

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - NORTH

Tuesday, 16 January 2024 at 2.00 pm

**Sedgemoor Room, Bridgwater House, King
Square, Bridgwater, TA6 3AR**

To: The members of the Planning Committee - North

Chair: Councillor Kathy Pearce
Vice-chair: Councillor Matthew Martin

Councillor Brian Bolt	Councillor Alan Bradford
Councillor Hilary Bruce	Councillor Ben Ferguson
Councillor Bob Filmer	Councillor Tony Grimes
Councillor Pauline Ham	Councillor Alistair Hendry
Councillor Mike Murphy	Councillor Gill Slocombe
Councillor Brian Smedley	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicesnorth@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12noon on Monday, 15 January 2024**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Monday, 8 January 2024

AGENDA

Planning Committee - North - 2.00 pm Tuesday, 16 January 2024

Public Guidance Notes for Planning Committees (Agenda Annexe)
(Pages 7 - 10)

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 11 - 14)

Click here to join the online meeting (Pages 15 - 16)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 17 - 22)

To approve the minutes from the previous meeting.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticservicsteam@somerset.gov.uk by 5pm on Wednesday 10 January 2024.

5 Major Planning Application 09/21/00030 - Land Off A38, Bristol Road And A39, Bath Road And Bounded By M5 Motorway And Railway Line, Bristol Road, Bridgwater, Somerset (Pages 23 - 60)

To consider an application for the erection of 90no. dwellings, provision of a Local Area of Play, formation of vehicular connections, engineering works (including ground modelling and demolition), car parking and all associated infrastructure (including cycle and pedestrian connections and services provisions).

6 Major Planning Application 54/22/00005 - Land to the South of, Lavers Close, Woolavington, Bridgwater (Pages 61 - 82)

To consider an application for the erection of 14no. affordable dwellings (revised scheme).

7 Planning Application 07/23/00026 - Sunnycot, Church Lane, Brent Knoll, Highbridge, Somerset, TA9 4EG (Pages 83 - 88)

To consider an application for the erection of extension to North East and North West elevations, Erection of detached garage, conversion of double garage, change of access to rear garden.

8 Information sheets (Pages 89 - 100)

To receive the following Information Sheets for note:

- Planning Appeals Received
- Planning Appeals Decided
- S106 Agreements
- Certificate of Lawfulness – Existing
- Certificate of Lawfulness – Proposed.

Other information:

Exclusion of the Press and Public for any discussion regarding exempt information

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda or at the meeting)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting either by email to democraticservicesnorth@somerset.gov.uk or by telephone on 01278 435739. For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and

guide Members as to planning policy, what are or are not material considerations, what legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.



Councillor reminder for declaring interests

The [Members' Code of Conduct](#) deals with declaration of interests and participation at meetings.

Non participation in case of Disclosable Pecuniary Interest

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests*, you **must** disclose the interest, **must not** participate in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests**, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

If your Other Registrable Interest relates to -

- (1) an unpaid directorship on a company owned by your authority or
- (2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

Disclosure of Non-Registerable Interests 'directly relating' to financial interest or well-being

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not**

take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being

Where a matter arises at a meeting which affects –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosable Pecuniary Interests*

1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.
2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.
3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.
4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.
6. **Securities:** any beneficial interest in any shares or other securities of any description in a body held by you or your or your partner if the body has a place of business or land in your council's area, and: the total value of the securities held is over £25,000, or you or your partner hold more than one hundredth of the total issued share capital of the body, or if the body has more than one class of shares you or your partner hold more one hundredth of the issued share capital of that class.

Other Registerable Interests**

**a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body exercising functions of a public nature directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union, of which you are a member or in a position of general control or management.

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Planning North – Teams Invite 16 January 2024

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Minutes of a Meeting of the Planning Committee - North held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Tuesday, 12 December 2023 at 2.00 pm

Present:

Cllr Kathy Pearce (Chair)
Cllr Matthew Martin (Vice-Chair)

Cllr Brian Bolt	Cllr Alan Bradford
Cllr Hilary Bruce	Cllr Ben Ferguson
Cllr Bob Filmer	Cllr Tony Grimes
Cllr Pauline Ham	Cllr Alistair Hendry
Cllr Harry Munt	Cllr Brian Smedley

56 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Gill Slocombe with Councillor Lance Duddridge attending the meeting as her substitute.

57 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - North held on 14 November 2023 be confirmed as a correct record.

58 Declarations of Interest - Agenda Item 3

Councillors B Filmer and T Grimes declared a Non-Registrable Interest on applications 24/23/00017 and 31/20/00002 as they were the Division Members but took no part in any discussion on the applications.

Councillor B Bolt declared a Non-Registrable interest in applications 13/23/00014 and 13/23/00015 as he was the Division member for this area but took no part in discussion on the application and retained an open mind on the proposals.

Councillors B Filmer and A Hendry declared a Non-Registrable Interest as they were

members of the Internal Drainage Board.

59 Public Question Time - Agenda Item 4

Details of public speaking are captured under the minutes of the appropriate application.

60 Major Planning Application 44/23/00016 Land On North Side Of Lippiatt Lane, Lippiatt Lane, Shipham, Winscombe, Somerset - Agenda Item 5

The planning officer introduced the application to the committee with the assistance of a power point presentation. She provided an update to the report explaining that Condition 5 would be amended if the application was granted to limit the equestrian use to secure private use. It was noted that this was a major application due to the amount of land within the red line of the application, that the proposal met Policy and had no detrimental impact on the area.

The applicant spoke on the application confirming that the proposal was for their private use for horses and a few sheep, the proposal was modest in size, there were no objections from neighbours and had limited impact and ensured that materials and location proposed were suitable.

During discussions, members of the committee requested clarification on landscaping and biodiversity along with landscaping; it was confirmed that the building had enough separation from the hedging to not impact but agreed that landscaping protection could be imposed for the construction period, also that the reason to condition 3 be amended to take into account biodiversity impacts with lighting.

Councillor B Filmer proposed the recommendation subject to the amended and additional conditions as agreed with the committee and officers and Councillor Hendry seconded the proposal.

Resolved:

The application 44/23/00016 at Land on north side of Lippiatt Lane, Lippiatt Lane, Shipham, Winscombe, Somerset for the change of use of agricultural land to mixed agricultural and equestrian use, with the erection of a stable block and hay/machinery store be approved subject to the conditions detailed within the report and subject to amendments to the reason to Condition 3 (lighting pollution prevention) and amendment to Condition 5 (equestrian use limited to private use) as detailed at committee and an additional condition relating to the imposition of a condition to protect the landscape during construction, the wording of this condition

to be delegated to the Service Director to be agreed in consultation with the Chair and Vice-Chair of the committee.

(Unanimous)

61 Planning Application 13/23/00014 Land At, Cannington Bypass Roundabout East, Cannington, Bridgwater - Agenda Item 6

The planning officer introduced the application to the committee with the assistance of a power point presentation.

The Division member commented on the application stating that he considered that there were too many signs in this area due to the HPC information signs and that these signs would add to the information overload for drivers.

It was proposed by Councillor Henry that the recommendation be approved as he considered that there were no adverse impacts on the highways or the roundabout and the proposal was seconded by Councillor Bradford.

Resolved:

The application 13/23/00014 at land at Cannington Bypass Roundabout East, Cannington, Bridgwater for the erection of 3 non-illuminated free standing fascia advertisement signs be approved subject to the consideration of the conditions detailed within the report.

(For 11, Against 2)

62 Planning Application 13/23/00015 Land At, Cannington Bypass Roundabout West, Cannington, Bridgwater - Agenda Item 7

The committee were informed by the planning officer that this application was for the other end of the Cannington bypass and that the signs were of the same dimensions of the previous applications.

The Division member expressed the same concerns as the previous application but the application was proposed to be approved by Councillor Hendry and Councillor Ferguson seconded the proposal.

Resolved:

That the application 13/23/00015 at land at Cannington Bypass Roundabout West, Cannington, Bridgwater for the erection of 4 non-illuminated free standing fascia advertisement signs be approved subject to the conditions detailed within the

report.

(For 11, against 2)

63 Planning Application 24/23/00017 25 Red House Road, East Brent, Highbridge, Somerset, TA9 4RX - Agenda Item 8

The planning officer introduced the application to the committee with the assistance of a power point presentation. He confirmed that the conservatory would be removed and a 2 storey extension was proposed, he reiterated that the land at the rear was not included as part of this application.

The committee were addressed by a neighbour in opposition to the application as he considered that the proposal would adversely impact their property due to visual impact and did not respect the amenity of their property.

The committee were also addressed by a representative of the Parish Council and their comments included the domination of the proposed extension on the neighbouring dwelling, also that there would be surface water run off issues due to the filling in of the drainage ditch. The Parish Council also raised the lack of parking spaces and that there should be 3 spaces plus a visitor space.

The applicant then addressed the committee who commented that they wished to extend their property as they had 4 children and wished to remain in the local area. They also confirmed that they had approval from the Internal Drainage Board in relation to the drainage ditch.

In response to questions from Members, the planning officer confirmed that the design and materials proposed would match the current property, that it was considered that there would be no additional overlooking of the neighbouring dwelling. Councillor Hendry proposed granting the recommendation, however this proposal was not seconded.

As some concerns were raised about the lack of parking spaces proposed, Councillor Bruce proposed to approve the recommendation subject to an additional condition to secure a third parking space, this was seconded by Councillor B Filmer.

Resolved:

The application 24/23/00017 25 Red House Road, East Brent, Highbridge, Somerset, TA9 4RX for the erection of a two storey rear extension part on site of existing conservatory (to be demolished) be approved subject to the conditions detailed within the officer's report with an additional condition to secure a parking plan for an additional space, the wording of this condition to be delegated to the

Service Director to be agreed in consultation with the chair and Vice-Chair of the committee.

(For 11, Against 1)

Councillor Ham left the room during consideration of this application and therefore did not take part in the vote.

64 Planning Application 31/20/00002 The Stables, Bridgwater Road, Lympsham, Weston-super-mare, Somerset, BS24 - Agenda Item 9

Councillor Ham returned to the committee for the remainder of the agenda.

The planning officer introduced the application to the committee with the aid of a power point presentation. he explained that the application was part retrospective as the was a mobile home on site, however the principle of development had been met and there were no adverse impacts on the local area as there was mature screening and no visibility issues; there were also good connections to local services with footpaths and bus services. The main issue related to flooding as the site was within Flood Zone 3a. The planning officer confirmed that the site was protected with river and sea defences and there had been other applications within the area that had been granted by the Planning Inspector.

The committee were addressed by the applicant who commented that her family had lived on the site for 4 years and her four children went to the local school and that they wanted to settle there.

In response to questions from Members it was confirmed that foul drainage and flood warning was covered by conditions while the mobile home had already been raised from land level as a flood mitigation measure.

At the conclusion of debate, it was proposed by Councillor B Filmer to approve the application and this was seconded by Councillor Bradford.

Resolved:

The application 31/20/00002 at The Stables, Bridgwater Road, Lympsham, Weston-Super-Mare, Somerset, BS24 for the change of use of land to form 1 gypsy/traveller pitch comprising of 1 mobile home, 1 touring caravan, erection of a day room, formation of a pony paddock and associated works be approved subject to the conditions detailed within the officer's report.

(Unanimous)

65 Planning Application 54/23/00002 Land At, Green Paddock, Cossington Lane, Cossington, Bridgwater, Somerset - Agenda Item 10

The planning officer introduced the application with the assistance of a power point presentation. He explained that this was a revised application for 4 pitches as a previous application was for 9 pitches. It was considered that this site was well screened with no visual dominance, there were no objections from the highway Authority or Education and to ensure that the small area of the site which was affected by phosphates, the layout was amended and drainage changed with conditions to mitigate for ecological enhancement.

The planning officer updated the committee as further comments had been received from Woolavington and Cossington Parish Councils who considered that the area was being dominated by traveller sites and conditions had not been met on other sites and that this application was being proposed to meet policy.

Members sought clarification from officers about the drainage system proposed and landscaping. It was requested that conditions 4 and 7 were amended to include trigger points for work to be undertaken, details of the Package Treatment Plant and an additional condition for surface water drainage to protect the local area.

It was proposed by Councillor Hendry that the application be approved subject to the amended conditions and additional condition and this was seconded by Councillor T Grimes.

Resolved:

That the application 54/23/00002 land at Green Paddock, Cossington Lane, Cossington, Bridgwater, Somerset be approved subject to the conditions detailed within the officer`s report with the amendments detailed to Condition 4 (trigger point to be added) and Condition 7 (to include requirement to submit and agree details of Package Treatment Plan) and an additional Condition 10 relating to surface water drainage, the wording of these conditions to be delegated to the Service Director to be agreed in consultation with the Chair and Vice-Chair of the committee.

(For 12, Abstention 1)

(The meeting ended at 4.07 pm)

.....
CHAIR

Committee date 16/01/2024

Application No: 09/21/00030

Application Type: Full Planning Permission

Case Officer: Adrian Noon

Registered Date: 28/10/2021

Expiry Date: 26/01/2022

Parish: Bridgwater Without

Division: King's Isle

Proposal: Erection of 90no. dwellings, provision of a Local Area of Play, formation of vehicular connections, engineering works (including ground modelling and demolition), car parking and all associated infrastructure (including cycle and pedestrian connections and services provisions).

Site Location: Land Off A38, Bristol Road And A39, Bath Road And Bounded By M5 Motorway And Railway Line, Bristol Road, Bridgwater, Somerset

Applicant: Hallam Land Management & Persimmon Homes

**** THIS APPLICATION IS CODED AS A MAJOR APPLICATION ****



Committee decision required because

This is a major application where the officer recommendation is contrary to the views of the parish council.

Background

This 2.9 hectare site lies within the settlement boundary for Bridgwater comprising substantially a committed employment site, but also a committed residential element, within the mixed use development at North East Bridgwater (NEB). It benefits from an existing outline approval within the large NEB mixed use development site and appearing primarily as a committed employment site in the adopted Local Plan but with the southern part of the site shown as including a committed residential element. It is located approximately 1.5 miles to the north-east of Bridgwater town centre and sits between the residential development known as Kings Down and the M5, and is to the south of the Willow Man play area.

The site includes Little Sydenham Farm comprising a number of modern farm buildings all of which would be or have been demolished. The land within the site was last in equestrian/agricultural use.

This is a full application, originally for 98 dwellings, however following negotiations to address a number of concerns raised during the course of consultation the proposal has been reduced to 90 dwellings (31/ha) and revisions made to the layout. All buildings would be 2 storey, except for 2 at the entrance which would be 2½ storey, with pitched roofs. The materials palette reflects the detail of the houses on the adjoining site including red brick and cream render with grey or red roof tiles. An acoustic barrier to the M5 edge is proposed comprising a fence atop a bund.

