS4, CS10 and CS12 of the North Somerset Council Core Strategy and policies DM8, DM9, DM24 and DM32 of the North Somerset Council Sites and Policies Plan (Part 1) and the Habitats and Species Regulations (201) as amended. The details are required prior to the commencement of development in order to ensure that construction works do not pose a threat to amenity, protected species, health or safety.



10. No development shall be commenced above ground level until samples panels of the materials to be used in the construction of the external walls and roofs of the buildings to which they relate have been constructed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. These details may be submitted for the whole, or part of a phase.

Reason: In the interests of the visual appearance of the area and in accordance with policy CS12 of the North Somerset Council Core Strategy and policy DM32 of the North Somerset Council Sites and Policies Plan Part 1.

11. The details submitted in accordance with condition number 1 of this permission shall include plans and specifications showing how at least 17% of the proposed dwellings will be constructed in such a way that they are accessible and sufficient to meet the needs of occupants with differing needs, including disabled people, as well as being constructed to allow adaptation to meet the changing needs of the occupants over time. To achieve this requirement, the accommodation should meet the standards contained in the Building Regulations 2010, Approved Document Part M 'Access to and use of dwellings': M4(2) 'Accessible and adaptable dwellings'. No dwelling specified in the submitted details as being constructed to meet this requirement shall be occupied until it has been constructed in complete accordance with the approved plans and specifications.

Reason: The Nationally Designed Space Standards is the appropriate space development standard for new and market housing and to ensure that sufficient accessible housing is provided in accordance with policy CS2 of the North Somerset Council Core Strategy and policy DM42 of the North Somerset Council Sites and Policies Plan Part 1 Development Management Policies, and the North Somerset Accessible Housing Needs Supplementary Planning Document April 2018.

12. The dwellings hereby approved shall not be occupied until measures to generate a minimum of 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the reserved matters details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with policies CS1 and CS2 of the North Somerset Council Core Strategy and policies DM2 and DM32 of the North Somerset Council Sites and Policies Plan Part 1.

13. Provisions for the storage of refuse shall be constructed and made available for use in accordance with details to be submitted and approved under the reserved matters consent before the occupation of each dwelling that they serve and thereafter shall be made permanently available for use for the storage of refuse only.

Reason: In the interests of the local environment and in accordance with policies CS7 and CS12 of the North Somerset Council Core Strategy and policy DM32 of the North Somerset Council Sites and Policies Plan Part 1.

14. Details of the external lighting, including temporary/construction and permanent lighting, shall be provided at the Reserved Matters stage including:
- (i) details of the type and location of the proposed lighting
  - (ii) existing lux levels affecting the site (dark and full moon),
  - (iii) the predicted lux levels, and
  - (iv) lighting contour plans. to demonstrate that the proposed lighting does not illuminate the ecological and landscape buffer.

The scheme shall ensure that light levels do not exceed 0.5 lux on features/within areas important to bats, including foraging habitat and flight lines and boundary corridors as set out within the submitted Ecological Assessment Report dated 27 May 2022. Any external lighting shall be installed and operated in accordance with the approved details and shall not be varied without agreement in writing from the Local Planning Authority.

Reason: To reduce the potential for light pollution in accordance with policies CS12 and CS3 of the North Somerset Council Core Strategy, Policy DM8 of the North Somerset Council Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) and Wildlife and Countryside Act 1981 (as amended).

15. The developer shall afford access at all times to any archaeologist nominated by the Local Planning Authority and shall allow him or her to observe the excavations and record items of interest and finds.

Reason: So that records may be made before the archaeological remains are affected by the development and in accordance with policy CS5 of the North Somerset Council Core Strategy and policy DM6 of the North Somerset Council Sites and Policies Plan Part 1.

16. No dwelling hereby permitted shall exceed two and a half storeys in height.

Reason: In order to maintain the integrity and appearance of this development, minimise the landscape impact and to respect the existing one and two storey residential character of the area, in accordance with policies CS5 and CS12 of the North Somerset Council Core Strategy policy DM32 of the North Somerset Council Sites and Policies Plan Part 1.

17. No dwelling shall be occupied until details for the provision of secure cycle parking for each dwelling has been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Council Core Strategy, policy DM 28 of the North Somerset Council Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

18. The details submitted in accordance with condition 1 of this permission shall include details of residential plot boundary enclosures which shall thereafter be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of good design and road safety in accordance with policy CS12 of the North Somerset Council Core Strategy and policy DM32 of the North Somerset Council Sites and Policies Plan (Part 1).

