



Notice of Meeting of

**PLANNING COMMITTEE - NORTH**

**Tuesday, 13 February 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	

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services [democraticservicesnorth@somerset.gov.uk](mailto: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](mailto:democraticservicesteam@somerset.gov.uk) by **12noon on Monday, 12 February 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, 5 February 2024

# **AGENDA**

**Planning Committee - North - 2.00 pm Tuesday, 13 February 2024**

**Public Guidance Notes for Planning Committees (Agenda Annexe) F\_PR**

**Councillor Reminder for Declaring Interests (Agenda Annexe) F\_PR**

**Click here to join the online meeting F\_PR**

**1 Apologies for Absence F\_PR**

To receive any apologies for absence and notification of substitutions.

**2 Minutes from the Previous Meeting F\_PR**

To approve the minutes from the previous meeting.

**3 Declarations of Interest F\_PR**

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 F\_PR**

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 [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) by 5pm on Wednesday 7 February 2024.

#### **5 Major Planning Application 36.22.00024 Inwood Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1HY F\_PR**

To consider an application for the change of use of agricultural field for the provision of caravan pitches and continuation of existing caravan site for use by HPC workers until 31st December 2025.

Erection of welfare building and bus shelter.

Development of a footpath from site to Nether Stowey village.

#### **6 Major Planning application 50.20.00054 Land At, Combe Batch, Wedmore, Somerset, BS28 F\_PR**

To consider a hybrid (full and outline) application. Full application for the erection of 26 No. dwellings and formation of access, associated open space, landscaping and parking. Outline application with some matters reserved for 4 No. self build plots.

#### **7 Planning Application 45.20.00019 Habitats Regulation Assessment F\_PR**

To consider a Habitats Regulation Assessment for Planning Application 45.20.00019

**8 Planning Application 45.20.00019 Higher Halsey Cross Farm, Radlet Road, Spaxton, Bridgwater, Somerset, TA5 1JA F\_PR**

To consider a planning application for the erection of an agricultural worker's dwelling and formation of access.

**9 Planning Appeals F\_PR**

To consider a report for Planning Appeals Received for January 2024.

**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)*

F\_PR

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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](mailto: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.

### **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.

If your Non-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.

\*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.

\*\*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 Committee Tuesday 13 February 2024

## Microsoft Teams meeting

**Join on your computer, mobile app or room device**

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Passcode: ZWJUrh

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Phone Conference ID: 995 450 338#

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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, 16 January 2024 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 Mike Murphy	Cllr Gill Slocombe
Cllr Brian Smedley	

Also Present:

Councillor Tony Lock - Present Virtually  
Councillor Andy Dingwall – Present Virtually for Application 09/21/00030

**66 Apologies for Absence** - Agenda Item 1

No apologies as all committee members were present.

**67 Minutes from the Previous Meeting** - Agenda Item 2

Resolved that the minutes of the Planning Committee - North held on 12 December 2023 be confirmed as a correct record subject to a small change correction of a name on Page 19 (Hendry not Henry) .

**68 Declarations of Interest** - Agenda Item 3

Councillors Alan Bradford, Hilary Bruce, Bob Filmer and Alistair Hendry declared an Other Registrable Interest as they were members of an Internal Drainage Board but took no part in any discussions on these applications.

Councillor Bob Filmer declared a pre-determined interest in Application 07/23/00026 as he had made comment on the proposal as the Division Member and asked for the application to be referred to the committee.

Councillor Tony Grimes declared a Non-Registrable interest in application 07/23/00026 as he was the Division Member but had taken no part in any discussions on the proposal.

Councillors Kathy Pearce, Gill Slocombe and Brian Smedley all declared an Other Registrable Interest as they were members of Bridgwater Town Council but took no part in any discussions on application 08/21/00030.

**69 Public Question Time - Agenda Item 4**

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

**70 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 - Agenda Item 5**

The planning officer introduced the application to the committee with the aid of a power point presentation, He highlighted the following points to the members: The application had been amended and the number of properties had been reduced to 90 dwellings.

The site had been approved for a mix of residential and employment land, however it had confirmed that the employment land was not needed as there was a good supply of alternative sites and it was also considered that the land would not be suitable due to the number of residential sites within the area.

It was confirmed that the farm buildings would be cleared from the site, a play area would be erected and that there would still be some open land in and around the Willow Man.

Highways in the surrounding estates were not yet adopted, however this was being dealt with and therefore there would be no impact on this new application site A great deal of work had been undertaken in regard to an acoustic bund and fences plus the fabric of the buildings will be conditioned.

It was considered that the design of the properties was seen within the context of North East Bridgwater.

The planning officer also updated the committee as Condition 14 would need to be amended to ensure that acoustic measures work. Other conditions covered Ecology

and Drainage issues. The planning officer also stated that there were minor drafting changes needed to conditions which would be agreed by the Chair and Vice-Chair of the committee.

The committee were addressed by a local resident who considered that there had been a great deal of development in the area to the detriment of the road network, with the roads in poor condition, parking issues and volume of traffic, the public transport was also poor.

The agent then spoke on the application stating that this was the final piece of the whole site with the infrastructure in place for the highways, drainage and that the number of dwellings had been reduced and that there would be 27 Affordable Homes. He also confirmed that they were happy with the Heads of Terms and that the amendments to the conditions were minor drafting issues.

In response to questions from Members, the planning officer advised:

That the area was already approved for development, traffic acceptable for the number of houses, they admitted that parking could be an issue but that was due to local residents, there was a bus service on Kings Drive, accepted that the state of the roads were an issue due to the building works on-going and that the roads were not yet adopted, however this could be resolved through the S38.

That the landscaping was conditioned.

Other conditions to be amended for minor changes included:

Conditions 4, 7, 12 and 16: grammatical changes

Condition 19: guidance note to be clarified

Condition 23: occupation and layout of the Local Area of Play

Members also asked for clarification with Condition 13 relating to noise levels which then led to discussion about the proposed bund and the trigger for delivery, it was confirmed that this was a pre-commencement condition and that all technical matters were covered by Condition 12, however members requested that the maintenance of the bund be included within the S106 agreement.; the planning officer confirmed that this was addressed in the recommendation to his report. It was also questioned as to whether the NHS had made any comments or requests for contributions from the CIL payments, the planning officer confirmed that the resolution could be amended to ensure comments received as part of the consultation process.

**Resolved:**

That the 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 be approved subject to a S106 agreement to provide Affordable Housing, management and maintenance of a LAP, planting and the acoustic bund/fence,

Travel Plan (with the deletion of the corresponding condition in the recommendation of the report) and subject to the amends to conditions 4,7,12, 16,19and 23, the amends and wording to these conditions to be delegated to the Service Director to be agreed in conjunction with the Chair and Vice-Chair of the committee and subject to any consultation response received from the NHS and in particular any contributions sought.

(For 5, Against 1, Abstentions 7)

**71 Major Planning Application 54/22/00005 - Land to the South of, Lavers Close, Woolavington, Bridgwater - Agenda Item 6**

The Planning Officer introduced the application to the committee with the aid of a power point presentation. He confirmed that this was an Affordable Housing led scheme and that there was also another scheme with consent. However, Woolavington was a Tier 2 settlement, which meant that within Policy 2b affordable housing included in this application, the dwellings would also counted towards the District Wide need and not just locally it was also confirmed that within the Housing Needs Assessment undertaken in March 2023, showed that there was a need for 20 rented units, this application are all rented and so meets part of the need and bed size requirements.

Other areas brought to the attention of the committee were that there was a Local Area of Play, the design would be similar to the adjoining development and had a acceptable layout. There were no issues with highways, parking, Ecology and Landscape were conditioned and that trees proposed to be removed will be replaced and that drainage would through soakaways and the existing network.

The committee were addressed by a representative of the parish council who stated that they accepted the need for development, however they felt that the proposal was not needed as there was another scheme agreed which met the need, they also were concerned as there had been no discussions with the applicant.

A representative from the Housing Association who were the applicant explained that this application would link to their adjacent site and that the Housing Needs Assessment confirmed that rented properties were needed for families. It was also noted that there would be a range of homes and that if this application was granted, they could apply for Homes England funding, The applicant was happy to work with the parish council on a Local Letting Scheme.

In response to questions from Members, it was confirmed that the applicant could apply for exemption from CIL as the proposal was for affordable housing, however, if the Education department requested contributions, then the CIL pot would be used.

It was requested that the S106 agreement be amended to include consultation with the parish council in regard to the local lettings policy.

Resolved:

That the application 54/22/00005 Land to the south of Lavers Close, Woolavington, Bridgwater be approved subject to a S106 agreement for the provision of 100% Affordable Housing (subject to a Local Lettings Agreement with consultation of the Parish Council) and the provision of a Local Area of Play and the conditions as detailed within the report.

(Unanimous)

**72 Planning Application 07/23/00026 - Sunnycot, Church Lane, Brent Knoll, Highbridge, Somerset, TA9 4EG - Agenda Item 7**

Councillor Filmer left the committee before consideration of this application as he declared that he was pre-determined as he had supported the proposal as the Division Member.

The planning officer presented the application to the committee with the aid of a power point presentation, explaining that the issue with the proposal was considered to be the visual impact due to the extensions proposed as it was considered not appropriate to the dwelling or the locality.

The committee were addressed by the Division Member for the application. Their comments included that the application would meet a need for the applicant, it had been designed to reduce impact on the neighbours and the local area as it was kept as a single storey.

The applicant also addressed the committee, confirming that the extension was needed for his family and the design had been to reduce any impact on the neighbours, there would also be additional landscaping to reduce any further impact.

Councillor Slocombe agreed that the proposal was respectful of the neighbours and that there would be no impact on the neighbourhood, the design also met the needs of the applicant, this proposal was seconded by Councillor Grimes.

Resolved:

That application 07/23/00026 at Sunnycot, Church Lane, Brent Knoll, Highbridge, Somerset, TA9 4EG be approved subject to appropriate conditions (including conditions relating to Landscaping and Ecology) to be delegated to the Service Director to be agreed in consultation with the Chair and Vice-Chair of the

committee.

(Unanimous)

**73 Information sheets** - Agenda Item 8

To note the Information Sheets provided on the agenda.

**(The meeting ended at 5.15 pm)**

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**CHAIR**

**Committee date 13/02/2024**

**Application No:** 36/22/00024

**Application Type:** Full Planning Permission

**Case Officer:** Briony Waterman

**Registered Date:** 20/12/2022

**Expiry Date:** 20/03/2023

**Parish:** Nether Stowey

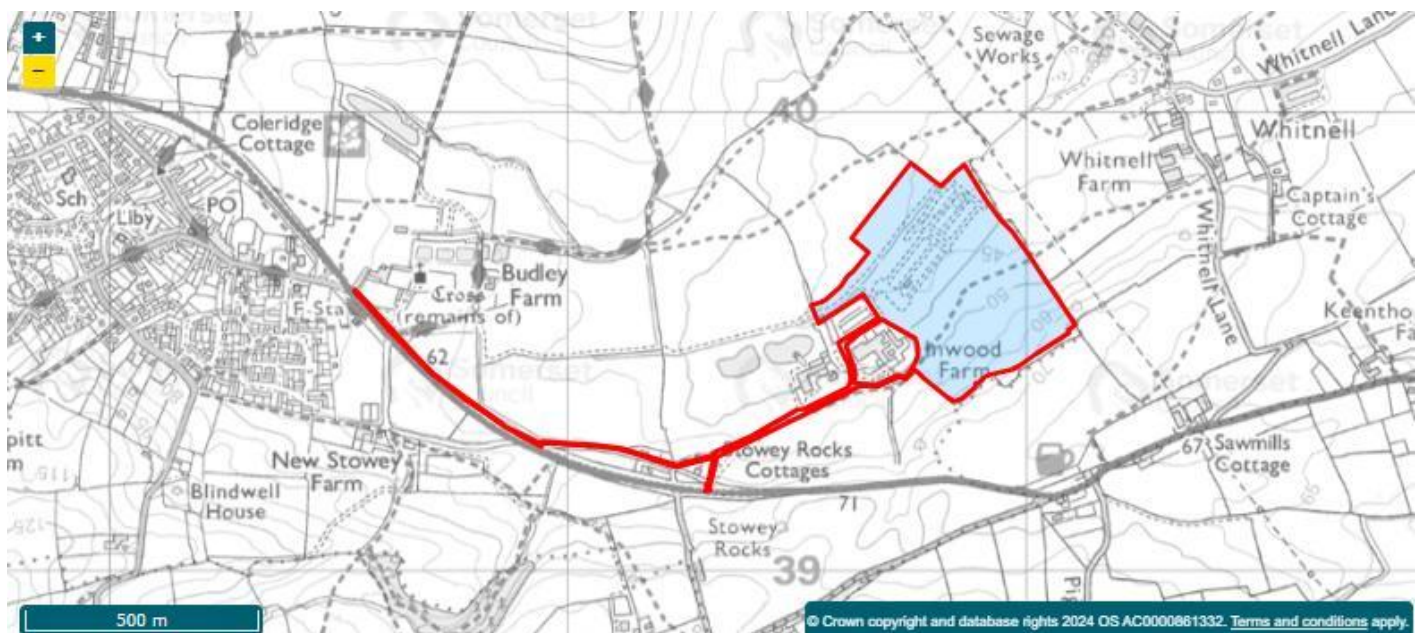
**Division:** Quantocks

**Proposal:** Change of use of agricultural field for the provision of caravan pitches and continuation of existing caravan site for use by HPC workers until 31st December 2025. Erection of welfare building and bus shelter. Development of a footpath from site to Nether Stowey village.

**Site Location:** Inwood Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1HY

**Applicant:** F G Jeanes & Sons Ltd

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



## **Committee decision required because**

The proposal is a major development, with Parish comments contrary to officer recommendation

### **Background**

The application site is adjacent to the existing caravan site at Quantock Lakes and forms part of Inwood Farm, an agricultural holding that is located along the A39, one mile south east of the nearest village, Nether Stowey and ten miles west of the nearest town, Bridgwater. Inwood farm lies wholly within the countryside and has over time diversified its arable farming business to a mixed use that includes wedding venue hire, holiday accommodation, camping and touring caravans, recreational fishing and as a caravan site for workers for Hinkley Point C and associated park and ride. A number of small businesses also operate from the farm complex. The site is accessed south off the A39 using a private access road that is crossed in an east-west direction by two public rights of way (PRoW) BW 22/31 and BW 16/18.

NNB GenCO gained the Development Consent Order (DCO) from the Secretary of State for the construction and operation of a new nuclear power station at Hinkley Point, known as Hinkley Point C (HPC) and other associated development (AD) on 18th March 2013. The DCO came into force on the 9th April 2013. Although the main site itself is located in the former West Somerset Area, a range of AD sites which support the construction are in the former Sedgemoor area, these include park & ride facilities. Other development is also linked to the construction of HPC but falls outside the scope of the DCO process. These are referred to as 'ancillary sites' in the Sedgemoor Local Plan, these development sites are subject to regulation under the Town and Country Planning Act 1990 and this includes the use of the car park at Quantock Lakes as a park & ride facility.

Retrospective planning permission (reference 36/17/00001) was originally granted by the former Sedgemoor Council in 2017 for a temporary change of use of an existing car park at Quantock Lakes to provide a short term and temporary 160 space park & ride facility for the HPC construction workforce. At the time a case was made based on the operational need for a park & ride facility to provide additional capacity and flexibility for workers travelling to HPC as a result of the delay in completing the main park & ride facilities, the Associated Development site at Cannington and Junction 23 of the M5. The planning permission was time limited for 24 months which expired 25th March 2019.

A second planning permission (reference: 36/18/00012) was approved in September 2018 which extended the use as a park & ride for a further 2 years until the 19th September 2020. By this time the Associated Development park & ride facilities were operational, but the retention of Quantock Lakes was justified for a number of reasons. Firstly the number of HPC construction workers living



in the locality (south and west of Nether Stowey and in the former West Somerset area) not living within 800m of a bus stop served by an HPC bus was high and increasing, therefore the use of Quantock Lakes was more sustainable, reducing the distance travelled by car to a park & ride facility to then catch a HPC bus. Secondly, it was accepted that since Quantock Lakes had been approved, the number of HPC construction workers fly parking in local villages to board a HPC bus service should have been reduced. Thirdly, the ability for visitors and HPC construction workers to use Quantock Lakes rather than travelling along the C182 to HPC, would minimise trips on the C182 and other narrow rural roads helping to manage the impacts of the construction on the local road network. Finally, the economic opportunity offered by the park & ride to assist a local business with its on going diversification was viewed as a benefit of the proposal. Planning permission was granted in September 2020 (reference: 36/20/00011) this extended the temporary use until the 18th September 2021.

Following the approval of the park & ride in March 2017, planning permission was granted in September 2017 to allow the existing caravan site to be used to accommodate HPC workers (reference: 36/17/0010). This was justified on the basis that locally the capacity to accommodate HPC workers in existing housing stock and in campus accommodation was not sufficient, therefore the proposal would positively lessen the impacts on the local housing market with particular benefits for those on low incomes. The advantage of co-locating workers and the park & ride facility, was also viewed as beneficial, given the resulting reductions in the need to travel. The planning permission was approved on a temporary basis until the 5th September 2019. This permission was extended in July 2019 (reference 36/19/00014) until the 5th September 2022 on the basis that the existing housing stock and campus accommodation was still not sufficient to accommodate HPC workers and the proposal would lessen the impacts on the local housing market.

Application (reference: 36/21/00012) granted a further temporary permission for the retention of existing car park to be used as 160-space park & ride facility until 31st December 2025. This further extension was agreed which allows for the park & ride to operate 24 hours a day Monday to Friday and on a working weekend. A bus service would operate approximately every 10-15minutes during peak periods (AM peak 05:00-07:00 and PM peak 17:30-19:30).

In an email dated the 20th December 2023 the holiday lets part of the application has been removed. The application now seeks consent for the change of use of agricultural field for the provision of caravan pitches and continuation of existing caravan site for use by HPC workers until 31st December 2025. Erection of welfare building and bus shelter. Development of a footpath from site to Nether Stowey village.

