

DELEGATED REPORT

Application No:	21/P/1766/OUT	Target date:	15.09.2021
Case officer:	Ursula Fay	Extended date:	
Proposal:	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.		
Site address:	Land At Farleigh Farm And, 54 And 56 Farleigh Road, Backwell,		

SUMMARY OF MAIN ISSUES AND RECOMMENDATION

Planning History/Background – most recent applications

Reference	Proposal	Decision
14/P/1633/EIA1	Request for screening opinion as to whether an Environmental Impact Assessment is required prior to submitting an Outline application for residential development of up to 340 dwellings	EIA not required
15/P/0315/O	Residential development of up to 220 new dwellings with supporting infrastructure and facilities	Appeal dismissed
21/P/1167/EA1	Request for a formal screening opinion as to whether an Environmental Impact Assessment is required to be submitted with an application for a proposed residential development of up to 125no. dwellings	EIA not required

Monitoring Details (if applicable)

Up to 125 dwellings; 2 demolished.

Affordable Housing (if applicable)

Up to 37 affordable dwellings

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary of Backwell
- Approx. 190m from Grade I listed 'St Andrews Church'
- Within Horseshoe Bat protection zone B
- Non-designated heritage asset (large slab) on site
- Adjacent Local Green Space 'Farleigh Fields'
- Protected trees at site access (TPO 1125)
- Adjacent public rights of way LA2/4/20 and LA2/6/10

The Development Plan

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

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS32	Service Villages
CS34	Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM3	Conservation Areas
DM4	Listed Buildings
DM6	Archaeology
DM7	Non-designated heritage assets
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
DM31	Air safety
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM42	Accessible and adaptable housing and housing space standards
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:

Policy	Policy heading
SA5	Designated Local Green Space
SA6	Undesignated Green Spaces

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:

Policy Ref	Policy heading
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 4	Development on agricultural land

Other material policy guidance

National Planning Policy Framework (NPPF) (2021)

The following is particularly relevant to this proposal:

Section No	Section heading
2	Achieving Sustainable Development
4	Decision-making
5	Delivering a sufficient supply of homes
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
16	Conserving and enhancing the historic environment

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)

Consultation summary

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

Backwell Parish Council

- Site has been secured as a Green Space
- Application on site dismissed at public enquiry in 2018
- Development would significantly affect the setting and character of Backwell
- Conflicts with Backwell Neighbourhood Plan
- Neighbourhood Plan identified sites for around 100 dwellings, forming an agreed plan for development
- Applications such as this should be put on hold pending the new Local Plan

Natural England

- No comments

Local Lead Flood Authority

- It has not been demonstrated that flood risk will not be increased.
- Insufficient detail on how surface water flows will be mitigated against. This will impact on masterplanning and the density that can be achieved
- Approach to volume control is supported but will not provide a significant benefit downstream as claimed.

- Discharge location has not been adequately defined. The FRA does not demonstrate that there is a viable surface water discharge destination from the site.
- The proposed offline detention basin will not provide any water quality benefits and will not mitigate the pollution generated by the development.
- The indicative layout does not provide a realistic solution for the surface water drainage mitigation. In places the basin will be 5m deep from the top of bank to the base of the pond. The proposed basin will not meet safety standards. Trees proposed on the top of the basin will prevent maintenance access. Insufficient space has been allocated for this feature on the indicative masterplan.

Highways

- No objection subject to conditions as follows:
 - Increase in width of the Ghost Island to 3m
 - Traffic calming measures such as speed cushions
 - Construction Management Plan
 - RSA ½
- And planning obligations as follows:
 - TRO order (£3,100.00) and any associated traffic management costs.
 - Contribution via S106 agreement to public transport of £100,000.00 to upgrade 4 bus shelters
 - Highway Improvement works secured via S278 agreement

Trees

- Potential layout of the development on the whole creates few tree issues at this stage.
- The proposed access into the site appears to require the significant encroachment into the RPA of the prominent, and recently protected, Pine and Spruce; the Pine is categorised as A2 offering the highest retention category. The significant difference in levels and the shape of the RPA (taking into account the existing highway) means that it is likely that the RPA of the tree will be significantly affected by the proposed access (in terms of loss of rooting environment).
- Given the obvious conflict with the Black Pine and Spruce and as the plans show their retention, at the very least we should have a report advising how these prominent trees can be successfully retained. Should the RPA indeed be encroached upon, then it is likely that I shall recommend refusal.