19. No site clearance, preparatory work or development shall commence until a detailed Arboricultural Method Statement Report and Tree and Hedge Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority.

The Arboricultural Method Statement shall include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); working adjacent to existing trees within adjacent residential developments, the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. The report shall incorporate a provisional programme of works; monthly supervision and monitoring details by an Arboricultural Consultant and provision of monthly site visit records within 72 hours of the visit to the Local Authority's Tree Officer and certificates of completion to the Local Planning Authority.

The Tree Protection Plan must be superimposed on a layout plan, based on a topographical survey, and exhibit root protection areas which reflect the most likely current root distribution, detail methods of protection and reflect the guidance in the method statement report.

No development or other operations shall thereafter take place except in complete accordance with the approved details and no site clearance or preparatory work for any part of the development shall commence until the approved Tree Protection Plan requirements have been fully implemented on site.

Reason: To ensure that trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Council Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Council Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD. The details are required prior to commencement of development because the development / construction works have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

20. No above ground- work shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning

Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30-year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- ii. include a timetable for its implementation.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with policy CS3 of the North Somerset Council Core Strategy policy and policy DM1 of the North Somerset Council Sites and Policies Plan Part 1 (Development Management Policies).

For advice about discharging this condition please refer to [www.n-somerset.gov.uk/drainageconditions](http://www.n-somerset.gov.uk/drainageconditions)

21. No above groundwork shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

The details to be submitted shall include:

- a) a timetable for its implementation and maintenance during construction and handover; and
- b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with policy CS3 of the North Somerset Council Core Strategy policy and policy DM1 of the North Somerset Council Sites and Policies Plan (Part 1- Development Management Policies).

For advice about discharging this condition please refer to [www.n-somerset.gov.uk/drainageconditions](http://www.n-somerset.gov.uk/drainageconditions)

22. Prior to the commencement of development, a scheme for the provision of foul water disposal for the whole application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of implementation. The scheme shall be implemented in full.

Reason: To ensure the development is served by a satisfactory system of drainage and to prevent pollution in accordance with policy CS3 of the North Somerset Council Core Strategy.

23. All works comprised in the details of landscaping to be submitted and approved under condition no 1 shall be carried out during the months of October to March inclusive first planting season following first occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy CS33 of the North Somerset Council Core Strategy and policy DM32 of the North Somerset Council Sites and Policies Plan Part 1.

24. Trees, hedges and plants in any Reserved Matters Area shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that Reserved Matters Area, which are removed without prior written approval from the Local Planning Authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the Local Planning Authority.

Reason: To ensure that the landscaping scheme is effective in accordance with policy CS30 of the North Somerset Council Core Strategy and policies DM9, DM10 and DM32 of the North Somerset Council Sites and Policies Plan Part 1.

### **Biodiversity**

25. All ecological mitigation, compensation and enhancement measures referred to in the submitted Ecological Assessment Report, dated 27 May 2022, shall be implemented according to a programme of works to be submitted to and approved by the Local Planning Authority as part of the Reserved Matters application submission.

Reason: To protect and enhance biodiversity on site in accordance with policy CS4 of the North Somerset Council Core Strategy and policy DM8 of the North Somerset Council Sites and Policies Plan Part 1.

26. Prior to the occupation of each dwelling, the relevant number of parking spaces for that dwelling shall be provided and be available for use in accordance with the North Somerset Parking Standards SPD. Thereafter the approved parking spaces shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that each dwelling has the necessary on-site parking provision and in accordance with the North Somerset Council Parking Standards SPD.

27. No dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved by the Local Planning Authority. The submitted Travel Plan shall include

initiatives to promote active and sustainable travel from first occupation and within the time frame specified within the travel plan.

Reason: To ensure a travel plan is fully implemented in accordance with policy CS10 of the North Somerset Council Core Strategy and policy DM26 of the North Somerset Council Sites and Policies Plan Part 1 and the North Somerset Travel Plans SPD November 2010.

28. No dwelling shall be occupied until details of a car club scheme, including a contract which shall be entered by the developer and an approved CoMoUk accredited car club provider, have been submitted to and approved by the Local Planning Authority. The scheme shall incorporate the following and shall be fully implemented in strictly accordance with the approved details:
- The allocation of one car club parking space,
  - The provision of one electric vehicle,
  - Provision of car club membership for all eligible residents of the development for a minimum of three years,
  - Promotion of the scheme, and
  - A phasing scheme for implementation.