### **Relevant History**

Applications Overlapping the same Spatial Area

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
36/22/00015	LE	WDN	Erection of detached stables and tennis court.
36/22/00014	LE	WDN	Erection of detached stables and tennis court.
36/21/00001	AGE	GTD	Erection of a multi-purpose building - part agricultural for rearing cattle and part storage and distribution of beef, including installation of fridge and freezer.
36/15/00012	STP	GTD	Change of use, conversion and extension of barn 6 to holiday accommodation (amended scheme)
36/14/00011	LE	GTD	Change of use of land from agricultural to camping and touring caravan site
36/14/00005	LE	GTD	Change of use of land to permit marquee based wedding receptions and formation of associated car parking facilities. Change of use and conversion of garden house to form office accommodation.
36/12/00005	LE	GTD	Change of use of land to permit marquee based wedding receptions and formation of associated car parking facilities.
36/12/00002	CJA	GTD	Change of use of farmstead buildings to include a combination of A3, B1, B2, B8, D1, D2, fishing lakes and holidaylet/tourism units; together with revisions to access, car parking (including disabled provisions) and landscaping. (Amended Description)
36/11/00005	CG	REF	Construction of solar park and associated equipment
36/08/00007	CJM	GTD	Erection of 1.8m (6 ft) high chain link fence and gates
36/07/00022	KP	GTD	Erection of two storey extensions to side and rear elevations.
36/05/00005	STH	GTD	Erection of temporary classroom
36/05/00004	STH	GTD	Erection of temporary classroom

36/01/00008	GTS	REF	Use of land to site a temporary classroom for Sunday School
36/01/00007		PNR	Use of land to site a temporary classroom for Sunday School
36/93/00016	TRB	GTD	Variation of condition 5 of planning permission 1/36/86/16 to include the repair and maintenance of commercial vehicles.
36/93/00011	TRB	REF	Variation of condition 5 of planning permission 1/36/86/16 to include the repair and maintenance of commercial vehicles
36/92/00003	TRB	GTD	Variation of condition 5 of planning permission 1/36/86/016 to include use of buildings as a MOT test station for cars and small vans and carry out repairs to such vehicles

**Supporting information supplied by the applicant**

- Application Form
- Preliminary Ecological Appraisal (Dated May 2022)
- Transport Statement
- Planning, Design and Access Statement
- Construction Environmental Management Plan
- Flood Risk Assessment Document (Ref: HPC-GEN583-101027430 Rev 01)
- Drainage Strategy (dated 19th August 2022)
- Site Location Plan and Existing Plan (DrNo: 100998309)
- Proposed Floor Plan & Elevations (Pump House) (DrNo: 000000-01)
- Block Plan (DrNo: 5632-21-02)
- Proposed Floor Plans & Overviews (Welfare Building) (DrNo: 000000-00)
- Proposed First Floor Plan Units 1 & 2 (DrNo: 1978-20-04)
- Proposed Ground Floor Plan Units 1 & 2 (DrNo: 1978-20-03)
- Proposed Elevations Units 1 & 2 (DrNo: 1978-20-05)
- Proposed Floor Plans and Elevations Detached Garage (DrNo 000000-00)
- Proposed Floor Plans (DrNo: 000000-00)
- Proposed Elevations (DrNo: 000000-00)
- Location Plan (DrNo: 100998309)

- Proposed Layout Plan (DrNo: 100998310)
- Site Sections (DrNo: 100998312)
- Construction Details 1 (DrNo: 100998313)
- General Arrangement Manhole (DrNo: 100998314)
- Construction Details 2 (DrNo: 100998319)
- Utilities Layout Plan (DrNo: 100998320)
- Figure 1 Quantock Caravan Park Site Map\_R6
- Figure 3 Quantock Caravan Park Landscape Designations\_R5
- Figure 4 Quantock Landscape Character\_R4
- Figure 5. 1a-b Viewpoint 1 PRow BW 16-18 west of Whitnell Farm\_R6
- Figure 5. 2a-b Viewpoint 2 PRow BW 22-29 east of St Mary's Church\_R6
- Figure 5. 3a-b Viewpoint 3 PRow BW22-31 adjacent Stowey Rock Cottage\_R5
- Figure 5. 4a-b Viewpoint 4 Pinnacle Hill (PRow BW 22-27
- Figure 5. 5a-b Viewpoint 5 Nether Stowey Castle (PRow BW 22-33\_R10
- Figure 6 Landscape Design Plan
- Figure 7 ES Zone of Theoretical Visibility\_R2
- Var008 LVA Quantock Lakes TR.
- Location Plan (DrNo: 5632-21-01 Nov. 21

### **Consultation Responses**

<b>Consultee Name</b>	<b>Summary of Response</b>
Somerset County Council - Ecologist	<p><b>No objection subject to the following conditions:</b></p> <ul style="list-style-type: none"> <li>• <b>Lighting</b></li> <li>• <b>Construction Environment Management Plan (biodiversity)</b></li> <li>• <b>Habitat enhancements</b></li> <li>• <b>Landscape and Ecological Management Plan</b></li> </ul>
Fiddington Parish Council, 17 Martyn Close	<ul style="list-style-type: none"> <li>• <b>Strongly object to this application.</b></li> <li>• <b>Disappointed that it is retrospective</b></li> <li>• <b>Will adversely effect the residents of Whitnell</b></li> <li>• <b>The existing lighting is intrusive and the increased lighting will only add to the pollution</b></li> </ul>

	<ul style="list-style-type: none"> <li>• <b>This application is not preserving the countryside and rural character.</b></li> </ul>
<p>Nether Stowey Parish Council, 2A Castle Street</p>	<ul style="list-style-type: none"> <li>• <b>Although the idea of a large caravan park on the edge of the village is not pleasant, the PC accepts that a temporary caravan park reduces the impact of workers seeking rented accommodation in the village.</b></li> <li>• <b>As contractors use the existing bus links it is accepted that there will not be any really increase in traffic using the A39.</b></li> <li>• <b>Accept the proposed application will not adversely impact the medical services provided to the local community</b></li> <li>• <b>Accepted unlikely to be accompanied by families therefore no impact on the school.</b></li> <li>• <b>Concerns over the impact on the landscape as the site is visible from several points</b></li> <li>• <b>Although not in the AONB is its considered a Quantock Village and part of the setting of the AONB</b></li> <li>• <b>Light reflecting off the caravan roof's</b></li> <li>• <b>Screening from an earlier application has not been implemented</b></li> <li>• <b>Tree planting condition of mature trees</b></li> <li>• <b>Caravans supplied to workers should have roofs with a matt finish in browns/greens to blend into the landscape</b></li> <li>• <b>Concern over lighting, request a lighting condition that minimises light pollution.</b></li> <li>• <b>Footpath BW 16/18 PC asks that consideration is given to diverting this footpath away from the caravan site in the interests of the safety of walkers and residents.</b></li> <li>• <b>No objection to the relocation of the approved wedding accommodation</b></li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Requests the reiteration of condition 3 of the original application is included to prevent residential accommodation.</b></li> <li>• <b>PC supports the proposal for a footpath</b></li> <li>• <b>Condition should be imposed that the land should be returned to agricultural use</b></li> </ul>
Quantocks 1 - Cllr Caswell	<b>No comments received</b>
Quantocks 2 - Cllr Pay	<b>No comments received</b>
Planning Enforcement (SDC)	<b>No comments received</b>
Forestry Commission - South West England	<b>No comments received</b>
The Woodland Trust	<b>No comments received</b>
Historic England	<b>We do not wish to offer any comments, suggest you seek the views of specialist conservation and archaeological advisors</b>
Somerset County Council - Civil Contingencies	<b>No comments received</b>
Landscape Officer (SDC)	<b>No comments received</b>
Somerset County Highways	<p><b>Not raised objections to previous applications, and whilst the current application is seeking to increase the overall number of pitches does not result in a material increase in the level of generation of traffic during the PM peak whilst there is zero impact during the AM peak. subject to conditions:</b></p> <ul style="list-style-type: none"> <li>• <b>Details of the footway</b></li> <li>• <b>Construction Management Plan</b></li> <li>• <b>Area allocated for parking shall be kept clear.</b></li> </ul>
Environmental Health - Sedgemoor District Council, Email Address Only	<b>Recommend the same comments as M Shipley 13.02.23</b>
Environment Agency (drainage/water)	<b>Following the amended description the EA have lifted their objection.</b>
Planning Policy (SDC)	<b>Principle of development to be acceptable, the proposal should help to alleviate potential pressure on local affordable</b>

	<p>housing that may result from the increase in HPC workforce numbers. The proposal may also provide an opportunity for investment in the caravan park which could be of benefit to the site and the local economy when it returns to tourism use.</p>
Somerset County Council - Economic Development	<b>No comments received</b>
Somerset Waste Partnership	<b>No comments received</b>
Sustainable Drainage Systems (LLFA)	<p><b>The LLFA is now satisfied with the provided information and would advise that properly worded planning conditions should be set to cover the infiltration and maintenance detail.</b></p> <p><b>A condition for infiltration could be set to carry out infiltration testing to BRE365 standard and to then develop an infiltration strategy should infiltration be found to be viable</b></p> <p><b>A planning condition could be set to cover the details of maintenance tasks, responsibilities and frequencies for the entire drainage network including runoff sub-catchment's, SuDS components (private and adopted), control structures, flow routes and outfalls</b></p>
Conservation Officer (SDC)	<b>No comments received</b>
Somerset County Council - Rights of Way	<p><b>No objection subject to conditions:</b></p> <p><b>No development hereby approved which shall interfere with or compromise the use of footpath BW 16/18 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the LPA)</b></p> <p><b>Condition that the surface should be re-instated</b></p>

Rights of Way Officer (SDC)	<b>No objections subject to conditions:</b>  <b>Grampian condition</b> <b>Surface authorisation</b>  <b>Informative:</b> <b>Development affecting a PROW.</b>
Licensing Officer (SDC)	<b>No further observations with this application</b>
Somerset Wildlife Trust	<b>No comments received</b>
South West Heritage Trust	<b>There are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds.</b>
Somerset County Council - Minerals	<b>No comments received</b>
Natural England	<b>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment</b>
Office for Nuclear Regulation (DC)	<b>No comment</b>
Western Power Distribution (re: Planning)	<b>No comments received</b>
The Quantock Hills AONB Officer	<b>Views from the Quantocks are already compromised by the existing development which is within the setting of the protected landscape. Especially noticeable where mitigation screening previously required has not been carried out.</b>
Historic Environment Service, Somerset Heritage Centre	<b>Limited or no archaeological implications to this proposal and have no objections on archaeological grounds.</b>
Cannington 1 - Brian Bolt	<b>No comments received</b>
Cannington 2 - Mike Caswell	<b>No comments received</b>

## **Representations**

Seven letters of objection making the following comments (summarised):

- Consider the revised application fails to comply with Local Plan policies, and as a result increase the potential for the development to have a negative impact upon the setting of the AONB.
- Friends of Quantocks oppose the application
- There are enough caravans on site as it is



- A39 is too dangerous already
- Too much light pollution
- Only 2 Drs and 1 primary school
- Would need a large boundary between Whinell and the caravans would need to be in place.
- Would like to see a PROW for cycling, horse riding and pedestrian access through the site edge, a restricted byway or bridleway not a footpath
- Object, the site is an eyesore
- Lighting of the existing caravan site is so intrusive for the residents of Whinell and Fiddington, all the flood lights should be pointing towards the wedding venue and not towards the local countryside and villages
- The house built does not comply with policies CO1 and D17 of the Sedgemoor Local Plan.
- Both aspects of the planning application should be refused along with Enforcement imposed to deal with the light pollution.
- Holiday let not built in the correct location
- Holiday let being used as a main residence

Four letters of support making the following comments (summarised):

- Do not object to the proposal but concerns over the impact upon the landscape, the number of caravans, and screening
- What guarantees are available to ensure the site is returned to the previous agricultural state at the end of the Hinkley construction project.
- Supports the creation of a footpath connecting Quantock Lakes and Nether Stowey, which will support the village economy.
- Local business looking to diversify and create jobs for the local community
- Site is already set up for the possibility of extension and would create little further inconvenience to the local populace.
- Objects as ruins the view.

### **Most Relevant Policies**

#### National Planning Policies

National Planning Policy Framework

#### Local Plan (2011-2032)

S2 - Spatial Strategy for Sedgemoor

S4 - Sustainable Development Principles

CO1 - Countryside

MIP2 - HInkley Point C: Associated and Ancillary Development

D14 - Managing the Transport Impacts of Development

D15 - Economic Prosperity

D17 - Tourism

D19 - Landscape

D24 - Pollution Impacts of Development

D25 - Protecting Residential Amenity

### Nether Stowey Neighbourhood Plan

H1: Conversion of Redundant Farm and Other Buildings in the Countryside

H2: Affordable Housing

H3: Housing Type and Size

H4: Sustainable Development

E1: Design and Character of Local Development

E2: Heritage Assets and Character

E3: Development Proposals

E4: Protecting the Local Landscape

E5: Protecting Wildlife and Habitats

E6: Local Green Space

T1: Safe and Easy Access to Nether Stowey Village

T2: Development North of the A39

T3: Protecting and Enhancing Pedestrian, Cyclist and Horse Rider Routes

T4: Safe Cycle Route to Cannington

T5: Improvement to Car parking facilities

C1: Protecting Community Facilities

C2: Recreation Ground

B1: New and existing Businesses

### **Main Issues**

#### Principle of Development

The principle of the use of this site for the provision of caravans to house Hinkley Point C workers (on a temporary basis), has already been accepted through the granting of earlier planning permissions. On this basis, this current proposal to extend the development to accommodate more caravan pitches for Hinkley Point C (HPC) workers and extend the time period for permission on the existing caravans, is also considered acceptable.

The site at Quantock Lakes lies within the existing Inwood Farm complex, which comprises an established wedding venue, restaurant, caravan site and ancillary welfare buildings, together with

some agricultural businesses. Part of the site is currently occupied by HPC workers on a temporary basis. However, the site is located outside of the established development limits and so is considered to be within the open countryside in accordance with Policy S2 of the adopted Sedgemoor Local Plan.

Policy CO1 aims to actively manage patterns of growth and focus significant development in locations which are, or can be made, sustainable. The policy then goes on to state that development will be supported where it accords with other relevant local plan policies that provide for development in the countryside to enhance or maintain the vitality of rural communities and support a prosperous rural economy. The location is considered to be sustainable as there is an existing park and ride service to serve the workforce staying at Quantock Lakes.

The proposal is considered to be in accordance with policy MIP2 (Hinkley Point C: Associated and Ancillary Development) of the Local Plan as the capacity locally to accommodate the increased numbers of HPC workers in either the campus accommodation or locally. Therefore the proposal is considered to lessen the impact upon the local housing market.

Both the proposed and existing pitches within the Inwood Farm site are to be used by bona-fide HPC workers and not as general holiday use or residential accommodation and would not form a HPC worker's sole or main residence. The permanent establishment of the site for residential purposes would not be acceptable under policy terms. Use on a temporary basis for Hinkley workers is not considered to be a residential use because of its temporary basis and the workers having permanent residential addresses elsewhere. The proposal is only to meet a short term and pressing need until December 2025. Accordingly appropriate conditions are recommended to enforce this.

In conclusion the Local Plan supports the development of Hinkley Point C and its ancillary and associated development as outlined above.

#### Impact on Highway Safety

Policy D14 (managing the transport impacts of development) of the adopted Local Plan seeks to ensure provision is made for inclusive, safe and convenient access for all and that the nature and volume of expected traffic from the development would not compromise highway safety.

Development proposal must also provide safe access to roads of adequate standard within the route hierarchy and ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated. The Highway Authority have raised no objection to the proposal subject to conditions. It is considered that the development would not result in a material increase in the level of generation of traffic during the

PM peak whilst there is zero impact during the AM peak (due to the specific nature of arrivals at the main construction site, being very early in the morning) .

There is sufficient parking provided within the site for the proposed number of caravans.

The footway proposed alongside the A39 to facilitate easier access to Nether Stowey from the site, is welcomed by the Highways Authority as a safer pedestrian link between the village and Quantock Lakes.

The proposal is therefore considered to be in accordance with Policy D14 of the Local Plan.

#### Impact on Residential amenity

Policies D2 (Promoting high quality and inclusive design) and D25 (protecting residential amenity) states that development should not harm the amenity value of the occupiers of nearby buildings. Particular consideration will be given to the extent that the proposal would result in unacceptable noise and disturbance, over shadowing, overlooking and/or visual dominance.

Due to the location of the proposal there are a few residential properties nearby, therefore the impacts on amenity are considered to be minimal and the development is in accordance with Policy D25 of the Sedgemoor Local Plan.

#### Landscape and visual impact

Policy D2 (promoting high quality and inclusive design) seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the buildings.

Policy D19 (landscape) seeks to ensure that development should enhance the landscape quality wherever possible and ensure that there is no significant adverse impact on local landscape character, scenic quality and distinctive landscape. A landscaping scheme has been included to minimise the impact upon the visual amenity of the area and the views to/from the National Landscape.

The site slopes away from the A39 and the site is well screened from the road by the existing hedging. Comments have been raised in relation to landscaping and a condition has been included to ensure that the development is better screened from the long range views, it is considered that

the temporary nature of the development and legacy of planting will provide a long term benefit to the views to and from the National Landscape (formally AONB'S).

Consent has been granted in 2014 and 2019 for the site to be used for touring caravans and subsequently for static caravans. The expansion of the site and continued use of the existing caravans is not considered to have a significant impact upon the visual amenity of the area. The development is for a temporary period and it is considered that the caravans will be read in context with the wider site and there is merit in co-locating the HPC workers, especially in a location that already is served by a park and ride.

### Flooding

The Environment Agency and the Lead Local Flood Authority raised concerns over the location of the holiday villas and the potential for flooding. This aspect of the development has been removed from the current application. The proposed location for the caravans falls in flood zone 1, and is unlikely to have a significant exacerbate flooding. The Environment Agency have subsequently lifted their objection.

### Additional matters

A number of representations raised concerns over lighting, a condition has been included regarding lighting for bats, which will also help to preserve the amenity of the area.

Given the general demographic of those staying on the site, and the temporary nature of the proposal, there is unlikely to be an impact upon the number of children attending the local schools, and likewise it is unlikely that those staying on site will access local medical provision, unless in an emergency, due to the provision of on site medical facilities.

There is approximately 425m between Whinell House and the site, across a large field bounded by hedging, it is considered that the proposal would not significantly increase the impacts on the properties to the east.

Comments relating to the holiday villa are noted, however this element of the proposal has been removed and will be subject to a separate application.

### Conclusion

In conclusion it is considered that given the temporary nature of the proposed development that the benefits of concentrating the increasing number of Hinkley workers in a location that is already served by a regular bus service would outweigh the impacts of the additional strain on the local housing

market or a number of smaller sites located throughout the area. It is therefore recommended that the proposed development be granted temporary consent , subject to conditions.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The change of use of the field for caravan pitches, and retention of the existing use of caravans for Hinkley Point C works hereby permitted shall be removed and the land shall be reinstated to its former condition on or before 31st December 2025.

Reason: To enable the local planning authority to review the matter at the end of the limited period specified.

- 2 The development hereby approved shall not be occupied until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to line, level and layout of the proposed footway link between the site and the village of Nether Stowey and its means of construction and surface water drainage. The approved footway works shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.

Reason: To ensure the footpath is built in accordance with approved plans.

- 3 The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety.

- 4 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 interests of highways safety.

- 5 No development hereby approved which shall interfere with or compromise the use of footpath BW 16/18 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the LPA)
- 6 Before the development is commenced a landscape planting scheme, including the screening of the camping/caravan site with native species shall be submitted to and approved in writing by the local planning authority and shall be carried out within nine months from the date of commencement of the development. The trees/shrubs shall be protected and maintained, and dead or dying trees/shrubs shall be replaced to the satisfaction of the local planning authority for a period of five years following their planting.

Reason: In the interests of visual amenity.

- 7 Prior to the installation of any external lighting a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority, prior to construction. 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 5 of Guidance Note 08/18, including submission of contour plans, illustrating Lux levels. Lux levels should be below 0.5 Lux on potential bat commuting routes (hedgerows). 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 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 Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 8 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 badgers, nesting birds, bats and reptiles
  - 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 strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.