Landscape

- Landscape officer did not object to previous application at the site on landscape grounds.
- Appeal decision 15/P/0315/O is a key document
- Inspector's comments on character and appearance, and the use of adjacent rights of way should be taken into consideration
- Since the appeal the North Somerset Landscape Sensitivity Assessment has been produced, classifying this site as of 'High' sensitivity
- Character and appearance has not materially changed since the appeal

- There is no dispute about the views presented within the LVIA however no illustrations of the properties and how they will sit on the site has been submitted
- Three storey properties are not characteristic of the area and may impact upon public views
- There are some advantages to the reduced scheme in that the highway no longer intrudes into views up to the church and the play area and balancing point and contained within one field. Properties are set as far down the slope as possible to minimise impacts of the scheme.

Conservation & Heritage

- Development within the wider setting of Grade I listed 'St Andrews Church' and Backwell Church Conservation Area
- Illustrative masterplan allows for views to be maintained though the entrance of the site towards the listed church and has include a large area of green open space to the rear of the development which allows for a visual green buffer between the proposed new housing and the adjacent heritage assets.
- No harmful effects to the setting of the conservation area from the proposed development
- Limited views into the development from the Church of St Andrew will be mainly from the church tower itself and will not cause harm to the significance of the churches overall setting.

Archaeology

- There is a non-designated heritage asset in the form of a large stone/slab on the southern edge of the proposed development, and this should be preserved in its current location
- Survey carried out in 2014, further surveys not required
- Targeted trench evaluation required to investigate results of survey, ideally pre-determination

Neighbourhood Policing Support Team

- No objection
- Crime prevention measures should be incorporated into any future reserved matters application

Backwell Residents Association

- Proposal conflicts with development plan
- Policy NPPD1 should be given significant weight
- Proposal will adversely affect designated Local Green Space 'Farleigh Fields'
- Loss of agricultural land could adversely impact on viability of farm tenancy
- Absence of detail within the FRA
- Capacity of surface water detention basin may not be sufficient
- Proposed access should be designed to meet the current speed limit along Farleigh Road of 40mph
- Poor visibility from proposed access
- Detailed comments on Transport Assessment
- Support inclusion of affordable housing
- Concerned regarding indicative masterplan and the inclusion of cul de sacs rather than a back-to-back relationship

Neighbours' views

The principal planning points made are as follows:

Objections (394 received)

- Outside settlement boundary of Backwell
- Contrary to the planning policy including the Backwell Neighbourhood Plan
- Land for housing has already been allocated in the Neighbourhood Plan
- Application on the site dismissed at appeal in 2018
- Proposal will lead to applications to develop other areas of land within Farleigh Fields
- Application is premature - sites should be allocated through the forthcoming Local Plan
- Impacts on 'Farleigh Field' Local Green Space and public footpaths
- Impacts on character of the area
- Proposed landscaping strategy would appear as a public park, impacting on the rural nature of the village
- Impacts on heritage assets including 'St Andrews Church' and Backwell Church Conservation Area
- Loss of open agricultural land
- Retention of trees in front garden of 54 Farleigh Road will not be possible due to extent of tree roots and proposed excavations to accommodate site access
- Numbers of proposed dwellings too high given existing size of village and will significantly change the local area
- Type of housing (3/4 bed family homes) not what is needed in the local area (affordable dwellings and smaller dwellings)
- Site cannot accommodate the number of dwellings proposed
- 2.5-3 storey dwellings are inappropriate
- Impacts on adjacent dwellings including through overlooking
- Transport concerns including safety of access and congestion on A370
- Potential to increase flooding and drainage issues
- Surface water drainage proposals are inadequate

- Impacts on biodiversity
- Backwell is not a sustainable location due to a lack of facilities and employment opportunities
- Insufficient capacity within existing services and community facilities
- Insufficient carbon reduction proposed, houses should be zero carbon
- Impacts of arising from construction including traffic and noise
- Consultation should not have taken place during summer holidays
- Nearby properties will be devalued
- Loss of private views

Support (3 received)

- Proportional development
- Support if includes affordable homes and smaller homes for downsizing
- Support if ensures the remainder of Farleigh Fields will not be developed
- Community funding will enable investment in local projects
- Would improve viability of local shops

Conclusions

EIA Screening

The proposed development falls within Schedule 2 10. (b) (iii) of the Town and Country Planning (Environmental Impact Assessment) Regulations. A screening opinion has been provided (21/P/1167/EA1) which found the proposal does not constitute EIA development.

The principle of development

Core Strategy policy CS14 sets out the settlement hierarchy and the spatial approach to development of housing within the district. Policy CS32 of the Core Strategy states that new development of up to about 25 dwellings will be supported adjoining the settlement boundary, subject to several criteria. These criteria notwithstanding, the proposed development, at 125 dwellings, is clearly in excess of the threshold set by CS32. It also conflicts with Development Policy 1 of the Backwell Neighbourhood Plan which allows housing development in Backwell at a level appropriate to the size and character of the settlement. In this respect it is contrary to the development plan and the settlement hierarchy set out therein.

However, at present the Council cannot demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 4.2 years. This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11). This matter is considered in more detail in the 'Planning Balance and Conclusion' section of this report.