Reason: To help address the shortfall in parking provision and to promote sustainable travel in accordance with policies DM24 and DM28 of the North Somerset Council Sites and Policies Plan Part 1.

29. No construction work shall take place on the site outside the hours of 07:30 and 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of nuisance and in accordance with policy CS3 of the North Somerset Council Core Strategy

30. Prior to the commencement of any development hereby permitted, drawings showing: i. the works necessary to upgrade the public footpath from Rodney Rd to Westfield Drive to a 3m wide shared tarmac foot/cycleway, ii. the amendments considered necessary by the Local Planning Authority to the off-site junctions, pedestrian crossing points and footways and iii. any works in the highway required as a result of the carrying out of a road safety audit (RSA), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include any new road markings and signage. All works shall be completed prior to the occupation of the first dwelling.

Reason: To ensure that the existing footpaths and off-site junctions are brought up to an acceptable standard to meet the needs of the proposed development, and in accordance with policies CS10 of the North Somerset Council Core Strategy and policies DM24 and DM25 of the North Somerset Council Sites and Policies Plan Part 1.

## **APPENDIX A**

### **PARISH COUNCIL COMMENTS DATED 1 SEPTEMBER 2020**

#### Principle of Development

The starting point for consideration of the proposals is the statutory development plan, comprising the North Somerset Core Strategy, Sites and Policies Plan and the Backwell Neighbourhood Plan. Policy CS32 of the Core Strategy identifies Backwell as a suitable location for small-scale development, focused within and adjacent to the defined settlement boundary. 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 is limited to no more than around 25 dwelling policy. As a result, these proposals conflict with the Core Strategy. Similarly, the proposals are contrary to the provisions of the Backwell Neighbourhood Plan. Backwell Parish Council acknowledges that the latest published figures indicate that North Somerset Council is unable to demonstrate a five-year housing land supply and accordingly proposals for sustainable development should be granted permission unless:

- the application of policies in the National Planning Policy Framework (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.

However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up- to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted (Framework, paragraph 12)

The Framework further advises that in situations 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, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

- c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In respect of Backwell Neighbourhood Plan, criteria b, c and d all apply. In respect of the plan's age, 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.

Given the location of the proposals beyond the settlement boundary and the significant scale of the development, the proposals conflict with Planning Policy: Development 1 of the Neighbourhood Plan. It is the view of Backwell Parish Council that the proposals would have a significant adverse impact on the local community, existing residents and the environment.

Furthermore, these impacts have not been fully assessed or adequately mitigated by the applicant. Conversely, the applicant has failed to provide sufficient commitment to ensure the reported "benefits" of the scheme are deliverable and will be secured. Accordingly, the applicant has failed to demonstrate that the benefits of the scheme are not significantly and demonstrably outweighed by the adverse impacts of the proposals, both in terms of conflict with the development plan and other material considerations. Therefore, in accordance with paragraphs 11-14 of the Framework, planning permission should not be granted.

The Parish Council's concerns are outlined below.

### **Pre-Application Consultation**

With reference to the planning application forms, it is noted that 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. Given the scale and location of the development proposals it is concerning to the Parish Council that the applicant has not taken due care to consult with statutory consultees and the LPA prior to submission of a formal application.

The application site lies 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, such as the introduction of lighting and buildings. Engagement with the local planning authority must take place prior to submission of a planning application and before a masterplan is submitted. There is no evidence that any discussions have taken place with the LPA in this respect, contrary to the SPD.

### **Bat Surveys**

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 SO



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 whilst compliant with the SPD survey requirements are now significantly out of date and cannot be relied upon or taken into account in this application. Whilst the habitat within the site itself may not have changed markedly over this period to affect results, the mobile nature of bats means they are affected by changes in the wider landscape such as different farming practices, land uses, new developments etc. As a result, it is particularly crucial that surveys are up to date; in this case it should include a full SO-day survey within the last available complete season, i.e. 2019. The limited nature of surveys in 2019 does not comply with the SPD and therefore fails to capture the use of the land by bats during the early part of the season when bats are moving to maternity roosts.

Given the proximity of the application site to the North Somerset and Mendip SAC and Brackley Hall Stables SSSI maternity roost, the out-dated and incomplete survey data relating to the greater and lesser horseshoe bats is entirely inadequate to enable a thorough and accurate assessment of the importance of the application site to the local bat population.