Following the submission of additional details and revisions to amend the layout to address concerns the application has been subject to two rounds of consultations

Relevant History

- 09/14/00003** S73 approval to vary plans condition of 09/08/00017. This is the extant outline permission for the site
- 09/10/00019** S73 approval to vary conditions of 09/08/00017
- 09/09/00004** Permission granted for habitat reserve and drainage for area covered by 09/08/00017
- 09/08/00017** Outline permission granted for residential development of up to 2,000 dwellings; a commercial services centre comprising up to 1200 square metres

retail floorspace (Use Classes A1, A2 & A5), leisure (A3 and A4), community facilities (D1), residential and/or B1 employment development; primary school; up to 110,000 square metres of employment development (B1, B2, B8); sui generis trade units and car showrooms; sports and recreation facilities to include sports pavilion and play areas; strategic landscaping; transport network and access connections; and associated engineering works, infrastructure, drainage, and car parking; and including detailed drawings for 75,000 square metres of B8 uses and Phase 1 residential development (amended description).

Various reserved matters approvals to cover residential phases and employment sites. This scheme would sit next to, and south of, the completed parts on the development on the east side of Kings Drive, most recently:-

09/21/00014 Reserved matters approval granted for 77 dwellings on the adjoining site to the west. This included the demolition of the farmhouse at Sydenham Farm

Additionally, on two other 'employment' sites within the original outline permission area alternative standalone permissions have been granted for residential development :-

09/19/00001 Outline permission granted for erection of up to 80 dwellings

09/19/00004 Outline application permission granted for a mixed-use development to provide up to 57 dwellings, up to 450sqm of retail uses (A1-5), engineering works (including ground modelling), demolition, car parking and all associated infrastructure (including cycle/pedestrian connections and services provision) with appearance, landscaping, layout and scale reserved.

These sites have had reserved matters approval and are under construction.

Supporting information supplied by the applicant

Commercial Availability Assessment
Ecological Appraisal (updated June 2022)
Planning and Design & Access Statement
Noise Assessment (updated June 2022)
Transport Statement
Updated plans

Consultation Responses

Bridgwater-Without Parish Council -object:-

This area was outlined on original plan as green space which is well used currently. Insufficient parking, access to the school not defined.

Planning Policy – no objection:-

In terms of the principle I see no issue here. We had moved away from the idea of office based employment on this site some time ago and to be honest I didn't realise there as still a part left. There is ample provision for office based space close by, Bristol Road, Express Park for example, and a changing market. Additionally, the local plan over provide substantially whilst Gravity was not included within the employment land supply figures at the time.

There would still be a need for any planning statement to set out why the site was no longer suitable for employment use (Policy D16) but the commercial availability assessment statement goes a long way to doing this and we have no reasons to challenge its conclusions.

In terms of residential use, whilst fine in principle the noise attenuation requirements may impact on the layout and deliverability. I suppose it would be a continuation of the bunding that exists elsewhere at NE Bridgwater but it may significantly impact on bringing this land forward. We would also be expecting some landscaping as part of the boundary treatment.

Urban Design Comments – initially raised a concern about the acoustic barrier to the motorway edge:-

A bund won't work because of space and a massive fence probably won't either.

The problem being that NE Bridgwater was designed in a way which meant that acoustic measures were unnecessary because all the residential was set back far enough for one reason or another.

An isolated bund or massive fence on this section will look incongruous I think.

In relation to the first set of amended drawings maintained an objection:-

Having looked at the resubmitted drawings it is disappointing that none of the issues discussed have been addressed. The difficulties are primarily related to the form of layout and noise attenuation. With the site being closely adjacent to the M5 boundary and previously allocated for employment use but now agreed to be released for residential, the constraints presented are challenging.

Because of a previous land parcel release, vehicle access to properties on the site within the proposed layout cannot make use of existing road stubs which form part of unadopted highway and effectively compromise a layout extension which would allow suitable mitigation for landscaping and sound attenuation through the form of a noise bund.

Instead of which we are presented with a noise attenuation solution proposal for a 5m fence next to the motorway and which will clearly be an unacceptable visual intrusion along that section of motorway on a flat landscape as well as significant visual barrier for the residents in the new dwellings.

The proposal makes reference to landscaping which after 15 years it suggests a mitigating effect against the fence but the reality is that this land will not be available to implement the landscape as it is within the stipulated requirements of the IDB maintenance strip.

To enable a wide enough strip of land to be available for suitable landscaping and noise attenuation it is inevitable that the applicant will have to reduce the number of properties proposed to draw the built form back inside away from the motorway. By creating a wider strip of available land for noise attenuation the applicant can then investigate the delivery of a bund with fence on top, suitably landscaped and reflecting the noise attenuation scheme delivered for the special school further south adjacent to the motorway.

Subsequently as a design and layout evolved further comments were provided in relation to the orientation of some of the dwellings, the connectivity to the adjoining development to the West and the general layout. In response to the final revisions it is being confirmed that all identified issues have been addressed:-

It looks like they have taken all the comments on board and made appropriate changes as well as reducing numbers.

Police Architectural Liaison Officer – initially made a number of recommendations with regard achieving to Secure by Design accreditation but did not raise any fundamental concerns for the original layout of 98 dwellings.

As the layout evolved a concern about the LAP emerged:-

- **Local Area of Play** – *the proposed LAP is centrally located, which is recommended, but has limited natural surveillance from nearby dwellings. The Planning Layout drawing indicates that it is overlooked by one dwelling only and from the gable ends of two others, although the house type plans appear to indicate that both these plots incorporated windows in the gable ends, which should assist in surveillance.*
- **Planting** – *the proposed planting around the LAP, and in all other areas of public open space, should not interfere with surveillance of them or create potential areas of concealment.*

In response to the final amendments observes:-

- **Local Area of Play** – *the repositioning of the LAP to a slightly more central location improves surveillance of it, as it is now overlooked by three dwellings and adjacent to the*

gable ends of a further two and, assuming these dwellings have windows in the gable ends, this further improves surveillance of the LAP.

- **Vehicle Parking** –*the reconfiguring of the vehicle parking in the northern sector of the development to three rear parking courts, as opposed to communal on-street parking spaces to the front of and well overlooked from these dwellings, is not supported as this enables unlawful access to the vulnerable rear elevations of dwellings, where the majority of burglary is perpetrated, and to parked vehicles which are not overlooked from ‘active’ rooms in owners dwellings. In addition, in private developments such areas are often left unlit increasing the fear of crime and ungated courts provide areas of concealment which can encourage ASB. Conversely, the two parking courts in the southern sector of the development, have dwellings located within them overlooking the parking spaces, which is recommended to deter crime and ASB.*

Open Spaces Officer – no objection to amended proposal:-

The LAP location and layout (as previously supplied) remains acceptable within this application.

The southern-end of the development is catered for by an existing LAP.

Landscape Officer – objected to initial proposal:-

- *The proposed acoustic boundary fencing located along the eastern side of the development is to be 5m high and will be a prominent feature when viewed from within the development and from passing vehicles using the M5 motorway.*
- *Although there is existing vegetation located on land adjacent to the motorway this is outside the application site and its retention could not be controlled.*
- *The rhyne located to the east of the site is a constraint which must also be carefully considered. Management of rhynes usually require that a maintenance strip is provided (often 9m) and this prevents any tree or shrubs planted within this area.*
- *The planting proposals, as detailed, along this boundary will not provide sufficient screening of the fencing when viewed from the M5 motorway.*
- *The proposed fencing is 5m in height and, as such, will be extremely difficult to screen with planting. It is evident that there is insufficient depth of land to provide an adequate depth of landscaping along this boundary to enclose and buffer the site.*
- *The current number of dwellings and layout of the development has left little space for landscaping and it is noted that there is no provision for visitor parking and this will inevitably result in parking on the verges which will impact on the soft landscape proposals. The roads will also be full of parked cars which will also impact on the street scenes and there will be further pressure to remove landscaping on the plots to provide additional hard surfaced parking areas due to limited parking provision.*
- *I concur with SCC Ecologist with the lack of greenspace in the design, the amount of number of non-native vegetation proposed and that it has not been demonstrated where biodiversity*

will be enhanced (in accordance with the National Planning Policy Framework and Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity) therefore I suggest the applicant applies the Biodiversity Net Gain metric.

To conclude, the number of dwellings proposed for this site in my view is too great and as a result does not allow sufficient landscaping to be incorporated into the current proposals.

No further comment provided in relation to final amendments.

Highways Officer – initially raised concerns about the technical details, no objection raised in relation to final revisions:-

The Highway Authority commented previously on the internal estate road layout and raised a number of concerns, the latest submission has gone some way to address these concerns and I can confirm therefore there is no objection in principle to this proposal from the Highway Authority.

Highways safeguarding conditions are suggested.

National Highways – no objection subject to safeguarding conditions to ensure that the details of the drainage systems, planting and acoustic bund are agreed with their input to ensure the integrity and continued safe operation of the motorway.

Environmental Health Officer – no objection subject to conditions to agreed technical detail of acoustic fence/bund, secure appropriate noise levels with the proposed houses, address any contaminated land issues and control the construction phase.

Environment Agency – initially objected on the grounds of potential flood risk. Subsequently it is confirmed that:-

We withdraw our objection to the development proposal as Finished Floor Levels on site are now shown to be a minimum of 6.8m AOD.

Safeguarding conditions are recommended.

LLFA – initially requested additional details and clarifications. Subsequently confirm no objection subject securing full technical details by condition to include a detailed design, detailed calculations for the site along with exceedance routing, and relevant information to demonstrate how this parcel fits into the wider site.

Parrett Internal Drainage Board – has raised objections/concerns about the lack of detail and proximity of development to maintained rhyne. Subsequently commented: -

We currently maintain the Motorway rhyme from the Motorway side, however the access we used is less than appropriate. My Brief from our maintenance manager is, where we currently have access on both sides of the rhyme, whether brownfield or greenfield site, to maintain the current access as our maintenance practice needs to be secured for the future.

In the last year, we negotiated a 6 m easement between the top of the rhyme and acoustic bund for the land at Bower Farm, Bridgwater and Isleport development in Highbridge. We have also secured a betterment at Strawberry Farm in Bridgwater, where a former light bund was constructed without consent over 10 years ago. In 2018, we agreed a 9 m easement for the Polden Bower School in Bridgwater.

9 m is our preferred easement this would ensure work on the rhyme can be carried out safely and efficiently for the lifetime of the development. However we would agree to a 6 m easement as agreed for Bower farm and Isleport, providing there is no tree planting and landscaping on the motorway side of the bund and a maintenance company maintains both the access and the bund.

OFFICER NOTE:- The applicants have advised that the details of the arrangements for the maintenance of the Motorway Drain continue to be a matter of ongoing dialogue with the IDB. Land Drainage Consent will be required following the grant of any planning permission.

Wessex Water – no objection

Surface Water Runoff

It is proposed to discharge surface water runoff from the site to local rhynes.

Surface water strategy is subject to the approval of the Lead Local Flood Authority and we defer to Somerset Flood and Water Management (LLFA) to agree surface water strategy & discharge rates.

Wessex Water can adopt sewers as part of a surface water sewer network, they will be required to be compliant with the Sewer Sector Codes and have full S104 technical approval and full planning approval before construction work begins. Please refer to the Design Construction Guidance plus our SUDS policy with regards to design suitability. Please note that we will need vehicle access to adoptable components & flow control chambers.

All drainage design requirements for the site (discharge rates, attenuation, climate change etc.) must be agreed, in consultation with the Local Planning Authority, IDB & Lead Local Flood Authority, prior to the submission of a formal S104 application.

Surface Water connections to the public foul sewer network will not be permitted.

Foul sewerage

Separate systems of drainage are required.

The foul drainage strategy proposes to discharge foul flows to the public foul sewer via foul sewer networks installed under earlier phases to the west.

Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a 'size for size' basis, Developers fund the cost of connecting to our sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements.

Connections and adoption of sewer networks is by agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards.

The developer should contact the local development team to agree proposals for Section 104 adoption of sewers and submit details for technical review prior to construction.

Civil Contingencies Officer – no objection but recommends a condition to complete and maintain a Flood Warning and Evacuation plan for the site.

Affordable Housing Officer – supports:-

I welcome the proposal to use this land for housing. The quantum of affordable homes is policy compliant, albeit the final tenure needs consideration.

Education Officer – no objection, noting:-

The new Willowdown Primary Academy should have the capacity to accommodate the pupils from this development if it is approved. The supporting Willowdown pre-school and other local providers will provide capacity for early years. The Bridgwater Academy for secondary school also has sufficient capacity, but we may need to require some CIL funding for SEND school capacity increases. We will discuss this with the Policy team when it is required.

Therefore, we as education authority will not require education funding through a S106 on this occasion for this development in this location.

Ecologist – initially recommended refusal on the grounds of insufficient ecological supporting information; subsequently indicated that the supporting information is out of date. In response to further information provided confirm no objection:-

FPCR Environment and Design Ltd have provided a response to ecological comments (Nov 2023) received on the above application.

I have considered the additional comments made and I am satisfied that the concerns previously raised have been considered.

Ecological safeguarding conditions recommended.

Natural England – advise that this site would not have an impact on phosphate levels in the Ramsar site and suggest that:-

We advise you to follow the mitigation hierarchy as set out in the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. In accordance with the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development.

Archaeologist – no objection on archaeological grounds, noting that there are limited or no archaeological implications to this proposal

Economic Development Officer – no objection, suggests that:-

Should this scheme be consented, a local labour agreement between this Council and the developer be required as a condition. This is because the Council has an Employment and Skills Charter, which seeks to ensure such developments lead, where possible, to an agreed proportion of local jobs, training opportunities and procurement to ensure their wider benefit to the District. An agreement would need to be reached before a start is made on site.

Representations

6 letters received raising concerns summarised as follows:

- Loss of remaining green space and dog walking area;
- people will have to drive to alternative spaces
- impact wildlife and ecology;
- impact on highway network which is already congested;
- increased risk of speeding – 20mph speed limit needs to be introduced to safeguard the public and children walking to school;
- impact on morale and mental well-being;
- lack of infrastructure and services;
- parking space is not of an adequate size which will lead to increased parking on roads and pavements;
- insufficient parking spaces and narrow access road will make it challenging for emergency services to reach the dwellings
- if more houses are built the estate rent charge should be reduced accordingly

Additionally, Somerset Wildlife Trust have objected:-

We have noted ... the supporting Ecological Appraisal provided by Hallam Land Management. We accept the findings of that Appraisal and recognise that this site is bounded by the M5 Motorway and other residential development. Nevertheless, it appears to us that this development is likely to have a significant negative impact on a range of wildlife - although, as part of the Assessment is redacted - it is not possible to fully assess that. We welcome the proposal to create a Green Infrastructure Corridor as part of the development but still feel, on balance, that this Application should be refused.