Reason: 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.

- 9 Habitat enhancement and mitigation measures shall be implemented in line with the Landscape Design Plan by WSP (November 2022). This enhancement will be planted at the earliest feasible date following permission unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity, and to provide net gain in accordance with paragraph 174(d) of the National Planning Policy Framework.

- 10 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement 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 (including an annual work plan capable of being rolled forward over a five - year period).

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 legal and funding mechanism(s) by which the long - term implementation of the plan will be secured by the developer where 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: 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.

- 11 The caravans shall be occupied by bona fide officially sanctioned Hinkley Point C workers only and shall not be occupied as a persons sole or main place of residence.

The applicant or their successor(s) in title, shall maintain a comprehensive up to date register listing all occupiers of the individual caravans on site hereby approved, evidence of their main home addresses and the dates of occupation of such accommodation. Evidence of their eligibility to reside as an official sanctioned Hinkley Point C worker shall be recorded on the register. The said register shall be made available for inspection by the Local Planning Authority at reasonable notice.

Reason: To ensure the accommodation is only occupied in a residential manner that reflects the exceptional need for temporary accommodation for Hinkley Point C workers

#### **Schedule A**

- Location Plan Drg No. 100998309
- Proposed Layout Plan Drg No. 100998310
- Site Sections Drg No. 100998312
- Construction Details 1 Drg No. 100998313
- General Arrangement Manhole Drg No. 100998314

- Construction Details 2 Drg No. 100998319
- Utilities Layout Plan Drg No. 100998320
- Drainage Strategy Dated 19th August 2022
- Flood Risk Assessment Document Ref HPC-GEN583-101027430 Rev 01
- Construction Environmental Management Plan
- Planning, Design and Access Statement
- Transport Statement
- Preliminary Ecological Appraisal Dated May 2022

Quantock Lakes Visuals: -

- Figure 1 Quantock Caravan Park Site Map\_R6
- Figure 3 Quantock Caravan Park Landscape Designations\_R5
- Figure 4 Quantock Landscape Character\_R4
- Figure 5.1a-b Viewpoint 1 PRow BW 16-18 west of Whitnell Farm\_R6
- Figure 5.2a-b Viewpoint 2 PRow BW 22-29 east of St Mary's Church\_R6
- Figure 5.3a-b Viewpoint 3 PRow BW 22-31 adjacent Stowey Rock Cottages\_R5
- Figure 5.4a-b Viewpoint 4 Pinnacle Hill (PRow BW 22-27) 807419-WOOD-FG-SA-00022\_R6
- Figure 5.5a-b Viewpoint 5 Nether Stowey Castle (PRow BW22-33)\_R10
- Figure 6 Landscape Design Plan
- Figure 7 ES Zone of Theoretical Visibility\_R2
- Var008 LVA Quantock Lakes TR 4 Nov 22

DECISION

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**Committee date 13/02/2024**

**Application No:** 50/20/00054

**Application Type:** Full Planning

Permission **Case Officer:** Dawn de Vries

**Registered Date:** 23/07/2020

**Expiry Date:** 21/10/2020

**Parish:** Wedmore

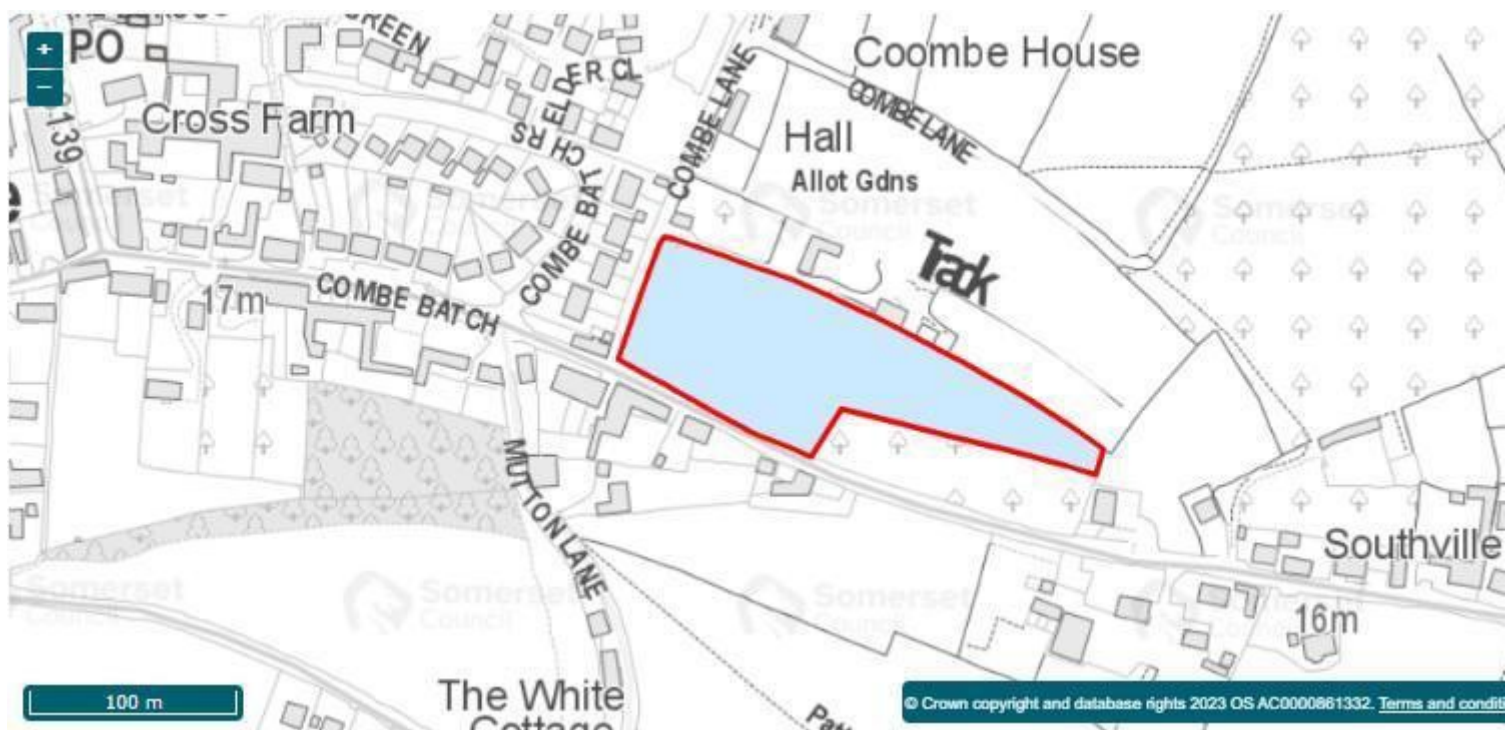
**Division:** King Alfred

**Proposal:** Hybrid (full and outline) application. Full application for the erection of 26 No. dwellings and formation of access, associated open space, landscaping and parking. Outline application with some matters reserved for 4 No. self build plots.

**Site Location:** Land At, Combe Batch, Wedmore, Somerset, BS28

**Applicant:** C&P Developments (Wedmore) Ltd

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



## Update following referral from Committee 11/07/2023

The application was referred from Planning Committee to consider the highway issues, visual impact and relationship of the development to the Conservation Area and adjoining Listed Buildings.

Following the debate at the last meeting the agent provided additional information showing a photomontage of the site, a character study in respect of materials, a planting plan for plots 16, 17 and 18, confirmation of pedestrian links from the site to the surrounding area and a hand out on key benefits of the scheme. These have sought to provide some additional context for members and address concerns that were raised during the meeting. They have all been added to the file and as the proposal also provided chimneys on some of the properties to the front of the site. The application was re-advertised in August last year.

The below additional comments have been received as a result of the reconsultation:

### Consultees:

#### **Wedmore Parish Council - Objection**

*Once again to the Parish Council's consternation we must write to object to the further amendments made to this application.*

*The very fact this application is still being considered after being debated on for 2 hours at the development meeting in July and given the number of objections, not only from interested parties, but also consultees. The Council were disappointed that despite being asked to attend a site visit, the Councillors did not view the site from the footpath as stated they should at the committee meeting, it was discussed that the impact of this development would be significant from this vantage point.*

*Wedmore Parish Council continues to OBJECT VEHEMENTLY to this application for all the same reasons submitted in all of our previous objections dating back to 2020. This application continues to cause a huge amount of angst amongst residents and the seemingly endless amendments and revisions to the scheme does nothing to ease these feelings for existing residents.*

*Wedmore is one of only four villages in the district to be granted the title of 'outstanding heritage settlement'. In 2005 the Village produced a 'Village Design Statement' that was adopted by Sedgemoor District Council in 2013 as supplementary planning guidance. This remains relevant and should continue to guide planning decisions. Sedgemoor District Council, as the local planning authority, designated a Neighbourhood Area for the whole of Wedmore Parish in September 2016. The Sedgemoor Local Plan 2011-2032 was formally adopted on the 20th of February 2019 and the policies relating to the distribution of housing are considered to be up to date. Following the*

**successful referendum on 2 May 2019, Sedgemoor District Council has formally 'made' the Wedmore Neighbourhood Development Plan, the development plan is the starting point for decision making and paragraph 12 of the NPPF explains "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted." In this case there is a clear conflict with the provisions of the development plan, and this indicates that permission should be refused. THIS HAS NOT CHANGED.**

**The site falls outside the Development Boundary of Wedmore and is not a strategic allocation within the Sedgemoor Local Plan or the Neighbourhood Plan for the Parish of Wedmore. It is therefore within the countryside where residential development is restricted. As no other policy in the development plan facilitates the proposal it would conflict with the spatial approach to the location of residential development defined within the Local Plan. The Parish Council feel there are no material circumstances to outweigh the adverse impacts of a new residential development in this location. The proposed housing development, on an open field, including partial removal of an ancient hedge to provide vehicular access and visibility splays, would have a harmful urbanising effect on the character and appearance of the area and the prominent gateway and historic conservation of the village. This alone would therefore be contrary to Policy WED1, WED5, WED6 of the Wedmore Neighbourhood Plan, Policy CO1 and D26 of the Sedgemoor Local Plan and also National Planning Policy Framework.**

**Four major developments within the village since 2018, has resulted in 155 properties being built and occupied, with a further 18 near to completion. This figure does not take into consideration the completed development in nearby parishes such as Cheddar, Axbridge, Mark and Wookey all of which fall within a 5- mile radius of the centre of our Parish. The Developer claims that there is still an 'unmet local housing need' as laid out in Policy T2b- Tier 2 Settlements - Unmet Local Housing Need. Sedgemoor's own HNS carried for Wedmore Housing Needs Assessment, which has since been updated and superseded in February 2021 shows that the net local need has been accounted for, all but 3 properties. The Parish Council would like to point out that within the parish there are other developments pending decision that have affordable homes included, such as that of Paradise Barton at Blackford. If the developer had carried out relevant engagement and consultation with the Parish Council and District Council, as well as the local community they would recognise that the foundations the proposed development is being based on are no longer valid, and therefore contrary to the very same policy. This application has been 'under consideration' for such a long period of time, how can we be sure that the supposed 'demonstrated need' presented by the developers is in fact even relevant at this stage!**

**Wedmore has produced a total of 53 homes available as affordable housing, with a further 3 proposed in Blackford. The HNA produced on behalf of the developer has found a supposed 14 more people in need. The developer states that 13 of those are not registered on Homes in Somerset. Thus, they will never be allocated any of the**

**affordable housing proposed, the very basis of the Tier2b Policy now linked with this application. Registering with Homes in Somerset is the only way to obtain an affordable housing property in Somerset. The Parish council therefore consider that the proposed development would result in an excessive and disproportionate quantum of development in an unsustainable location that has limited capacity to accommodate further housing growth. Regarding paragraph 11 of the National Planning Policy Framework, the proposal does NOT constitute sustainable development and is unacceptable in principle. Owing to several other factors, outlined below in the other reasons for objection the harm of the proposal would, in this case, significantly and demonstrably outweigh the benefits.**

#### **Design and Infrastructure Considerations:**

**A significant increase in traffic and congestion in the centre of the village has become part of village life, however it is definitely not accepted by residents, who are continuously calling for change and intervention. If granted this site will be hugely impactful on an already fraught and wretched situation in the heart of the village. There are regularly incidents of property such as walls, roofs, gate posts and railings being damaged by vehicles having to squeeze through small gaps. It should be noted that the footpath proposed by the developer along Coombe Lane will be along a privately owned, unmade track which serves the allotments and busy Scout Hut, it is not wide enough for a dedicated footpath and there is little room to step out of the way of vehicles. This is also inaccessible to those using a pram, buggy, wheelchair or mobility scooter because of the kissing gate sited between Coombe Lane and the Cross Farm development. Thus, these vulnerable members of the community will be forced to risk walking along the busy B3139 before accessing a pavement. It should also be noted that the nearest drop kerb is also unsuitable for most of these vulnerable users due to the narrowness of the pavement at that point pushing them further down the B3139 across the junction into Coombe Batch Rise.**

**Access to public transport is very limited and whilst the developer has quoted a number of bus services it should be noted that 5 of the services mentioned are in fact dependant on volunteers. Consequently, there is a very high reliance on car usage, with nearly two thirds of households owning two or more cars. The Parish Council do not believe this proposed development does anything to support the improvement of public transport infrastructure, it does not seek to improve connectivity and is not supporting carbon alternative public transport options within our immediate area. We believe therefore, this is contrary to the action plans devised to reach carbon neutrality by 2030! The design and designation of the proposed development takes no consideration of employment possibility in the area and the over utilisation of the local facilities and infrastructure, places additional pressure on the local resources, which are already severely stretched. Contrary to the developer's idealistic view of Wedmore, it actually has few services, the Dr's surgery mentioned is staffed by nurses only, all GP Dr appointments are at Axbridge, (with no direct public transport links) and the dentist is a private patient practice, no NHS service is provided.**



**Most workers will therefore be travelling out of the village for jobs and likely medical care. This means that the extra vehicles produced by the site will inevitably add to the existing traffic all contributing towards further air pollution in the village. Somerset Council are signatories of the Somerset Climate Emergency, the no 1 key focus of that is to 'protect what we already have'; so why even consider such a proposal that will inevitably be so detrimental to our community as a whole?**

#### **TRAFFIC / HIGHWAY SAFETY**

**After analysing the data collected from the SID placed at Combe Batch from January - March 2023. Incoming traffic to Wedmore on Combe Batch is a similar pattern to Cheddar Road with 55% exceeding the 30mph speed limit and an 85%ile figure of 35.9mph. The Parish Council feel it is reasonable to say relying on our local knowledge that this would cause problems at the proposed entrance to the development (a short distance away from the SID post). The speed of traffic and congestion are major concerns of residents.**

**-The application fails to demonstrate that the proposed development would not result in a severe residual cumulative impact on the road network. The access arrangements are not satisfactory and would create unsafe conditions for pedestrians and other road users. Contrary to Policy D14 - Managing the Transport Impacts of Development and paragraphs 110, 111, 112 and 113 of the National Planning Policy Framework 2021.**

**-The lack of consideration for the impact of additional traffic is contrary to Policy D14 Managing the Transport Impacts of Development. The proposal does not overcome the congestion within the area and safety of the additional traffic on the highway, schools and residents in the area.**

**-The Parish Council is also concerned about an increase in pedestrian / cyclist movements to the village centre, the Primary School and Middle School along highways lacking any footpaths with additional danger to all users of the road.**

#### **EFFECT ON LISTED BUILDINGS AND CONSERVATION AREA**

**Wedmore village has its own Conservation Area, and the Neighbourhood Plan area contains a large number of Listed Buildings which are an indication of the historic and architectural quality of the area. Wedmore was one of the first conservation areas to be designated in the County in 1971. The current conservation area designated by Sedgemoor District Council in 1991 includes Combe Batch. The protection of the conservation area is one of the prime concerns of residents. 'New development should respect its historical fabric by adopting the following design principles: Locations for new buildings should follow the traditional settlement pattern and respect the integrity of the historical settlement form. The layout and design will pay special regard to the setting of adjoining Listed Buildings and to preserving and enhancing the character and appearance of the Conservation Area**

**(Policies WED5 and WED6) This proposal is contrary to Policies WED5 and WED6 of the Wedmore Neighbourhood plan as well as D26 of the Sedgemoor local Plan and NPPF- Considering Potential Impacts. Policy D26 - Historic Environment of the Sedgemoor Local plan highlights that 'No consents should be granted where Historic England or Conservation officer objections cannot be overcome.' The conservation officer clearly states in their objection that the proposal would cause a total loss of setting to the conservation area and the removal of significance to the three listed structures due to the removal of setting. The Parish Council agree that the conservation officers' comments are supported by NPPF Considering potential impacts '200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'**

#### **Nature conservation/Ecological Considerations:**

**The level of employment opportunities available locally would not limit the need of future residents to travel by private car. The proposed development thereby undermines the County Councils' sustainable transport ambitions and Somerset's climate emergency targets. We therefore feel that we need to hold the Council to account for its pledge towards carbon neutrality when reviewing new development which makes no sense in an unsustainable area. The Parish Council would also like to highlight that it is not only us, but Somerset County Council and Sedgemoor District Council have all declared a climate emergency and the loss of the agricultural field and greenfield site will have an impact on the biodiversity of the area.**

**-Sustainability is one of the core principles underpinning national and district planning policy. 'Sustainability' was defined by the United Nations as "meeting the needs of the present without compromising the ability of future generations to meet their own needs'. This application is therefore contrary to Policy WED7- SUSTAINABILITY. PROVISION OF WELL-DESIGNED ENERGY EFFICIENT BUILDINGS**

**AND PLACES. "The design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions.' And POLICY WED4 - NATURAL ENVIRONMENT - "Development will be supported where it can protect or enhance the natural environment of the Plan area. This includes the special character and biodiversity of the levels / moors and its rhynes, the network of historic lanes and their associated trees and hedgerows. Sustainable Drainage Systems should be used in all new development to control the rate of surface water runoff to assist in the management of water in the Somerset levels." -The Parish Council have listened to the concerns**

***raised by residents about the effect the proposed development will have on the endangered species including Bats, Badgers, Birds, and Bees. The Parish Council feel that insufficient information has been submitted to demonstrate that the mitigation proposals would not have an adverse effect upon protected species. In all cases development will need to demonstrate that there are no significant adverse impacts on biodiversity interests or the historic environment as set out in the Sedgemoor Local Plan Policy D20: Biodiversity and Geodiversity, Policy D23: Bat Consultation Zones and Policy D26: Historic Environment. The proposals are therefore contrary to the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and Paragraph 180 of the NPPF. How exactly are the developers proposing to encourage the already well established and settled species of the site to move the almost 2 miles further away to the proposed mitigation site? And how will the mitigation model be monitored for impact?***

***-In the planning granted for the nearby site at Cross Farm a condition was imposed that there should be NO artificial lighting along the eastern and southern boundaries and that the original hedges should be retained and protected under the Habitat Regulations 2010. Allowing this development makes a mockery of such restrictions when this site is within meters of the Cross Farm site and these protected hedges.***