An appeal was dismissed in March 2018 (15/P/0315/O, 'the appeal') which proposed 220 dwellings on a site comprised of the application site and the adjacent fields to the west and south. The Council refused that application for the following reasons:

1) *The appeal site is not within Backwell's 'Settlement Boundary' nor allocated for development in the Backwell Neighbourhood Plan, and the scale of the proposed development would be disproportionate to the size of the existing village and have a detrimental impact upon the character of the area; and*

2) *The proposed development, outside the established settlement, would be out of keeping with the overall character of the village and its landscape setting and quality causing harm to the setting and edge of the village.*

The appeal was recovered by the Secretary of State, who agreed with his Inspector's conclusions in largely upholding both reasons for refusal. However, material changes require that both these refusal reasons be reconsidered.

Time has moved on since the appeal was dismissed three years ago, and there have been some material changes to the policy landscape since that time. The NPPF was updated in July 2018, February 2019 and July 2021, bringing some changes which affect this proposal. Paragraph 49 of the NPPF 2012 (which applied at the time of the appeal) required that relevant '*policies for the supply of housing*' be deemed out-of-date if a local authority could not demonstrate a five-year supply of housing. Relevant case law had ruled on how this paragraph should be interpreted which the previous appeal referred to. This reference has been removed from the revised NPPF, altering the nuance and rationale behind the weight to be applied to development plan policies, although not necessarily altering the conclusions.

The Backwell Neighborhood Plan was made in March 2015. A Written Ministerial Statement (WMS) in December 2016 required that policies in a Neighborhood Plan were not to be considered 'out-of-date' under paragraph 49 of the NPPF subject to criteria including the WMS or Neighborhood Plan being less than two years old. In March 2018 the Backwell Neighborhood Plan met this criterion, as well as the other criteria within the WMS. The WMS was effectively superseded by para. 14 of the NPPF, which sets a similar list of criteria including that the neighborhood plan was made in two years or less before the date on which a decision is made. The Backwell Neighborhood Plan does not now meet this criterion whilst the remaining criteria remain met.

The Council adopted its Site Allocations Plan in April 2018. This designates part of the appeal site as Local Green Space (LGS) 'Farleigh Fields' and introduces Policy SA5 which provides protection for designated green spaces. The application site itself is not designated as LGS but its southern and western boundaries are adjacent.

The Council also adopted the Landscape Character Assessment SPD in September 2018. This identifies the site and fields to the south-west as falling within the 'Land Yeo and Kenn Rolling Valley Farmland' which is of moderate character in good condition. The adjacent field to the south-east falls within the 'Cleeve Ridges and Combes' character area. North Somerset's Landscape Sensitivity Assessment, commissioned as part of the evidence base for preparation of a new Local Plan, identifies both this site and the adjacent fields to south-east and south-west as highly sensitive to change.

In terms of the application, there are several material changes. The site area and quantum of development have both been reduced, with development now limited to the north-eastern field which the appeal Inspector described as '*less prominent than that proposed to the west*'. However, the decrease in site area along with the revised quantum of development results with a substantial increase in density in comparison to the appeal site.

The appeal site proposed infrastructure associated with the proposed dwellings within the area now designated as LGS. The Inspector found that a proposed link road would '*herald the presence of the two areas of housing which they are intended to serve*' and that '*the flood attenuation features and play zone would also be likely to alert users of the right of way to the presence of the homes that they would serve*'. The link road is no longer required, while the play area and sustainable drainage scheme are now accommodated within the north-eastern field. A knock-on effect of this is that the drainage scheme has altered from that previously considered.

The access has also been revised. The appeal scheme proposed demolition of 56 Farleigh Road and the retention of 54 and 58 Farleigh Road, while incorporating land from the front gardens of these dwellings as part of the access. 58 Farleigh Road is no longer within the site boundary. The current application proposes to remove both 54 and 56 Farleigh Road, using land from these two dwellings only to create the access. This has implications for protected trees within the front garden of 54 Farleigh Road, which are now situated much closer to the proposed access.

Setting of Listed Building

The proposal does not affect the setting of 'St Andrews Church' which is a listed building or the Backwell Church Conservation Area. Limited views into the development from the Church of St Andrew will be mainly from the church tower itself and are not considered to cause harm to the significance of the churches overall setting.

Impacts on the character of the area and Local Green Space

Policy CS5 of the Core Strategy protects the character of North Somerset's landscape and townscape. Policy DM10 of the Sites and Policies Plan states that development proposals should not have an unacceptable impact on the designated landscape character of the district, and should respect the tranquility of an area, and Policy DM32 states that proposals which cause unacceptable harm to the character or appearance of an area will not be permitted.