Most Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 1st April Sedgemoor District Council ceased to exist, becoming part of the new unitary authority for Somerset, Somerset Council. As part of this transition the 2011-2032 Sedgemoor Local Plan was 'saved' and remains the adopted local plan for the part of Somerset formerly covered by Sedgemoor District Council.

National Planning Policies

National Planning Policy Framework (December 2023)

National Planning Practice Guidance

Sedgemoor Local Plan (2011-2032)

S1 Presumption in Favour of Sustainable Development

S2 Spatial Strategy for Sedgemoor

S3 Infrastructure Delivery

S4 Sustainable Development Principles

S5 Mitigating the Causes and Adapting to the Effects of Climate Change

B15 Flood Defence

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D3 Sustainability and Energy in Development

D5 Housing Mix

D6 Affordable Housing

D13 Sustainable transport

D14 Managing the Transport Impacts of Development

D15 Economic Prosperity

D16 Safeguarding Existing Employment Land and Buildings
D19 Landscape
D20 Biodiversity and Geodiversity
D24 Pollution Impacts of Development
D25 Protecting Residential Amenity
D28 Health and Social Care
D30 Green Infrastructure Requirements in New Developments
D34 Outdoor Public Recreational Space and New Residential Areas

Other Material Considerations

North East Bridgwater Design Principles

Community Infrastructure Levy (CIL)

The application is for residential development in Bridgwater Without where the Community Infrastructure Levy (CIL) is Urban Residential £55.91sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development, as initially submitted, would be in the region of £398,813.39. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

Main Issues

Principle

The site is in the Employment Zone for NE Bridgwater. Within the approved Strategic Design Code, this zone alongside the M5 is identified as providing a positive 'shop window' for Bridgwater and a key aspiration is to create an attractive frontage of high quality contemporary buildings that relate strongly to the landscape framework and in particular the Willow Man.

Having the benefit of outline approval, the principle of the 'loss' of this green space has been accepted and the site is shown as a committed employment development site (with some residential in the southern half) in the adopted Local Plan. This is not the same as land allocated for Industrial, Warehouse and Business use in the Local Plan where an alternative housing use would likely involve a Departure from the plan. Accordingly, as effectively 'existing employment land' where permission has been granted, Policy D16, with regard to Safeguarding Existing Employment Land and Buildings, states:

Proposals to change the use, redevelop or convert existing employment sites and buildings to non-employment uses will be supported where:

- *It can be demonstrated that there is no likelihood of a viable employment use (including redevelopment for employment use); or*

- *It would be preferable for the existing activity, as a result of adverse environmental impact, to be relocated to a more suitable site and its reuse for employment is not feasible or appropriate.*

The same principle applies to sites with planning permission for employment uses that have not been implemented.

Applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different uses to support sustainable local communities.

The preamble to the Policy explains the Council will seek to safeguard existing sites and buildings for employment uses where they continue to be sustainable for employment development, continue to meet the needs of the market and are required to maintain a local balance between housing and employment. It is suggested marketing should include:

- Promotion through two or more local agents;
- An independent valuation of price;
- For a reasonable period of time (about 18 months).

It has been accepted (in relation to applications 09/19/00001 and 09/19/00004) that the provision of office based employment on this part of the NE Bridgwater site is no longer justified. It is considered that there is ample provision for office based space close by at Bristol Road and Express Park and that the market for office space has changed fundamentally in recent years with shifting work patterns in the post-covid workforce. Additionally, the local plan substantially over provides, whilst Gravity was not included within the employment land supply figures at the time.

Nevertheless, there remains the need for this proposal to justify the further loss of employment land. In this respect the commercial availability assessment statement sets out that there is “currently a wealth of commercial availability within the [former] District, in terms of quantum available, range of unit sizes, cost, tenure and condition. It is clear from this that the commercial availability within the District is healthy and the opportunity to develop an offer not currently available on the open market is very limited.”

These are identified as including large-scale commercial opportunities available at junctions 23 and 24 of the M5 and a number of new commercial units available for let and land opportunities available for commercial development along Bristol Road (A38) and within the wider North East Bridgwater development.

It is noted that when the original 2010 outline planning application was determined it was envisaged that the commercial parcel, the subject of this application, development, would be developed as a gateway office location to offer an alternative to the office boom in central Bristol at the time. However, due to the site’s location, proximity to residential dwellings and

the now small-scale the market for this type of office space the expected demand has not materialised and the broader market for peripheral locations has declined.

Additionally longer term changes to the way people work, that were accelerated by the Covid-19 pandemic, have further compounded matters and resulted in many working from home thereby reducing demand for peripheral office locations further. Indicators point towards a continued reduction in demand for office space with a hybrid working pattern of office based and working from home predicted for many.

Based on this analysis the assessment concludes that:-

“the commercial offer the application site has permission for is readily available in the District at a time when the demand for such commercial development has cooled. Given this, there is no likelihood that the commercial parcel will come forward as originally envisaged.

In conclusion, there is currently a healthy supply commercial availability in the District which limits the opportunities to develop an offer not already available on the open market. Therefore, it has been demonstrated that there is no likelihood of a viable employment use coming forward on the application site.”

It is not considered that there are any reasons, or evidence to the contrary, that would justify disputing this and on this basis the principle of moving away from employment uses on this site is considered acceptable under the provisions of policy D16.

In terms of the proposed residential development of the site it is to be noted that the site is adjacent to the existing residential development approved under the original grant of outline planning permission (and was part itself identified for residential uses in its southern half) and as such it is not considered that further residential development is objectionable in principle or incompatible with the adjoining land uses. Additionally, it is to be noted that the area is close to large employers and employment areas and well connected to Bridgwater, already supporting a residential community, with access to employment opportunities. With no realistic likely delivery of employment, the choice is to keep the land in the hope of future employment or allow residential development and the associated benefits it brings to come forward now.

On this basis subject to the consideration of the detail of the impacts of the development and its relationship with the surrounding area the principle of the proposed residential development is accepted.

Design and Visual Impact

The North East Bridgwater Design Principles sets out high level design principles for the

development, intended to guide proposals to deliver the comprehensive mixed-use development envisaged by the allocation. In terms of the design approach, it was anticipated within the Strategic Design Code that development in the commercial areas would include:

- a high quality contemporary and distinctive edge to the M5 Corridor with the use of quality materials and building details;
- the built form will be predominantly two or 3 storey, in height, although taller buildings will be supported; and
- robust pedestrian connections between the employment and residential areas.

Such principles remain relevant to an alternative residential development.

Design Code

It is considered that it would be reasonable to apply the principles of the NE Bridgwater Design Code to this development. This sets out a number of general principles which have been applied to the adjoining residential development and the on-going guidance of these would ensure that the residential development of this site would sit well alongside the existing residential development.

The design code suggests a number of themes which are considered as follows:-

- **Street Hierarchy** – The proposal develops the theme whereby the further into the development, the quieter and more intimate the roads and overall the street hierarchy works well and accords with the Code.
- **Car Parking** – A range of car parking is proposed, primarily with all properties having off street as set out in the Design Code. Highways have not objected and it is considered that the proposed parking spaces are safe and easily accessed. There is opportunity for on-street overflow parking and there are no unsightly large groups of parked cars in parking courts.
- **Street Planting** – The landscaping proposals show a mix of a reasonable amount of in-street planting and on-plot planting including trees, ornamental hedges, shrubs, specimen plants and climbers (with framework). Front lawns will be generally turfed. Street-frontage parking areas have been broken up a small degree from initial proposals to allow a bit more green-space. Whilst additional landscaping would be welcome it is not considered that in this instance it would be reasonable to pursue this given the context and the nature of development in the immediately surrounding area. It is noted that an area of open space has been provided and that this would be well planted.
- **Density** - The Design Code specifies a guide of 40 dwellings per hectare. At c. 31 dwellings per hectare the proposal is considered reasonable.

- Perimeter Blocks – The Design Code states a preference for perimeter block design, which is broadly adopted in the design with blocks of houses creating perimeter blocks backing on to quieter garden areas.
- Scale – The Design Code states that the predominant height will be 2 storeys with some 2.5 or 3-storey blocks in key locations to provide variety and focus points. This is reflected in the mainly 2 storey houses proposed and is considered to be generally in accordance with the Design Code in this respect. The two 2 ½ storey houses would be at the entrance to the site from the adjoining development and as such would appear to be well within the overall development in views of the site’
- Layout – the layout has been amended to better relate to the adjoining development to the west, with the opportunity for footpath connection between the sites. A central Local Area of Play (LAP) would be provided in the northern part of the site and the southern part of the site would have good access to the LAP on the adjoining development. The Police Architectural Liaison Officer has confirmed that support for the repositioned LAP.
- Boundary Treatments - 1.8m close board fencing is proposed and is considered acceptable from an aesthetic point of view. There these would adjoin the public realm space has been provided to allow some planting to soften the visual impact and a landscaping condition is suggested to agree ensure that climbing plants are used where appropriate.
- Appearance – The overall the design theme is for simple 'standard' homes, of traditional dimensions, a few with strong design relief around the windows and doors. There is a mix of brick, with some render, red and grey concrete tiles roofs and occasional features such as porch canopies. This provides a coherent and simple form that gives a sense of character to the area. The 2 taller dwellings subject of this application are at the entrance to the site and would not be unduly prominent. The finishes will fit in with the other parts of the estate already approved.

As a whole, the proposed layout is considered to be in keeping with the existing housing in the area and the guidelines in the Design Code. The layout is not cramped, provides adequate parking and the streets are safe and controlled. The police liaison officer has confirmed he is broadly content with the design in terms of public safety, subject to fencing choices, and all round this will provide a suburban neighbourhood that will be both attractive to residents and visitors.

The concern about the parking areas on the northern part of the site are noted, however these of three relatively small areas that would all be overlooked from the rear and sides of the surrounding properties. All three sites are relatively open with clear views into and through the parking areas from both the proposed development and the existing development to the West. On this basis it is not considered that the police architectural liaison officers concerns in this

respect are such that planning permission could reasonably be withheld in this instance.

The proposal which has been amended and reduced would provide a strong northern frontage towards the former Wicker man site that would be provided with a well landscaped acoustic barrier along the eastern edge to mitigate noise from the M5. It is considered that this would create an appropriate new north facing edge.

Within the development the layout and house design would reflect the adjoining residential development. It would be provided with good links for pedestrians and cyclists such that the scheme would knit well with the previously approved and now occupied development. The proposed houses are predominantly two storey and are of a design and that it matches that approved on the adjoining part of the North East Bridgwater development.

Within the site there is scope for limited public realm planting on a scale that matches the adjoining development and areas of open space are provided to soften the development.

Living Conditions

It is considered that the proposed houses would be sufficiently well separated from the previously approved and now occupied houses on the adjoining part of the north east Bridgwater development and as such there would be no undue impact on the amenity or living conditions of any existing residential occupier. It is accepted that the outlook of the nearest existing residential properties would be changed from that of an area of open space with farm buildings to an urban form of development, however this is not in itself considered objectionable given that the majority of the dwellings on the North East Bridgwater development have similar outlooks. Given that the design and detailing of the proposed houses are considered acceptable it would not be reasonable to argue that this new outlook is unacceptable.

The cessation of agricultural activities within the buildings to be demolished is considered a potential benefit as is the cessation of the previously approved wedding venue which had a history of complaints and enforcement issues. Additionally, it is noted that the proposed dwellings would in themselves create an acoustic barrier between the existing houses and the M5. Taken together it is considered that the proposed development would result in an overall reduction in noise and disturbance for existing residents and that this should be regarded as a benefit of the development.

With regard to the living conditions of future occupiers it is considered that the layout would provide for a reasonable standard of amenity with all properties having their own gardens and access to the shared public open spaces. All properties would also have their own off street parking which meets the council's parking standards.

It is accepted that building homes this close to the motorway has potential to create noise

issues for future occupiers. The proposal includes an acoustic fence set on top of a bund that would create a 5m high noise barrier along the eastern edge of the development next to the motorway. This has been refined throughout the location to meet the requirements of the council's environmental health officer in terms of noise performance, the requirements of the council's design and landscape advisers in terms of official impact and the requirements of National Highways who have been concerned about the relationship with their strategic assess along the motorway.

It has been confirmed that subject to agreement of the technical detail the proposed noise mitigation would deliver homes with acceptable noise levels. In this respect conditions are suggested to agree firstly the design and technical specification and secondly to secure confirmation of compliance and effectiveness of the agreed measures prior to occupation. It is considered that this would reasonably safeguard the living conditions of future occupiers as required by policies D24 and D25.

Conditions have been suggested by National Highways who are anxious to ensure that the landscaping and drainage of the bund and this part of site the site are carried out in such a way that will safeguard their assets. This is considered reasonable and would also meet the requirements of the IDB who have similar concerns with regard to the maintenance of their rhyne which would lie between the bund and the motorway.

Highways Impacts

It is proposed to access the new dwellings via the existing estate road network between the site and the main road along Kings Drive, sharing the access arrangement currently enjoyed by the existing houses. No highways concerns have been raised about this in terms of the additional traffic movements that will be created by the proposed 90 additional houses. Within the site adequate parking and vehicle manoeuvring space will be provided and no objection is raised in this respect by the highways officers.

Accordingly subject to highway safeguarding conditions as recommended by the highways officer, the proposal is considered to comply with the requirements of policy D14.

In terms of sustainable transport, the provision of electric vehicle charging points falls within the remit of building control and a condition has been suggested to agree an appropriate travel plan. Subject to this the proposal would meet the requirements of policy D13.

Flood Risk and Drainage

The site lies within Flood Zone 3 and is at the highest risk of flooding but is within an area benefiting from flood defences. CIL contributions may be used towards the further planned defence improvements for Bridgwater. Application 09/09/00004 approved a drainage network to serve the wider North East Bridgwater development and it was always intended that this

site would drain into this approved network and it is noted that drainage works have been carried out in accordance with this approval. Consequently, in respect of flood risk the EA raise no objection subject to appropriate conditions to secure the necessary floor levels.

With regard to the detailed drainage the LFA have accepted the proposed on site drainage with its ultimate discharge to the local green network. Conditions are recommended to secure the technical detail of the drainage and its ongoing maintenance.

On this basis it is considered that with regard to flood risk and drainage the proposal complies with requirements of policy D1.