***-With regard to the development site a total of some 12,939 bat passes were recorded and a minimum 11 bat species were recorded during the surveys including light-averse species of greater and lesser horseshoe bats, Myotis and long-eared bats. It would seem inevitable that these will be disturbed by the proposed development.***

***-In particular the hedge along the southern boundary, is classified as an ancient hedge it offers high ecological value and has historic features, being tall and dense and species rich. As such, it and the other boundary hedges are likely to support a range of wildlife including nesting and foraging birds, foraging, and commuting bats, badgers, reptiles, and common amphibians as well as a range of invertebrate species. They are also classified as a UK BAP priority habitat, i.e. the most threatened and requiring conservation -In addition, just the other side of the hedge is a badger sett. Badgers use the same tracts of land for generations, and it is reported that there are routes across the development site to the orchard on the roadside. These will inevitably be lost.***

***-The developer proposes to translocate the ancient hedge. The Council has noted that the recently translocated hedge on a site at Cheddar faired very badly in the process with huge lengths dying and having to be replanted which seems to defeat the object of the exercise and make a mockery of the process.***

***The Parish Council is particularly concerned that the application is contrary to numerous policies in Wedmore Neighbourhood Plan: It has a Neighbourhood Plan which has been community led. It has been designed to guide the future development, regeneration, and conservation of the parish. The Plan contains a vision, aims, planning policies, proposals for improving the area and site allocations. The purpose of the Neighbourhood Plan is to guide development within the Parish and provide guidance to any interested parties wishing to submit planning applications for development within the designated Neighbourhood Area. The Parish Council therefore believes that as a community we have justification in these objections. Backed up by not only the Local Plan but also the National Planning Framework.***

***Taking the conflict with the housing strategy of the development plan as the starting point and adding the concerns about highway safety, flood risk, harm to the character and appearance of the area, the loss of versatile agricultural land, these matters amount to overriding reasons for refusal and are not outweighed by the benefits on the edge of our village.***

***The Parish Council believes that this objection is reflective of matters that are of considerable importance to Wedmore, its residents, businesses, and community groups. The Parish Council believes that by creating a Neighbourhood plan the community have had the opportunity to guide development within our neighbourhood. Anything other than refusal of this application makes the adoption of a Neighbourhood Plan a mockery. Ridiculing communities and the places they live!***

**Conservation Officer - Additional information confirms the true 'built' nature of the chimneys which is welcomed. New Chimneys will raise the ridge line but to an acceptable level, increase in height is balanced by the character.**

**Axe Brue Drainage Board - No objection subject to a condition to remove permitted development rights for driveways to ensure permeable paving is retained and imposition of an informative.**

**Affordable Housing Manager - The proposal will provide affordable homes design to meet the needs of local people from Wedmore who are in housing need and priced out of the housing market.**

**Natural England - No objection subject to the conditions set out in the Habitats Regulation Assessment.**

**Public Rights of Way Officer - Need for closure and Section 50 licence to deal with surrounding services**

**Lead Local Flood Authority - No further**

**comments Crime Design Officer - No further**

## comments Third Party Comments

Following the reconsultation 85 additional comments were received, these re-iterated earlier comments regarding the neighbourhood plan and local plan conflict, loss of the hedgerow, visual impact and scale of development given the other sites under construction in the area. These concerns are set out in full in the report below so are not being replicated here. Concerns were also raised that the members during the initial visit had not viewed the site from the elevated public footpath.

### Summary

A site visit was undertaken by members following the committee in July although concerns were received from neighbouring properties that members did not view the site from the surrounding public footpaths and therefore did not have the full benefit of the visit. Given the length of time from the original presentation of the case a further site visit was arranged for members ahead of the February committee to ensure that they come to the meeting fully informed.

The application is subject to a Habitats regulation assessment. This was presented in July and recommended a number of conditions to ensure the proposal was acceptable relative to the surrounding protective habitat and species. This application was approved by members ahead of consideration for this application. That resolution stands and this application seeks to secure the conditions required as part of the HRA.

The revised plans (advertised in August) primarily included additional information such as the landscaping details for plot 16-18, pedestrian access plans showing connectivity into the town centre and other areas of play, photomontages of view points along Wells Road and confirmation that Combe Lane is not in private ownership and would be re-surfaced as part of this proposal. Revisions also included the provision of chimneys on the road frontage to reflect the character of the adjoining conservation area.

Following Members concerns on the scale of affordable housing, the affordable housing team have confirmed that in addition to the HNA there are 43 applicants that would qualify with a local connection on Homes Finder Somerset as shown below. These are not the same applicants as identified by the HNA as they confirmed that they were not on Homes Finder Somerset.

### **Wedmore**

	<b>1 bed need</b>	<b>2 bed need</b>	<b>3 bed need</b>	<b>4 bed need</b>	<b>5 bed need</b>	<b>Total</b>
GOLD	1					1
SILVER	6		8	3	1	18
BRONZE	13	5	6			24
<b>Total</b>	<b>20</b>	<b>5</b>	<b>14</b>	<b>3</b>	<b>1</b>	<b>43</b>

A query was also raised on site by members regarding land levels. Additional information was submitted confirming the level of the highway and the finished floor level of the dwellings and street elevations confirmed that plots 1-3 (closest to the Listed Buildings) have a finished floor level approximately 20cm higher than the road level showing a small reduction in current land levels, plots 30 and 29 would sit 1.6m above the level of the highway whilst plots 28-25 step down in accordance with the topography of the site. These units are set 23.9 m from the nearest existing property and would be set behind the hedge. As the affordable rent units and given the need to meet 'National space standards' it is not possible to suppress the roof height. The proposal would not include any significant land level changes and the public open space and play area is proposed to be constructed at existing land levels. The agent also confirmed that the construction would be undertaken in accordance with the Construction and Environment Management Plan which is required by condition.

The site visit was undertaken 20.07.2023 and 09/02/2024.

The additional information is considered to provide the clarification that was requested by members and has resulted in the removal of the objection from the Conservation Officer. There are no outstanding technical matters and therefore the application is recommended for approval subject to the imposition of the recommended conditions and a legal agreement to secure the below:

- Provision of a LAP - Details of equipment and boundary treatments surrounding to be agreed
- Management and maintenance of the LAP and Public Open Spaces, including the green edges of the plots relative to the highway
- Provision of 40% affordable housing in the form of Social Rent to reflect the need set out in the Housing Needs Assessment (HNA)
- Local Lettings plan to ensure priority for local residents in accordance with the HNA
- A minimum accessible habitat enhancement area for horseshoe bats of 2.5ha shall be provided at Rug Hill (OS Grid Reference ST 43774 49908) as required by the Habitats Regulation Assessment
- A Landscape and Ecological Management Plan (LEMP) for Rug Hill shall be submitted to, and be approved in writing by, the local planning authority prior to construction above damp-proof course level as required by the Habitats Regulation Assessment
- Provision of the proposed site access and footway works on the Wells Road frontage - to remain as public and openly accessible provided prior to first occupation.
- Provision of the pedestrian access onto Combe Lane - to remain as public and openly accessible provided prior to first occupation.

The original committee report is maintained as originally proposed below.

**Committee decision required because**

## **Background**

The site lies outside of but adjoining the settlement boundary which lies to the north west and south west boundaries of the site. The area currently comprises arable land, with a hedgerow surround and a field gate access off Combe Lane to the north west. The site adjoins the Conservation Area for Wedmore and there are listed buildings on the opposite side of Combe Batch to the south, including Gibbs House, Wayside, Aciacia Cottage and Cobblers Cottage. To the south east of the site, and taking up half of the Combe Batch Road frontage is an orchard which is identified on the priority habitat list. There is a public right of way to the north west (Combe Lane) which continues north of the allotments and a second public right of way to the south connecting Mutton Lane to Mill Lane and offering elevated views of the site.

The area has existing residential development to the south and west comprising detached, semi-detached and terraced properties, there are bungalows in the wider area and a new development site recently constructed to the north. East of the site there is a childcare facility and a cluster of 12 detached dwellings in a more spacious and well landscaped setting.

The application seeks consent for development of the field at the junction of Combe Batch and Combe Lane, projecting to the rear of the orchard adjoining the boundary with Little Owls Children Centre. Originally the development proposed 34 dwellings but through negotiation this has now been reduced to 30.

This is a hybrid application which is seeking detailed consent for 26 dwellings and an outline permission for 4 self build plots, positioned to the rear of the orchard. During the course of the planning application the proposal was supported with a revised Housing Needs Assessment which will be discussed in further detail within this report.

## **Relevant History**

No relevant planning history in relation to this site.

## **Supporting information supplied by the applicant**

Transport Statement  
Travel Plan  
Design and Access Statement  
Envirocheck Agency and Hydrological  
Envirocheck Ecology  
Envirocheck Historic  
Map Envirocheck map  
Flood Risk Assessment and Drainage  
Strategy Flood Risk Assessment 1-2b  
Hydrock Document  
Transport  
Statement Travel  
Plan Planning

Statement  
Addendum Planning, Design and Access  
Statement Archaeological Assessment and  
Heritage Statement Tree Schedule  
Arboricultural Impact Assessment  
Arboricultural Method Statement  
Ecology Report  
Ecological Impact Assessment  
Energy and Sustainability  
Statement Agents response to  
Interested Parties SUDS  
assessment  
Landscape and Visual Impact Appraisal

### **Consultation Responses**

Following Reconsultation 19/05/2023 (Additional information, removal of garages and amendments to the layout and plot 23)

#### **Wedmore Parish Council: Object**

'Once again to the Parish Council's consternation we must write to object to the amendments made to this application. It is with perturbation that the Parish Council have written this objection as at this stage, the Parish Council agrees the developer material planning conditions to appear in its favour.

The very fact this application is still being considered given the length of time and the number of objections, not only from interested parties, but also consultees, between the previous 'Sedgemoor District Council' and the Developer for this proposal.

Wedmore Parish Council continues to OBJECT VEHEMENTLY to this application for all the same reasons submitted in our last objection dated 27th March 2023. This application continues to cause a huge amount of angst amongst residents and the seemingly endless amendments and revisions to the scheme does nothing to ease these feelings for existing residents.

The anonymous document titled 'Planning Policy (SDC), and the 'Response to objections' submitted by the developer demonstrate a very close parallel in content suggesting it has been written by an invested party. The Parish Council are surprised by the anonymity of the 'Planning Policy (SDC)' document given that all documentation should, due to the legal requirement to make comments available for public inspection have the relevant submission details otherwise they cannot be considered in the decision process.

While the supposed 'verified' Housing Need Survey appears to have been accepted without question by 'Sedgemoor District Council' despite their own department stating in November of 2021 that the affordable housing need publication which was updated in February 2021 superseded the 2018 HNA. Consent for a further 15 affordable homes at Strongvox (Phase 3) (50/20/00060) was granted, where at this time all but 3 of the additional net need was met. Since this time Cross Farm Phase 2 has also been submitted and awaits decision. This application proposes a further



addition of 9 dwellings within the settlement boundary on an under used brownfield site that does not obscure views of the surrounding countryside from within the village. This proposal has 9 units of 3 or 4 bedrooms and range in size, two of the 3-bedroom units (22.2% of the units on site), are of a smaller scale and are semi-detached. Unit 6 is also a chalet-style bungalow, provided specifically for elderly residents, as most facilities (including the master bedroom and ensuite) are located on the ground floor. A further development at Paradise Barton is also waiting decision (50/22/0124) this development offers a further 3 affordable homes.

Wedmore Parish Council would like to urge Somerset Planning North to consider all applications awaiting decision before this application, as they believe that it will be proven this development is piggybacking an outdated HNS that has not been validated and is quoting data that has not been published! The council are concerned that this sets a dangerous precedent, any prospective developer would be able to conduct its own housing needs survey, to suit its agenda, irrespective of any quantified and verified requirement.

The Applicant maintains that the 4 'self-build' plots are classed as an affordable housing product. However, under NPPF (footnote 26 to paragraph 61) states that the self-build properties can either be in the form of market or affordable housing. However, unless the applicants are willing to enter a S106 obligation that the 4 self-build properties will be managed by a housing association it has to be assumed that they will be privately built. In view of this the four self-build properties should be classed as part of the market housing. As consequence there will be 24 market homes and 10 affordable. The affordable percentage is therefore 29.4% which is far below the 40% minimum threshold set out in the Policy T2b. For this reason, the application fails to comply with Policy T2b and should be refused.

Utilising the population figure of 3292 provided by the applicant, there are in fact 122 separate objections equating to 3.7% of the population objecting to this application. Only 1 letter of support for the application means only 0.03% have shown support for this application since its submission in 2020.

The HNS carried out on behalf of the applicant, we understand, received approximately 100 responses equating to 3.03% of the population, of these the 14 indicating that affordable homes were required equates to a total of 0.42%. Surely the question raised here is how a development of this size can be sustainable when 99.58% of the population have either objected or shown no support.

The Parish Council will once again reiterate that both the Wedmore Neighbourhood Plan and the Sedgemoor Local Plan are valid from 2019 until 2032, currently in 2023 with 9 years of validity remaining, all allocations have been satisfied and, in some cases, surpassed! The Parish Council believes that by creating a Neighbourhood plan supported by 85.5% of the 3292 residents of Wedmore, Blackford and Theale, subsequently adopted by Sedgemoor District Council the community were given the opportunity to guide development within our neighbourhood. Anything other than refusal of this application makes the adoption of a Neighbourhood Plan and the Local Plan a mockery. Ridiculing not only National Planning Policy Framework (NPPF) and Government Legislation but the communities and the places they live

Following Reconsultation 08/03/2023 (Reduction in scale of development (34 dwellings to 30), change in layout and property types and heights)

## Wedmore Parish Council: Objection

Wedmore Parish Council wish to once again state the reasons for their OBJECTION! Wedmore is one of only four villages in the district to be granted the title of 'outstanding heritage settlement'. In 2005 the Village produced a 'Village Design Statement' that was adopted by Sedgemoor District Council in 2013 as supplementary planning guidance. This remains relevant and should continue to guide planning decisions. Sedgemoor District Council, as the local planning authority, designated a Neighbourhood Area for the whole of Wedmore Parish in September 2016. The Sedgemoor Local Plan 2011-2032 was formally adopted on the 20th of February 2019 and the policies relating to the distribution of housing are considered to be up to date. Following the successful referendum on 2 May 2019, Sedgemoor District Council has formally 'made' the Wedmore Neighbourhood Development Plan, the development plan is the starting point for decision making and paragraph 12 of the NPPF explains "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted." In this case there is a clear conflict with the provisions of the development plan, therefore this indicates that permission should be refused.

The site falls outside the Development Boundary of Wedmore and is not a strategic allocation within the Sedgemoor Local Plan or the Neighbourhood Plan for the Parish of Wedmore. It is therefore within the countryside where residential development is restricted. As no other policy in the development plan facilitates the proposal it would conflict with the spatial approach to the location of residential development defined within the Local Plan. The Parish Council feel there are no material circumstances that outweigh the adverse impacts of a new residential development in this location. The proposed housing development, on an open field, including partial removal of an ancient hedge to provide vehicular access and visibility splays, would have a harmful urbanising effect on the character and appearance of the area and the prominent gateway and historic conservation of the village. This alone would therefore be contrary to Policy WED1, WED5, WED6 of the Wedmore Neighbourhood Plan, Policy CO1 and D26 of the Sedgemoor Local Plan and also National Planning Policy Framework.

Wedmore Village is identified in the Sedgemoor Local Plan as a Tier 2 settlement which should accommodate a minimum of 116 new houses by 2032. However, four major developments within the village since 2018, has resulted in 155 properties being built and occupied, with a further 18 near to completion. This development far outweighs the amount listed in the National Housing Policy (NHP) Allocation of new housing as demonstrated in the Sedgemoor Local Plan and the Wedmore Neighbourhood Plan the allocation has been used up and is now surplus until 2032. The Developer claims that there is still an 'unmet local housing need' as laid out in Policy T2b- Tier 2 Settlements - Unmet Local Housing Need. However, Sedgemoor's own Housing Development Officer has confirmed in comments posted on 4th August 2021, that they can no longer support this application as the evidence used was from the 2018 Wedmore Housing Needs Assessment which has since been updated and superseded in February 2021. The latest WHNA now shows that the net local need has been accounted for, all but 3 properties. The Parish Council would like to point out that within the parish there are other developments pending decision that have affordable homes included, such as that of Paradise Barton at Blackford. Policy T2b states that 'Meaningful and robust engagement and consultation with the Town/Parish Council, local community and other local stakeholders will be encouraged to ensure that the planning impacts

identified by the local community have been appropriately addressed as far as possible.' If the developer had carried out relevant engagement and consultation with the Parish Council and District Council, as well as the local community they would recognise that the foundations the proposed development is being based on are no longer valid, and therefore contrary to the very same policy.

The Parish council consider that the proposed development would result in an excessive and disproportionate quantum of development in an unsustainable location that has limited capacity to accommodate further housing growth. Regarding paragraph 11 of the National Planning Policy Framework, the proposal does not constitute sustainable development and is unacceptable in principle.

Owing to several other factors, outlined below in the other reasons for objection the harm of the proposal would, in this case, significantly and demonstrably outweigh the benefits.

#### Design and Infrastructure Considerations:

Inhabitants of Wedmore appreciate the facilities and services our community has to offer and that it attracts people into the village centre. However, one disadvantage of this popularity is the increase in traffic and congestion in the centre of the village.

Access to public transport is limited and consequently there is a very high reliance on car usage, with nearly two thirds of households owning two or more cars. The design and designation of the proposed development takes no consideration of employment possibility in the area and the over utilisation of the local facilities and infrastructure placing additional pressure on the local resources, which are already severely stretched.

#### TRAFFIC / HIGHWAY SAFETY

After analysing the data collected from the SID placed at Combe Batch from January – March 2023. Incoming traffic to Wedmore on Combe Batch is a similar pattern to Cheddar Road with 55% exceeding the 30mph speed limit and an 85%ile figure of 35.9mph. The Parish Council feel it is reasonable to say that this would cause problems at the proposed entrance to the development (a short distance away from the SID post). The speed of traffic and congestion are major concerns of residents.

-The application fails to demonstrate that the proposed development would not result in a severe residual cumulative impact on the road network. The access arrangements are not satisfactory and would create unsafe conditions for pedestrians and other road users. Contrary to Policy D14 - Managing the Transport Impacts of Development and paragraphs 110, 111, 112 and 113 of the National Planning Policy Framework 2021.

-Additional traffic resulting from new housing has been minimised by considering the locations where people can walk or cycle rather than use the car. This proposal is not within these designated sites and cannot prove that they provide, or contribute to, the accessibility and safety improvements in POLICY WED8

-TRANSPORT STRATEGY. The Wedmore Transport Strategy (WED8) is a package of measures designed to reduce the speed of traffic and improve safety for both pedestrians and cyclists. There

are eleven proposals in Policy WED8.

None of which have been adequately addressed by the application. The lack of consideration for the impact of additional traffic is contrary to Policy D14 Managing the Transport Impacts of Development. The proposal does not overcome the congestion within the area and safety of the additional traffic on the highway, schools, and residents in the area.