Policy CS32 of the Core Strategy requires new development at service villages to respect and enhance the local character, while Backwell Neighborhood Plan Policy Development 1 also requires development to be appropriate to the size and character of the settlement. Policy SA5 of the Site Allocations Plan provides protection to designated Local Green Spaces.

The appeal focused on the impacts of that proposal on matters of character and appearance rather than on landscape character. It was accepted that the site is reasonably self-contained and that impacts would be limited to the immediate area. The appeal inspector considered the site to have '*a distinctly rural, countryside character and appearance*', making an important contribution to the unusual countryside setting of the village with its importance stemming '*in large part from the fact that it remains open, undeveloped countryside*'.

Since the appeal land has been designated as Local Green Space, this is situated to the south and west of the current site. The NPPF affords Local Green Spaces considerable status, and a conflict with NPPF policies relating to Local Green Space would represent a clear reason for refusal of a proposed development under para 11 c). Para. 103 of the

NPPF states that '*Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*' Green belt policy is focussed on the protection of designated land only. The site is outside the designated LGS area and so the NPPF does not provide a clear reason for refusal in this instance.

Turning to the development plan, Site Allocations Plan 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 ... particularly regarding the characteristics underpinning its designation, such as beauty, historic importance, recreational value, tranquillity or richness of wildlife*' (emphasis added). The 'Farleigh Fields' LGS was designated '*because of [the fields] particular importance in terms of the setting of the grade 1 listed St Andrew's Church, being high lying, prominent and visible from a significant distance to the south. They are also crossed by public rights of way, which lead towards and afford views of the church.*'

Recreational value and tranquillity were not listed as reasons for the designation, however considering comments made by the appeal Inspector as set out below it is reasonable to consider that these are relevant characteristics of Farleigh Fields LGS. Although the site is not within the LGS designation itself, if its development will adversely affect it, conflicting with Policy SA5.

The applicant has drawn attention to the appeal Inspector's statement that '*the north/eastern area of proposed housing would be less prominent than that proposed to the west*' and believes that this indicates the development of this area only would be acceptable. However, the Inspector went on to say, '*even allowing for the mitigation, the fact that both parcels of land had been developed for housing would be readily apparent to users of the existing rights of way*' (emphasis added). It is not considered that the Inspector's conclusions should be interpreted as indicating the north/eastern field is suitable for development. In addition, the designation of the LGS is considered to place greater weight on any impacts on local character which would affect its recreational value.

The Inspector also made several statements regarding qualities which contribute to the rural character of the site - '*highway noise is not particularly noticeable... it has a reasonably tranquil quality*'; '*its reasonably substantial size along with the features within it*'; '*it has many of the features that are associated with other nearby agricultural land*'. It is considered that an assessment of the impacts of the current proposal on these qualities can assist in assessing its impacts on both local character and the adjacent LGS.

The development would bring housing development along with associated road noise closer to the LGS and would provide a play area adjacent to its boundary. It is appreciated the intention is to visually screen the development, however filtered views would be available through the hedges and landscaping, and with heights of up to 12m (3 storeys) it is likely views would also be available over the landscape features. In addition, the dwellings would bring associated noise including vehicle movements, outdoor activities and children's play at the LEAP. The proposal would bring development of a reasonably large scale significantly closer to the LGS and that fact that the site had been developed would be readily apparent to users of the footpaths within it. This would negatively impact on the tranquillity experienced within the LGS and its recreational qualities.

There are views from PRow LA2/4/20 into the site and through towards higher ground to the north. It is noted that the submitted Landscape and Visual Impact Assessment does not include a view taken from LA2/4/20 looking north, despite this being a key public view into the site, instead including a nearby private view from the rear of properties on Church Land (viewpoint 5) within which LA2/4/20 can be seen in the foreground. On site in

August, it was observed that while walking along LA2/4/20 the intermittent vegetation and access gaps along the site boundary allowed for views into and through the site. Even were the hedgerow to be reinforced, filtered views would continue to be present, especially during the winter months and at gaps for entry/exit.

These views contribute to the appreciation of the substantial size of the wider area of agricultural land, as well as its agricultural features. This contribution would be lost through the proposed development, reducing the value of the recreational experience, and compromising the qualities identified by the appeal Inspector as contributing towards this area's rural character.

While this application does not propose the delivery of housing within the Local Green Space or the agricultural field to the west, these areas are proposed to contribute towards the ecology mitigation strategy, with the delivery of hedgerow and meadow planting within these areas proposed to off-set the impacts of the housing development. The proposed mitigation would convert 0.8ha of the western field, currently arable farmland, as a 'wildlife area'; fill in the existing 'gappy' hedgerow between the western field and the LGS; and provide a new hedgerow within the LGS adjacent to the rear boundaries of properties along Church Lane.