Ecology

Forming part of the planned NE Bridgwater expansion, the site has been accepted as not being ecologically sensitive itself, comprising former agricultural land (ALC Grade 3A), largely improved grassland and scrub, and does not currently make a high value contribution to ecology or biodiversity. That said the hedgerow borders and rhynes offer habitat for breeding and feeding.

The application is supported by an ecology appraisal and updated details have been provided. In detail the Council's ecologist has commented:-

General

As the most up to date surveys were undertaken in 2021, in line with CIEEMs advice note on the lifespan of ecological reports, a professional ecologist will need to undertake a site visit and may also need to update desk study information and review the validity of the report(s). Please also see my species and habitat specific comments below which detail any aspects that should also be considered.

Badgers

The last survey for badgers appears to have taken place approx. 26 months ago. As the site comprises suitable habitats for badgers, and badgers have been recorded in nearby fields historically (see Environmental Statement by FPCR, 2008), an up-to-date badger survey is requested.

Amphibians

The 2022 Ecological Appraisal states that ditches 2 and 3, as well as P11 are scheduled to be lost (section 7.25) - although I think this was intended to read P10 instead of P11 (as P11 is outside of the redline boundary whereas P10 is within the site?). The most recent surveys undertaken for GCN appear to have been in the form of eDNA sampling undertaken in 2021, however the survey report has not been included in the application. It is also noted that HIS assessments were undertaken in 2021 but the results of these are also unavailable.

Although previous surveys have shown GCN absence in some of the waterbodies within

500m of the development, the most recent surveys for GCN were undertaken over 2 years ago. GCN has historically been recorded in close proximity to the site, and translocation has been undertaken to receptor ponds approx. 1km north. The translocation scheme retained linear breeding, sheltering, commuting, and foraging habitats that remain well connected to the site, and the site itself is also functionally connected to other areas that have historic presence of GCN within 250m (e.g. P1). The scheme will likely lead to the removal of breeding habitat and/or fragmentation of commuting and foraging habitat if GCN are present within 500m of the site boundaries. Due to the amount of time since the last survey was undertaken, the potential habitats for GCN on site and within 500m of the development, and the historic use of habitats within/in close proximity to the site, updated GCN surveys are deemed necessary to determine whether licencing is necessary (unless DLL is instead used).

Priority Habitat

According to mapping, the site lies directly on habitat defined as Coastal and Floodplain Grazing Marsh Priority Habitat. The definition of CFGM is based around the aspects of modified floodplain grasslands, where habitats such as fen, reed swamp and saltmarsh have been historically drained. Unlike other JNCC habitats, CFGM is defined through a combination of landscape and biological characteristics ('wet grassland for birds', 'floodplain grassland of botanical interest', and 'ditches with botanical or invertebrate interest') and can be considered as a land use type with varying proportions of individual habitat components that can differ substantially in quality. It is noted that an Invertebrate Survey was undertaken on the ditches that comprised the outline application 09/08/00017 for which the site is included. It concluded that the ditches surveyed indicated invertebrate importance. Although the M5 drain was highlighted as particularly important, ditches associated with this development showed presence of species of conservation importance, or specifically associated with CFGM (*Hydrophilus piceus*, *Odontomyia ornate*). Bird surveys were also undertaken for 09/08/00017 that found breeding and non-breeding presence of species associated with the Somerset Levels & Moors SPA / Ramsar site such as Curlew, Gadwall, Shoveler and Lapwing. Although it was deemed that the development (of 09/08/00017) would be unlikely to result in a significant effect on the bird species using the designated site, consideration to the presence of CFGM and species for which it is associated should be given. As far as I'm aware, I cannot find reference to any of the above in the documents submitted to support this application, and plans have not considered impacts of the removal of this habitat or proposed any mitigation for relevant features (e.g. removal of D1, D3 and P10).

Invertebrates

Invertebrates constitute a material consideration within the process of assessment and evaluation, but surveys do not appear to have considered this species group. Although discerning the actual presence of invertebrates (or the presence of a particular species of invertebrate) is often difficult and restricted to particularities in season, weather,

time of day etc., considering habitat complexity, floral species and local data is important when determining a sites potential for invertebrates.

Although this does not constitute a detailed data search, I can see from internal mapping that species of conservation of concern have been recorded locally, such as the small heath butterfly, wall butterfly, scarce chaser dragonfly, cinnabar moth, jersey tiger moth.

Water vole

As stated in the 2022 Ecological Appraisal, a licence will be required for water voles. This appears to have been informed by recordings during the Phase 1 Survey in 2021, but I am unable to find reference to secondary surveys since then so assume that these have not been undertaken.

As a licence will be required, secondary surveys should be undertaken to design suitable mitigation, compensation and assess the significance of impacts to water voles in line with The Water Vole Mitigation Handbook (2016).

As discussed in the 2022 report, it is likely that a class licence would be used (WML – CL31). This licence can only be relied upon where there is a no net loss for water voles. This means that suitable habitat must be created, or existing habitat enhanced, within the range of the affected population. The result of this must be the reasonable expectation that there will be the same or a greater extent of good quality water vole habitat. Although this was discussed in the 2022 report, I am unable to find any reference to proposed mitigation in any site plans. However, as this will depend on the results of the further surveys, it should be noted that proposals for such enhancements are submitted and included within site plans following the survey.

Bats

The bat activity surveys were undertaken over 08/2021 and as such, due to the potential presence of roosting bats on site and amount of time since these surveys were undertaken, updated surveys should be undertaken.

Notwithstanding the above comments it is noted that the updated ecological information has been provided and that the ecology of the site is well understood, the site having been the subject of formal EIA process associated with the wider NE Bridgwater proposals and benefits from a fully designed Green Infrastructure strategy which provides extensive new habitat creation including for Great Crested Newts and water vole – which will also provide for the present proposals. The proposals therefore benefit from front loaded habitat provision as approved at outline stage and under application 09/09/00004.

The applicant has sought to address the above comments in a letter from their ecology consultant who provided the appraisals, this notes that:-

Areas of grassland, hedgerows identified within the Phase 1 Habitat survey plan submitted with the updated Ecological Appraisal (FPCR, 2022) remain the same as when previously

assessed but overall represent only a very small proportion of the Site's area with the majority comprising hardstanding (concrete, gravel, footprint of agricultural buildings and sand / rubber chip equestrian schooling).

Given a large proportion of the Site comprised hardstanding (concrete, gravel, footprint of agricultural buildings and sand / rubber chip equestrian schooling)' substantial portions have been surfaced with appropriate substrate and used for materials storage, positioning of site offices and parking associated with the adjacent consented residential development. Demolition of agricultural buildings assessed as having low or negligible bat potential has also been undertaken by the former landowner prior to completion of sale transferring land to our client and occupation of the site for ancillary uses by Persimmon Homes Ltd. Demolition was undertaken following internal / external (and nocturnal assessment as necessary) in July 2021 to leave only the main farmhouse (B1) and adjacent stable buildings (B2 & B3 moderate and low potential, respectively) remaining. A low conservation status bat roost having been identified at the Farmhouse (B1). The former Farmhouse (B1) retained wholly within this application boundary and the stable buildings (B2 & B3) only partially within the application site boundary.

*Above-mentioned activities have taken place to the west of the original tarmacadamed driveway and entrance to Little Sydenham Farm with no encroachment onto the M5 Rhyne and associated riparian corridor which are the habitat features identified as being of greatest value on Site. Activities undertaken since submission can be considered wholly legitimate and consistent with Outline Consent that includes for "associated engineering works, infrastructure, drainage and car parking"
i.e. all are ancillary works for which no Reserved Matters approval would be required.*

In general, the application site forms part of a wider scheme for which outline approval was previously granted (2009 Application number: 09/09/00004, 2010 Application Number: 09/08/00017). Impacts and mitigation have been assessed through a formal EIA and designed in relation to this, with the GI implemented earlier in the scheme, including significant water vole and GCN habitat creation together with significant Green Infrastructure provision (including the creation of new rhynes, waterbodies and a substantial GCN reserve under an EPSL north of the Morrisons Depot).

The letter provides updates with regard to various protected species:-

- Badgers - given the temporary use of much of the existing footprint of the Site for purposes ancillary to outline consent, it is considered that much of the Site remains sub-optimal if not unsuitable for badger albeit some foraging resource may still be provided by the few retained hedgerow bases, the riparian corridor (including bankside vegetation) associated with the M5 rhyne. It is unlikely that a high-status sett will have been created since the previous survey.

- Amphibians – it is noted that the mitigation and compensation measures already implemented for the Northeast Bridgwater scheme since consented in 2009 have already delivered a greater long-term benefit to the local population of great crested newts (GCN). The historical and recent GCN data provided in support of this application suggests that there is a very low level of risk to GCN through the development of the Site and that GCN are consistently absent from waterbodies south of the Horsey Rhyne and the Wicker Man pond. This risk is further reduced given the only on-site waterbody is a concrete tank fed by runoff from the agricultural buildings, which no longer functions as a waterbody and therefore no longer provides potential aquatic breeding habitat for the species.
- Reptiles - low populations of both grass snake and slow worm have been recorded at the site. A precautionary approach to the construction phase is suggested and could be secured by an appropriate CEMP.
- Priority Habitat - the site falls within an area identified as 'Coastal and Floodplain Grazing Marsh' priority habitat, a definition which primarily relates to the historic state of the site. The site is considered to be of a relatively poor ecological value, comprising farm buildings, hardstanding and improved grassland fields. This has been further reduced with buildings demolished and hardstanding maintained and used for materials storage, parking and uses ancillary to consented outline development.

The adjoining M5 rhyne and wider riparian corridor is considered a more valuable habitat. The M5 rhyne would be retained and buffered with native hedgerows and grassland. Given the restricted scale of watercourse impact, the integrity of the M5 rhyne and the faunal species it supports is not considered to be significantly affected by the proposal.

- Invertebrates – any areas of high value invertebrate habitat are restricted on site to small parcels of wetland, scrub and semi-improved grassland habitats. These are common habitats in the surrounding landscape, and the small-scale losses resulting from the proposal is not expected to have a significant impact on the local population status for any invertebrate species.
- Water Voles – the existing M5 rhyne corridor has the potential to provide vole habitat and is retained. The supporting information confirms that this appears to have been unaffected by site clearance and/or materials storage. It is to be noted that significant, tailored, water vole habitat compensation has already been provided at the outline stage, which consisted of new rhyne habitat designed to mitigate/compensate for lost habitat and surface water drainage infrastructure.
- Bats - All buildings within the site were subject to assessment and surveys in 2021 by a suitably experienced, licenced bat ecologist with no bat roosts recorded. Those

buildings not supporting bat roost potential (mostly clear-span steel agricultural buildings) were demolished in 2021/22 with the only remaining buildings being the original Farmhouse and stables (moderate and low bat roost potential, respectively). The farmhouse is not within this current application site, its demolition being agreed as part of application 09/21/00014. The stable buildings B2 and B3 overlap the current application.

Only the farmhouse was previously identified as supporting low conservation bat roosts and the stable buildings were considered of negligible/low bat roost potential with no roost confirmed following nocturnal surveys. Whilst it is acknowledged that the supporting bat survey data is no longer valid, all remaining buildings remain in a similar state to previously. The farmhouse is wholly outside this application but considering buildings together, it is considered that sufficient information has been provided to allow an accurate assessment of likely potential impacts of the proposed development and for a decision to be made.

These additional clarifications have been accepted by the council's ecologist who has withdrawn their previous concerns and objections and subject to the suggested safeguarding conditions the proposal is now considered to comply with the requirements of policy D20.

Planning Obligations

Affordable Housing

Policy D6 requires 30 % of the dwellings to be affordable homes, secured through a S106 agreement. The affordable housing officer advised that this should comprise:-

- 27 homes.
- a mix of 2,3 and 4 bed affordable homes.
- well distributed across the development site.
- 25% as First Homes, with the development providing 7 x First Homes, with the remaining 20 affordable homes provided as rental units. The 4-bed affordable homes must be rented.

It is advised that the affordable homes appear to look the same as the open market homes and should be provided on a subsidy free basis, transferred to a registered provider where appropriate. Affordable housing will need to be secured through the S106 to ensure compliance with policy D6.

Public Open Space

The proposed LAP and acoustic bund, together with any public realm planting will need to be maintained at the developer's expense. Although the detail of these can be secured by condition, a suitable maintenance arrangement will need to be secured by a section 106 agreement to ensure ongoing compliance with policies D34 and D25.

Education

The education authority accept that and education contributions are to be secured via CIL should the need for any additional education space arise as a result of this development.

Other Issues

Sedgemoor District Council had adopted an Employment and Skills Charter (Local Labour Agreement [LLA]) as policy to be set within Planning Obligations or secured by condition. The reason is that the Council is committed to helping ensure that local people benefit from new job and training opportunities created during major developments in the District such as the one proposed. The use of local labour and local suppliers is also encouraged because it reduces the impact of travel and transport from such projects. A condition seeking a LLA is considered appropriate to ensure that the local work force are afforded opportunities in the construction phase and is necessary to meet the requirements of policy D15.

SC Highways require travel plan contributions. Is considered that Travel Plan requirements for a residential development of this scale can be secured by condition, this would ensure compliance with policy D13.

With regard to the outstanding local concerns the following comments are offered:-

- The fear that future residents might exceed the speed limit is not a planning consideration and such matters all dealt with by the police under other legislation;
- the matter of service charges is for the management company and cannot be controlled through planning;

Conclusion

Having the benefit of outline approval, the principle of the site's development, albeit primarily for employment uses, has been accepted in line with the Council's planning policies. Whilst it is regrettable that the anticipated commercial use has not come forward, it is considered that the changing commercial landscape reflects a lack of current demand for such sites. Furthermore, there are considered to be ample alternative options for such development. As such it is not considered that it would be reasonable to insist that this element of the previous permission be retained at all costs. Adequate information has been provided to demonstrate that the loss of this employment site would not be objectionable in line with the requirements of policy D16 and the alternative residential use of the site now proposed would not be incompatible with the location.

Housing is not only suitable but the design and layout would not prejudice the amenities of existing occupiers and would provide a good standard of living for future occupiers without detriment to highway safety, visual amenity or the limited ecological interest of the site.

Technical matters in relation to flood risk and drainage have been addressed and appropriate detail could be secured by condition.

Accordingly subject to appropriate safeguarding conditions, the application is recommended for approval subject to a S106 to deliver affordable housing and the maintenance of the on site open space and acoustic barrier.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report and it is not considered that the residential redevelopment of this site, to which there is not currently any public access, would prejudice the interests of anyone with a protected characteristic.

