

**Observations and Representations by Burrington Parish Council on a Planning Application for Redevelopment of the Blagdon Water Gardens, Bath Road, Upper Langford BS40 5DN (North Somerset Council Reference 17/P/0888/O)**

The summary response of Burrington Parish Council on this application is given below. A report to the Parish Council is appended as background information and amplification of the Parish Council's views.

At its meeting on 15<sup>th</sup> May 2017, Burrington Parish Council resolved:

- To liaise with Churchill & Langford Parish Council on their response to this application.
- To endorse the advice of North Somerset Council's planning policy officer: that the proposals are contrary to local plan policies, as they are outside a defined settlement and there is no overriding need to depart from local plan policies; there are concerns about impacts of the proposals on highway safety; and the site is not accessible to local services and facilities.
- To point out that the site is almost entirely dependent on car access. Local facilities are not available within walking distance or within safe cycling access; virtually no public transport services are available; and Travel Plan proposals will be ineffective.
- To draw attention to unresolved questions in the Flood Risk Assessment, particularly in relation to impacts on the flooding of Langford Brook, both upstream in Upper Langford and downstream in Lower Langford, in combination with the impacts of other permitted developments; and to ask North Somerset Council to require a more detailed FRA to address these questions of potential impacts on flooding in the surrounding area.
- To call for North Somerset Council to refuse planning permission for these proposals, but if North Somerset Council is minded to grant planning permission:
- To call for measures to improve road safety, especially for pedestrians, in the narrow section of the A368 east of the site, with more advance warning signs, enhanced road markings and a pedestrian footway through the narrow section of the A368, to be secured by planning conditions or planning obligation.
- To call for measures to conserve and enhance the landscape, ecology and heritage assets of the site and its surroundings, including the Grade II-Listed, Georgian kitchen garden and hothouse wall (List Entry Number 1268309) on adjoining land in the applicants' ownership, and to mitigate any adverse impacts of the proposed development on the landscape, ecology and heritage assets.
- To request that any improvements in services to the site, such as gas, drainage or telecoms (including high speed broadband) that may be achieved by planning obligations should not prejudice the extension of these services eastwards along the A368 and should, if possible, facilitate the extension of improved facilities within the Parish of Burrington.

## **APPENDIX: REPORT TO BURRINGTON PARISH COUNCIL 15<sup>TH</sup> MAY 2017**

### **The Application:**

Application 17/P/0888/O, by Land & Buildings Ltd of Stoke Bishop, Bristol, seeks outline planning permission for '*up to 30 dwellings with associated access improvements hard/safe landscape works and drainage*' on the site of the Blagdon Water Garden Centre, Bath Road, Langford, BS40 5DN, with all details except access reserved for future determination. The applicants have indicated on the ownership certificate for the planning application that they own the site (or have a leasehold interest of at least 7 years). The plans also indicate that they own land to the north east of the application site, including the Grade II Listed Georgian kitchen garden and hothouse wall.

An illustrative master plan shows a mix of housing sizes including 5 with 2-bedrooms, 4 with 3 bedrooms 14 with 4 bedrooms and 7 with 5 bedrooms. 9 units are described as '*affordable homes*'. Proposed uses also include 375 square metres (gross internal area) of Class B1 office floorspace.

The site is within the Parish of Churchill & Langford, but adjoins its boundary with the Parish of Burrington which runs along Langford Brook. Burrington Parish Council was notified of the application by North Somerset Council.

The application was validated on 27<sup>th</sup> March 2017 and the consultation expiry date is shown on North Somerset Council's web site as 11<sup>th</sup> May 2017, although Council officers have indicated that comments will be considered if they are submitted within a reasonable time after that date.

Pre-application advice to the applicant from North Somerset Council's Planning Policy Officer (23<sup>rd</sup> September 2016) was that the proposals are contrary to policy as they are outside a defined settlement and there was no reason to override local planning policies as North Somerset Council has a five-year supply of housing land. Concerns were expressed about the accessibility of the site to local services and facilities as well as highway safety.