Within the context of a shadow Habitat Regulations Assessment, the Ecology Report concludes (paragraph S.9) that the proposals would result in an overall deficit in bat habitat on site of 1.18 hectares. This must be acknowledged as a significant adverse impact of the proposals on the local environment.

To address this, 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.

The Bat SPD states that *"It is critical the replacement site where habitat has been enhanced is accessible to the population of horseshoe bats affected"* (paragraph AS.SS).

However, the applicant provides no details of a suitable site to demonstrate that adequate habitat can be created and safeguarded close to the bat population. Accordingly, the proposals fail to demonstrate that the significant harm to the bat population can be mitigated. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

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

### Affordable Housing

The applicant claims that the provision of affordable housing should be afforded substantial weight as a benefit of the scheme. Indeed, the planning statement goes as far as to say, "delivering **any** quantum of affordable housing in Backwell...is a very significant benefit that weighs heavily in favour of the scheme". Backwell Parish Council strongly objects to this statement; the provision of affordable housing should only weigh in favour of proposals where it is in full compliance with the adopted Development Plan and responds to locally identified housing needs.

In this regard, the applicant's proposal to deliver "up to 35%" affordable housing fails to provide adequate assurances that the proposals would meet the Development Plan policy requirement of at least 30%. A firm commitment to comply with and exceed the local affordable housing policy must be provided by the applicant in order for substantial weight to be given to this benefit of the scheme.

The Applicant's offer to provide 10% of the scheme as affordable home ownership tenure, in line with the Government's expectations, is welcomed. However, once again, the Parish Council requires assurances that this is in addition to the Local Plan requirement for affordable housing, taking the total provision of affordable tenures to at least 40% of the total dwellings.

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.

### **Vehicular and Pedestrian Access**

The submitted Transport Assessment includes proposals for the creation of a new vehicular access to the north east of the site onto Rodney Road, at a point where the no through road converges with multiple footways and vehicular egresses.

The proposed access point is currently utilised solely as a public right of way. It is a particularly well used route, providing the most direct pedestrian access from Rodney Road to West Leigh Infants School. It also provides connection to another public right of way which is part of the Backwell Round walk and routes through to Backwell Playing fields.

Immediately to the south east of the proposed access is the main entrance to the Backwell Playing Fields; owned and managed by the Backwell Playing Fields Trust. The entrance serves a large car parking area available to users of the playing fields, Backwell Football Club, Backwell Judo Club, Rainbows Pre-School and Backwell Scouts and Guides. The extensive facilities provided at the playing fields attract significant trips by foot, cycle and car throughout the day, including during the AM and PM peaks.

Rainbows provides breakfast club and after school facilities for school children for working parents and the children are escorted by foot across the proposed access point, through the public right of way to access West Leigh Infants School. The pre-school is available to younger children between school hours and therefore, many parents drop off children at both West Leigh Infants and Rainbows in a combined trip,

thereby utilising the public right of way and main entrance to walk between the facilities.

Throughout the day the playing fields are well used, with two equipped play areas available within the park and other facilities and spaces for general recreation. The entrance via Rodney Road is very well used, providing good connections to existing residential areas and the retail and community facilities further along Rodney Road.

Due to the steep incline from Rodney Road up to the playing fields, young children exiting the park on foot, scooter or cycle, are often moving quickly down the hill and onto Rodney Road, before joining the pavement. Pedestrian visibility for those exiting the park is particularly limited due to mature hedgerows and boundaries, limiting awareness of oncoming vehicles.

The introduction of a vehicular access and the generation of additional trips at this sensitive location, presents a considerable risk of conflict between vehicles and pedestrians, particularly given the high level of usage by young children and families.

These concerns are compounded by the geometry and width of Rodney Road and existing on-street parking which is placed under considerable pressure at peak times associated with school pick-up and drop-off. In this regard, it is noted that the Transport Statement has assumed no vehicular trips will be generated by the proposed development as a result of trips to primary schools, on the assumption that all trips will be to West Leigh Infants or Backwell Junior School and these would be taken on foot. This is entirely unrealistic and fails to take account of:

Parental choice over primary school places and the availability of alternative primary schools within the local area which would almost certainly involve a car trip; and The time pressures associated with dropping siblings at the infants and junior schools which could lead to car trips to the junior school.