RECOMMENDATION

GRANT PERMISSION subject to

A) a S106 Agreement to provide:-

- A least 30% affordable housing of a tenure and mix to the satisfaction of the chief planning officer in consultation with housing officers
- Management and maintenance of onsite LAP, and public realm planting and the acoustic fence/bund to the satisfaction of the chief planning officer in consultation with open space officers

and that the Service Director, Governance, Democratic and Legal Services be authorised to prepare and seal the Agreement and;

B) The following conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

Drainage & Flood Risk

- 3 With the exception of demolition, site clearance and preparation, no development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority in consultation with National Highways. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (December 2023 and the Flood and Water Management Act (2010)). Once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained and in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset in accordance with policies D1 and D14 of the Sedgemoor Local Plan 2011-2023.

- 4 With the exception of demolition, site clearance and preparation, no development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system and to ensure development is properly drained in accordance with policy D1 of the Sedgemoor Local Plan 2011-2023.

- 5 No dwelling hereby approved should be occupied unless a flood warning and evacuation plan for the site has been submitted to and approved in writing by the local planning authority. Thereafter all first time occupiers shall be made aware of the approved plan.

Reason: To safeguard future residents from risk of flooding in accordance with policy D1 of the Sedgemoor Local Plan 2011 to 2032.

- 6 The development hereby permitted shall be constructed with the finished floor levels of all dwellings set at a minimum of 6.8 metres above ordnance datum.

Reason: To safeguard future residents from risk of flooding in accordance

with policy D1 of the Sedgemoor Local Plan 2011 to 2032.

- 7 With the exception of demolition, site clearance and preparation, no development approved by this planning permission shall commence until such time as a scheme to detailing flood resilience measures to be utilised in the construction of the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented prior to first occupation and subsequently maintained there after throughout the lifetime of development, unless otherwise agreed in writing, by the local planning authority.

Reason: To safeguard future residents from risk of flooding in accordance with policy D1 of the Sedgemoor Local Plan 2011 to 2032.

Highways

- 8 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, EV Charging cable runs, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interest of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011 to 2032.

- 9 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interest of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011 to 2032.

- 10 The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011 to 2032.

- 11 No part of the development shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter all elements of the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable transport in accordance with policy D13 of the Sedgemoor Local Plan 2011 to 2032.

Noise

- 12 Prior to the commencement of the construction of the bund and acoustic fence hereby permitted details of their construction and acoustic performance shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways and the Council's environmental health officers). The details shall demonstrate the technical and acoustic feasibility of the structure and have regard to the requirements of DfT Circular 02/2013 in relation to future maintenance. Thereafter no dwelling shall be occupied unless the bund and fence have been fully implemented in accordance with the approved details and the approved bund and fence shall be maintained in accordance with the approved details for so long as the dwellings hereby approved are occupied.

Reason: To safeguard the operation of the strategic road network and the long term integrity of its assets and in the interests of residential amenity in accordance with policies D24, D25 and D14 of the Sedgemoor Local Plan 2011-2032.

- 13 No dwelling hereby permitted shall be occupied unless it has been constructed in accordance with the recommendations of a scheme to mitigate against road traffic noise that has been submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall demonstrate how the internal and external living spaces will not exceed the following maximum noise criteria:

Location	07.00 – 23.00	23.00 – 07.00
	Upper Limit	
Living Room	35 dB $L_{Aeq,16hr}$	
Dining Room/Area	40 dB $L_{Aeq,16hr}$	
Bedroom	35 dB $L_{Aeq,16hr}$	30 dB $L_{Aeq,8hr}$ < 10 events >45 dB $L_{Amax,F}$
Private Amenity Areas and Gardens	55 dB $L_{Aeq,16hr}$	

The scheme shall detail all necessary elements of the mitigation, in addition to the acoustic bund and fence, including building envelope construction, glazing and ventilation and shall include calculations to demonstrate that these noise levels in the relevant internal and external spaces will be achieved.

Reason: In the interests of residential amenity in accordance with policies D24 and D25 of the Sedgemoor Local Plan 2011-2032.

- 14 No dwelling hereby approved shall be occupied unless a verification report has been submitted to and approved in writing by the local planning authority that demonstrates that the noise levels set out in the previous condition have been achieved.

Reason: In the interests of residential amenity in accordance with policies D24 and D25 of the Sedgemoor Local Plan 2011-2032.

Construction

- 15 Prior to the commencement of development a written commitment to the sourcing of local labour shall be submitted to and approved in writing by the local planning authority. The written commitment, as a minimum, shall set out the following matters:

- i. The proportion of construction workers to be sourced from the local labour pool;
- ii. Work experience/ apprenticeship opportunities;

- iii. The proportion of local procurement and sourcing;
- iv. On-going skills development and training opportunities;
- v. The steps that will be taken to ensure that the above is implemented;

The operator shall maintain a record of i. – v. above and shall make that information available to the local planning authority at all reasonable times upon request.

Reason: To promote opportunities for the local population in accordance with policy D15 of the Sedgemoor Local Plan 2011-2032.

16 Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Management Plan (CMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CMP shall include details of:-

1. Measures to regulate the routing of construction traffic;
 1. The importation and of spoil and soil on site;
 2. The removal /disposal of materials from site, including soil and vegetation;
 3. The location and covering of stockpiles;
 4. Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
 5. Control of fugitive dust from earthworks and construction activities; dust suppression
 6. Noise control plan (which includes control methods)
 7. A waste disposal policy (stating no burning on site)
 8. Details of any site construction office, compound and ancillary facility buildings;
 9. Construction and delivery hours
 10. Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto
 11. A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: In the interests of highways safety and to safeguard residential amenity in accordance with policies D14, D24 and D25 of the Sedgemoor Local Plan 2011-2032.

17 No development hereby approved shall be carried out unless a scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include:-

12. an investigation and assessment to identify the extent of contamination;
- a remediation plan to address any contamination found
- measures to be taken to avoid any risk to the public and environment when the site is developed.
- Steps to be taken in the event that any unexpected contamination is found during the course of the development
- Any monitoring necessary to assess effectiveness of the proposed remediation
- Provision of reports as necessary to confirm the outcome of the remediation strategy

Unless agreed otherwise by the local planning authority the development be carried out in accordance with the approved measures.

Reason: To ensure that any risks from land contamination to are minimised in accordance with policy D24 of the Sedgemoor Local Plan 2011-2032.

Ecology

18 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to habitats and species.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

- 19 No external lighting, including street lighting, shall be installed in the public realm areas unless it is in accordance with a lighting design for bats and other biodiversity that has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key & supporting horseshoe bat features and habitats, and no more than 0.5 lux on features and habitats potentially used by other bat species. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed in this area without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

- 20 The dwellings hereby approved shall not be occupied until measures for the enhancement and protection of biodiversity have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such enhancement measures shall include:-

- At least 10 Bat boxes to benefit differing roosting preferences of bat

species, either integrated within dwellings, installed in appropriate positions on buildings, and/or within suitable trees on site. These should be at least 4m above ground on either the south or west facing elevations, and boxes aimed at different species should be spaced at least 2m apart. Woodcrete or WoodStone boxes should be used where possible due to increased durability and thermal stability

- At least 15 Bird boxes to benefit differing nesting preferences of bird species, either integrated within dwellings, installed in appropriate positions on buildings, and/or within suitable trees on site. Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart. Woodcrete or WoodStone boxes should be used where possible due to increased durability and thermal stability.
- deadwood log refugia piles as a shelter for reptiles, invertebrates, amphibians and small mammals for foraging, hibernation, and refuge in suitable positions on site
- Hedgehog friendly fencing to incorporate accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Once installed such features shall be retained at all times thereafter.

Reason: To safeguard and enhance biodiversity in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

21 Works to any watercourse shall not commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to the Wildlife and Countryside Act 1981 (as amended) authorising the development to go ahead;
- or
- b) a statement in writing from an experienced water vole ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition is necessary to safeguard UK protected species in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

22 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

Landscaping and POS

- 23 No dwelling hereby approved shall be occupied unless details of the layout and equipment of the local areas of play has been submitted to and agreed in writing. Such details shall include a timetable for the provision of the local areas of play. Once approved the occupation of the development shall be in accordance with the approved details.

Reason: To ensure the development is provided with adequate on site open space in accordance with policy D34 of the Sedgemoor Local Plan 2011 to 2032.

- 24 No works to construct the houses hereby approved shall occur unless a landscape planting scheme has been submitted to and approved in writing by the local planning authority. Such scheme shall include:-
- Additional enhancements provided such as species-specific planting for invertebrates of conservation importance that have been recorded locally.

- a) Additional enhancements/management provided to ensure the rhyne remains favourable to species associated with Coastal and Floodplain Grazing Marsh.
- b) Screening planting for the acoustic fence and bund

Unless agreed otherwise in writing, the approved scheme shall be fully carried out within 18 months from the date of commencement of the construction of the houses. The trees/shrubs shall be protected and maintained, and any dead or dying trees/shrubs shall be replaced to the satisfaction of the local planning authority for a period of five years following the completion of the development.

Reason: In the interests of visual amenity and to safeguard biodiversity in accordance with policies D2, D19 and D20 of the Sedgemoor Local Plan 2011-2032.

Materials

25 With the exception of ground works, no works to construct the dwelling(s) hereby approved shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:-

- c) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
- a) details of the design, materials and external finish for all external doors and windows;
- b) details of all guttering, down pipes and other rainwater goods;
- c) details of all hard surfacing and boundary treatments.

Once approved such details shall be implemented as part of the development unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with policy D2 of the Sedgemoor Local Plan 2011-2032.

Schedule A

Planning Layout Drg No. 100-9 Rev R

Location Plan Drg No. 101-5 Rev A

Materials Key Plan Drg No. 102-5 Rev C

Storey Heights Key Plan Drg No. 103-5 Rev D

Refuse & Cycle Key Plan Drg No. 104-5 Rev C

Affordable Key Plan Drg No. 105-5 Rev C

Noise Fence Key Plan Drg No. 105-6 Rev A
Arden Floor Plans & Elevations Drg No. 120.1 Rev C
Danbury Floor Plans & Elevations Drg No. 121.1 Rev C
Danbury Front Gable Floor Plans & Elevations Drg No. 121.2
Sherwood Floor Plans & Elevations Drg No. 123.1 Rev A
Charnwood-Corner Floor Plans & Elevations Drg No. 124.3 Rev B
Charnwood Floor Plans & Elevations Drg No. 124.4
Whinell Floor Plans & Elevations Drg No. 126.1 Rev A
Whiteleaf Floor Plans & Elevations Drg No. 127.3
WP2420A Floor Plans & Elevations Drg No. 130.1 Rev B
WP3520A Floor Plans & Elevations Drg No. 131.1 Rev B
WP4620A Floor Plans & Elevations Drg No. 132.1 Rev A
Garage Floor Plan & Elevations Drg No. 140.1
Fence & Enclosures Details Drg No. 115-1
General Arrangement Plan Drg No. 03116-FPCR-ZZ-XX-DR-L-0001 Rev P06
Planting Plan - Sheet 1 Drg No. 03116-FPCR-ZZ-XX-DR-L-0002 Rev P06
Planting Plan - Sheet 2 Drg No. 03116-FPCR-ZZ-XX-DR-L-0003 Rev P06
Planting Plan - Sheet 3 Drg No. 03116-FPCR-ZZ-XX-DR-L-0004 Rev P06
Planting Plan - Sheet 4 Drg No. 03116-FPCR-ZZ-XX-DR-L-0005 Rev P06
Planting Plan - Sheet 5 Drg No. 03116-FPCR-ZZ-XX-DR-L-0006 Rev P06
LAP Plan Drg No. 2205.33945
Illustrative Landscape Section Drg No. 3116-L-07 Rev B
Concept Plan Drg No. 920 Rev D
Concept Engineering Plan Drg No. 910 Rev F
Refuse Vehicle & Swept Path Analysis Drg No. 670 Rev A

DECISION

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Committee date 16/01/2024

Application No: 54/22/00005

Application Type: Full Planning Permission

Case Officer: Dean Titchener

Registered Date: 01/06/2022

Expiry Date: 30/08/2022

Parish: Woolavington

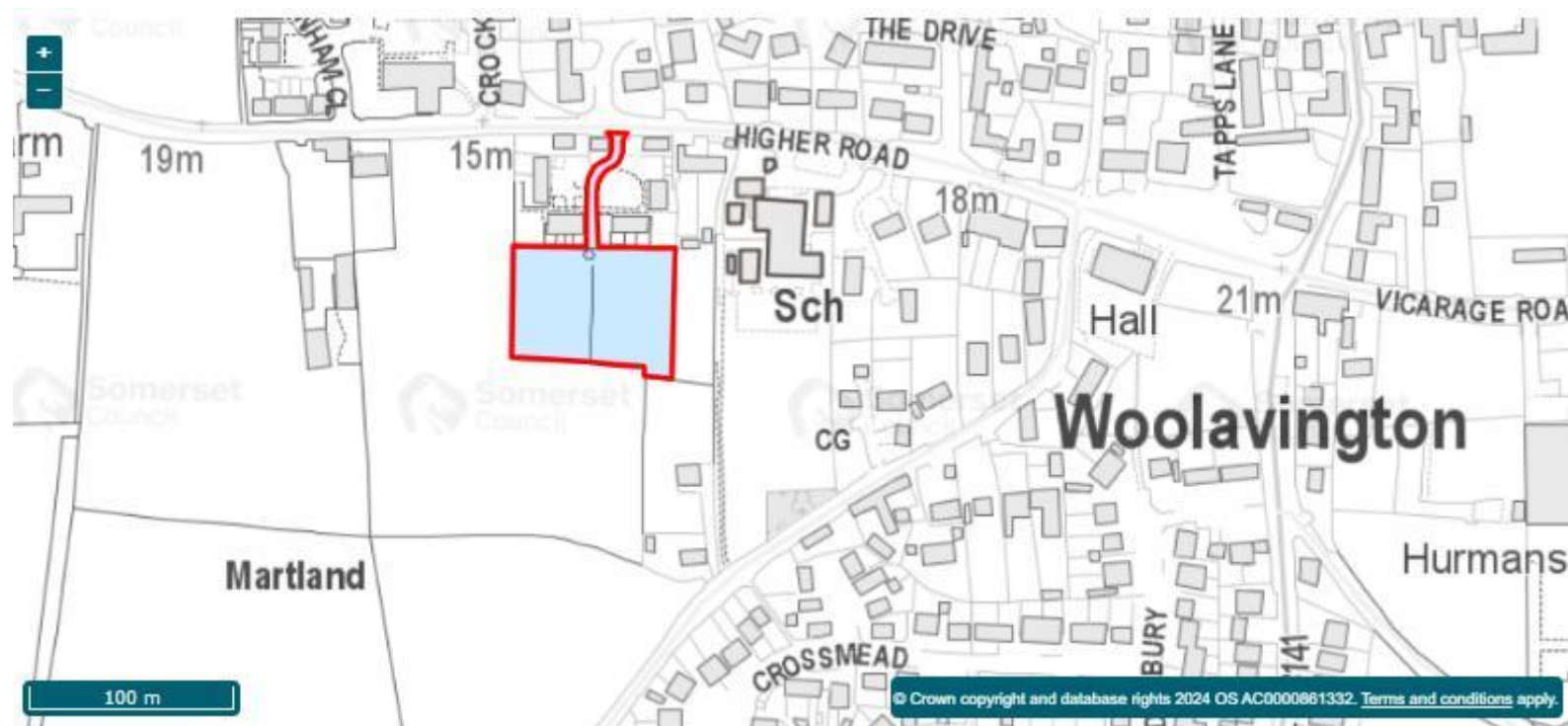
Division: Puriton and Woolavington

Proposal: Erection of 14no. affordable dwellings (revised scheme).