The application is accompanied by various plans, including an illustrative layout, and a collection of reports covering design and access, landscape and visual impact, transport impacts, flood risk, ecology and impacts on heritage assets.

The main considerations include conflicts with planning policies and highway safety, as advised by North Somerset Council's planning policy officer, and concerns about the potential impacts on flooding of Langford Brook, both upstream in Upper Langford and downstream in Lower Langford, which are not fully considered in the Flood Risk Assessment.

### **Planning Policies:**

Relevant national planning policies include those of the National Planning Policy Framework (March 2012). Relevant local planning policies include those of the North Somerset Core Strategy (adopted January 2017), the Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016) and the emerging Sites and Policies Plan Part 2: Site Allocations (Examination in May 2017).

The application site is not within or on the edge of a settlement, as defined by the North Somerset Core Strategy, and is therefore to be treated as open countryside for planning purposes. Policy CS33 provides that where there is no settlement boundary, residential development will be strictly controlled and *'will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers.'*

It has not been possible to research the planning history of the site for this report, but officers of North Somerset Council will have the relevant information. Details of planning permissions are available online only from 1984, when it is understood that the site was already established as a garden centre. Blagdon Water Gardens Centre relocated to Bath Road, Upper Langford from a site in Blagdon that was subsequently redeveloped for housing (and is now *'The Old Water Gardens'*). Applications seeking to redevelop the Bath Road site for residential use were refused in March 1996 (Reference 95/2383) and withdrawn in July 1997 (95/1349).

A garden centre is a very particular use in a rural location; requiring large buildings with extensive areas for outdoor displays and car parking in a low-intensity largely open use. The applicants' Design & Access Statement (page 2) shows that existing buildings cover only about 10% of the site.

In their Design & Access Statement, the applicants' architects claim that the site's status as *'previously developed brownfield land'* implies that it is an opportunity for residential development. The application does not, however, fall within the terms of Core Strategy Policy CS33 as the proposals make no use of existing buildings and there is only one existing dwelling on the site (the derelict bungalow) that could be replaced. In this case, there should be no presumption in favour of general redevelopment for housing.

It is obvious that the location of the application site does not meet the standards of *'sustainable development'*. It is 1.7 km from the nearest shop (Budgen on the A38 Langford Bypass), 1.6 km from Burrington Primary School, 2.3 km from Churchill Primary School by road, and 3.3 km from Churchill Academy.

There is no safe pedestrian or cycle route to the schools. Churchill Academy students are able to use a school bus service, which currently stops east of Langford Brook. The site is also served by a single scheduled bus service on three days of the week. (For details, see below.)

The Flood Risk Assessment reports that there are no existing public surface or foul water sewers within the vicinity of the site. (For further comments, see below.)

The Design & Access Statement claims that the site has capacity for 45 dwellings. If permission were to be granted on this outline application, it would be important to be clear (by planning condition if necessary) that the application and supporting information are for up to 30 dwellings.

### **Highways and Transport:**

Local residents are always concerned about the impacts of new development on traffic and road safety. Traffic flows generated by the proposed development would be higher in the morning and evening peak periods than those generated by the current use.

Road traffic generated by 30 houses is forecast, by Highgate Transportation in their Transport Statement, to be about 16 movements during peak hours based on the TRICS database. An allowance was added for up to 6 vehicle movements generated by the proposed 375 sq metres of office floorspace. Based on general commuting patterns, 40% of the residential traffic generated was expected to be east of the site and 60% west of the site.

The planning application proposes modifications to the existing access and highway to achieve the required visibility splays and to provide improved bus stops on both sides of the road. The capacity of the proposed junction design was found to be well within design standards.