Residents embarking on a car trip during the school run period will encounter significant congestion through on-street parking around Rodney Road and Westfield Drive. The carriageway is less than 5m wide and with parked vehicles this significantly limits accessibility along Rodney Road to a single carriageway with limited opportunities to make way for oncoming traffic during peak times. The introduction of additional trips generated by the development would exacerbate the existing congestion, to the detriment of highway and pedestrian safety.

The development proposals make no provisions to improve existing roads to accommodate the increase in traffic and ensure the safety of pedestrians through the provision of adequate footways except for the creation of a priority junction at the entrance to the playing fields and associated crossing point.

The proposed road access and internal road are designed to achieve a 5.5m road width, widening to 6.5 metres at the bend to allow adequate space for larger vehicles, with a 2m wide footway on the south side of the road. However, the existing road which would serve the development is around 4.9m wide with 1.8m footways, with tight turns for vehicles turning around the grassed area in the centre of Rodney Road creating conflicts between parked and moving vehicles which would be exacerbated by the use of Rodney Road to serve an additional 65 homes.

The Transport Statement forecasts that trip generation would equate to 1 additional vehicular movement every 2 minutes during peak hours. As outlined above, the assumptions which have informed the car trip yield are questionable and underestimate the impacts.

Tables 7.3 - 7.6 provide a comparison of current congestion on the highway network now in 2017 and 2024. It illustrates a stark increase in queuing times, with Station Road queue times expected to increase from 54.6 seconds (2017) to 147 seconds; Dark Lane queue times to increase from 73.4 seconds to 154.4 seconds and A370 West to increase from 37.3 to 156.6 seconds by 2024.

Given the magnitude of the current and forecast traffic flows through Backwell, the increase in traffic flows associated with the proposed development of 1.4% will always appear relatively modest. However, the Transport Statement demonstrates that the Backwell crossroads are at or above capacity and unable to accommodate further development without mitigation to congestion.

The token offer to repaint the yellow lines of the keep clear box at the end of Rodney Road illustrates a failure on the part of the applicant to recognise the scale of the congestion problems facing Backwell.

In its role as local planning authority, North Somerset Council must ensure that proposals for residential development beyond the threshold established in Policy CS32, must be considered within the context of a plan-making process, which enables an holistic view of the area's infrastructure and its capacity to accommodate growth.

#### Other Matters for Consideration

The application proposals raise two further issues of particular concern to the Parish Council.

Firstly, the implications for the land to the north of the application site. We understand the land is owned by North Somerset Council and allocated to West Leigh Infants School, thereby providing the opportunity to extend its facilities in future. In its role as LEA and LPA North Somerset Council must ensure that the proposals of this application do not prejudice the Infant School's ability to meet its future needs through provision of new facilities.

Secondly, whilst it is not evident from the site location plan, Taylor Wimpey's land interests extend far beyond the application site boundaries across Grove Farm, which was promoted for strategic development through the Joint Spatial Plan and Local Plan. The Parish Council expressed serious concerns in respect of the scale of that development, its impact on local infrastructure and the environment. Of particular concern was the absence of any effective mitigation to address the existing traffic congestion on the A370 coupled with the traffic generated by the residential development of Grove Farm. The Parish Council is concerned that these current proposals could serve to facilitate development of Grove Farm, or predetermine the location of any future growth.

In summary, Backwell Parish Council objects to the proposals for up to 65 homes off Rodney Road on the basis that:

1. The proposals are contrary to the statutory development plan, including the North Somerset Core Strategy and Backwell Neighbourhood Plan;
2. The ecological surveys undertaken are inadequate and out of date and therefore cannot be relied upon to determine the application;
3. The proposals fail to identify suitable farmland within close proximity of the bat population to mitigate for the acknowledged bat habitat deficit;
4. The existing highway network is unable to accommodate additional vehicle movements with 2024 forecasts confirming that the Backwell crossroads will be at or beyond capacity on all arms of the junction;
5. The proposed access to the site via Rodney Road would create a significant risk of conflict between pedestrians and vehicles given the proximity of the Backwell Playing fields egress point to the proposed access and the high level of usage of this access and the existing public right of way by young children and families.

Backwell Parish Council would welcome the opportunity to discuss these issues further with you either via telephone or a meeting.