Site Location: Land to the South of, Lavers Close, Woolavington, Bridgwater

Applicant: SHAL Housing Ltd

**** THIS APPLICATION IS CODED AS A MAJOR APPLICATION ****



Committee decision required because

This application is referred to the area committee as it is a major development and the comments from the Parish Council and/or elected member/s are contrary to the recommendation.

Background

The application site is outside but adjoining the settlement limit for Woolavington, a Tier 2 village as defined in the Sedgemoor Local Plan. The site comprises an area of 0.43 hectares of pasture land located on the western end of Woolavington, being immediately to the south of Lavers Close, from which it would be accessed. The site slopes gently upwards from north to south. There are a number of features across the site, including a culvert and a number of trees.

It is proposed that 14 affordable dwellings are to be constructed on the site; they are to be affordable rent tenure. These are all to be two storey and are arranged in short rows or as semi-detached properties around the boundaries of the site. The units are to be finished with a mix of buff brick and off-white render, red concrete tiles for roof and grey PVU windows. Thirty five parking spaces are proposed throughout the site, to the front of the units. The dwellings are proposed to be served by solar photovoltaic panels on the roofs and air source heat pumps at the rear.

Vehicular access is proposed via the adjoining Lavers Close. Surface water will be discharged via creation of a new drainage channel around the periphery of the site. Foul waste will discharge to mains sewer.

Relevant History

Reference	Case Officer	Decision	Proposal
54/21/00007	ACN	WDN	Erection of 14no. affordable dwellings.

Supporting information supplied by the applicant

Design and Access Statement
Flood Risk Assessment
SUDs Maintenance Guide
Energy Statement
Ecological Impact Assessment
Transport Statement
Badger Report
Community Consultation
Ground Investigation Report
Plant Schedule
Landscape Maintenance Specification
Arboricultural Report

Consultation Responses

Woolavington Parish Council (when originally consulted) – Objects:

‘Woolavington Parish Council recommend that the above application be refused.

There will be a large number of new affordable homes constructed in South Woolavington following approval of application 54/19/00008. The Parish Council therefore have no evidence that there is a need for additional affordable housing in the village and consider that this application fails to meet the criteria of Policy T(2b) of the Local Plan.’

Woolavington Parish Council (when reconsulted In August 2023) – Objects:

‘The key substantiation of this application is compliance to Local Plan Policy T2b. However, the applicant has not provided any justification for any identified outstanding need as evidenced by the Housing Needs Survey of 2022 for affordable housing in Woolavington which is not already met by the proposed development off Woolavington Hill (ref 54/19/00008) for which planning permission has been granted.

The applicants have not entered into any discussions with the Parish Council regarding this revised scheme to comply with the provisions of Local Plan Policy T2b and as such there have been no meaningful exchanges on how this application could fit in with the other application and the overall needs of the village.

It is noted that a local letting policy is proposed. However there have been no discussions with the Parish Council on the content and how it would operate particularly within the context of other tenants of the applicants moving into the new development which would then release properties which would then not be potentially covered by any local lettings policy. This practice was evidenced where a similar policy by the applicants was in place for the initial development at Lavers

Close but this was circumvented by the occupants of homes in Southern Woolavington being moved into Lavers Close and the resultant vacant properties then being occupied by people from elsewhere, many of whom were not suited to village life giving rise to an increase in anti-social behaviour and crime. At least one exchange has also taken place which has also resulted in people with no connection to Woolavington living in Lavers Close.

Therefore as the applicants have not made any attempt to engage meaningfully with the Parish Council and discuss areas of concern regarding this revised application (as detailed above), a recommendation of refusal must be made on the grounds that the proposal fails to fully comply with Local Plan Policy T2b.’

Affordable Housing Manager (when originally consulted in July 2022) – The Council has granted approval for 175 dwellings at Woolavington Hill. That scheme is expected to provide up to 53 new

affordable dwellings. This application should be tested against policy T2b, which requires proposals to full an identified local house need. Latest Woolavington HNA of March 2022 indicates an unmet affordable housing need of circa 4 homes. The HNA does not justify provision of 14 affordable homes.

Affordable Housing Manager (when reconsulted in August 2023) – My team published a parish council sponsored housing need research paper in March 2023. The paper provided an update to the 2022 HNA. The development has been amended to respond to the unmet housing need reported in the 2023 HNA, specifically to the provision of 2x 1 bed homes. Policy t2b requires on 40% of the housing to be an affordable housing tenure. This would require a minimum of 6 housing units. The justification for the provision of the 2x 1 bed homes and 4x 2 bed homes is supported by the 2023 HNA. The s106a agreement must ensure that local people in housing need (with a strong connection to the parish) have priority for these new affordable homes.

County Highways – No objection in principle. With regard to estate roads states preferable to have horizontal deflection in road design, need for vehicle tracking drawings, provision of electric car charging and motorcycle parking.

National Highways – No objection having considered trip generation states that the development in isolation is unlikely to result in a severe impact on the safe and efficient operation of M5 junction 23. Recommends district and county councils to seek contributions from all development which results in an impact at M5 junction 23 and A38 Dunball.

Economic Development – Requests imposition of local labour agreement condition.

Crime Prevention Officer – Has concern about 1 metre stock proof fencing around the entire perimeter of the site, which enables easy access to the side and rear of dwellings. Fencing should be higher and reinforced with hedging. Rear access paths to plots 4 & 5 and 8 & 9 should be fenced and gated in order to prevent unlawful access to the rear of these dwellings.

Lead Local Flood Authority – Following a number of clarifications on various points now satisfied in principle and recommends imposition of condition to secure details of surface water drainage scheme and its management and maintenance arrangements.

County Ecologist – Following submission of additional information does not object and recommends conditions regarding badger protections, licences, submission of a Construction and Environmental Management Plan, a Hedgerow Translocation Method Statement, lighting strategy, and a biodiversity enhancement plan.

Environmental Health – Recommends conditions on contaminated land, construction operating times, construction environmental management plan and an informative regarding air source heat pumps.

Parks and Open Spaces (when originally consulted in July 2022) – Concerned that no on-site LAP is being provided. Should consist of at least 100m² of dedicated playing space for toddler age group.

Parks and Open Spaces (when reconsulted in August 2023) – The revised proposal for a LAP is accepted and an exact specification of this area can be secured in the s106 agreement.

Landscape and Tree Officer – Arboricultural Impact Assessment has identified 4 ash and 1 elm to be retained, though these will likely succumb to disease and their longevity is limited. The plans also indicate a16 trees to be removed, 9 elm and 7 ash, but these are in poor condition. Replacement hedgerow planting and trees are proposed. Recommends birch on southern boundary is replaced with species which requires less pruning. Planting should be managed and maintained. Controls should be in place regarding bird nesting season.

Somerset Education – A proposal of this size would generate 2 early years pupils, 5 primary and 2 secondary. Our data indicates we are short of places for the primary and nursery facility in Woolavington and cumulatively with other housing development in the area we will not be able to accommodate children from this development. In addition, there is a Bridgwater wide project to expand secondary provision to ensure capacity for future housing. Education contributions will be required from CIL to enable this to be carried out.

Representations

1 comment from an organisation:

Somerset Wildlife Trust – Supports findings of ecology assessment but has significant concerns about removal of hedgerow. Essential that mitigation and enhancement are secured by conditions.

5 objections from individuals (when originally consulted):

- No need for further housing – 30 affordable on 100 home scheme
- More loss of greenfield sites
- Inadequate parking provision
- Road already busy
- Ecological impact
- Impact on trees
- Overlooking / loss of privacy for existing dwellings
- Impact on local schools / doctors

3 representations received (when reconsulted), of which 2 in objection, 1 comments.

Objections:

- No damage to trees been site and land belonging to 15 Higher Road
- Consider water run off
- Road already busy
- Local services cannot support more people

Comments;

- Queries need for more affordable dwellings
- Insufficient capacity of services
- Loss of habitat and trees
- Traffic impact – local traffic calming not yet delivered

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Sedgemoor Local Plan (2011-2032)

T2b Tier 2 Settlements – Unmet Local Housing Need

D1 Flood risk and surface water management

D2 Promoting high quality and inclusive design

D5 Housing Mix

D6 Affordable housing

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D15 Economic Prosperity

D19 Landscape

D20 Biodiversity and geodiversity

D24 Pollution Impacts of Development

D25 Protecting residential amenity

D34 Outdoor public recreational space and new residential areas

Community Infrastructure Levy (CIL)

The application is for residential development in Woolavington where the Community Infrastructure Levy (CIL) is Non-urban Residential £104.57sqm of additional gross internal floor area created.

Based on current rates, the CIL receipt for this development would be in the region of £122,789.81.

This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

Main Issues

Principle of development

The application site is located on the edge of Woolavington, a Tier 2 settlement as designated in the Sedgemoor Local Plan. As Woolavington has met fulfilled its minimum levels of housing growth as required under policy T2a, the proposal falls to be considered against T2b where there remains unmet local housing need. T2b states that mixed tenure affordable and market housing proposal on sites specifically released for that purpose will be supported outside but well related to settlement boundaries only where it meets specific criteria. The following tests the proposal against the other criteria of the policy:

It fulfils and identified local housing need for affordable housing as evidenced by an up to date assessment of local housing needs agreed with the District Council:

The Council's Affordable Housing Team published a Parish Council sponsored housing need research paper in March 2023. This paper provided an update and refresh of the 2022 Housing Need Assessment. The survey identified an outstanding need for 46 affordable rented properties in the parish. It then acknowledged that the consented Woolavington Hill scheme for 175 dwellings (in full and outline) will at least in part meet some of the need. However, the tenure mix being provided on that scheme is for a mix of affordable rent and intermediate options (e.g. shared ownership). The research paper notes that there is a need for affordable rented units which will not be met in full by that scheme, and that there will be a shortfall of 20 units.

The Council's Affordable Housing Team are therefore of the view that the development will respond to and help to meet the unmet housing need identified in the 2023 HNA research paper. They are of the view that the latest HNA paper justifies the type and tenure of affordable units proposed in this scheme.

The affordable housing provision (notwithstanding the requirements of Policy D6: Affordable Housing) will normally be a minimum of 40% of the total number of housing units provided on the site unless provision of alternative local infrastructure priorities is agreed;

This scheme is 100% affordable housing, and as such complies with this criterion.

The scale of development should be appropriate to the size, accessibility, character and physical identity of the settlement;

The scheme is for 14 units. It is similar in size and density to the first Lavers Close scheme located immediately to the north. The proposal can be accommodated without any detriment to the character of the area. It is considered this criterion is met.

The proposal is well related to and complements the existing built form of the settlement, providing opportunities for walking and cycling to local services and facilities;

The application site lies adjacent to the settlement boundary so is considered to be well related

physically, and also in regard to access to the village's services and facilities, which can be accessed by walking and cycling.

The affordable housing should form part of the overall development and be well integrated with any market housing;

This scheme is for 100% affordable housing so this criterion does not apply in this case.

Supports where appropriate access to local job opportunities, including opportunities for on-site provision;

A condition is proposed to be attached to the permission such that:

The development appropriately contributes to local infrastructure priorities identified, for example, in Neighbourhood plans or in agreement with Town/Parish Councils; and

The scheme provides a policy compliant level of affordable housing, so there is no requirement for infrastructure in lieu of affordable housing.

Maintains and where appropriate incorporates enhancements to the local environment, landscape, and historic environment, including where appropriate habitat creation and community woodland planting.

The county ecologist is satisfied subject to the imposition of conditions that the scheme includes appropriate ecological mitigation and enhancement measures.

Meaningful and robust engagement and consultation with the Town/Parish Council, local community and other local stakeholders will be encouraged to ensure the planning impacts identified by the local community have been appropriately addressed as far as possible.

This is the second application on the site for this proposal after an earlier proposal was withdrawn in 2021. The applicant acknowledges that there has been limited engagement during course of determination of this second application (after some earlier engagement with the Parish Council on the first). However, the planning impacts raised by the Parish and other stakeholders have been worked through over a long period by the applicant and overall it is not considered that the absence of recent engagement when balanced against the other aspects of the proposal is a matter that would justify refusal of the application.

Overall, it is considered that the proposal meets an identified unmet affordable housing need and the related criteria of policy T2b and as such the principle of development is considered acceptable.

Design and layout

Policy D2 states that proposals should be of high quality design that positively responds to the character and identity of the area.

The scheme provides for 14 dwellings arranged around a simple T-shaped internal road layout. The dwellings are grouped into short terraces or provided as semi-detached. Their height, form, design and appearance follows local vernacular, taking many of their design cues from the existing Lavers Close development on its northern boundary. Materials of buff brick and off-white render with red concrete tiles ensure the scheme can be readily assimilated into its context.

The scheme now also includes public open space provision in the form of a Local Area of Play. This ensures the proposal is policy compliant in providing appropriate on-site play provision for the benefit of future residents. Changes had also been made following comments of the crime prevention officer to ensure the rear of properties were secured with close boarded rather than stock-proofed fencing.

Overall, the scheme is considered to be of acceptable design, appearance and layout.

Amenity impacts

Policy D25 states that proposals which unacceptably impact on the residential amenity of existing residents will not be supported. Policy D24 states that result in levels of air, noise, light or water pollution, vibration or soil contamination that would be unacceptably harmful to other land uses, human health, tranquillity, or the built and natural environment will not be supported.

The proposal includes new residential dwellings on the south side of an existing but relatively recently constructed residential cul-de-sac (Lavers Close). Achieving an acceptable relationship with the existing properties and maintaining appropriate levels of residential amenity (for existing residents and future occupants) is therefore important. Such concerns had been raised by some existing residents immediately to the north.

