

# **BACKWELL RESIDENTS ASSOCIATION**

Hon Secretary Mike Veal, 36 Longthorn, Backwell, BS48 3GY

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**21/P/1766/OUT | Outline planning application for demolition of 54 and 56 Farleigh Road; residential development of up to 125 dwellings (Class C3); strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction off Farleigh Road for approval; all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval. | Land At Farleigh Farm And 54 And 56 Farleigh Road Backwell**

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

Lucy White Planning – Planning Consultant

Andy Clay Consulting – Hydrology Consultant

## **Principle of Development**

2. BRA objects in principle to the proposed residential development on the basis that the proposals conflict with the Adopted Development Plan, including the North Somerset Council Core Strategy, Sites and Policies Plan (Part 1 and 2) and the Backwell Neighbourhood Plan.
3. BRA acknowledges that development plan policies which control housing supply are out of date in the absence of a 5 year housing supply within North Somerset. However, in determining the planning appeal at Farleigh Fields in 2018, where the absence of a five year land supply was a relevant issue, the Inspector and Secretary of State concluded that the **relevant policies** to the appeal (Policies CS5, CS32, DM10, DM32 and Neighbourhood Plan Policy Development 1 (NPPD1) were not policies for the supply of housing and therefore carried **full weight** in the determination of the appeal.

4. At the time of the 2018 appeal the Written Ministerial Statement (WMS) in respect of Neighbourhood Plans was in force and the Backwell Neighbourhood Plan complied with its criteria. However, the Secretary of State expressly stated that **even if the WMS was not engaged**, Policy NPPD1 of the Neighbourhood Plan was not a policy for the supply of housing and would still be given significant weight in the circumstances of this case (reference paragraphs 31 and 32 of Secretary of State's letter).
5. Accordingly, Policy NPPD1 of the Neighbourhood Plan and any other non-housing supply policies contained within the Neighbourhood Plan continue to carry significant weight today in the consideration of development proposals in Backwell, including Farleigh Fields.
6. On this basis, BRA strongly refutes the Applicant's assertions within the planning statement that paragraph 11d of the NPPF is engaged and the tilted balance applies. The relevant policies of the Adopted Development Plan remain the starting point for determination of this application, in accordance with paragraph 11c of the NPPF.
7. In BRA's opinion, the reduced scale of this scheme fails to fully address the appeal Inspector's concerns and any perceived benefits of new housing are proportionately reduced from those acknowledged by the Inspector in respect of the larger appeal scheme. Therefore, the significant conflict with up to date policies continues to outweigh the benefits of the scheme.
8. The appropriate mechanism for promoting the development of land at Farleigh Fields is through the new North Somerset Local Plan 2038 which would enable a comprehensive assessment of suitable and available development land both across the District and around Backwell. The allocation of land through the Local Plan should ensure a co-ordinated approach is taken to the growth of existing settlements, such as Backwell, including provision of infrastructure. Accordingly, this planning application is premature to the preparation of the new Local Plan.

#### **Scale of Development**

9. The Applicant infers that the scale of development is considerably reduced from the appeal scheme and therefore warrants fresh consideration. It claims that the development proposals covered the full extent of Farleigh Fields (see Planning Statement, paragraph 3.2) and that this latest proposal is far more limited in its coverage. This is a disingenuous claim; the residential development associated with

the appeal scheme was limited to land outside the proposed LGS designation on the lower field. This latest application is comparable, albeit development has been removed from the western field and the red line boundary no longer extends to include the entirety of Farleigh Fields. Furthermore, the proposal could open up the opportunity for subsequent phases of development and associated adverse impacts.

### **Local Green Space and Landscape Impact**

10. A large swathe of Farleigh Fields is now allocated as Local Green Space under Policy SA5 of the Adopted Sites and Policies Plan Part 2. Policy SA5 states that planning permission will not be granted except in very special circumstances for development which adversely affects a designated Local Green Space.
11. The Local Green Space policy was not a matter for consideration at the time of the last appeal, as the policy adoption post-dated the appeal and it therefore represents another relevant policy to be given full weight in the determination of this application.
12. The policy is not limited to development directly within the Local Green Space but any development which would adversely affect its designation. Although it is recognised that the Local Green Space would remain undeveloped, the introduction of new built form flanking two swathes of the LGS would adversely affect views from the LGS and therefore the quality of views from the public rights of way which traverse this important space.
13. Although the previous appeal Inspector was not tasked with considering the LGS, he concluded that the agricultural use of the site and its relative tranquillity gave the site a distinctly rural, countryside character and appearance and an unusual countryside setting to the village. He found the site to be important locally in those terms and that importance stemmed in large part from the fact that it remains open, undeveloped countryside. (Inspector's report, paragraph 346).
14. This planning application continues to propose significant residential development on the open and undeveloped countryside of Farleigh Fields. The accompanying Landscape and Visual Impact Assessment acknowledges that the proposals would