#### **APPENDIX B - Comments dated 6 October 2020**

Backwell Parish Council wish to raise concerns over the drop from 35% to 30% of the sites affordable housing, whilst we understand this still meets the criteria "If" approved, the housing mix of the affordable housing element which is still absent should be in accordance with the mix requested by the Housing Officer. The affordable housing should provide a choice of housing types, having regard to the recommendations of the Strategic Housing Market Assessment (SHMA), the existing mix of dwellings in the locality and the character and accessibility of the location.

Breakdown of the requested mix from the housing officer: 77% social rent

<u>Unit size/type</u>	<u>Number of Occupants</u>	<u>Percentage to be provided</u>
1 bed	2	20%
2 bed flat	3	18%
2 bed house	4	23%
3 bed house	5	31%
4+ bed house	6+	8%

23% intermediate affordable housing (shared ownership):

<u>Unit size/type</u>	<u>Number of Occupants</u>	<u>Percentage to be provided</u>
1 bed	2	13%
2 bed flat	3	21%
2 bed house	4	25%
3 bed house	5	35%
4 bed house	6	6%

### **Appendix C – Comments dated 3 February 2021**

Backwell Parish Council is responding to the amendments made to the plans and access for the proposed site and maintains that the access arrangements to this site are not adequate and again opposes the plans in place. The amendments fall far short of providing a safe and usable access route for vehicles and pedestrians. The narrow approach is barely wide enough for two cars, and hence the introduction of a priority enter and exit approach which confirms the severe narrowness of the site. The pedestrian access necessitates pedestrians crossing over now to gain access on the southerly side of the pavement and again adds risk especially to the young children who would be going this way which is a major concern for BPC, limited details on signage at these crossings, and the bottlenecks that will be caused all together show why this access plan should be refused.

### **Appendix D – Comments dated 7 December 2021**

Further to representations submitted on 1 September 2020 and 6 October 2020, Backwell Parish Council (BPC) wishes to update its position in respect of the above planning application, in light of the latest amendments to the proposed scheme, as of 30 November 2021.

These comments should be read in conjunction BPC's previous representations.

BPC continues to object to the outline planning application on the basis that its original areas of concern have not been satisfactorily addressed and accordingly the harm caused by the proposals, including their conflict with the adopted Development Plan, outweighs any benefits associated with the delivery of new housing.

#### **Principle of Development**

BPC maintains its objection in principle on the basis the proposals are contrary to Policy Development 1 of the Backwell Neighbourhood Plan and Policy CS32 of the North Somerset Core Strategy.

The proposed site lies outside the settlement boundary for Backwell and is not allocated for development in the Adopted Development Plan.

The scale of development far exceeds the threshold of 25 dwellings permitted by Policy CS32 for delivering of housing through planning applications and would fail to enhance the overall sustainability of Backwell, as required by Policy CS32. In particular, the layout and design of the proposed access would have a harmful impact on the character and safety of this part of the village, introducing a new vehicular through route immediately adjacent the existing residential bungalow, 18 Rodney Road and the entrance to the Backwell Playing Fields.

Notwithstanding the absence of a five year housing land supply, the Secretary of State has confirmed that these policies are not policies for the supply of housing and therefore continue to carry full weight in the determination of applications<sup>1</sup>.

<sup>(1)</sup> Secretary of State Decision, Farleigh Fields APP/D0121/W /16/3153935)



Within this context, BPC supports the recent decision of North Somerset Council to refuse planning permission for 125 dwellings at Farleigh Fields, Backwell (21/P/1766/OUT) on the basis that the proposals are contrary to Policy CS32 and Policy Development 1 of the Neighbourhood Plan. In the interests of consistent decision making, the same principles should be applied in the determination of planning application 20/P/1847 /OUT and therefore the application should be refused.

### **Bat Surveys**

BPC's representations of September 2020 identified grounds for refusal of the planning application on the basis that the applicant had failed to comply with the survey requirements of the North Somerset and Mendip Special Area of Conservation Guidance for Development: SPD (January 2018) and insufficient up to date survey data was available to inform a Habitat Regulations Assessment.

In addition, the Applicant had failed to provide details of a suitable site for provision of 1.3 hectares of off-site arable or grassland farmland or woodland improvements required address the deficiency in bat habitat on site.

Although a full survey season has passed since these comments, no further survey records or details of the proposed mitigation have been submitted by the Applicant, except for a lighting strategy. Accordingly, the Ecology Officer and Natural England's objections remain unresolved and the survey information remains inconclusive to determine through an Appropriate Assessment that the project would not give rise to any adverse effects on the integrity of the bat SAC.