While there is nothing to prevent these measures being implemented independently from this proposal, this is considered unlikely. The Landscape Character Assessment SPD identifies this area as being characterised by fields which are medium and small scale with the irregular outline of medieval enclosure. The existing rural, peaceful ambience is reinforced by the thick hedgerows, frequent mature hedgerow trees and the wooded backdrop of the Limestone ridges. Details of management of the new and enhanced hedgerows has not been provided, however it is possible that such additions could strengthen the landscape character. The sub-division of the arable field to the south-west, however, could be considered to compromise its existing irregular character. It is not considered that these elements materially affect the harm identified to local character above.

In concluding the assessment impacts of character, the appeal Inspector concluded that the proposal at that time was at odds with Policies CS5 and CS32 of the Core Strategy, Policies DM10 and DM32 of the Development Management Policies Plan and Policy Development 1 of the Backwell Neighbourhood Plan. This proposal continues to conflict with these policies, as well as the subsequently adopted Policy SA5 of the Site Allocations Plan and the Landscape Character Assessment SPD.

Highways

Core Strategy Policy CS10 encourages development proposals that improve the integrated transport network and allow for a wide choice of means of transport, including the enhancement of facilities for pedestrians and cyclists. Policy DM24 of the Sites and Policies Plan Part 1: Development Management Policies requires that development must not prejudice highway safety, and should be readily integrated with cycleway and footpath links.

Highways arrangements are similar to the appeal scheme, where highways safety was not cited as a reason for refusal. However, the Highways Authority have identified some elements of the application which, notwithstanding their similarity to the appeal scheme, are less than satisfactory. These include the width of the ghost island, the location of the

toucan crossing and lack of traffic calming measures such as speed cushions. It is considered that these, along with a CEMP and Road Safety Audit, could be conditioned.

Contributions would be required towards a Traffic Regulation Order and bus shelters and could be secured through a S106 agreement.

Drainage and Surface Water Flooding

Policy CS2 of the Core Strategy requires the application of best practice in Sustainable Drainage Systems to reduce the impact of additional surface water run-off from new development. Policy DM9 of the Sites and Policies Plan Part 1: Development Management Policies requires development to consider the implications of surface water on the wider area. Paragraphs 167 and 169 of the NPPF require planning applications to demonstrate that flood risk is not increased elsewhere, and for sustainable drainage systems to meet appropriate standards.

A Flood Risk Assessment and Drainage Strategy has been submitted. The Local Lead Flood Authority object to the application as the strategy does not demonstrate that an adequate surface water drainage strategy can be implemented.

Surface water flood risk

There is a low-risk surface water flow route through the site that has been acknowledged in the Flood Risk Assessment, but there is insufficient detail provided on how this will be mitigated. This has implications on exceedance design, which will be complicated on a site which has steep topography. Surface water management has an impact on the master planning of the development and potential density that can be achieved and hence requires a detailed explanation at outline stage.

The applicant has responded to the effect that this matter could be dealt with via condition; however it is not considered that a condition is appropriate in this instance. The way that surface water flood risk is managed is fundamental to the principle of the development and the submitted flood risk assessment does not give adequate confidence that a surface water management scheme is achievable given the site's constraints and proposed development parameters.

Volume of discharge

The approach of volume control by reducing flows to QBar for all events up to a 1 in 100 year event plus climate change is supported. However, it is incorrect to assume that this will provide a significant benefit downstream. The downstream catchment is an Internal Drainage Board (IDB) catchment and therefore sensitive to the overall volume of discharge from the proposed site.

The total volume of water generated by the development will be greater than the pre-development condition and due to the proposed surface water drainage proposals, all of the volume will be discharged into the catchment, even if this is at a slower rate. The IDBs standing advice makes it clear that increases in volume discharge will not be permitted.

Discharge location

A discharge location has not been adequately defined. Four options have been provided with insufficient detail provided to demonstrate that these are viable.

Water quality

The indicative proposals are for an offline detention basin, this does not provide any water quality benefits as the water will not flow through the feature in normal rainfall events. According to the SuDS Manual (CIRIA C753) a detention basin will not provide effective water quality treatment and not mitigate the pollution generated by the development proposals. The discharge from this eventually discharges into a SSSI. A different feature or additional measures would be required to ensure that the development improves local environmental conditions such as water quality and does not adversely affect downstream water quality.

Indicative layout

The indicative layout does not provide a realistic solution for the surface water drainage mitigation. The basin is stated to be 1.3m deep and yet in places it will be 5m deep from top of bank to the base of the pond. The steepness of the slope will be unacceptable and will not meet recommended safety standards. There also appear to be trees proposed on the top of the bank of the basin, which will prevent any form of maintenance access. This attenuation feature will be unsafe and unable to be maintained for the lifetime of the development and therefore not in accordance with NPPF paragraph 169.