have an adverse effect on the landscape and the Local Green Space, contrary to Policy SA5, NDDP1 and other relevant policies of the Adopted Development Plan.

#### **Agricultural Land Classification**

15. Table 2 of the Agricultural Considerations Report concludes that the application site is predominantly Grade 3a agricultural land and therefore represents best and most versatile agricultural land. It advises that development of the applications site would not prevent the ongoing provision of short term farm tenancies for the residual land, as used for the last 30 years. However, the report does not consider the implications of a reduced landholding on the future viability of a farm tenancy.
16. The loss of 20 hectares of agricultural land would undoubtedly compromise the suitability of the land for agricultural tenancy and the loss of agricultural practices and land management would over time have a detrimental effect on the appearance of the land, thereby adversely affecting the land within the Local Green Space, contrary to Policy SA5.
17. The direct loss of best and most versatile agricultural land within the application site, combined with the potential loss of the wider site for agricultural use would represent a significant loss of best and most versatile land for agriculture purposes.
18. Should NSC be minded to approve this planning application, due consideration should be given to the future use of the remaining land within the Applicant's control, to ensure it is appropriately managed by the Applicant to maintain the agricultural characteristics and qualities of this landscape and recognise the economic benefits of best and most versatile agricultural land, in accordance with paragraph 170 of the NPPF.

#### **Drainage**

19. Drainage is a detailed matter for determination through this outline planning application and therefore requires a detailed drainage strategy to be submitted for consideration as part of this application.
20. The Flood Risk Assessment (FRA) submitted with this planning application has been subject to an impartial review by Andy Clay Consulting on behalf of Backwell Residents Association, which identifies several unresolved matters in respect of the proposed drainage strategy, particularly in respect of the surface water strategy and proposed attenuation. These matters are dealt with below.

21. The FRA assesses the sources of flood risk both to and resulting from the proposed development of the site.
22. This review concurs that there is a low risk of fluvial and tidal flooding; groundwater flooding; and flooding from artificial sources. Flooding from sewerage and infrastructure is also low, but consideration should be given to the foul sewer in the south-eastern part of the site. Flooding from surface water is generally very low, but there is a surface water flow path from Court Close to the north. Whilst this has been assessed as low, the intake of surface water from this flow path needs to be included in the surface water drainage strategy.
23. The FRA also notes historic flooding from surface water flows to properties along Farleigh Road, and also advises that the piped highway drainage system on Farleigh Road is reported to flood, notably in the area near to Backwell Leisure Centre.
24. The FRA provides a preliminary surface water drainage strategy. This review notes that a surface water drainage strategy should include details of:
  - a. An appropriate and available discharge receptor, in accordance with the sustainable discharge hierarchy;
  - b. Conveyance routes across and from the site, taking into account the levels of drainage features and infrastructure;
  - c. The impact of development on surface water runoff and any mitigation measures required to manage these to an acceptable level.
25. The FRA indicates that surface water discharges from the site currently soak into the ground via infiltration, although shallow ponding may occur in extreme events. However, in applying the sustainable discharge hierarchy, it discounts infiltration SuDS due to the underlying geology and soils, without any further soakaway testing. This should be assessed further given that infiltration is at the top of the sustainable discharge hierarchy.
26. In the absence of a surface water body within or close to the site, the FRA proposes an attenuation-led strategy with a restricted discharge to the downstream sewerage network. However, there is an absence of detail in the FRA on the viability of this discharge receptor.