-The Parish Council is also concerned about an increase in pedestrian / cyclist movements to the village centre, the Primary School and Middle School along a highway lacking adequate footways with additional danger to all users of the road.

## EFFECT ON LISTED BUILDINGS AND CONSERVATION AREA

Wedmore village has its own Conservation Area, and the Neighbourhood Plan area contains a large number of Listed Buildings which are an indication of the historic and architectural quality of the area. Wedmore was one of the first conservation areas to be designated in the County in 1971. The current conservation area designated by Sedgemoor District Council in 1991 includes Combe Batch. The protection of the conservation area is one of the prime concerns of residents. 'New development should respect its historical fabric by adopting the following design principles: Locations for new buildings should follow the traditional settlement pattern and respect the integrity of the historical settlement form. The layout and design will pay special regard to the setting of adjoining Listed Buildings and to preserving and enhancing the character and appearance of the Conservation Area (Policies WED5 and WED6)' This proposal is contrary to Policies WED5 and WED6 of the Wedmore Neighbourhood plan as well as D26 of the Sedgemoor local Plan and NPPF- Considering Potential Impacts. Policy D26 - Historic Environment of the Sedgemoor Local plan highlights that 'No consents should be granted where Historic England or Conservation officer objections cannot be overcome. The Parish Council agree that the conservation officers' comments are supported by NPPF Considering potential impacts paragraph 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

## Nature conservation/Ecological Considerations:

The lack of employment opportunities locally mean that new residents will still need to undertake significant private journeys by car to reach all other amenities. The proposed development thereby undermines the County Councils' sustainable transport ambitions and Somerset's climate emergency targets. The Parish Council would also like to highlight that Somerset County Council and Sedgemoor District Council have declared a climate emergency and the loss of the agricultural field and greenfield site will have an impact on the biodiversity of the area.

-The risk of flooding has not been addressed satisfactorily and therefore it has not been demonstrated that dwellings and all the necessary infrastructure can be accommodated on the site. Water drainage – S5 - 7.6 The NPPF and NPPG set out the criteria for when the Sequential

and Exception Tests need to be applied for different vulnerabilities of development. Through a risk-based approach it must be demonstrated what measures will be put in place to ensure the development is safe over its lifetime without increasing flood risk elsewhere. The Lead Local Flood Authority (LLFA) strongly discourages this application, it advises the Local Planning Authority that the proposed development may not be considered sustainable.

-Sustainability is one of the core principles underpinning national and district planning policy. 'Sustainability' was defined by the United Nations as "meeting the needs of the present without compromising the ability of future generations to meet their own needs'. This application is therefore contrary to Policy WED7- SUSTAINABILITY. PROVISION OF WELL-DESIGNED ENERGY EFFICIENT BUILDINGS AND PLACES. "The design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions.' And POLICY WED4 - NATURAL ENVIRONMENT - "Development will be supported where it can protect or enhance the natural environment of the Plan area. This includes the special character and biodiversity of the levels / moors and its rhynes, the network of historic lanes and their associated trees and hedgerows. Sustainable Drainage Systems should be used in all new development to control the rate of surface water runoff to assist in the management of water in the Somerset levels."

-The Parish Council have listened to the concerns raised by residents about the effect the proposed development will have on the endangered species including Bats, Badgers, Birds, and Bees. The Parish Council feel that insufficient information has been submitted to demonstrate that the proposals would not have an adverse effect upon protected species. In all cases development will need to demonstrate that there are no significant adverse impacts on biodiversity interests or the historic environment as set out in the Sedgemoor Local Plan Policy D20: Biodiversity and Geodiversity, Policy D23: Bat Consultation Zones and Policy D26: Historic Environment. The proposals are therefore contrary to the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and Paragraph 180 of the NPPF.

To conclude the Parish Council OBJECTS VEHEMENTLY to this proposal. The Parish Council is particularly concerned that the application is contrary to numerous policies in Wedmore Neighbourhood Plan, It has a Neighbourhood Plan which has been community led. It has been designed to guide the future development, regeneration, and conservation of the parish. The Plan contains a vision, aims, planning policies, proposals for improving the area and site allocations. The purpose of the Neighbourhood Plan is to guide development within the Parish and provide guidance to any interested parties wishing to submit planning applications for development within the designated Neighbourhood Area.

The Parish Council therefore believes that as a community we have justification in these objections, endorsed by not only the Local Plan but also the National Planning Framework. Taking the conflict with the housing strategy of the development plan as the starting point and adding the concerns about highway safety, flood risk, harm to the character and appearance of the area, the loss of versatile agricultural land, these matters amount to overriding reasons for refusal and are not outweighed by the benefits of providing 30 open market and affordable houses and 4 self-build houses on the edge of our village.

The Parish Council believes that this objection is reflective of matters that are of considerable importance to Wedmore, its residents, businesses, and community groups. The Parish Council believes that by creating a Neighbourhood plan the community have had the opportunity to guide development within our neighbourhood. Anything other than refusal of this application makes the adoption of a Neighbourhood Plan a mockery. Ridiculing our communities and the places we live!

Following Reconsultation 21/10/2020 (changes to parking arrangements and siting of plots)

**Wedmore Parish Council:** Object

The Council objects to this application on the following grounds.

The Parish Council continues to object most strongly to this application, when the Neighbourhood Plan matrix evaluation looked at this site (W003) it scored significant Red (adverse) outcomes as follows:-

- Adverse impact on the landscape (D14/saved L.P.Policy CNE4) it is at an elevated prominent "gateway" Location into Wedmore from the East. We note that your landscape officer says in conclusion " would have a substantially adverse effect on the existing landscape resource, landscape character and visual amenity of this approach to Wedmore.
- The creation of the access would require the removal of hedgerows along the site front. We would refer you to the HRA which identifies this hedge (H6) as species rich.This hedgerow is a haven for nesting sparrows.
- This site has been identified as having Greater and Lesser Horseshoe bats which are a European Protected Species, the suggestion is that they can relocate to RugHill 2 kilometres away!!
- The access would be located on the BROW of the main road which is a suboptimal location and of serious safety concerns.
- It is very close to 3 listed buildings, and almost nothing has been done to mitigate this.
- There is no safe pedestrian route to the village.

We disagree with the Affordable Housing officer, how can the need be assessed on an out of date HNA whilst it is dated November 2018, the survey work was done in February 2018. By the time this gets to Committee, it will be around 3 years old.

Where is the evidence regarding the uptake of homes for locals at either Cross Farm and Wedmore Grange? We have asked several times for this information.

Our Neighbourhood Plan was supported by 85.5% of the people who voted and this site was rejected coming 9th out of 11.

When will the District Council take legitimate Neighbourhood Plans Into account.

Original Consultation

**Wedmore Parish Council:** Object

The Council objects to this application on the following grounds. This land was previously assessed for the Neighbourhood Plan, (site W003 Land at Combe Batch ) on The Sites Assessment Matrix

where it scored several adverse " Red " outcomes and was 9th out of 11 sites and it was concluded that it should not be identified as a proposed allocation site for the following reasons:

- it is a prominent gateway location into Wedmore from the East
- the creation of the access would require the removal of hedgerows along all, or most of the site frontage.
- the access would be created on the brow of the main road, leading to safety concerns
- no safe pedestrian route to the village.

The Housing needs Survey March 2018 will be approaching 3 years old by the time this application is determined and considering the amount of affordable homes being delivered by Cross Farm, The Grange 1 and 2, Paradise Barton, Holdenhurst and potentially The Vets site in Blackford, this is lot of affordable housing for a small village. We need evidence that these sites are being taken up by Wedmore residents before we build any more.

The applicant is including the 4 self builds in their affordable housing count which we understand is something that is rarely achieved, if these were not included in the count then the percentage of affordables reduces to under 30% much less than 40% which is the threshold for Policy T2b.

There is a lot of Local opposition to this development and we sincerely hope that SDC will refuse this application and uphold our Neighbourhood Plan. This is an historic rural village which is fast being turned into a small town.

#### **Councillor Human:** Objection

I wish to submit my objection to this application as the District Councillor for Wedmore and Mark.

My objections are detailed by Mr R M Sellwood in his submission in far better detail than I could provide and I would Members and Planning Officers to read his document carefully.

The summary of my objections are:

There is no identifiable need for the additional housing here. Wedmore has agreed through its Neighbourhood Plan 122 new homes of which 48 are affordable homes. This is already a substantial increase in the housing stock for what is a small village. Having experienced the theoretical 'need' for affordable housing in Mark, estimated by a survey as 35 but failing to fill 13 when they were built, I am deeply sceptical on any projected need in Wedmore and would much rather wait to see what happens with the 48 ones being built now before considering any additional 'need'.

The application, if approved, flies in the face of the spirit if not the letter of having a Neighbourhood Plan. The Wedmore plan was brought to Full Council and passed with much ceremony only recently. If this application is passed, the message must be that creating a Neighbourhood Plan is meaningless.

The access to and from the site is onto the busy and very narrow Wells road. Those that know the location would realise just how dangerous the entrance could be. It would seem that car movements are being encouraged as there are no plans to be able to provide footpath or cycle path access from the site into the centre of the village.

Another 30 houses is going to place a great deal of strain on the infrastructure. The additional traffic will add to the already high volume of vehicles through Wedmore. The school is already full as is the Dr's Surgery.

Although the local economy would likely benefit from the increase in population, there are adverse effects from 'choking' the centre of the village yet further with traffic.

**Councillor Costello:** Declared an interest in the application due to the location so comments dealt with as an objector.

### **Consultees Reponses**

Following Consultation 19/05/2023

**Crime Prevention and Design Officer:** No further comments to add to their e mail dated 16<sup>th</sup> March.

**Highways:** No objection subject to an appropriate legal agreement to cover the proposed site access / footway works on the Wells Road frontage and Public Right of Way works. Conditions were recommended to require a condition survey, construction management plan, consolidation of the highway and footpaths prior to appropriate occupation, estate roads condition, visibility splay, travel plan and discharge of surface water drainage.

**Lead Local Flood Authority (LLFA):** Satisfied with the information provided and no longer have any issues with the application.

**Planning Policy:** No objection

**Ecology:** Undertook a revised HRA given the amendments to the scheme concluding that the amendments were unlikely to have a significant impact beyond those anticipated from the original proposal. Conditions were recommended as a result of the HRA requiring 2.5Ha of replacement habitat, an Landscape and Ecological Management Plan (LEMP) is required and a condition to require a lighting design for bats.

**Environmental Health:** Recommend conditions for a construction management plan, hours of operation and a watching brief for contamination.

**Conservation Officer:** Comments on the harm of infilling on open space close to the Conservation area but notes the improvements to the scheme in terms of design detailing and increase in sustainability. Historic congestion is raised as an issue although it is noted that this is for others to comment on. It is noted that any harm through the development would have to be met with wider benefit and in the case the housing needs assessment sets out the required amount of development for this area. The character and material palette in the area is commented on and a condition is recommended.

Following Consultation 08/03/2023

**Affordable Housing:** Support the application



**LLFA:** Further information sought re surface water drainage and the pumped system, call arranged with the applicant

**South West Heritage Centre:** Potential for Archaeology on site, condition should be imposed requiring a written scheme of investigation.

**Police Crime and Design Officer:** Additional Comments

- Local Area of Play – relocating the LAP from the northeast corner of the development to the area of Public Open Space near the main entrance addresses my initial concerns regarding the safeguarding of children using the LAP. In view of the proximity to the main entrance and road, the LAP should be fenced, recommended minimum height 1.2 metres, with a single dedicated entry and exit point to enable parental/guardian control and supervision.
- Layout of Footpaths – the footpath link between Combe Lane and the main entrance to the development is well overlooked by dwellings, which is recommended. The footpath link adjacent to Plot 19 appears to have been omitted, which reduces permeability on foot for the potential criminal and improves the security of the proposed Self Build plots, which is also recommended.
- Dwelling Boundaries/Footpaths – unless considered essential, I recommend removal of the rear access footpath link between Plots 28 & 29, as Plots 25-30 appear to have easy access to their rear parking spaces via their rear gardens and removal of this footpath link would improve the security of the gable ends of Plots 28 & 29 and reduce the risk of crime and ASB affecting them.

**Environmental Health:** Recommend a condition for Demolition/Construction operating hours and refer to earlier comments (12<sup>th</sup> August 2020)

**Highways England:** No objection

**Highways:** Based on the fact the amendments relate to house types only not highway matters have altered, no observations

**Parks and Gardens:** No objection, play space will be controlled through the Section 106

**Landscape Officer:** No objection subject to

conditions Following Consultation 21/10/2020

**Affordable Housing:** Unable to support due to the proposal providing development beyond the numbers identified through a Housing Needs Assessment

**LLFA:** Recommend conditions to ensure appropriate drainage

**Economic Development:** Recommend a Local Labour condition

**Natural England:** Provided all mitigation measures are appropriately secured in an planning permission NE are satisfied that the proposal would not result in an adverse effect on the integrity

of North Somerset and Mendip Bats SAC and is satisfied that the site is not hydrologically linked to the Somerset Levels & Moors Ramsar Site and therefore the site can be screened out from further stages of assessment.

**Conservation Officer:** Raised concerns in terms of impact on setting of Wedmore conservation area and the setting of the adjoining Listed Buildings. A reduced scheme was recommended with further consideration to traditional boundary treatments and reflection on character of the area.

**Highways England:** Offer no objection

**Parks and Gardens:** The level of public open space provision and positioning appears adequate for the scale of the development. The exact details of the LAP should be agreed as part of a S106 agreement, should planning consent be granted.

**Landscape Officer:** Raises concern on density of the development, impact on principal trees within and adjacent to the site, impact on amenity and biodiversity, impact on the landscape character and visual amenity. Consideration should be given to reducing the number of dwellings and increasing soft landscaping.

**Axe Brue Drainage Board:** No objection, recommends an informative.

**Public Rights of Way:** No objection

**Ecology:** Undertook a HRA for the site and recommended a number of conditions. Conditions recommended to secure habitat enhancement, LEMP, Lighting Design for Bats, CEMP and some ecological enhancements in the form of bird boxes, bee bricks and hedgehog holes in the fencing. Support the application subject to the imposition of the above.

**South West Heritage Trust:** Recommend a WSI condition

**Economic Development Officer:** No objection, recommended a Local Labour agreement

**Highways:** Confirm access point, visibility splay and proposed footway is acceptable, pedestrian links likely to encourage on street parking, remove links or contribute to TRO. Satisfied traffic generation and distribution would not result in a severe highway safety or capacity issue. Swept path was not acceptable and location of visitor spaces could lead to vehicle conflicts. Comments on surface water drainage and confirm that a Travel Plan would be required. Further information was requested.

**Education:** Currently there are sufficient primary school places within the vicinity of the site although secondary/upper school may require expansion. If so there will be a request through CIL funds.

**Crime and Design Officer:** No objection subject to comments.

**Axe Brue Drainage Board:** Objects due to the lack of comprehensive SUD's scheme. Limited permeable paving and the simple index approach should be followed.

**LLFA:** Requested further information.

**Environmental Health:** Recommended conditions restricting burning on site, construction hours, CEMP, Contaminated Land and piling.

**Ecology:** Highlighted the need to undertake the HRA.

**Highways England:** Offer no objection

**Parks and Gardens:** The quantity and location of public open space areas appears acceptable for this application. Further details such as layout of these spaces should be secured either by condition or as part of a S106 agreement, should consent be granted.

## **Representations**

Following Consultation 19/05/2023

**Somerset Wildlife Trust:** Recommend the view of the Ecologists are gained on the revisions

24 letters of objection have been received from 19 addresses reiterating previous concerns reiterating previous concerns and raising the below:

- Delays in the determination of the application
- No jobs available in the immediate area
- Translocation of the hedge
- Safe access to Wedmore First School not currently in place
- Regular breaches of the speed limit in this location
- Revised vertical visibility drawing raises visibility

concerns Following Consultation 08/03/2023

92 letters of objection have been received from 73 addresses reiterating previous concerns and raising the below:

- Over Development – NHP allowed for 100 over 10 year period. 200 consented within first 2-3 years
- Contrary to Policies S2, D25, D31, T2b and WED3
- Outside settlement boundary
- Loss of view from a public vantage point (PROW Mutton Lane)
- Layout, Density and visual dominance
- Loss of privacy
- Detrimental impact on neighbouring properties
- Will affordable housing go to local people
- Insufficient infrastructure
- Increased traffic, congestion and pollution
- Renovation of Scout Hut and use of allotments has increased traffic generation and conflicts in area
- Pedestrians have to use the road on 75% of roads in Wedmore due to lack of pavement
- Lack of street lighting
- Concerns regarding lack of progress with Local GP surgery
- Loss of historic character
- Loss of view of Mendips
- Prominent Site – higher level than surrounding area
- Surrounding hedgerow is protected (over 20m in length)
- Impact on sparrows and other protected species
- Important ecological corridor
- Support previous conservation concerns
- Drainage and flooding concerns
- Potential for light pollution
- Concern regarding citing housing need (HNA) and resultant uptake of provision
- Question on independence of HNA given commissioned by the developer
- Transport Statement dated 2012
- Position of the access and limited stopping distance
- Query regarding self builds and whether they are affordable
- Revised Housing Needs Assessment has not been published as part of the planning file
- Location of cycle/pedestrian path on F11AF opens onto Combe Lane opposite a double garage in regular use.

1 letter of comment was received from Chair of Wedmore Green raising the below:

- Encouraging to see moves toward addressing the climate and ecological emergency
- Applaud the use of air source heat pumps and solar PV
- Rainwater capture and greywater could be considered, EV charging for every house and greater provision could be made for non-motorised transport.