For the basin to be properly integrated into the landscape and make a positive contribution to the visual amenity of the development, it would need to have shallower, terraced slopes and incorporate sufficient maintenance access and applicable and suitable landscape treatment. The bund would also need to be further away from the existing trees on the boundary to prevent an adverse impact on the tree roots.

In summary, insufficient space has been allocated to surface water drainage on the submitted illustrative masterplan and parameter plans. There is insufficient evidence that a surface water management scheme is achievable for the proposed development. The proposal is therefore contrary to policies CS2 of the Core Strategy, DM24 of the Sites and Policies Plan and paragraphs 167 and 169 of the NPPF.

Impacts on Trees

Sites and Policies Plan policy DM9 requires development proposals affecting trees to demonstrate that the retention, protection and enhancement of tree canopy cover has been considered, evaluate the short and longer-term impacts that the development may have on existing trees and demonstrate that the long-term retention of appropriate trees is realistic. Paragraph 131 of the NPPF requires that existing trees are retained wherever possible.

Two trees, a pine and spruce within the front garden of 54 Farleigh Road, are protected by Tree Preservation Orders. The Pine is categorised as A2 offering the highest retention category. The Council's Tree Officer has advised that the proposed access requires encroachment into the root protection area (RPA) of the Pine. The significant difference in levels and the shape of the RPA, which will extend away from the highway, means that it is likely that the RPA of the tree will be significantly affected by the proposed access through loss of rooting environment.

The applicant was asked to submit further information, including a report showing the location of the access, the RPA of the Pine and Spruce and methods as to how they can be retained. The information submitted in response to this request consisted of an Arboricultural Impact Assessment (AIA) which confirmed part of the proposed access will be located within the RPA of the Pine. An Arboricultural Method Statement (AMS) was not submitted.

Consequently, insufficient detail has not been submitted to demonstrate that there will be no impact on the health of the tree. The British Standard BS5837:2012 which relates to the Design, Demolition and Construction in proximity to trees, provides guidance on design. The RPA is a *'layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the trees viability, and where protection of the roots and soil structure is treated as a priority'* (section 3.7) and *'The default position should be that structures ... are located outside the RPA's of trees to be retained'* (section 5.3.1). In this instance, there are no overriding justifications which mean encroachment into the RPA is acceptable.

The applicant has asked if this matter could be resolved through a condition, however, without a submission of an AMS relating to the works at this stage it has not been demonstrated that the long-term retention of the Pine is realistic. If this matter is left to a condition it is possible works could have to be accepted which cause harm to the tree if a suitable method cannot be found. Consequently, the proposal conflicts with Policy DM9 of the Sites and Policies Plan and para. 131 of the NPPF.

Given the outline nature of proposals other than access, impacts on other trees affected by the proposals could be addressed via condition.

Character, appearance, and residential amenity of proposed development

Layout, scale, appearance and landscaping are reserved matters, however the proposal is accompanied by an indicative framework masterplan, indicative landscape masterplan and several parameter plans which are intended to demonstrate how the proposed dwellings can be accommodated on the site. These would influence the design of the site and any reserved matters application.

Policy CS12 of the Core Strategy requires proposals to demonstrate sensitivity to the existing local character and take the opportunity to enhance the sense of place and local identity through a well thought out design. Chapter 12 of the NPPF seeks creation of high quality, beautiful and sustainable buildings and places. The recently introduced National Model Design Code (NMDC) provides authorities with tools and guidance to create their own design codes and pending this the NMDC is a material consideration as set out at paras. 110 and 129 of the NPPF.

Policy DM32 of the Sites and Policies Plan sets criteria to be considered in assessing the design of new development. The policy is most relevant to full or reserved matters applications however some criteria are relevant to this outline including the integration of sites with the surrounding environment, and the use of masterplans to indicate how people will be assisted in navigating a proposed development. Policy DM36 of the Sites and Policies Plan requires attention to be given to several criteria when determining the appropriate density for a site, including its physical characteristics and the character of the locality and neighboring buildings.

Positive aspects of the illustrative layout include the inclusion of a significant area of open space including a LEAP, links to the adjacent Local Green Space and the retention of views from the site entrance towards St Andrews Church. The proposed central block accompanied by numerous short cul-de-sacs does not take the opportunity to provide a permeable layout, and the lack of back-to-back relationships with existing dwellings has

implications for security. It is not clear how the 10m buffer provided for ecological purposes would be designed to enable satisfactory relationships in terms of surveillance and security of this space. These matters could be addressed as part of a reserved matters application.