27. The FRA provides no details to suggest that a proposed new connection and associated route, loading and discharge rate for this site have been agreed with Wessex Water.
28. The proposed drainage strategy calculates that an attenuation volume of 1072m<sup>3</sup> would be required based on the impermeable surface area (60% of 2.7ha) and to achieve the Q<sub>BAR</sub> runoff rate. Accordingly, attenuation storage of this volume would be provided in a detention basin immediately adjacent to existing and proposed properties.
29. Whilst the detention basin should be able to provide this attenuation volume, it is noted that the revised location, further to the east than the detention basin proposed through the 2015 planning application and the pre-application consultation in 2021, is less suitable as it would involve a longer drainage connection and given the steeper ground levels, more excavation to create a consistent top of bank level.
30. Furthermore, the attenuation capacity of the proposed detention basin may not be sufficient for the following reasons:
  - a. The FRA does not account for the intake of surface water flows into the site from Court Close to the south, as demonstrated by the surface water flow path;
  - b. The FRA assumes that 60% of the housing area would be impermeable. A higher percentage should also have been tested, and also consideration given to for urban creep;
  - c. The FRA used a runoff rate of 15.4 l/sec for the 2.70ha housing area rather than the impermeable area of 1.62ha. If the lower rate of 9.4l/sec is used for the 1.62ha area, then the attenuation volume increases from 1072m<sup>3</sup> to a volume between 1105 to 1555m<sup>3</sup>;
  - d. The FRA fails to confirm whether Wessex Water has agreed to the Applicant's proposed rate, or whether a more stringent rate would be applied. A more stringent rate would require a larger attenuation volume to be provided to control the surface water runoff rate from the site;
  - e. In the event of exceedance/failure or blockage of the detention basin, the FRA implies that overland routing of water would be directed as existing,

suggesting that this would be appropriate. However, the FRA also suggests that the site is predominantly flat. We dispute this on the basis that the site levels range from 29m AOD to the north to 46m AOD to the south;

f. The drainage strategy advises that a 0.297m freeboard would be provided with the detention basin, however if the basin was exceeded, the likely overtopping point would be along the northern bank, towards existing adjacent properties;

g. Any subsequent routing of overtopping into the new access road and Farleigh Road would need to be agreed with the Highway Authority within the context of existing flooding of the piped highway drainage.

31. In summary, the planning application should not be determined until:

a. Soakaway testing has been completed to determine the viability of infiltration. Whilst this may find infiltration to be insufficient for an infiltration-led drainage solution, it may find that it could offer some benefit through source control features;

b. The size, location and design of the detention basin and freeboard has been tested and reviewed to ensure it has adequate capacity to accommodate the surface water runoff from the site;

c. Confirmation that the proposed detention basin and freeboard would not result in overtopping into existing properties and any routing into the public highway is agreed with the Highway Authority and would not exacerbate existing flooding;

d. A proposed new surface water sewerage connection and associated route, loading and discharge rate have been agreed with Wessex Water.

### **Traffic and Highways**

32. The proposed vehicular access achieves visibility splays which are appropriate for the traffic speeds recorded in 2021 along Farleigh Road of 37 mph, however, do not meet the standards required for the 40mph limit. Whilst we acknowledge the proposals to reduce the speed limit to 30mph, the proposed access should be designed to meet the current speed limit.

33. BRA also wishes to express concern regarding the lack of assessment of the visibility from the access during peak hours and many other occurrences outside peak hours, when queuing traffic to the crossroads can often extend past the proposed site access.
34. Appendix T to the Transport Assessment prepared by PFA provides an account of a queue survey data obtained in 2015. The survey was limited in duration to the hours 7.15-9.00am on 13 May 2015. No surveys are provided of the PM peak, when traffic flows along Farleigh Road, heading west through the crossroads are higher.
35. Tables 6.5 and 6.6 of the Transport Assessment include mean/max queues along each arm of the crossroads during the AM and PM peaks, however, these are understood to be estimated from general traffic count surveys. Nonetheless these results indicate that queue lengths during the PM peak are significantly higher along Farleigh Road, with a mean/max queue of 36 vehicles forecast by 2026 taking into account committed development and the development proposal.
36. The Transport Assessment has sought to use the average queue length, with the data illustrating that the queues can extend to up to 60 vehicles during the AM peak. No consideration has been given to the physical length of the queues and its implications for the visibility available to residents exiting the proposed access onto Farleigh Road.
37. As acknowledged by the transport assessment, the length of queues can fluctuate considerably and this applies both during the peak hours and various different times of the week. It is a regular occurrence for traffic to queue along the full length of Farleigh Road and even beyond Backwell, heading west through the crossroads, which can be further exacerbated by traffic diverting to avoid congestion or closures on the M5. As a result, although the recorded AM and PM peak hours do have high levels of traffic and associated queuing at the crossroads, such levels of traffic are not limited to the peak hours and nor do they represent the peak levels of traffic or queue lengths experienced on a regular basis along Farleigh Road. Further surveys should be undertaken to record queue lengths within the PM peak and earlier in the day, over the course of at least a week, in school term times, to establish a more accurate picture of queue lengths outside the proposed site access.