1 letter of support has been received confirming the need for more and varied

properties. Following Consultation 21/10/2020

20 letters of objection have been received from 16 addresses reiterating previous concerns and raising the below:

- Contrary to the Neighbourhood plan (WED 8 requires EV charging)
- Overdevelopment
- Loss of greenfield
- Outside settlement boundary
- Impact on character of the Village
- Lack of infrastructure
- Poor visibility
- Lack of demand
- Removal of roadside hedge and replacement with wall/fence would make highway more dangerous
- Members should visit site to understand levels and impact from the entrance from Wells
- Impact on bats, sparrows and insufficient mitigation
- Pollution
- Flood risk
- Conservation concerns

supported Original Consultation

91 letters of objection have been received from 76 addresses raising the below concerns:

- Principle of development
  - No need for the development outside the settlement boundary
  - Growth for the village already accommodated for in the developments under construction (Cross Farm and Wedmore Grange)
  - Loss of green fields for development
  - Housing need is outdated – no requirement for additional development
  - Site assessed and rejected for allocation within the Neighbourhood Plan
- Affordable Housing on other schemes have not proven to be affordable
  - Insufficient affordable housing
  - How would the affordable housing be linked to those with a local connection
  - November 2018 HNA out of date considering age and surrounding developments under construction
  - Self builds should not be included in the affordable housing figure
- Over development
  - New development already being constructed in the area
- Scale of Development (3/4 bed houses, no 1 bed flats/houses)
  - Design of the development out of keeping
  - Impact on heritage value/character
    - Impact on setting of 3 Listed Buildings
  - Visual Impact
    - Gateway into the village when travelling from the east
    - Development would extend built form over the brow of the hill
    - Loss of hedgerow around access would result in urbanising appearance
  - Climate Change
    - No evidence of mitigation or adaption to climate change

- No PV, rainwater harvesting, EV Charging points, rain gardens, ground source heat pumps
- Flooding and surface water drainage
- Highway safety concerns
  - Location of access (dangerous for pedestrian and vehicles)
  - No scaled access drawing provided
  - Increase in traffic generation
  - Junction with Mutton Lane/Mill Lane unacceptable for intensified use
  - Pinch point where B3139 The Borough meets Combe Batch
  - Poor visibility on Mudgley Lane
  - Blind hill
  - No safe route into the village
  - No cycle paths
  - Congestion
  - Limited parking in the vicinity
  - Location of parking spaces for Wells Road too close to the junction to be safe
  - Lack of public transport
  - Nothing to reduce car use or encourage walking/cycling
- Object to creation of pedestrian link connecting to Little Owls Nursery over third party land
- Impact on Ecology and wildlife
  - Badger setts
  - Birds, sparrows
  - Hedgehogs
  - Bats
  - Need to carry out a HRA
- Lack of accessible facilities
  - Drs only open twice a week, limited bus service
- Insufficient infrastructure
- Contrary to Wedmore Local Plan, outside Village Plan
- Impact on amenities of surrounding residents
  - Mental and physical strain due to noise and disruption during construction
  - Noise and air pollution
  - Loss of view
  - Reduced value in property
  - Overlooking from plots 33 and 34 due to elevated land level relative to the highway
- Lack of and insufficient public consultation
  - Concern regarding limited scope
  - Closed questions
  - Low attendance to physical event
  - No site notices on site

## **Most Relevant Policies**

### National Planning Policy Framework

### Relevant Local Plan Policies:

S1 Presumption in Favour of Sustainable Development

S2 Spatial Strategy for Sedgemoor

T2a Settlements – Housing

T2b Settlements – Unmet Local Housing

Need

CO1 Countryside

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 D19 Landscape  
D20 Biodiversity and  
Geodiversity D21 Ecological  
Networks  
D22 Trees and Woodland  
D23 Bat Consultation  
Zones  
D24 Pollution Impacts of  
Development D25 Protecting  
Residential Amenity D26 Historic  
Environment  
D30 Green Infrastructure Requirements in New Developments  
D34 Outdoor Public Recreational Space and New Residential

### Wedmore Neighbourhood Plan

WED1 – Location of Housing  
WED2 – Housing Mix  
WED3 – Affordable Housing  
WED4 – Natural  
Environment WED5 –  
Design  
WED8 – Electric and Low Emission Vehicles  
WED9 – Transport Strategy

### **Community Infrastructure Levy (CIL)**

The application is for residential development in Wedmore where the Community Infrastructure Levy (CIL) is Non-urban Residential £111.81sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £313,072.14. 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 site is located to the north of Combe Batch/Wells Road (B3139) outside but immediately adjoining the settlement boundary for Wedmore a Tier 2 settlement.

Policy S1 in line with the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. The policy confirms that the Council will take a positive approach that reflects the presumption in favour of sustainable development.

Policy S2 Spatial Strategy for Sedgemoor confirms Wedmore as a Tier 2 settlement and as such is a focus for housing and employment growth appropriate to its scale and character. Concerns have been raised in a number of the objections regarding over development as the neighbourhood plan allocation sites are under construction and concern is raised regarding lack of facilities to support further growth.

As a Tier 2 settlement Policy T2a sets out minimum levels of growth for the settlements and also includes a criteria-based policy for releasing appropriate sites outside of the settlement boundary to meet this. Recent development within the area has met the minimum level of growth. Beyond this level T2b allows consideration of further sites outside but well related to the settlement boundaries where there remains an unmet local affordable housing need.

The application was originally submitted in 2020 at which time there was a housing needs assessment (HNA) that identified a need for the development. This need was subsequently taken up by other developments within the area that are recently constructed or under construction.

### Affordable Housing

An updated HNA was undertaken by the developer in late 2022 which concluded that even with the recently constructed development there remained an unmet need for 14 affordable homes. 1,576 questionnaires were sent out, 96 individuals responded 14 of which would qualify for affordable rented or social rented and needed to move in 0-5 years. 82 respondents were considered to either be able to solve their own housing problem or did not answer the questions sufficiently to assess.

Of the 14 identified in housing need 13 were not on Somerset Homefinder Register and would not therefore have previously been able to access affordable housing or be considered as part of any previous needs assessment. There are 36 registered and eligible applicants on the register and therefore with strongvox 3 (15 homes) there would still remain an unmet need.

A need was identified for one 1 bed property, seven 2 bed properties, four 3 bed properties and two 4 bed properties. The application site proposes six 2 beds, two 3 beds and two 4 beds which would align with the need identified.

The Affordable Housing Manager confirmed that the applicant sought the Council's views on their approach prior to carrying out their own housing need assessment. The results were collated by NEMS Market research and the Council have confirmed they are satisfied with the robustness of the HNA methodology used when conducting the HNA exercise.

The applicant's HNA investigation highlighted 13 additional households which were identified as having a need of an affordable home and demonstrated a local Wedmore connection were not registered with the authority for housing and as such are not able to access the properties recently built or soon to be available to be lived in. The Affordable Housing Manager was satisfied that the HNA



identified previously unidentified local affordable housing need over and above the pre-existing housing register demand and the development would be able to meet the scale and nature of the need identified. As such the scale of development could be justified in principle subject to consideration against Policy T2b.

T2b requires the identified housing need to be a minimum of 40% of the total development. The scheme is for 30 dwellings 12 of which are affordable which equates to 40%. The self builds are counted as part of the open market element and whilst the developers point regarding the more affordable nature of these plots is noted, however they are not considered to contribute to the 40% on-site affordable housing provision that is shown within the remaining part of the site.

In respect of the Wedmore Neighbourhood Plan (WNP), specifically policy WED3 – Affordable Housing. Policy T2b is effectively an exception policy, which allows for further housing growth where following the allocation or commitment of the minimum levels of growth there remains an unmet local affordable housing. Officers are satisfied that this has been demonstrated in this case.

A review of the availability and affordability of private housing in Wedmore indicates the challenge many locals face particularly given owner occupation is the dominate tenure in the village. Choice and availability of other housing tenures is limited.

Local house prices are often larger in size and out of reach many with entry level prices often in excess of £300,000. The private rented sector offers limited options for local people. The WNP reaffirms this problem and states that Wedmore Parish is characterised by large, expensive owner-occupied houses with relatively few smaller, cheaper homes to buy or rent (privately or through a Housing Association).

The developer is promoting a policy compliant (40%) affordable housing proposal, which addresses the current affordable housing need profile, providing predominately 2 bed dwellings. The proposed affordable housing layout and detail of the unit types, their sizes and the social rented tenure are also considered acceptable and it has been confirmed they will be provided free from public sector investment.

Concerns were raised in the objections regarding the allocation of some of the surrounding development affordable housing to families outside of the area. As a tier 2 settlement the allocated sites within the settlement boundary would have been to meet the strategic growth of the area as well as local need. Due to the location of this site outside of the settlement boundary the affordable homes will be subject to a local letting plan, designed to give local people priority for homes when they are first built and when they are re-let in the future. The affordable homes will be required to be transferred to the Council or one of the Main Development Housing Association Partners. This will be secured as part of the section 106.

A number of objections have raised concerns that given recent or current development including Cross Farm,

Wedmore Grange phases 1,2 and 3, Westholme Farm and Holdenhurst, any further development would be over development. The evidence submitted confirms that the current developments will not address the current level of need for affordable homes from local people and therefore the scale of development can be justified in principle in accordance with Policy T2b of the Local Plan. Detailed consideration follows later in the report on the criteria set out in T2b.

### Education Facilities

The Education Authority have confirmed there are sufficient early years, first school and middle school places to provide school places for the children of this development, however the secondary/upper school may require expansion to enable sufficient capacity. At the time of any necessary building works CIL funds will be requested to enable an appropriate extension. The development is not therefore considered to give rise to any adverse impact in terms of education provision.

### Size and design relative to the scale and character of this and the surrounding area

Policy T2b supports the release of sites outside of the but well related to the settlement boundary where it meets the below criteria:

- The scale of development should be appropriate to the size, accessibility, character and physical identity of the settlement;
- 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 affordable housing should form part of the overall development and be well integrated with any market housing;
- Supports where appropriate access to local job opportunities, including opportunities for on-site provision;
- The development appropriately contributes to local infrastructure priorities identified, for example, in Neighbourhood plans or in agreement with Town/Parish Councils; and
- Maintains and where appropriate incorporates enhancements to the local environment, landscape, and historic environment, including where appropriate habitat creation and community woodland planting

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the buildings.

T2b requires the scale of development to be appropriate to the scale and character of the main settlement. The proposal is for 30 houses having been reduced from 34 through negotiations to enable additional landscaping, set back of properties relative to the adjacent Listed Buildings and public open space. The garages from some of the plots have also been removed to reduce the appearance of the built form and allow for a more spacious street scene.

Concern is raised by local residents in terms of the reduced public transport and reduction in medical facilities. Whilst these are noted Wedmore remains one of the more sustainable

settlements within the Local Plan area with a range of local services, hence the designation as a Tier 2 settlement.

The development is required to be well related to the existing built form and provide opportunities for walking and cycling. The proposal extends development along the north side of the B3139.

There is existing residential development on the southern side as well as a scattering of houses further to the east. Concerns have been expressed regarding the extension of the development behind the existing orchard which the proposal seeks address by reducing the visual impact in this area by requiring the self-build plots to have green roofs. The adjoining market plot shows the same to start the transition. The plots are also larger to incorporate extensive landscaping.

In terms of walking and cycling, the proposal provides for direct access onto Combe Lane, a public right of way that links through to The Lerburn and the cluster of shops and services in the village. It also links through via the recent Acorn Homes site to the Mall.

Affordable housing is considered to be well integrated located in two clusters within the scheme. In terms of appearance and materials, whilst these are generally smaller units (given the identified housing need for smaller units) they share the overall material palette and are not obviously differentiated from the wider scheme.

T2b also supports local job opportunities which whilst not provided by the development would be secured during construction through the use of local labour agreements. In respect of local infrastructure priorities the scheme will deliver local affordable housing, includes public open space and a local area for play.

T2b also encourages the development that maintains/enhances the local environment – the development will result in the loss of the current undeveloped agricultural land. The layout has been amended to reduce direct impacts on the historic environment, specifically setting development back behind open space, translocated hedging, and stone walls. In terms of the natural environment the proposal will deliver significant biodiversity net gain which is controlled by condition and alternative habitat which is required through the HRA and would be secured through the legal agreement.

On balance it is considered that the proposal, as amended is broadly consistent with policy T2b and specifically it will deliver an appropriate number of local affordable homes that will be made available at social rent. The impact of the scheme is reduced through the provision of significant open space at the front and additional landscaping has mitigated the visual impact. The proposal links to the village centre and local facilities through improvements and links to existing rights of way.

In respect of layout the Crime and Design Officer commented that the vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The single main vehicular/pedestrian entrance/exit to the development has advantages over through roads in that it can help deter the search and escape patterns of the potential criminal. However, the additional footpaths linking to Combe Lane in the west and the

adjacent Day Nursery to the east increase permeability on foot, which can assist the potential criminal's search and escape behaviour. This would however also increase accessibility for future residents so is considered to be acceptable.

The dwellings are orientated to overlook the street and public open spaces allowing neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.

Policy S4 encourages sustainable development principles. The planning statement confirms that the development will incorporate sustainable designs including air source heat pumps, electric vehicle charging points, water recycling measures and the option for solar PV panels. These are not provided on the roofs upfront due to the proximity of some of the development to the Listed Buildings and conservation area although the infrastructure to install post construction is being provided.

The proposal includes provision for 4 self-build plots which is supported through Policy D9 which provides additional support for such homes that are outside, but well related to settlement boundaries. These are considered as part of the total of the site as being promoted under Policy T2b. As a Tier 2 settlement any such self-build properties do not need to demonstrate a specific local connection although there are currently over 30 people on the self-build register with a connection to the village demonstrating sufficient need for this type of development.

Wedmore Neighbourhood Plan Policy WED2 Housing Mix, provides particular support for developments that deliver smaller houses. The affordable housing mix on this site comprises six x 2-bedroom homes, four x 3-bedroom homes and two x 4-bedroom homes. The market housing similarly comprises one x 2-bedroom, five x 3 bedroom, seven x 3 / 4 bedroom and one x 4/5 bedroom. Therefore over 50% of dwellings are 2 or 3 bed and only 10% are 4 beds. The proposed housing mix therefore is consistent with WED2.

Wedmore Neighbourhood Plan Policy WED5 Design refers to sympathetic high-quality design. There is specific reference to the relationship to historic assets. The amended scheme set the development back away from the nearby listed building, providing a side green buffer to the front and also removed some garages to provide visual sight lines through the scheme. The design seeks to reflect local characteristics and includes the use of natural stone which is characteristic in this location.

Whilst the concern raised in terms of the scale of development is noted, there is an affordable housing need which would justify development of this scale, the location of the site adjoins residential development on two sides and whilst visible from elevated public rights of way have sought to minimise the impact on these views with green roofs forming a perimeter on the self build plots. Relative to Wedmore the development is considered to be appropriate given the sustainability of the settlement. The scale of development is therefore considered to be appropriate for a Tier 2 settlement. The site is sensitive given the proximity to heritage assets and the wider landscape impact which is considered in further detail below but based on the layout,

landscaping and design features the development is considered to comply with Policy D2 and T2b of the Local Plan.

### Landscape Impacts

Policy D19 states that proposals should ensure that they enhance the landscape quality wherever possible or that there is no significant adverse impact on local landscape character, historic landscape, scenic quality and distinctive landscape features as identified in the Sedgemoor Landscape Assessment and Countryside Design Summary.

The Policy encourages consideration of the below:

- Siting and landscaping that takes account of visibility from publicly accessible vantage points;
- The form, bulk and design of buildings having proper regard to their context in respect of both the immediate setting and the defining characteristics of the wider local area;
- Protecting and enhancing natural and historic features which contribute to the distinctive character of the district's landscape, such as trees, woodlands, hedgerows, soils, rivers/river corridors, ditches, open space, archaeological remains and rural buildings; and
- Taking account of the predicted long-term impacts of climate change on landscape

The application was originally submitted with an Landscape and Visual Impact Assessment and the revised layout was supported with a Landscape Masterplan and Arboricultural Assessment. The boundary trees are to be retained although the southern boundary hedgerow is to be translocated to facilitate the required visibility splays which has caused a high level of local concern.

The Landscape Officer has reviewed the proposal and the revisions proposed to address the concerns previously raised. The proposed translocation will need to be implemented during the dormant season to ensure compliance of the Wildlife & Countryside Act 1981 : Part 1. This will be controlled through condition.

The revised scheme proposed additional orchard planting which was considered to enhance the proposed development and would provide an extension to the existing orchard, located on the adjacent land. Additional trees are proposed along the northern boundary in association with a mixed native hedgerow which will provide additional biodiversity and enclosure to the development.

Concerns were raised in respect of plots 16,17 and 18 given the modest garden areas and that the existing trees on the neighbouring land to the north will shade the gardens. Consideration must be given to providing shade loving plants which will survive in this environment, lawns were discouraged as they will be difficult to establish and maintain.

Trees are proposed adjacent to the gardens of plots 25-30 and the Landscape Officer recommended that only one standard tree ornamental is planted and is fastigate in form to prevent excessive shading and conflict with the dwellings. Groundcovers can be planted beneath the trees to enhance the frontage of the parking areas.

planting season following completion of the development. A landscape management plan will also need to be submitted to ensure that the open space areas are maintained appropriately and to secure replanting should any of the landscaping fail. This will be covered by condition.

The Tree Protection Plan has identified protection measure and a methodology for the initial pruning works which include a limited amount of removal and pruning of the retained trees. Tree protection fencing is also proposed as specified on the Tree Protection Plan following completion of the initial tree works. It was also recommended that an arboriculturist monitor the proposed construction.

There will be elevated views of the site from the public right of way to the south. Plots 19-22 which are located in the finger to the rear of the Orchard are in outline forming the 'self build' dwellings. Whilst self build dwellings need to be designed individually by potential occupiers given the sensitivity of this view it is considered necessary to require green roofs as a parameter of these outline plots. The adjoining open market dwelling will demonstrate the green roof and provide a transition from the more traditional construction to the self build section of the site. As an outline, the detail of these dwellings remain to be considered through subsequent approval of reserved matters applications.

The Landscape Officer has confirmed that subject to the above being secured by condition the details that have been submitted will provide appropriate safeguarding of the retained trees including the defined root protection areas. Whilst the loss of the road side hedge is unfortunate it is proposed to be translocated to enable the visibility splay and will therefore re-establish. The landscaping will be controlled by condition, requiring planting in the first season following completion of development and will be maintained. As a requirement for the HRA there is also additional habitat due to be secured which would be controlled through the section 106.

Given the above the application is considered to comply with Policy D19 of the Local

#### Plan. Play space

The Crime and Design Officer commented that communal areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. The location of the proposed LAP was relocated from the south east corner to the front of the site to enable wider surveillance.

The Parks and Gardens Officer confirmed the proposed play provision complies with policy requirements although the exact specification should be submitted for approval. This will be controlled through the section 106.

Given the LAP's proximity to the road, this will need to be fully enclosed with fencing and self-closing gates, details of which shall be secured by condition.

## Impact on adjoining properties

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' which is supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

Concern has been raised by neighbouring residents in terms of dominance, impact on the setting of the listed buildings and direct intrusion.

The revised layout resulted in all the properties to the road frontage being set back within the site and presenting an open space, landscaping and LAP to the frontage. All the development is two storey with front to front separation distances ranging from 21m at the south east edge (plot 25) to 27.5m (plot 1) and 23.89m (plot 3). Given the separation distances and the intervening landscaping (translocation of the hedge and additional orchard planting) there is not considered to do a dominance or direct overlooking issue to properties on Wells Road.

Plots 3-6 present rear or side boundaries to Combe Lane to the west. The back to front distance is in between 25 m and 28 m whilst the gable (plot 3) to front elevation distance is 27 m. Plot 3 is gable end to the boundary but there are no windows on this gable. Permitted development is proposed to be removed by condition for windows in this gable in the interests of neighbouring property.

Mendip View is located to the north of the site with plots 10 and 11 located with the rear gables facing this property. Both plots show garden areas of approx. 11m resulting in a 19m separation to the single storey extension and a 25m separation from the main house. Given the distance and the retention of the boundary treatment there is not considered to be an undue impact on this dwelling.

In terms of heights, street scenes and sections have been provided which confirm that the road frontage properties would not exceed the ridge height of the adjoining listed buildings. This in addition to the separation distances result in the development siting well relative to the adjoining residential dwellings.

Overall, the proposal is therefore considered to be acceptable in accordance with Policies D2 and D25.