Parameter plans propose the development would provide a lower-medium density development to the south, with medium-higher density adjoining the settlement boundary to the north. The parameter plans do not further define lower-medium or medium-higher density, however the area of land identified for residential use on the land use parameter plan is approx. 2.6ha. The development of this area for 125 dwellings would result in a net density of approx. 48dph. A height and scale parameter plan proposes development of up to 9m (2 storeys) on the majority of the site, with up to 12m (3 storeys) in the centre. In comparison the appeal scheme proposed a maximum density of 25dph on an area within this site of approx. 2.9ha, which would have seen approx. 73 dwellings provided at a maximum of 10m (2.5 storeys).

The proposed maximum height of 12m is confined to the center of the site. The submitted Design & Access Statement (D&A) indicates an opportunity for split level dwellings to take advantage of the topography of the site. While most dwellings within Backwell are two storeys there are some examples of three storey dwellings. As it is proposed to confine these to a relatively small area, and notwithstanding the impacts on the character of the wider area addressed above, the inclusion of some 2.5 - 3 storey dwellings on the site would not be unacceptable in terms of the development's character.

The proposed density is significantly higher than that previously considered. The applicant has responded to the effect that the figure of 125 dwellings is an 'up to' figure, the total units provided may be lower, and these matters should be left for consideration as part of reserved matters. However, it is considered unlikely that any reduction would be significant, were the principle of 125 dwellings to be accepted. Further, the onus is on the applicant to demonstrate that the site can accommodate the number of units proposed.

The D&A includes a contextual analysis of the settlement of Backwell, this does not include an assessment of densities nor an analysis of plot structures, neither is it explained how the analysis has informed the proposed parameters and illustrative layout. Much of Backwell has a lower density suburban character, with properties set within relatively large plots and landscaping and vegetation within these forming an important component of the area's character. There are also areas of historic development which have a more informal village character.

While this may result in a skew towards larger houses which could usefully be addressed, the submitted information has not adequately demonstrated how or if this scheme could do so whilst retaining this character. No information has been submitted setting out the proposed housing mix.

The illustrative layout appears cramped, the street typologies do not include trees within the public realm, and it is considered the illustrative layout includes sufficient space to accommodate these. This is contrary to para. 131 of the NPPF and N.3.iii of the National Model Design Code. There is likewise insufficient space within the illustrative frontages for meaningful landscaping to contribute to the public realm. Within those character areas where parking is proposed to the fronts of plots there is inadequate space to accommodate this without dominating the street scene.

It is also noted that several of the illustrated relationships between proposed dwellings would be unlikely to meet the standards set out in the Residential Design Guide SPD.

Furthermore, as set out above, the Local Lead Flood Authority have advised that insufficient land has been allotted for the proposed SuDS feature. This is a further indication that the site cannot accommodate the level of development proposed, and that this proposal would result in a cramped layout unsuitable to this edge of village location.

While the masterplan is illustrative only and therefore of limited weight, it nonetheless fails to demonstrate that 125 dwellings can be successfully accommodated within the site, taking into account policies CS2, CS16, DM32, DM36, paragraphs 110, 12, 130, 131 and 134 of the NPPF and NMDC N3.iii. Consequently, the proposal is contrary to these policies.

Appropriate Assessment and Impacts on Bats

The site falls within Bat Consultation Zone B, within which it is necessary to consider the impacts on the North Somerset and Mendip Bats SAC which is designated as a Site of Special Scientific Interest and as part of the National Site Network. The proposal for 125 dwellings, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. As the recommendation is of refusal it has not been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

A Shadow HRA has not been submitted; however, the proposal is accompanied by an Ecological Impact Assessment which includes a HEP calculation demonstrating that habitat for the local populations of both greater and lesser horseshoe bats would remain at stable levels following the implementation of the proposal and proposed mitigation. Natural England have made no objection to the proposals. A detailed lighting strategy is recommended and could be conditioned.

Other Ecology Impacts

Core Strategy Policy CS4 seeks to protect the variety of wildlife habitats and species found in North Somerset, in particular by protecting important habitats and ensuring that new development is designed to maximise benefits to biodiversity. The NPPF paragraph 170 states that planning decisions should enhance the natural environment by protecting sites of biodiversity value and providing net gains for biodiversity.

An Ecological Survey has been submitted which concludes that the development has the potential to result in adverse impacts upon a number of ecological features. However, with the implementation of mitigation and enhancement measures, the proposed development should more than mitigate adverse effects, leading to a biodiversity net gain. Ecology did not form a reason for refusal of the appeal scheme and the proposed mitigation and enhancement strategy could be secured by condition.

Affordable Housing

Core Strategy Policy CS16 requires delivery of affordable housing on-site with a target of 30%. The details of the housing to be provided are expected to be negotiated, taking into consideration current housing needs in the local area.

The Council's Affordable Housing team have requested their standard affordable mix as follows.

Social Rented

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

Intermediate

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

The applicant has not proposed an affordable mix, however the submitted application form and D&A indicate the applicant intends to meet the requirement for 30% affordable housing. Provision of this along with a suitable mix would need to be secured through a S106 agreement.