Closest to those units to the north are plots 11-14 in the north eastern part of the site, and plots 1 and 2 in the north west part. Plots 11-14 have a separation distance of 19.5m from the rear elevations of the properties to the north. This is considered to be in general accordance with standard acceptable separation distances. Plot 14 when originally submitted had a shorter separation than this but the dwelling design was altered to achieve greater setback similar to the other plots in the row.

Plots 1 and 2 (two flats) have a separation distance of only 17.2m to the dwellings to the north. However, these units have no north facing windows at first floor level. As such no loss of privacy or overlooking arises.

Internally the proposed dwellings are adequately sized and benefit from rear gardens of varying

size. These all provide adequate amenity for future occupants.

Environmental Health has requested controls in the form of a contaminated land watching brief, limitations over the hours of operation, and submission of a construction management plan to limit impacts during the build out period. Subject to their imposition they raise no further concerns.

Overall, the proposal is considered to provide adequate levels of amenity for future occupants whilst maintaining acceptable levels of amenity for existing residents. The scheme is considered to be in compliance with policies D24 and D25.

Highways and parking

The application site is accessed via the existing Lavers Close development immediately to the north. The scheme comes off a small turning head within the adjoining estate and then connects to the main highway network a short distance to the north. Internally the site is laid out with a simple estate road layout. A total of 37 parking spaces are provided for use by residents of the scheme.

The highway authority has commented in detail upon the scheme. They note the proposal is an extension of the adjoining development. They provide detailed comments regarding estate road design. These are matters for the attention of the applicant which will be scrutinised in detail at the post-planning s38 process. They raise no objection in principle to the proposal. No concerns are raised with the quantum of parking provision proposed which is considered to be in accordance with the requirements of the Somerset Parking Strategy. Provision for electric vehicle charging is now secured under building regulations and does not need to be conditioned.

It is proposed that a condition should be imposed requiring the parking areas to be kept for their intended purpose. Subject to its imposition, the proposal is considered acceptable on highways grounds in compliance with policies D13 and D14.

Ecology and Trees

The submitted ecology report makes a number of recommendations regarding replacement tree/species rich hedgerow, works during off season, lighting strategy, non licensed method of clearing, enhancements. There is also a badger sett on the western edge of the site. There is a linked sett on the southern boundary. The proposals involve the retention of the main sett but the closure of the linked sett. Conditions are proposed for the creation of an artificial sett to offset the loss. These matters are all controlled by conditions.

5 elm trees, 7 ash trees and a small group of Elm and elm hedgerow are to be removed. All are displaying symptoms of ash dieback or Dutch Elm Disease and as such their loss is not resisted. Replacement tree planting is proposed making use of species recommended by the Council's tree officer.

Overall, subject to conditions, the proposal is considered acceptable with regard matters of ecology and trees.

Flood risk and drainage

The applicant has held ongoing discussions with the Lead Local Flood Authority throughout the process. This has been an iterative process which has resulted in some minor amendments to the proposed surface water drainage arrangements (which involve the re-routing of an existing ditch within the site. Following these discussions the LLFA has confirmed they have no objection subject to conditions to secure the detailed drainage scheme and its management arrangements.

Other Matters

The Economic Development team has requested imposition of a local labour agreement condition. Such a condition will ensure a percentage of local labour is secured throughout the build out of the scheme in accordance with Sedgemoor Local Plan policy D15.

RECOMMENDATION

GRANT PERMISSION

Summary and Recommendation

Overall it is considered that the scheme provides a level of affordable housing to meet local need arising. There are no other matters which cannot be adequately addressed via conditions. It is recommended that permission is granted subject to preparation of a s106 legal agreement to secure:

Provision of 100% affordable dwellings, subject to a local lettings agreement

Provision of a Local Area of Play

And that the Service Director - Governance, Democratic & Legal Services and Monitoring Officer be authorised to prepare and seal the Agreement;

and subject to the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with

the approved plans listed in schedule A.

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

- 3 With the exception of works required to access and construct the artificial badger sett, no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of “biodiversity protection zones”.
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to species and habitats (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.
 - i. Ongoing monitoring, including compliance checks by a competent person(s) during construction.
 - j. A scheme for the protection of retained trees and hedgerows during works.

The development shall be carried out in accordance with the approved CEMP.

Reason: This is a pre-commencement condition in the interests of European and UK protected species. UK priority species and habitats listed on s41 of

the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 4 With the exception of works required to access and construct the artificial badger sett, no works, including groundworks and vegetative clearance, shall in any circumstances commence unless the Local Planning Authority has been provided with either:
- a. A copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
 - b. A statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: This is a pre-commencement condition to ensure the protection of badgers in compliance with the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

- 5 Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Management Plan (CMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CMP shall, amongst other things, include:-
- a) Measures to regulate the routing of construction traffic;
 - b) The importation of spoil and soil on site;
 - c) The removal /disposal of materials from site, including soil and vegetation;
 - d) The location and covering of stockpiles;
 - e) Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
 - f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;

- g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works;
- h) A waste disposal policy (to include no burning on site);
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Details of any site construction office, compound and ancillary facility buildings;
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number;
- m) Hours of operation, construction and deliveries.

The details so approved shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: This is a pre-commencement condition to protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway in accordance with Sedgemoor Local Plan 2011-2032 policies D24 and D25.

- 6 No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

Reason: This is a pre-commencement condition to ensure the development is properly drained in accordance with the NPPF and in accordance with Sedgemoor Local Plan 2011-2032 policy D1.

- 7 Prior to the commencement of the development hereby approved, a written commitment to the sourcing of local labour shall be submitted to and approved in writing by the local planning authority. The written commitment, as a minimum, shall set out the following matters:
- i) The proportion of construction workers to be sourced from the local labour pool,
 - ii) Work experience/ apprenticeship opportunities;
 - iii) The proportion of local procurement and sourcing;
 - iv) On-going skills development and training opportunities;
 - v) The steps that will be taken to ensure that the above is implemented;
 - vi) The operator shall maintain a record of i - v above and shall make that information available to the local planning authority at all reasonable times upon request.

Reason: This is a pre-commencement condition in accordance with policy D15 of the Sedgemoor Local Plan 2011-2032 and the Economic Development Supplementary Planning Document. This matter needs to be agreed prior to commencement in order to ensure that local labour is used in the project from the start.

- 8 No works to existing hedgerows shall commence until a detailed Hedgerow Translocation Method Statement shall be submitted to and be approved in writing by, the Local Planning Authority. To ensure successful translocation, the content of the method statement must include the following:
- a. Baseline surveys of the existing hedges (during the spring/early summer) prior to translocation to assess both woody and herbaceous species allowing for meaningful post translocation monitoring.
 - b. Preparation of a work schedule.

- c. A scheme of preparatory works.
- d. Methodology for translocation, including the equipment to be used.
- e. Measures to safeguard Protected Species (may be evidenced within the CEMP).
- f. Monitoring, aftercare, and maintenance.
- g. How contingencies and/or remedial action will be identified and how remedial measures will be delivered.
- h. Details of the body or organisation responsible for implementation of the plan.
- i. Details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/is responsible for its delivery

The development shall be carried out in accordance with the agreed statement.

Reason: In the interests of European and UK protected species and biodiversity generally and in accordance with policy accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 9 Works must be undertaken in line with the recommendations and timings specified in the submitted and approved Update Survey of Badger Activity (Julian Brown Consultancy Ltd, 20/11/2023).

Reason: To ensure the protection of badgers in compliance with the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

- 10 If, during the works contamination is encountered which has not previously been identified, then the contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with Sedgemoor Local Plan 2011-

2032 policy D24.

- 11 Prior to construction above damp-proof course level a Lighting Strategy for Biodiversity must be submitted to and approved in writing by the Local Planning Authority. The strategy shall comply with the following:
- (a) Identify species that are vulnerable to light disturbance and the potential breeding sites, resting places and routes used to access key and supporting areas of their territory.
 - (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications)
 - (c) The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux (and below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on any key & supporting horseshoe bat features and habitats). Shields and other methods of reducing light spill as outlined in Step 4 of Guidance Note 08/23 will be used where necessary to achieve the required light levels.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without the prior express permission of the local planning authority through submission of a planning application for that purpose.

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2023, ODPM Circular 06/2005 and Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 12 A Landscape, Ecology and Arboricultural Management and Monitoring Plan (LEAMMP) and details of the timing of its implementation shall be submitted to and be approved in writing by, the Local Planning Authority prior to the commencement of the works beyond damp proof course level. The content of the LEAMMP shall include the following information:
- a. Description and evaluation of features to be managed, including

- location(s) shown on a site map.
- b. Landscape, ecological, and Arboricultural trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions.
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period).
 - g. Details of the body or organisation responsible for implementation of the plan.
 - h. A Biodiversity Monitoring Strategy, including details of the appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various biodiversity mitigation, compensation and enhancement measures being monitored can be judged; frequency, timings and Locations for data gathering; methods for data gathering and analysis; mode, method, frequency of updates and reporting to the Local Planning Authority, including how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented.
 - i. Timeframe for reviewing the plan.
 - j. Details of how the aims and objectives of the LEAMMP will be communicated to the occupiers of the development.
 - k. The LEAMMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/is responsible for its delivery.

The LEAMMP shall be implemented in full in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of

populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 13 A Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented no later than the end of the first planting season following first occupation of any dwelling hereby approved and retained thereafter.

Reason: To ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained and that planting schemes are established and managed into the future in accordance with policy D19 Sedgemoor Local Plan 2011-2032.

- 14 No dwelling hereby approved shall be first occupied until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF and policy D1 of the Sedgemoor Local Plan 2011-2032.

- 15 The area allocated for parking on the submitted and approved Proposed Site Layout Plan Drg No. 19058/04 Rev F, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 16 The landscape details shown on drawing number 006 shall be implemented in the first planting season following the occupation of the development. Thereafter all landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that development sites are appropriately landscaped to

provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained and that planting schemes are established and managed into the future in accordance with Sedgemoor Local Plan 2011-2032 policies D20 and D22.

Schedule A

Location Plan Drg No. 19058/01 Rev C
Existing Site Layout Drg No. 19058/03 Rev A
Proposed Block Plan Drg No. 19058/02 Rev D
Proposed Site Layout Drg No. 19058/04 Rev F
Site Layout - Boundaries and Materials Drg No. 19058/05 Rev E
Plots 1-2 Layouts Drg No. 19058/10 Rev C
Plots 3-4 Layouts Drg No. 19058/11 Rev A
Plots 5-6 Layouts Drg No. 19058/12 Rev A
Plots 7-8 Layouts Drg No. 19058/13 Rev A
Plots 9-10 Layouts Drg No. 19058/14 Rev A
Plots 11-14 Layouts Drg No. 19058/15 Rev C
Plots 1-2 Elevations Drg No. 19058/20 Rev C
Plots 3-4 Elevations Drg No. 19058/21 Rev A
Plots 5-6 Elevations Drg No. 19058/22 Rev A
Plots 7-8 Elevations Drg No. 19058/23 Rev A
Plots 9-10 Elevations Drg No. 19058/24 Rev A
Plots 11-14 Elevations Drg No. 19058/25 Rev C
Proposed Site Sections Drg No. 19058/06 Rev B
Street Scene 1 Drg No. 19058/30 Rev B
Street Scene 2 Drg No. 19058/31 Rev A
Street Scene 3 Drg No. 19058/32 Rev B
Landscape Plan Drg No. 001 Rev C
Planting Plan 1 of 2 Drg No. 002 Rev C
Planting Plan 2 of 2 Drg No. 003 Rev C
Topsoil Plan Drg No. 004 Rev C
Landscape Management Plan Drg No. 005 Rev C
Landscape Details Drg No. 006
Levels Design Drg No. 0100 Rev P06
Drainage Design Drg No. 0200 Rev P10
Surface Finishes Drg No. 0300 Rev P02

DECISION

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Committee date 16/01/2024

Application No: 07/23/00026

Application Type: Full Planning Permission

Case Officer: Chris Mitchell

Registered Date: 27/11/2023

Expiry Date: 21/01/2024

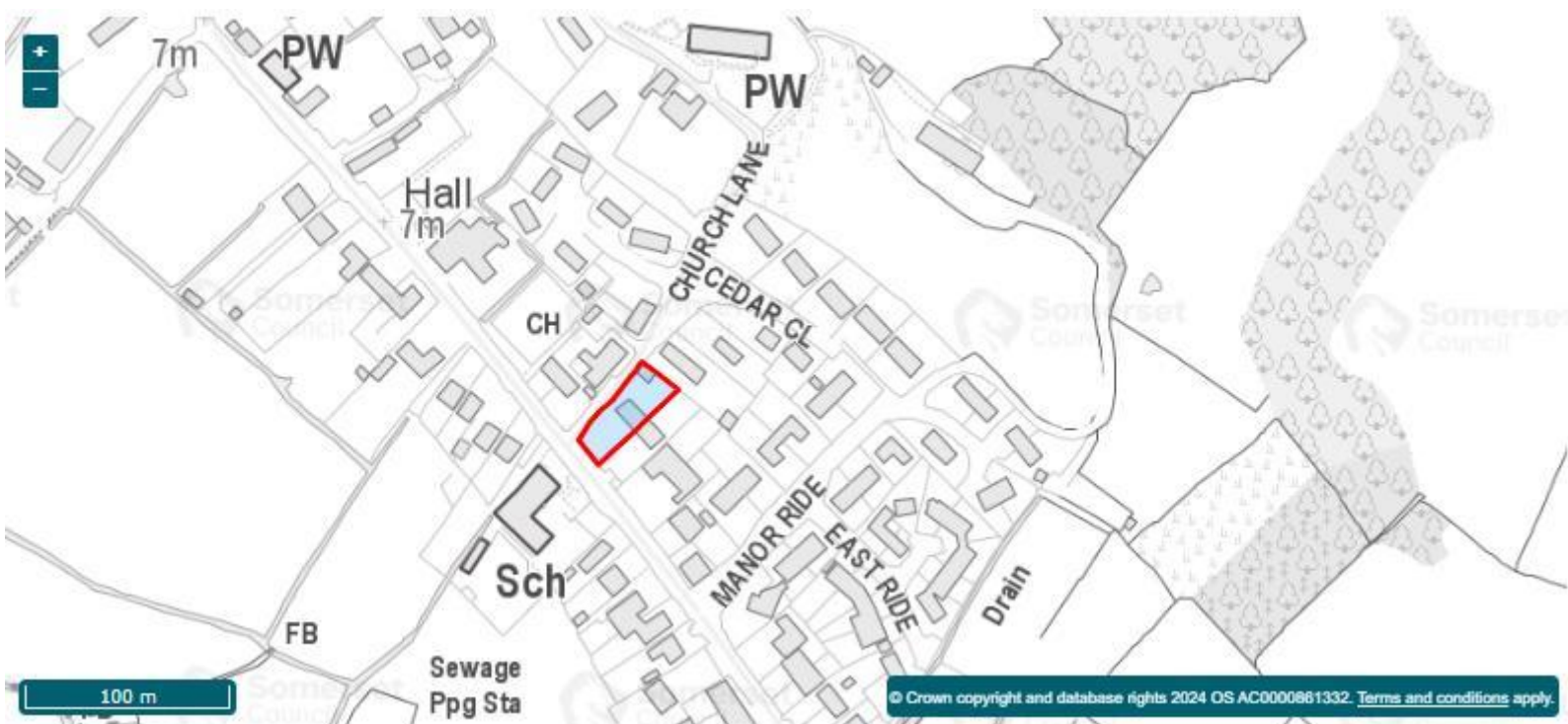
Parish: Brent Knoll

Division: Brent

Proposal: Erection of extension to North East and North West elevations, Erection of detached garage, conversion of double garage, change of access to rear garden.