## Impact Heritage Assets

Policy D26 states 'Development proposals should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting (including those on Local Lists), in a manner consistent with their historical significance.'

The submitted Archaeology and Heritage statement concludes that there is a potential for archaeological remains on the site (section 7.4). It is most likely that any remains present will represent prehistoric or Roman period activity. Development of this site therefore has the

potential to impact on locally significant remains.

South west heritage recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This will be secured by the use of the following conditions attached to any permission granted and therefore there is no concern in respect of archaeology.

The site lies adjacent to the Conservation Area and on the opposite side of Wells Road there are a number of listed buildings. As such consideration needs to be given to the impact of the development on the setting of the adjoining listed buildings and the character of the conservation area.

The proposal as originally submitted detailed 34 dwellings with plots 29-34 shown in an L shape road frontage arrangement to the east of the access road. Plot 3 was also shown as side gable end onto Wells Road creating development in close proximity to the adjoining listed buildings and the L shaped form did not reflect the more traditional character or appearance. There is more contemporary development in the wider locality but this was considered inappropriate given the proximity to the Listed Buildings.

Through revisions to the proposals the ridge line of the Wells Road frontage development was reduced to ensure it matched that of the adjoining listed buildings, the development was set back from the road frontage to allow the adjacent buildings more spacious setting and the additional landscaping and translocation of the hedge was considered to soften the impact of the development in terms of integration into the Conservation area and relative to the Listed Buildings.

On suggestion from the Conservation Officer a number of attached garages were removed to address a concerns in terms of continuous development on the northern boundary of the site. The revised layout now enables greater separation between the dwellings and a more spacious street scene.

The design of the dwellings propose a mix of brick, stone and render finishes and slate or red clay tile roofs with gable features, ground floor bay windows and gable pitched canopy over the doors. Plots 1-3 (closest to the Listed Buildings) have been designed with smaller and simpler window proportions and more traditional portico additions to the front elevations. These units are more reflective of the older properties and use of more traditional materials (stone and red brick features) would assist in the assimilation of these dwellings.

In contrast to this Plot 23 sits back from the highway, within the site and the rear of the orchard. This plot proposes the use of the same materials but in a contemporary design in terms of window position/size, flat green roof for the garage and low disconnected dual pitch green roof. This maintains the traditional material palette but provides a differing take on the mixture and proportions which set an example for the remaining self build plots. The position of this plot is not considered to impact on the surrounding listed buildings or the character of the conservation area.

The Conservation Officer provided revised comments which set out the importance of the character of the conservation area. It was noted that the site itself having now had after various iterations and improvements, is now a much reduced scheme that still preserves the open space



to some degree.

The impact upon traffic and safety in respect of congestion in the historic conservation area was commented on although highway considerations would fall to the relevant consultee for comment.

Combe Batch is characterised as a linear part of the designation on the far east of the village, acknowledges the older development on the south side of combe batch, the historic route to wells, now the b3139. The street scene is characterised by roadside walling with groups of terraced stone cottages set back with varying building lines against the rising green hillside to the rear. The street rises towards the crest in the east with perhaps the most interesting buildings comprising the listed group of cobbler's cottage, acacia cottage and north view. These early 19th century (not confirmed) rendered terrace houses each have very distinctive frontages with interesting and varied window patterns, Generally the street scene as a whole is not outstanding quality but the conervation area designation will protect the eastern approach to Wedmore.

The developer has reduced the density of the proposed scheme by reducing the number of garages and has illustrated sympathy towards the extant heights of the nearby buildings, listed or otherwise. This reduced impact does work towards a reduced impact scheme albeit infilling a green open space.

The market does require homes to be built that offer a bill less existence or near to bill less and these eco homes ,if consented, can provide a suggestion for the house building industry to respond to demand and design all of their products to be of the same ethos.

The carefully considered approach to climate change has been displayed with a focus being afforded to the appearance of the eco themed self-build plots. The local authority conservation and regeneration officer worked with the developer to ensure that the appearance or style of the self-build plots will be well placed within the new estate and offer a code for the remaining self-build plots.

The Conservation Officer still raised that infilling of the open space opposite the conservation area at such a prominent position within the settlement of Wedmore would still be harmful although any decision made in respect to permanent harm should be balanced against the public benefit of such an action and the mitigation proposed. A housing needs assessment has confirmed the numbers required and development in this area will require to be both of exceptional design and to deliver a housing estate that assumes less density than the adjacent extant dwellings.

In the event of consent being granted, careful control of materials and textures will require conditions. The character of Wedmore is displayed through a wide selection of natural materials that display an abundance of patina and age related oxidisation. Any new addition into this environment should adopt a similar approach, untreated or undecorated natural timbers , locally sourced for cladding. The absence of readily available local stone has been resolved on other sites within Wedmore to some degree of success and the same approach should be expected here if consent is granted. The recommended condition is proposed to be included.

The impact on heritage assets is reduced through the provisions from the original scheme and now includes an undeveloped green space along the full road frontage with housing set back, design

changes to ensure that some longer distant views towards the north are retained and an appropriate transition from traditional to contemporary to set a marker for the self build plots in terms of ensuring minimal wider impact.

The application is therefore considered to be in accordance with Policy D26 of the Local Plan and advice contained within the NPPF.

### Highway Considerations

Policy D13 supports proposals that will enhance road and personal safety and enhance the facilities for pedestrians, cyclists, those with reduced mobility and other users;

Policy D14 states that development that would have significant transport impacts should be supported with appropriate Transport Assessment and ensure provision is made for inclusive, safe and convenient access. They should also ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

Within the third party comments concern is raised that the site falls outside of the settlement boundary and would result in development outside of the Neighbourhood Plan. Whilst there is no planning history for this site the objection letters confirm that this site was originally viewed in the 'call for sites' as part of the Neighbourhood Plan and was ranked 9<sup>th</sup> out of 11 due to its prominent location, loss of hedgerow required to enable the access, location of the access at the brow of the hill and due to concerns that there is no safe pedestrian route into the village. As such, objection letters consider the development contrary to Policy WED3 which requires sites to 'have appropriate regard to the Wedmore Neighbourhood Plan's 'Site Assessments' evidence base 2017, ensuring the constraints and planning considerations raised...are adequately addressed.'

Wedmore Neighbourhood Plan Policy WED3 Affordable Housing refers back to Local Plan Policy T2b and requires any sites to have regard to the Wedmore Neighbourhood Plan Site Assessment document. The application site was rejected as an allocation primarily due to access and safety concerns.

National Highways reviewed the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the MHCLG National Planning Policy Framework (NPPF).

The access to the site is proposed via Wells Road and Junction 22 of the M5 is located approximately 13 kilometres from the site. There has been no previous planning history or pre application advice sought from

National Highways in relation to the site.

A Transport Statement (TS) dated May 2020 has been submitted in support of the application prepared by LvW Highways, on behalf of the applicant although did not include an assessment of development on the strategic network.

National Highways reviewed the TS and TRICS information and confirmed that the development is expected to generate around 16 two-way trips during the peak hour. This level of generation is similar to that proposed by the developer.

Given the scale and proximity of the site to M5 Junction 22, it is accepted that the number of additional trips generated by the development is unlikely to result in an unacceptable impact on the safe and efficient operation of the strategic road network, as defined by NPPF and therefore raise no objection.

In respect of the local highway network Highways noted that Wells Road is subject to a 30mph limit and the carriageway width allows two-way traffic flows however no footways are present in the vicinity of the site.

Access to the development is proposed to be gained via a simple priority junction arrangement.

The proposed site access plan indicates that visibility splays of 2.4m x 43m are achievable. A separate drawing has been provided that demonstrates the visibility splays are also achievable in the vertical plane. These splays are commensurate with the road speed limit and are therefore considered to be acceptable. These would be secured through the legal agreement.

As part of the development proposals a new footway is proposed along Wells Road along the site frontage. Highways considered that given the lack of pedestrian infrastructure in the vicinity of the site, the proposed footway was accepted. This would release pedestrians in Combe Lane. Local residents have raised concern regarding potential pedestrian and vehicular conflict given the increased use of the hall. Combe Lane is a private road which also carries the Public Right of Way AX 27/50. The Transport Statement says that there will be a commitment to improve footpath AX 27/51.

The Public Rights of Way officer requests a condition to capture the pedestrian connection if the estate roads form part of a S38 adoption agreement. The link was welcomed subject to a wider strategy for access but it was noted that Combe Lane is a public footpath and does not have any public rights for cycling.

Conditions are proposed to control the above and highlight the requirement for a temporary closure/stopping up/diversion order for the connection.

TRICS data has been used to calculate the proposed development trips and predicts with the development would generate approximately 15 trips during the weekday AM and PM peak hours. This is a low level of traffic generation and equates to approximately 1 vehicle trip every 4 minutes during the peak hour. When considering how traffic would be distributed, the traffic generated as a

result of the development proposal is considered unlikely to cause any severe highway safety or capacity issues.

In respect of the internal layout, concerns were originally raised that the service vehicle swept path for road 1 and 2 showed use of private land which was not accepted. Amended plans were submitted in February this year which confirmed that the swept paths would be contained within the highway. The submitted Travel Plan Statement was also confirmed to accord with the Travel Plan Strategy.

In respect of car parking the DAS indicates that parking will comprise a combination of on-plot garages/parking spaces, courtyard parking was removed from the scheme during the amendments.

Following the additional information submitted in February this year Highways have now confirmed no objection to the proposal subject to an appropriate legal agreement to cover the proposed site access / footway works on the Wells Road frontage and Public Right of Way works. Conditions were recommended to require a condition survey, construction management plan, consolidation of the highway and footpaths prior to appropriate occupation, estate roads condition, visibility splays, travel plan and discharge of surface water drainage. Subject to the imposition of this and the legal agreement to secure the safe access it is considered that the concerns raised by residents in respect of highway safety have been addressed.

The current proposal seeks to provide a safe access and additional and enhanced pedestrian infrastructure including connections via the rights of way network to the village centre. The Highway Authority have raised no objections to these matters and also note that the traffic generated from the proposal is unlikely to cause any severe highway safety or capacity issues. The proposal does result in a significant length of hedgerow being removed although it is proposed that this is translocated (replaced) and would re-establish in time enabling appropriate visibility at the front of the site. Additionally, by setting properties back from the road, a more open entrance to the village is retained but clearly development would result in the loss of the currently undeveloped field.

Local residents concerns in terms of breach of the speed limit is not a material consideration. Planning can consider the splays provided and the speed limit in force. Increasing the built form in this location may encourage slower traffic as a result of vehicles turning into and out of the site and it being apparent that this area remains as part of the surrounding settlement.

In terms of conflict with the Neighbourhood Plan, whilst it is noted that this site was discounted due to location, highway safety matters and other constraints the highway safety issues have been subject to detailed consideration and subject to conditions the harm is considered to be addressed through this application.

Subject to the imposition of the above mentioned conditions and control of the access and pedestrian links as part of the legal agreement the proposal is considered to be compliant with Policies D13 and D14 of the Local Plan.

## Impact on Ecology

Policy D21 of the Local Plan states 'Development proposals should contribute to maintaining and where appropriate enhancing biodiversity and geodiversity, taking into account climate change and the need for habitats and species to adapt to it.'

Natural England highlight that the location of the site is within the North Somerset and Mendip Bats SAC. Due to this the Council as competent authority, has undertaken an appropriate assessment in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate all identified adverse effects that could potentially occur as a result of the proposal, Natural England advised that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. This will be controlled through condition and the legal agreement which requires provision of off site habitat.

In respect of the Somerset Levels & Moors Ramsar Site the development has been screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion is based on evidence that there is no hydrological connection or pathway between the development (including through foul water discharge) and the catchment of the Ramsar Site. Natural England have confirmed this view and raise no objection to the application.

Subject to the imposition of the conditions and the off site habitat mitigation as set out in the Habitats Regulation Assessment the development is considered to comply with Policy D20, D21 and D23 of the Local Plan.

## Surface Water Drainage and Flood Risk

Policy D1 states 'Proposals should seek to reduce flood risk overall through creation of multi-functional green infrastructure and sustainable drainage systems. Betterment will be sought particularly where there are known flooding issues.

The application was subject to consultation with the Internal Drainage Board, the Lead Local Flood Authority (LLFA) and Highways. The application was supported with a Drainage Maintenance Schedule

The Highway Authority consider the potential adoption of the internal estate roads serving this development, all drains/sewers under prospective public highway areas, together with the entire surface water system serving to collect run-off from same. These will all need to be vested in the water authority.

Given the topography of the site additional drainage measures were required to ensure that surface water run-off is retained on site up to the storm event stipulated by the Lead Local Flood

Authority.

Consideration had to be given to the construction detail at the interface between the tanked permeable paved areas and the adjacent footways to minimise the potential for future highway maintenance and utility company works from inadvertently compromising the tank membrane.

Highways were content with a condition covering drainage and the LLFA confirmed that further to the additional information provided they no longer have any issues with the application.

The Drainage Board also confirmed that they no longer object to the proposals as the proposals fully satisfy the Board's flow and water quality requirements.

The Drainage Board have requested that permitted development rights are removed for the driveways of the proposed properties to ensure that the permeable paving is retained, when permission is granted. A condition requesting a full and detailed management and maintenance plan for the development is also required both of which are being imposed.

The Board also requested an informative which will be imposed.

### Sustainability and Climate Change

The application was supported with an energy and sustainability statement which sets out the approach of the development in respect of fabric first, use of air source heat pumps and provision of PV arrays (2.92kWp) as customer options on a number of the dwellings. The road frontage dwellings are excluded from this due to the heritage considerations.

In terms of heating and cooling the development is proposed to use traditional masonry construction, which has a relatively high thermal mass, compared with timber or steel construction. A construction with a high thermal mass can help to reduce overheating risk as it absorbs heat during the day and slowly releases it during cooler nighttime hours, effectively smoothing out temperature fluctuations within the property.

Within the development layout, orientation and massing has been considered to maximise useful passive solar gain. Glazing will be specified with a solar transmittance value (g-value) to strike the balance between useful solar gain in the winter and unwanted solar gain in the summer. All dwellings are proposed to cross-ventilate to effectively purge warm air from the properties during periods of hot weather. Window opening areas will be considered and guided by the Part O of Building Regulations

Water efficiency measures including the use of efficient dual flush WCs, low flow showers and taps and appropriately sized baths will be encouraged with the aim to limit the use of water during the operation of the development to limit water use. The calculation results in a total water consumption of 98.6 Litres/Person/Day for the intended specification, well below the maximum of 125 Litres/Person/Day required by Building Regulations.

The document also confirms waste mitigation measures during the construction of the site. In terms of control Part L and Part O secure a number of these benefits but for the elements that exceed building regulations it is proposed to condition the development to be undertaken in

accordance with the Energy and Sustainability statement.

## Conclusion

The Wedmore Neighbourhood Plan forms part of the development plan, and it is noted that there are detailed objections to the proposal based on policies within this plan. However, WED3 addresses the principle of sites released that meet an unmet local housing need and whilst there is a requirement for applications to consider the site selection document, this raised a number of material concerns that have been addressed either through amendments to the scheme or conditions.

As referred to above it is considered that the proposal is in compliance with this policy noting that when rejected in the site assessment the main considerations were on highway grounds. These matters are addressed to the satisfaction of the Highway Authority. In respect of impact of development on heritage assets and other detailed matters of design, the revisions have resulted in improvements to the scheme in respect of setting.

The proposal will have an impact on this part of the village and result in the loss of a currently undeveloped greenfield. However, it will provide for affordable housing to meet local unmet need. The affordable homes are being provided at a social rent, rather than shared ownership, providing opportunities for those on the lowest incomes. Impacts on the landscape and historic environment have been mitigated to the extent that they are not considered to be severe and mitigation is being secured by condition and 106.

Considering the wider benefits of the proposal on balance the development is considered to be acceptable in principle and the detail of the scheme has now been amended so the development would be acceptable relative to the Local Plan. The material impacts identified as part of the Neighbourhood Plan site selection has also been addressed and therefore the development is considered to be acceptable relative to the Neighbourhood Plan.

In light of the above and subject to a legal agreement to secure the site specific obligations and conditions the development is considered to comply with Policy and is therefore recommended for approval.

## **RECOMMENDATION**

### **GRANT PERMISSION**

(A) subject to the applicant first entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

Provision of a LAP - Details of equipment and boundary treatments surrounding to be agreed  
Management and maintenance of the LAP and Public Open Spaces, including the green edges of the plots relative to the highway

Provision of 40% affordable housing in the form of Social Rent to reflect the need set out in the Housing Needs Assessment (HNA)

Local Lettings plan to ensure priority for local residents in accordance with the HNA

A minimum accessible habitat enhancement area for horseshoe bats of 2.5ha shall be provided at Rug Hill (OS Grid Reference ST 43774 49908) as required by the Habitats Regulation Assessment  
A Landscape and Ecological Management Plan (LEMP) for Rug Hill shall be submitted to, and be approved in writing by, the local planning authority prior to construction above damp-proof course level as required by the Habitats Regulation Assessment

Provision of the proposed site access and footway works on the Wells Road frontage - to remain as public and openly accessible provided prior to first occupation.

Provision of the pedestrian access onto Combe Lane - to remain as public and openly accessible provided prior to first occupation.

(B) that Governance, Democratic and Legal, be authorised to prepare and seal the Agreement and;

(C) subject to the following conditions:

- 1 The development of the 26 dwellings hereby permitted in detail 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 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing for each of the self build dwellings before the construction of the relevant self build dwelling is commenced.

Plans and particulars of the reserved matters referred to above, relating to the appearance, landscaping, layout and scale, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.



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

Reasons: The application was submitted as an outline application in accordance with the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015. In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990 (As amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 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.

- 4 The 4 self build dwellings hereby permitted shall be approved shall be constructed as self-build as defined under Regulation 54A of the Community Infrastructure Levy Regulations 2010 (as amended) and thereafter occupied for the first three years from the date of the Compliance Certificate as defined under Regulation 2 Community Infrastructure Levy Regulations 2010 (as amended). The development will be planned, built and first occupied in accordance with the definition of “self-build and custom housebuilding” as defined in the Self-build and Custom Housebuilding Act 2015 (as amended) and as the sole or main residence of a person(s) on the Council’s Self Build Register.

Reason: Development in this location is only considered acceptable on the basis that it meets an identified local need for self or custom build development in accordance with Sedgemoor Local Plan 2011-2032 Policies CO2 and D9.

- 5 The self build dwellings hereby approved shall be limited to 2 storey in height and shall have green roofs. Details of which will be submitted to and approved in writing as part of subsequent approval of reserved matters applications.

Reason: In the interests of the visual amenity of the surrounding area and to minimise impact on views from the elevated right of way to the south in accordance with Policies D2 and D19 of the Local Plan.

- 6 a. Samples of the materials (brick, stone, render, roof treatment and tiles) used in the construction of the external surfaces of the full element of the development shall be approved in writing by the local planning authority before development above DPC level.

b. Samples of the materials (brick, stone, render, roof treatment and tiles) used in the construction of the external surfaces of each of the self build plots shall be approved in writing by the local planning authority before development above DPC level for the relevant plot.

c. Before any bricks are laid on the detailed or outline element of this scheme respectively , a brick/stone sample panel, showing the brick/stone type(s), brick bond/stone coursing, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed sample panel details.