38. The potential conflict between the proposed vehicular access and the existing vehicle queues raises a significant risk for transport and pedestrian safety which must be fully assessed before the planning application is determined.
39. In respect of traffic generation, the Transport Assessment forecasts that the proposed development would have a “negligible” impact on the Backwell crossroads in respect of traffic generation at 2026 (Table 6.6), although it acknowledges that by 2026 the crossroads would be operating at above 90% degree of saturation without the development traffic.
40. BRA challenges the assertion that the proposed development would generate a negligible amount of traffic; the transport assessment prepared to accompany the planning application for 65 dwellings off Rodney Road, Backwell (20/P/1847/OUT) forecasts that the scheme would increase vehicular trips through the crossroads by 0.8%. It is therefore reasonable to expect the proposals at Farleigh Fields to generate around a 1.6% increase in traffic flows through the crossroads. The proposal at Farleigh Fields, both individually or cumulatively, would result in the Backwell crossroads approaching total saturation by 2026 without suitable mitigation.
41. The speculative nature of these planning applications results in the trip generation forecasts being assessed on the basis of baseline traffic, committed development and the proposed development subject of the planning application. Other potential developments subject to separate live planning applications are not taken into account and as a result the incremental increase in traffic generation through the Backwell crossroads is not comprehensively assessed or mitigated. For these reasons, Policy CS32 of the Core Strategy requires proposals in excess of 25 dwellings to be allocated through the Local Plan or Neighbourhood Plan. The proposals for 125 dwellings at Farleigh Fields run contrary to Policy CS32 and its objective to ensure the delivery of planned growth and associated infrastructure within the service villages.
42. Notwithstanding the policy conflict, if NSC is minded to approve the application, BRA would expect full consideration to be given to the opportunities to reduce vehicular trips and encourage more active travel within Backwell through the promotion and enhancement of pedestrian, cycle and bus infrastructure. In this respect, BRA

reserves the right to comment further on the proposed mitigation measures in the event that Officers are minded to recommend approval of the outline application.

### **Other Matters**

43. BRA acknowledges that the development proposals would be liable for Community Infrastructure Levy which would contribute towards the provision of new infrastructure within the District, including education, community and leisure and green infrastructure. We support the applicant's proposals to deliver affordable housing in accordance with the Adopted Development Plan.
44. Within the context of North Somerset Council's Declaration of a Climate Change Emergency, we would expect the proposed housing to achieve high standards of sustainability, energy efficiency and be zero carbon. The proposals should also deliver a net gain in biodiversity and establish clear plans for the ongoing management of biodiversity and landscape assets, both within the application site and the Applicant's wider ownership of Farleigh Fields.
45. Although it is acknowledged that matters of design and layout are reserved for later determination, concern is expressed regarding the residential layout proposed through the indicative masterplan. The layout would introduce a series of cul de sacs which would terminate at the boundary of existing residential rear gardens, with the associated new homes presenting a side elevation these existing properties.
46. A back-to-back arrangement with suitable garden depths to achieve adequate privacy for existing and new residents would be more appropriate and in keeping with other developments in Backwell.
47. Consideration should also be given to the extent of the internal roads proposed to serve the housing; the single sided development of the southern element of the loop road would indicate that there is an excessive level of hard-surfacing to serve the level of development.

### **Summary**

48. BRA objects in principle to the planning application on the basis there has been no material change in the policy context since the dismissal of the appeal in 2018. The relevant policies of the Development Plan remain up to date and should be afforded full weight in the consideration of the planning application. Although the scale of

development has reduced, the proposals would continue to have an adverse impact on the special character and appearance of Farleigh Fields, the associated Local Green Space and public rights of way and is based on an incomplete drainage strategy with the risk of overloading existing routes, flooding adjacent properties and exacerbating existing flooding in the locality. The speculative nature of this application prior to publication of the new Local Plan, provides no opportunity to ensure the future growth of Backwell is planned in a sustainable manner. Accordingly, the application should be refused due the conflict with the up to date development plan.

3 August 2021