In the absence of any additional information, planning permission should be refused in the context of paragraph 11di of the National Planning Policy Framework.

If the additional information is received and you are minded to report the application to the Planning and Regulatory Committee this should not take place until the Appropriate Assessment has been concluded to the satisfaction of the competent authority to ensure Members are fully informed of the effects of the proposals on the protected habitat and the nature of the proposed mitigation measures.

### **Vehicular and Pedestrian Access**

BPC expressed considerable concern in respect of the proposed vehicular access and its relationship with the existing entrance to the Backwell Playing Fields.

Notwithstanding the revisions to the proposed access and works to the public highway along Rodney Road, BPC maintains its objections to the introduction of a new access in close proximity to the entrance to the playing fields and the potential risk to pedestrian safety. The Parish Council also maintains its objections to the introduction of additional traffic onto Rodney Road, a relatively narrow residential street with on-street parking, which already experiences congestion from high levels of on-street parking and vehicular movements, particularly around school drop-off and pick-up times, which sit outside the normal peak times observed through transport assessments. The trip generation associated with the proposed development would further compound existing congestion and associated risks to pedestrians and

vehicles, particularly at times when there is a high prevalence of very young children walking through the area.

It is acknowledged that the Highway Authority's concerns have been addressed. However, the provisions for safe pedestrian routes remains unresolved. The Routes and Movements Plan submitted on 24 September 2021 is not consistent with the proposed vehicular access (Drawing 46669/5501/001/D) submitted on 18 August 2021. The drawing of the proposed vehicular access indicates that a raised table would be constructed outside the scout hut entrance to serve as a pedestrian crossing to the footpath on the northern side of the proposed site access. However, the routes and movements plan show a continuous footpath on the south side of the new road, with no footpath to the north and no raised table crossing. A consistent set of drawings should be submitted by the Applicant ahead of determination, to clarify the nature of pedestrian routes proposed.

Notwithstanding these proposals, BPC maintains its concerns that the introduction of a new vehicular access immediately adjacent to the Backwell Playing Fields entrance presents a considerable risk of conflict between pedestrians and vehicles, particularly given the high level of usage by young children and families. The submitted proposals fail to demonstrate that there would be sufficient pedestrian visibility upon exiting the playing fields or accessing the infant school via the new access, to ensure pedestrians have due notice of oncoming traffic. In the absence of sufficient information to demonstrate the safety of the access, planning permission should be refused.

In addition, BPC expresses its objection to the proposed access in respect of its close proximity to the existing bungalow, no. 18 Rodney Road. The proposed access lies within 1-2 metres of the property's side elevation and would necessitate the removal of substantial mature trees and hedging, which currently screens the property. The proposals would expose the property to substantial noise and activity associated with vehicular and pedestrian movements immediately adjacent to its boundary on elevated ground. The submitted proposals fail to address the impact of the proposals on the residential amenity of this property and its occupants. No details are provided of existing and proposed ground levels, cross sections to illustrate the relationship between the proposed road and the existing property or proposals for the re-provision of boundary planting.

BPC expresses its strong objection to the proposed alignment of the access road and its impact on the residential amenity of the neighbouring property. The harmful impact of the proposals on the residential property should weigh significantly against approval of the planning application.

In summary, Backwell Parish Council maintains its objection to the proposals for up to 65 homes off Rodney Road and recommends the application should be refused on the following grounds:

The proposals are contrary to the statutory development plan, including the North Somerset Core Strategy and Backwell Neighbourhood Plan;  
An Appropriate Assessment cannot be completed to demonstrate that the proposals would not give rise to any adverse effects on the integrity of the bat SAC;  
The vehicular access proposals would create a risk to pedestrian safety and would result in significant harm to the residential amenity of occupants of 18 Rodney Road.



I trust you find the above update helpful. Should you have any queries regarding these comments, please contact me without hesitation.

**Appendix E – Comments dated 28 June 2022**

I write in response to the Ecological Assessment and accompanying documents recently submitted by the Applicant for the above planning application.

The Ecological Assessment provides an updated position in respect of ecology surveys and proposed mitigation following the comments of the Council's Ecologist on 4 February 2021 and Natural England's comments of 5 February 2021 which raised a holding objection to the planning application pending submission of further surveys and mitigation measures.