Housing Mix

Policy CS15 of the Core Strategy required proposals to contribute to a well-integrated mix of housing types and tenures, supporting a range of household sizes, ages and incomes to meet identified housing needs. The Wider Bristol Strategic Housing Market Assessment (SHMA) identifies housing needs across the region but does not provide detailed guidance on the needs within North Somerset. The Backwell Neighbourhood Plan identifies a need for smaller dwellings within Backwell, with Policy Development 2 providing support for dwellings of not more than 100sqm.

The applicant has not submitted details of the proposed housing mix, which is disappointing as this matter falls to be considered at outline stage. It is, however, considered that a suitable housing mix could be negotiated and secured within a S106 agreement.

Accessible Homes

Policy DM42 of the Sites and Policies Plan Part 1: Development Management Policies enables the Council to require proposals for residential development to incorporate a

proportion of dwellings carried out to Building Regulations M4(2). The Accessible and Adaptable Housing Needs Assessment SPD evidences a need for 11% of dwellings provided to meet this standard. This requirement could be secured through a S106 agreement.

Renewable Energy

An Energy Statement has been submitted with the application setting out how the scheme will deliver at 11.72% of its energy requirements from solar PV. This is below the 15% which Core Strategy Policy CS2 requires be delivered from renewable sources. The submitted information is inadequate but it is considered this matter could be addressed via condition.

Other matters

All other matters raised by the consultees have been taken into account, including loss of agricultural land, the potential for disruption during construction and the prematurity of the application, but none is of such significance as to warrant an additional reason for refusal of the proposal.

Other matters have been raised by consultees, namely loss of private views and devaluation of property. However, such matters carry very little weight in the determination of planning applications.

Planning Balance and Conclusion

At present the Council cannot demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 4.2 years.

This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date (NPPF paragraph 11 d)).

In accordance with paragraph 11 of the NPPF this means that unless:

- i: the application of policies in the NPPF that protect areas or assets of particular importance (as listed in NPPF footnote 7) provide a clear reason for refusing the application; or
- ii. the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits the application should be considered favourably.

The proposal does not conflict with NPPF policies that seek to protect areas or assets of particular importance listed in Paragraph 11, footnote 7. In accordance with paragraph 11 of the NPPF, this means that the so called 'tilted balance' is engaged and the harm arising from the proposal must be weighed against the benefits.

It is acknowledged that over two years has elapsed since the NP became part of the development plan and consequently paragraph 14 of the NPPF is not engaged. However, the NP remains part of a fully adopted, NPPF compliant development plan allocating sites

for housing within Backwell. The proposal conflicts with the adopted settlement strategy and NP which might usually be afforded significant weight. However, balanced against this are the findings of the appeal Inspector who considered that the scale of the development previously proposed would *'not necessarily be disproportionate to the settlement in this particular instance, taking into consideration its relatively sustainable location relative to other service villages'*. The harm arising from conflict with the adopted settlement strategy and Policy Development 1 of the NP is therefore considered to carry moderate weight against the proposal.

In terms of impacts on the character and development of the area, the proposed development would have limited effect beyond the immediate area of the site. However, the proposal would significantly affect both the setting and character of Backwell, and the setting, character and recreational value of the 'Farleigh Fields' Local Green Space. This carry significant weight against the proposal. The proposal would also affect a protected Pine tree, and this carries moderate weight against the proposal.

It is considered that the application has failed to demonstrate that 125 dwellings could be accommodated taking into account relevant policies and constraints, and the poor layout and design that could result is afforded moderate weight against the proposal. The increased risk of flooding due to the failure to demonstrate how an adequate surface water drainage scheme could be implemented is likewise afforded moderate weight.

Nonetheless, this site could make a substantial contribution to North Somerset's supply of housing, including affordable housing, in a relatively sustainable location. This carries significant weight in favour of the proposal. Benefits arising from the creation of local construction job and potential increase in spending within the local economy are considered of limited weight.

The proposal includes a relatively large area of public open space, this would primarily serve the residents of the development but would be accessible to the wider community and is therefore considered a benefit of limited weight. While the proposal will make other contributions, including through ecology measures and towards off site infrastructure, such benefits are primarily to mitigate the impacts of the development and as such carry negligible weight.

It is therefore considered that in this case the harm identified significantly and demonstrably outweighs the benefits of the proposed scheme, when assessed against the policies in the Framework taken as a whole, and as such the application should be refused.

Recommendations

REFUSE (see draft decision for reasons)

Reason for Overriding Parish Council comments (if appropriate)

n/a

In recommending this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the:

- Natural Environment and Rural Communities (NERC) Act 2006
- Crime and Disorder Act 1998

- Human Rights Act 1998
- Public Sector Equality Duty, Equality Act 2010

Signed: Ursula Fay