Site Location: Sunnycot, Church Lane, Brent Knoll, Highbridge, Somerset, TA9 4EG

Applicant: Mr A Homes



Committee decision required because

This application is referred to Committee at the request of the ward member with the agreement of the Chair and Vice Chair to enable the issue raised to be debated.

Background

The site is located in the village of Brent Knoll with access taken from Church Lane. The property is a detached dwelling house built with rendered walls, UPVC windows and doors and tiled roof.

The proposal is for the erection of flat roof extensions on the front (south), side north west and rear (north east) elevations to provide an enlarged bedroom with en-suite, lounge and dining room. The extensions would be built with a mix of render and composite grey cladding, dark grey UPVC windows and doors and EDPM flat roof with solar panels angled at 45 degrees.

Erection of a flat roof detached double garage with bike store in the front garden that would be finished with rendered and composite grey cladding to the walls, aluminium roller door and EDPM flat roof.

It also proposes the conversion of existing double garage to a home office with studio, no external alterations submitted. The existing rear vehicular access to be reduced to pedestrian access gate into the rear garden.

Relevant Planning History

Applications Overlapping the same Spatial Area

Reference	Decision	Proposal
07/21/00019	WDN	Erection of 2no. dwellings on site of existing dwelling to be demolished.
07/92/00006	GTD	Erection of single-storey extension at side

Consultation Responses

Consultee Name	Summary of Response
Brent Knoll Parish Council	The Parish Council decided to make no observations to the above application
Brent 1 - Cllr Filmer	The proposed extensions to Sunnycot are substantial and are modern in design. However I believe they allow the original character of this semidetached property to remain visible. Also by keeping the extensions as single story and flat roofed they have minimal impact on the neighbouring properties, street scene and help maintain view of the Manor House and Knoll from

	Brent Street. The proposed Garage to the front of the plot, again due to it's flat roofed design, will have little impact on the street scene.
Somerset Highways	Standing Advice
South West Heritage Trust	No objection subject to a condition for a "Programme of Works in Accordance with a Written Scheme of Investigation (POW) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority.

Representations:

There has been one letter of support from No 82 Brent Street received, summarised as:

- The proposed plans enhance the property both aesthetically and with eco-friendly materials.

Most Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Sedgemoor Local Plan 2011-2032

- S2 Spatial Strategy for Sedgemoor
- T3a Tier 3 Settlements – Housing
- D1 Flood risk and surface water management
- D2 Promoting high quality and inclusive design
- D14 Managing the Transport Impacts of Development
- D19 Landscape
- D20 Biodiversity and geodiversity
- D25 Protecting residential amenity
- D26 Historic Environment

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

Section 16 –

Main Issues

Visual Amenity

The proposed front single-storey flat roof extension that projects forward of the principal elevation and enveloping side of the property results in an unsympathetic and awkward flat roof box like design that does little to improve the character and appearance of the existing dwelling house. Officers suggested alterations with the stepping back the front extension and continuation of the existing gable roof. The applicant declined to make the suggested changes and requested that the application to be determined as submitted.

The large proposed flat roof garage would be set forward of the principal elevation of the property and further projects forward of the building line of properties along Church Lane. Officers recommend that the garage be reduced in its size depth and stepped back so it would be in line with neighbouring properties of No. 80 and 84 and have a pitched roof so it would better relate to the local area. The applicant declined to make these alterations.

The proposed front and side single-storey extensions and flat roof garage would result in an awkward and incongruous flat roof box design that is not considered to be of an appropriate scale, design and detailing that would neither respect the existing building and wider identity of the locality and therefore, fails to comply with policy D2 of the Local Plan (LP) and para 130 of National Planning Policy Framework.

Residential Amenity

It is considered that the proposed single-storey flat roof extensions and flat roof garage would not prejudice the amenities of occupiers of the property and, in terms of its bulk, window arrangement and proximity to the neighbouring properties, would not adversely affect the amenities of the occupiers of the neighbouring properties. In this respect the proposal complies with policies D2 and D25 of the LP.

Flood Risk

As the property is within Flood Zone 2, however, this is a householder application that is acceptable subject to implementation of flood resilience measures that have been detailed in their Flood Risk Assessment. The electrical sockets shall be raised above the ground floor level by 0.4m and raise all

electrical appliances above ground floor level. A condition shall be placed on any permission granted to this effect.

Conclusion

The proposed front and side extensions and flat roof garage are of an unacceptable design and appearance that would have an adverse visual and impact upon the character of the existing building and wider locality. As such the proposal fails to comply with policy D2 of the Sedgemoor Local Plan and para 130 of National Planning Policy Framework.

RECOMMENDATION

REFUSE PERMISSION

- 1 The proposed front and side single-storey extensions and flat roof garage, by virtue of their position forward of the building line and the flat roof, box design, would result in an incongruous and alien form of development that would fail to respect the character of the existing building or the character and identity of the locality. As such the proposal does not comply with policy D2 of the Sedgemoor Local Plan and para 130 of National Planning Policy Framework.

Schedule A

Existing Garage floor and Elevation Plan Drg No. SBK-P03
Existing Plans and Elevations Drg No. SBK-P01
Proposed Home Office Plans and Elevations Drg No. SBK-P08
Proposed New Garage Plans and Elevations Drg No. SKB-P09
Proposed Elevations Drg No. SBK-P06
Proposed Roof Plan Drg No. SBK-P07
Existing Site Plan Drg No. SBK/P02 Rev. B
Proposed Site Plan Drg No. SBK/P04 Rev.B
Proposed Ground floor plan Drg No. SBK/P05 Rev. B
Proposed Roof Plan Drg No. SBK/P07 Rev. B

DECISION

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PLANNING APPEALS RECEIVED

Between 01/11/2023 and 31/12/2023

Agenda Item 8

Application No: 05/22/00017

Proposal: Residential development for up to 5 detached dwellings with all matters reserved.

Appeal Received: 13-Nov-2023

Appeal Procedure:

Location: Land to the South of, 229A, Berrow Road, Burnham On Sea, Somerset, TA8

Final decision level: Delegated

Applicant: Mr P Davies

Application No: 08/23/00268

Proposal: Erection of dwelling with associated parking and garden areas (revised scheme).

Appeal Received: 04-Dec-2023

Appeal Procedure:

Location: 80 Sydenham Road, Bridgwater, Somerset, TA6 4QH

Final decision level: Delegated

Applicant: Mr & Mrs Richardson

Application No: 11/23/00076

Proposal: Erection of a dwelling.

Appeal Received: 29-Nov-2023

Appeal Procedure:

Location: Land West Of, The Firs, Walrow Road, Highbridge, Somerset, TA9

Final decision level: Delegated

Applicant: Flower and Hayes Ltd

No. of Appeals received: 3

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PLANNING APPEALS DECIDED

Between 01/11/2023 and 31/12/2023

Application No: 08/22/00211

Delegated or Committee: Delegated

Proposal: Erection of 1no. detached dwelling on site of existing (to be demolished) with associated parking and garden (revised scheme)

Committee date (if applicable):

Officers recommendation: Refuse Planning Permission

Committee or Officers decision (if delegated): Refuse Planning Permission

Location: 42 Moorland Road, Bridgwater, Somerset, TA6 4JR

Applicant: Mr M Davis

Appeal Procedure: Written Representations

Appeal decision date: 19-Dec-2023

Appeal decision: Appeal Dismissed

Application No: 11/22/00126

Delegated or Committee: Delegated

Proposal: Installation of 1no. internally illuminated digital poster.

Committee date (if applicable):

Officers recommendation: Refuse Planning Permission

Committee or Officers decision (if delegated): Refuse Planning Permission

Location: 6 Church Street, Highbridge, Somerset, TA9 3AE

Applicant: Wildstone Estates Limited

Appeal Procedure: Written Representations

Appeal decision date: 09-Nov-2023

Appeal decision: Appeal Dismissed

PLANNING APPEALS DECIDED

Between 01/11/2023 and 31/12/2023

Application No: 33/22/00031

Delegated or Committee: Delegated

Proposal: Application for the Prior Approval of the proposed change of use of agricultural building to 1no. dwelling and associated operational development.

Committee date (if applicable):

Officers recommendation: Prior Approval Refused

Committee or Officers decision (if delegated): Prior Approval Refused

Location: Springfield Gate, Yarrow Road, Mark, Highbridge, Somerset, TA9

Applicant: Mr D Collins

Appeal Procedure: Written Representations

Appeal decision date: 21-Dec-2023

Appeal decision: Appeal Allowed

Application No: 34/21/00008

Delegated or Committee: Committee

Proposal: Erection of 26no. dwellings, incidental open space, drainage, landscaping and associated infrastructure.

Committee date (if applicable): 13-Dec-2022

Officers recommendation: Recommend to Grant Permission

Committee or Officers decision (if delegated): Refuse Planning Permission

Location: Land to the East of, Back Lane, Middlezoy, Bridgwater, Somerset, TA7

Applicant: Summerfield Homes

Appeal Procedure: Written Representations

Appeal decision date: 23-Nov-2023

Appeal decision: Appeal Allowed

No. of Appeals Decided: 4

S106 Agreements

Between **01/11/2023** and **31/12/2023**

Application No: 50/23/00016

Case Officer: Emma Chorley

Location: Riverside Farm, Bartletts Bridge, Cocklake, Wedmore, Somerset, BS28 4HH

Proposal: Conversion of barn to form 1no. dwelling and the erection of extension to the South elevation (to be demolished), also with the demolition of Dutch barn to allow for parking provisions.

This permission has been granted subject to an Agreement under Section 106 of the Town and Country Planning Act 1990.

No. of applications: 1

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CERTIFICATE OF LAWFULNESS - EXISTING USE

Between **01/11/2023** and **31/12/2023**

Application no.: 02/23/00027

Case officer: Amelia Elvé

Decision: Granted Permission

Location: Land to West of St Michaels, & to the North of A371, Cheddar Road, Axbridge, Somerset, BS26

Proposal: Certificate of Lawfulness for the existing agricultural buildings A & B.

Application no.: 17/23/00060

Case officer: Amelia Elvé

Decision: Refuse Planning Permission

Location: Middlemoor Farm, Lower Gully Drove, Clewer, Wedmore, BS28 4JE

Proposal: Application for a Lawful Development Certificate for an existing use without occupancy restriction.

No. of applications: 2

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CERTIFICATE OF LAWFULNESS - PROPOSED USE

Between **01/11/2023** and **31/12/2023**

Application no: 08/23/00306

Case officer: Emma Chorley

Decision: Granted Permission

Location: 121 Bristol Road, Bridgwater, Somerset, TA6 4AX

Proposal: Certificate of Lawful Proposed Development for the change of use of a dwelling to 5 person HMO, including replacement of roof and internal alterations.

Application no: 07/23/00021

Case officer: Liam Evans

Decision: Withdrawn (after registration)

Location: Land to the West of Voila, Station Road, Brent Knoll, Highbridge, Somerset, TA9

Proposal: Certificate of Lawfulness for the proposed erection of a stable building per application 07/90/00022.

Application no: 08/23/00336

Case officer: Amelia Elvé

Decision: Granted Permission

Location: 20 Cranleigh Gardens, Bridgwater, Somerset, TA6 5JR

Proposal: Certificate of Lawfulness for the proposed construction of a rear dormer.

Application no: 06/23/00011

Case officer: Amelia Elvé

Decision: Granted Permission

Location: Ocean Drive, Warren Road, Brean, Burnham On Sea, Somerset, TA8 2RP

Proposal: Certificate of Lawfulness for the proposed removal of existing hut and erection of a Sun Room measuring approx. 4 x 6m of a height approx. 2.5m to eaves, 3m to ridge. This is to include a decking BBQ area, toilet with shower and kitchenette area

CERTIFICATE OF LAWFULNESS - PROPOSED USE

Between 01/11/2023 and 31/12/2023

Application no: 49/23/00015

Case officer: Amelia Elvé

Decision: Granted Permission

Location: Brook Cottage, Quab Lane, Washbrook, Wedmore, Somerset, BS28 4QJ

Proposal: Certificate of Lawfulness for the proposed siting of incidental caravan in garden on a hardstanding measuring 8.5x4m.

Application no: 13/23/00021

Case officer: Amelia Elvé

Decision: Refuse Planning Permission

Location: 34 High Street, Cannington, Bridgwater, Somerset, TA5 2HF

Proposal: Certificate of Lawfulness for the proposed building an extension to the existing living space by erecting a sectional building as detailed in the accompanying plans. This will include spine wall foundations and drainage to existing mains drainage, with localised soakaway.

Application no: 02/23/00029

Case officer: Jordan Morris

Decision: Granted Permission

Location: 14 Marron Close, Axbridge, Somerset, BS26 2PE

Proposal: Certificate of Lawfulness for the proposed rear extension replacement structure.

Application no: 11/23/00113

Case officer: Amelia Elvé

Decision: Granted Permission

Location: 25 Charlestone Road, Burnham On Sea, Somerset, TA8 2AP

Proposal: Certificate of Lawfulness for the proposed construction of a hardstanding extension measuring 3m by 4,7m and not exceeding 30 cm above ground level, to an existing hardstanding in the rear garden of the dwelling in connection with the siting of a single unit mobile home for use as additional accommodation by a family member.

CERTIFICATE OF LAWFULNESS - PROPOSED USE

Between **01/11/2023** and **31/12/2023**

Application no: 08/23/00319

Case officer: Sarfaraz Khan

Decision: Granted Permission

Location: 22 Four Acre Meadow, Bridgwater, Somerset, TA6 3UP

Proposal: Certificate of Lawfulness for the proposed use as a children's home to provide care for 2 individuals supported by two carers and a manager.

No. of applications: 9

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