The HEP Calculation Worksheet within the previous Ecological Assessment (August 2020) identified an existing on-site habitat value of 29.33 Habitat Units (HU), leading to a requirement for 1.63 hectares of replacement habitat. However, in her comments the Ecology Officer noted that the pre-works value for the grassland should be 27.23 HU as opposed to the figure of 24.47 HU quoted within the HEP. Accordingly, the overall value of the existing Habitat Units would increase to 32.09 HU and we estimate that this would increase the requirement for off-site replacement habitat to 1.78 hectares.

The updated Ecological Assessment acknowledges that through the implementation of new mowing practices, the value of the grassland on the application site has improved (paragraph 3.10). However, the updated HEP Calculation Worksheet has significantly reduced the value of the grassland to 9.71 HU.

The Applicant provides no explanation for this significant reduction in the Habitat Units attributed to the on-site grassland habitat from 27.23 HU to 9.71HU.

As a direct result of the Applicant's rescoring of the grassland habitat, the overall habitat unit value of the site has reduced from 29.33 HU to 12.05 HU and accordingly, the requirement for off-site replacement habitat has reduced from 1.63 hectares (<sup>1</sup> Based on 24.47 HU for grassland; ecologist required amendment to 27.23 HU to 0.67 hectares. Given the ecology officer's comments on the value of the grassland habitat and the improvements achieved in its quality through changes to the management regime, BPC raises serious concerns over the accuracy of the latest calculations for on-site habitat value and off-site habitat requirements.

The off-site mitigation land comprises 1.9 hectares of semi-improved agricultural land. It is acknowledged that the site meets the locational requirement to be sited within Band A of the North Somerset and Mendip SAC SPD and that the land would be accessible to horseshoe bats. However, the Applicant's proposals for enhancement of the land are so minimal that is highly questionable whether the proposals would deliver any meaningful enhancement or creation of habitat to compensate for the loss of habitat on the application site. In line with the HEP calculation worksheet within the previous Ecological Assessment (taking into account the Ecology Officer's comments), around 1.78 hectares of enhanced or newly created habitat would be required, however, as explained below, the proposals within the latest Ecological Assessment offer negligible enhancement to an existing area of agricultural grassland within the bat habitat zone B.

Paragraph 5.26 of the Ecological Assessment proposes that:

*"over the 80 years of management of the land, removal of spraying and purely agricultural management, the grassland's quality and diversity in terms of structure and species can be improved. Where needed and to be informed by ongoing monitoring, additional measures such as incorporating seeds from green hay, seeding of yellow rattle to reduce some competitive coarse grass species, introduction of plug plants or disturbing the seed bank through cattle grazing could be implemented."*  
(Emphasis added)

As emphasised, the Applicant provides no commitment towards any active management or replanting of the area to introduce a more diverse species mix to achieve a marked enhancement to the existing habitat. The existing grassland will simply continue to be managed for agriculture with the only change involving the removal of spraying. With such limited interventions the report suggests it could take up to 80 years for the structure and species to be improved and the land to deliver any additional benefit for the horseshoe bats.

Similarly, the proposed minimal management of the wet areas within the site, limited to some shrub clearance and the inclusion of land up to the River Kenn would deliver no material change to the value of this existing habitat for the horseshoe bats. The only material change would involve the introduction of new hedgerow planting.

As a result, it is evident that the proposals would fail to deliver 1.78 hectares of enhanced or newly created habitat for horseshoe bats to compensate for the loss of habitat on the application site.

In light of the above, BPC objects to the findings and proposals within the Ecological Assessment. In particular:

The significant reduction in the recorded value of the existing on-site habitat;  
The extent of replacement habitat proposed and the nature of proposed enhancements.

The Applicant appears to have under-valued the existing habitat on the application site and accordingly under-estimated the net-loss in habitat associated with its development and the extent of the requirement for off-site habitat. Accordingly, the proposed off-site land is unlikely to be of sufficient size to compensate for the on-site habitat loss and provide a net gain in habitat for horseshoe bats. Furthermore, the proposals for ecological management of the mitigation land would deliver negligible enhancement in the ecological value of the existing grassland and wet areas. With proposed management methods proposed over a timescale of up to 80 years this is simply unsustainable for the local horseshoe bat population which would be adversely affected by a long-term net loss in habitat following commencement of development on the Application site.

For these reasons BPC raises strong concerns that the application proposals would fail to deliver a biodiversity net gain and habitat gain for the horseshoe bats in accordance with the Ecology Officer's and Natural England's advice. Accordingly, it maintains its objections to the planning application.