An automatic traffic counter recorded the following traffic flows on the A368 near the site between 19<sup>th</sup> and 25<sup>th</sup> October 2016:

	<b>Existing Vehicle Flows on the A368 (October 2016)</b>			<b>Speeds (85<sup>th</sup> percentile)</b>
	<b>08:00 - 09:00</b>	<b>17:00 - 18:00</b>	<b>Per Day</b>	
<b>Eastbound</b>	285	299	3,486	35 mph
<b>Westbound</b>	302	345	3,562	34 mph
<b>Two-way total</b>	587	644	7,048	

There is no reason to expect that the proposed development would increase problems of road safety generally. However, east of the site, there is a narrow section of the A368, Bath Road, between buildings and high walls, where is no pedestrian footway and there is insufficient road width for motor vehicles to pass. There are road signs indicating a one-way priority, but local residents frequently observe problems with vehicles attempting to pass at the narrowest point. It is not a safe route for pedestrians.

The proposed new bus stops near the entrance to the application site could result in increased risks to people living east of the site, including children if school buses (which currently stop east of Langford Brook) were to use the new stops, as passengers would have to pass along the narrow stretch of the A368, without a footway, to and from the bus stops. If the proposed development were to proceed, safety measures would need to be introduced, including more advance warning signs, enhanced road markings and a footway along the narrow section of A368. If the application were to be permitted, these measures should be the subject of a planning condition or planning obligations.

The Transport Statement suggests that various measures can make the application site more 'sustainable' by providing alternatives to car use. However, the measures proposed as a 'Travel Plan' are unlikely to be effective in reducing car use. The A368 is not a safe cycle route because of the lack of a cycle track, the narrow road width and the volumes of traffic which include significant numbers of HGVs serving local businesses. Bus use will also be insignificant as the site is served by only 3 buses a week: Service 128 on Thursdays between Bishop Sutton and Clevedon; Service 134 on Tuesdays between Bishop Sutton and Weston-super-Mare; and Service 135 on Fridays between Lulsgate Bottom and West Harptree. Other bus services run on the A38 via Churchill Gate, which is 1.8 km from the application site.

**Flood Risk:**

The Flood Risk Assessment (FRA) states that the application site is in Flood Zone 1 with a low risk of river flooding (a probability of less than 0.1% p.a.).

The strategy for surface water drainage is to discharge into Langford Brook. A flow control device and on-site flood storage are proposed to attenuate flows to the Brook and it is claimed that they will be able to reduce the rate of discharge by 20% compared with an existing greenfield run-off rate.

It is also proposed to discharge foul water to the Brook, after treatment by an on-site waste water treatment plant. The proposed arrangements will require the consent of the Environment Agency. The FRA does not say to what extent flows from the waste water treatment plan will offset the claimed 20% reduction in surface water run-off to Langford Brook. The combined impacts of surface water and foul water drainage on Langford Brook require more detailed consideration than they receive in the FRA, as there have been repeated problems of flooding upstream in Upper Langford and downstream in Lower Langford. The risks include flash flooding following very heavy rainfall which could be exacerbated by the proposed development.

The FRA is not therefore justified in reaching the conclusion that the development is appropriate or meets the requirements of the National Planning Policy Framework (NPPF). Paragraph 103 of the NPPF requires a site-specific flood risk assessment for proposals of 1 hectare or more in Flood Zone 1. It also requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications.

Appendices to the FRA were not available on North Somerset Council's web site, but it appears that the FRA does not satisfy the requirements of the NPPF or the requirements of the North Somerset Core Strategy (Policy CS3) and Development Management Policies (Policy DM1).

North Somerset Council should require the applicants to provide a more detailed flood risk assessment, before determining the application: addressing the impacts on Langford Brook both upstream in Upper Langford and downstream in Lower Langford, in conjunction with the impacts of other permitted developments.

**Other Considerations:**

There is no reason to challenge the conclusions of reports accompanying the application that these proposals need have no seriously adverse impacts on the landscape, ecology or heritage assets of the site and the surrounding area, if planning permission is granted – provided appropriate protection and mitigation measures are implemented by detailed design proposals in the approval of reserved matters, secured by planning conditions.

However, the Heritage Statement, whilst describing the Grade II-Listed Georgian kitchen garden and hothouse on adjoining land controlled by the applicant, includes no proposals for the conservation of these structures which should be secured by planning obligations, if the application is permitted.