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

Reason: In the interests of visual amenity and the setting of the Conservation Area and the adjacent Listed Buildings.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) no opening other than those authorised by this permission (if any) shall be at any time be inserted in the north west elevation of plot 3 of the development hereby permitted, without the prior permission, in writing, of the Local Planning Authority.

Reason: To protect the amenity of neighbours with Policy D25 of the Sedgemoor Local Plan 2011-2032

- 8 Prior to commencement of development works shall be carried out in accordance with the Tree Protection Plan which has identified protection measure and a methodology for the initial pruning works which include a limited amount of removal and pruning of the retained trees. Tree protection fencing shall be erected as specified on the Tree Protection Plan following completion of the initial tree works. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. The measures shall be maintained throughout the construction period by an arboriculturist.

Reason: This condition is pre commencement in the interests of UK protected

species and biodiversity generally and in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032

- 9 Prior to construction above damp-proof course level, a "lighting design for bats" shall be 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. 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 without prior consent from the Local Planning Authority.

Reason: In the interests of the integrity of the conservation objectives of a European site, the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy D20 of the Sedgemoor Local Plan

- 10 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 for the full element of this consent. A CEMP will also be required prior to commencement of each of the self build plots. 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 (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.

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

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 policy D20 of the Sedgemoor Local Plan

- 11 Prior to first occupation the following will be integrated into the design of buildings or otherwise provided:
- a) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of two plots
  - b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on the north facing elevation of two plots
  - c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north facing elevation of two plots
  - d) A bee brick built into the wall about 1 metre above ground level on the east elevation on six plots
  - e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to construction above damp-proof course level

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

- 12 Prior to the first occupation of the site a landscape management plan shall be submitted to and agreed in writing with the Local Planning Authority. Once approved the landscaping for the site shall be undertaken in the first planting season following the completion of the full element of the development (26 dwellings). Landscape management plans and landscape detail shall be submitted as part of each respective self build property. Once agreed the ongoing management of the site shall be undertaken in accordance with the agreed details.

**Reason** In the interests of the visual amenity of the surrounding area and in accordance with Policy D19 of the Local Plan.

- 13 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; 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: In the interests of securing local employment opportunities in accordance with Policy D15 of the Local Plan

- 14 No development shall commence, including site clearance, groundworks or construction, unless a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall, amongst other things, include:-
- a) Construction vehicular movements, routes to and from site, construction delivery hours and measures to regulate the on-site 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) Prevention of nuisance caused by radios, alarms, PA systems or raised voices
  - n) specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors.
  - o) And shall confirm:

That noise generating activities shall not occur outside of the following hours:

    - Mon - Fri 08:00-18:00
    - Sat 08:00 -13:00
    - All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

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: To ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies D24 and D25 of the Sedgemoor Local Plan and Chapter 15 of the NPPF.

This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity.

- 15 A watching brief for potential contamination to assess for visual and olfactory evidence of contamination during any groundworks should be undertaken. In the event that any unforeseen contamination is found during excavations, the Local Planning Authority shall be notified immediately.

Where remediation is deemed necessary by the Local Planning Authority, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the submitted details.

Reason: To ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other receptors both onsite and offsite, in accordance with Policies D24 and D25 of the Sedgemoor Local Plan and section 11 and 15 of the National Planning Policy Framework

- 16 Construction shall comply with the most recent BS 5228: Code of Practice for Noise Control on Construction and Open Sites. Wherever alternative working methods exist, minimising noise and vibration, must be a prime consideration when choosing techniques or equipment.

Contractors are responsible for ensuring that all machinery and equipment is well maintained. This includes hired machinery and equipment. It must be properly silenced and used in accordance with the manufacturer's instructions, as required by BS 5228.

Reason: To safeguard local residents from noise and disturbance

- 17 No demolition/construction work (other than internal fitting out works) or

deliveries to and from the site shall take place outside the hours of 07:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays, with the exception of specific works which shall have been agreed in advance and in writing by the local planning authority and shall include details of the task, the date and duration of works. No works to take place on Sunday and Public Holidays.

Reason: To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway

- 18 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. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

Reason: This condition is pre commencement in the interests of ensuring the surrounding heritage assets are appropriately recorded and mitigated during the construction of the site in accordance with Policy D26 of the Local Plan.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) no replacement driveways or additional areas of hardstanding will be permitted other than those authorised by this permission, without the prior permission, in writing, of the Local Planning Authority.

Reason: To protect the amenity of neighbours with Policy D25 and to ensure no adverse impact in terms of flood risk in accordance with Policy D1 of the Sedgemoor Local Plan 2011-2032

- 20 Prior to commencement of development on the detailed scheme a full and detailed management and maintenance plan for the surface water drainage for the site shall be submitted to and approved in writing. Once confirmed the development of the site shall be implemented, managed and maintained in accordance with those details.

Reason: In the interests of flood risk and in accordance with Policy D1 of the Local Plan.

- 21 A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to

be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: This condition is pre commencement in the interests of Highway Safety and in accordance with Policy D13 and D14 of the Local Plan

- 22 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, 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 interests of highway safety and in accordance with Policy D13 and D14 of the Local Plan

- 23 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 interests of Highway Safety in accordance with Policy D13 and D14 of the Local Plan

- 24 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 interests of Highway Safety in accordance with Policy D13 and D14 of the Local Plan.

- 25 There shall be no obstruction to visibility greater than 300mm above adjoining road level within the splay areas shown on Drawing 12991- HYD-XX-XX-DR-D-1201P 03. Such visibility splays shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: This condition is pre commencement in the interest of highway safety and in accordance with Policy D13 and D14 of the Local Plan.

- 26 All the recommendations of the Approved Travel Plan shall be implemented



in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy D13 and D14 of the Local Plan

- 27 No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: This condition is pre commencement in the interests of surface water drainage and to prevent flood risk in accordance with Policies D13, D14 and D1 of the Local Plan.

- 28 The development hereby approved shall be carried out in accordance with the Energy and Sustainability report. The measures set out shall be delivered prior to the first occupation of all the relevant dwellings.

Reason: In the interests of energy consumption, carbon reduction and ensuring development is fit for the future in accordance with the Local Plan.

- 29 Construction shall comply with the most recent BS 5228: Code of Practice for Noise Control on Construction and Open Sites. Wherever alternative working methods exist, minimising noise and vibration, must be a prime consideration when choosing techniques or equipment.

Contractors are responsible for ensuring that all machinery and equipment is well maintained. This includes hired machinery and equipment. It must be properly silenced and used in accordance with the manufacturer's instructions, as required by BS 5228.

Reason: To safeguard local residents from noise and disturbance

## **Schedule A**

Location Plan Drg No. L.01 C

Landscape Masterplan and Mitigation Drg No. 644/01

P12 Landscape Masterplan and Mitigation Drg No.

644/01R P4 Planting Strategy Drg No. 644/01

Materials Layout Site Plan Drg No. F.15 Rev. O

Planting Strategy - Reduced Drawing Drg No.  
644/02R P4 Indicative Site Layout Colour Drg No.  
F.11AG  
Proposed Site Layout Drg No. F.11Q  
Site Layout Drg No. F.12  
Access and Movement Plan Drg No. F.17F  
Street Elevations Drg No. F.20J  
Plots 11-12 Front Elevation Drg No. F.21C  
Plots 31-34 Front Elevations Drg No. F.22  
B Plots 1-2 Front Elevation Drg No. F.23 B  
Plots 8-9 Front Elevation Drg No. F.24 B  
Plots 17-18 Front Elevation Drg No. F.25 B  
POS Elevation Drg No. F26  
Plots 1 & 2 Floor Plans Drg No. HT\_A01 Rev.  
F Plots 1 & 2 Elevations Drg No. HT\_A02 Rev.  
E Plot 3 Floor Plans Drg No. HT\_B01 Rev. J  
Plot 3 Elevations Drg No. HT\_B02 Rev. G  
Plots 4, 8, 9, 10 & 11 Floor Plans Drg No. HT\_C01  
F Plots 9, 10 & 13 Elevations Drg No. HT\_C02 D  
Plots 4 Elevations Drg No. HT\_C03 G  
Plot 8 & 10 Elevations Drg No.  
HT\_C04 H Plot 6 Floor Plans Drg No.  
HT\_D01 E Plot 6 Elevations Drg No.  
HT\_D02 E  
Plots 7, 18, 20, 21, 22, 23 & 24 Floor Plans Drg No. HT\_E02  
H Plot 23 Floor Plans Drg No. HT\_E04  
Plot 23 Elevations Drg No. HT\_E 02\_H  
Plots 20, 21, 22, 24 Elevations Drg No. HT\_E02  
G Plots 7, 18 & 24 Elevations Drg No. HT\_E03  
F Plots 5 Floor Plans Drg No. HT\_F01 H  
Plots 5 Elevations Drg No. HT\_F02 C  
Plot 19 Floor Plans Drg No. HT\_G01 C  
Plot 19 Elevations Drg No. HT\_G02 A  
Plots 26, 33, 34 Floor Plans Drg No. HT\_H01  
C Plots 26, 33, 34 Elevations Drg No.  
HT\_H02 B  
Plots 31, 32 Plans and Elevations Drg No. HT\_J01 B  
Plots 29 & 30 Floor Plans Drg No. HT\_M01  
Plots 29 & 30 Elevations Drg No. HT\_M02  
Plots 12, 13, 25 & 28 Floor Plans Drg No. HT\_N01  
Plots 12, 13, 25 & 28 Elevations Drg No. HT\_N02  
Plots 14, 15, 16, 17, 26 & 27 Floor Plans Drg No.  
HT\_O01 Plots 14 & 15 Elevations Drg No. HT\_O02  
Plots 16, 17, 26 & 27 Elevations Drg No. HT\_O03  
Refuse and Vehicle Tracking Sheet 1 Drg No. 12991-HYD-XX-XX-DR-D-1050  
P07 Preliminary Longitudinal Sections Drg No. 12991-HYD-XX-XX-DR-D-  
1200 P02 Site Access Vertical Visibility Drg No. 12991-HYD-XX-XX-DR-D-

1201 P03 Footway Visibility Drg No. 12991-HYD-XX-XX-DR-D-1202 P01  
Preliminary Finished Floor Levels Drg No. 12991-HYD-XX-XX-DR-D-1500 P07  
Drainage Strategy Discharge Option 2 Overview Drg No. 12991-HYD-XX-XX-DR-D-1650  
P07 Drainage Strategy Discharge Option 2 Off-Site Drg No. 12991-HYD-XX-XX-DR-D-  
1651 P03 Drainage Strategy Discharge Option 2 Sheet 1 Drg No. 12991-HYD-XX-XX-DR-  
D-1652 P07 Drainage Strategy Discharge Option 2 Sheet 2 Drg No. 12991-HYD-XX-XX-  
DR-D-1653 P08 Overland Flow/Exceedance Routes Overview Drg No. 12991-HYD-CC-  
CC-DR-D-1655-P02 Tree Constraints Plan Drg No. R2511-TCP  
Topological Plan Drg No. Topo 2  
Street Elevations A1 & A2 (southern boundary and Wells Road frontage) Drg No. F20 Rev. L  
Street Elevations and Sections BB, CC & DD (northern boundary and north-south) Drg No. F21  
Rev. B Tree Constraints Plan 1224-TCP-SB  
Tree Protection Plan 1224-TPP-SB Rev C  
Tree Retention Plan 1224-TPP-SB Rev C  
House Type E - 4B 6P Elevations Drg No. 2341 HT\_E 02 Rev. H  
Pedestrian Links Plan 01 Drg No. 2341 F.18  
Garden Designs for Plots 16, 17 & 18 Drg No. 644/SK01 Rev. P1  
Building Heights to Wells Road Drg No. F50 Rev. B  
PROW Links Plan Drg No. F19  
Building Height Survey Feb 2023 Drg No. 1957-01  
Plot 3 Type B - Elevations Colour Drg No. HT\_B02 Rev. G  
Plots 1 & 2 Type A - Elevations Colour Drg No. HT\_A02  
Rev. E

*Below as of 10/08/2023*

10/08/2023 Location Plan Drg No. L01 Rev. C  
10/08/2023 Proposed Site Plan (Black & White) Drg No. F.11 Rev.  
AH 10/08/2023 Proposed Site Plan Colour Drg No. F.11 Rev. AH  
10/08/2023 Proposed Site Plan Colour Clean Drg No. F.11 Rev.  
AH 10/08/2023 Materials Layout Drg No. F.15 Rev. O  
10/08/2023 Tree Constraints Plan 1224-TCP-SB  
10/08/2023 Tree Retention Plan 1224-TRP-SB Rev C  
10/08/2023 Drainage Strategy Off-Site Drg No. 12991-HYD-XX-XX-DR-D-1651 Rev. P04  
10/08/2023 Drainage Strategy Overview Drg No. 12991-HYD-XX-XX-DR-D-1650 Rev. P11  
10/08/2023 Drainage Strategy Sheet 1 Drg No. 12991-HYD-XX-XX-DR-D-1652 Rev. P11  
10/08/2023 Drainage Strategy Sheet 2 Drg No. 12991-HYD-XX-XX-DR-D-1653 Rev. P12  
10/08/2023 Refuse and Vehicle Tracking Sheet 3 Drg No. 12991-HYD-XX-XX-DR-D-1052  
Rev. P01  
10/08/2023 Site Access Vertical Visibility Drg No. 12991-HYD-XX-XX-DR-D-1203 Rev. P01  
10/08/2023 Footway Visibility Drg No. 12991-HYD-XX-XX-DR-D-1204 Rev. P01  
10/08/2023 Overland Flow Exceedance Routes Overview Drg No. 12991-HYD-CC-CC-DR-D-1655  
Rev. P06  
10/08/2023 Preliminary Finished Floor Levels Drg No. 12991-HYD-XX-XX-DR-D-1500 Rev. P09  
10/08/2023 House Type E Elevations Colour Plot 23 Drg No. HT\_E02 Rev. H

DECISION

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**COMMITTEE:** Planning North Committee

**DATE:** 13 February 2024

**SUBJECT:** Supplementary Report – Planning Application  
45/20/00019

## 1. Purpose of the Report

1.1 The purpose of this report is to seek the endorsement of the Committee, as competent authority of the shadow Habitats Regulation Assessment Report prepared by Richard Green Ecology dated September 2023 (attached as Appendix 1). This is on the basis that the Committee considers that the proposed development would not have an adverse impact on the integrity of a European site.

## 2. Background

2.1 In accordance with the EU-UK Withdrawal Agreement and the European Union (Withdrawal Agreement) Act 2020, the transitional provisions under which European law such as the Habitats Directive and the Wild Birds Directive had effect in Great Britain ended on 31 December 2020.

2.2 Although neither the Habitats or Birds Directives now have the force of law in England, they will remain relevant in the interpretation and application of the Habitats Regulations 2017 unless and until Parliament otherwise modifies those Regulations.

2.3 The Local Planning Authority has a duty under Regulation 9 (1) of the Conservation of Habitats and Species Regulation 2017 (“2017 Habitat Regulations”). This duty is for all "competent authorities" (including Local Planning Authorities and other public bodies) to "exercise their functions which are relevant to nature conservation so as to secure compliance with the requirements of the Habitats Directives".

2.4 Regulation 63 (1) of the 2017 Habitats Regulations states the following: “A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which:  
a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

*b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives".*

2.5 There are effectively five stages to this assessment:

- Stage 1 – is the assessment of the likelihood of a plan or project having a Likely Significant Effect on a European site or its features and is the trigger for the need for ‘Appropriate Assessment’
- Stage 2 – the ‘Appropriate Assessment’ is the detailed consideration of the potential effects of the plan or project in relation to the conservation objectives for the European Site to determine if there is likely to be an adverse effect on its integrity. Providing it can be demonstrated that with appropriate mitigation measures the plan or project would not have an adverse effect it can proceed.
- Stage 3 – where an adverse effect cannot be demonstrated to be mitigated or where there is uncertainty the assessment would need to consider if there were other alternatives to the plan or project that would not give rise to an adverse effect on the integrity of the European Site
- Stage 4 – where there are no alternatives any imperative reasons of overriding public interest and compensatory measures would need to be considered, and if so -
- Stage 5 - consider whether all necessary compensatory measures have been secured to fully compensate for the negative effects of the proposal. The compensatory measures must not have a negative effect on the national network of European sites as a whole.

### **3. Current Position**

3.1 The attached shadow Habitats Regulations Report, prepared by Richard Green Ecology on behalf of the applicant, has been accepted and endorsed by the Council outlines whether there would be any significant effect on the conservation objectives of the Exmoor and Quantock Oakwoods Special Area of Conservation (SAC) an international/European designated site. The application site is located within Band A Consultation Zone of the Exmoor and Quantock Oakwoods SAC.

- 3.2 The HRA report sets out the assessment of the implications of the proposed development on the qualifying features of the SAC and its conservation objectives. In considering potential significant effects in the absence of mitigation, the report identifies the potential significance of the loss or degradation of habitat and commuting lines and the impact of artificial lighting.
- 3.3 Whilst the report concludes the project would not result in the loss of habitat that is functionally linked to the SAC, or optimal for foraging or a key flight line, it does not rule out light spill from artificial lighting that could displace light sensitive species including barbastelle bats. As a result an Appropriate Assessment is required and forms Part 4 of the HRA report.
- 3.4 The Appropriate Assessment identifies the need for mitigation measures to ensure that lighting is appropriately designed to avoid any potential effects from light spill, including through the construction phase. It also identified the need to protect the retained hedges during construction.. The application is supported by an External Lighting Strategy that seeks to limit and avoid light levels at the sensitive boundaries of the site. The Council's Ecologist is satisfied that this Strategy illustrates that an effective and ecologically sensitive lighting design can be achieved and can be suitably controlled by an appropriate conditions relating to:
- (1) the implementation of appropriate construction phase lighting and hedgerow protection within a Construction Ecological Environmental Management Plan, and
  - (2) an appropriately designed sensitive external lighting scheme.
- 3.5 The HRA report concludes that provided such conditions are imposed on any approval of application 45/20/00019 (which follows this item) there would be no effects on the integrity of the Exmoor and Quantock Oakwoods SAC by the development 'alone' or 'in combination' with other development(s).

#### **4. Consultation with Natural England**

- 4.1 Natural England have confirmed that they agree with the conclusions of the HRA report, stating:

*No objection subject to securing mitigation  
Natural England agrees with the conclusions of the HRA and considers  
that harm to the Exmoor and Quantocks Oakwoods SAC will be avoided*

*provided that the mitigation identified is secured through appropriate planning controls.*

**5. Recommendation**

**It is recommended that the Habitats Regulation Assessment Report dated September 2023 and associated provision be endorsed by the Development Committee, as the competent authority. In reaching the decision to agree the Habitats Regulation Assessment, the Council considers that the proposed development, if approved, would not have an adverse impact on the integrity of a European site.**

**6. Appendices**

Appendix 1 – Shadow Habitats Regulation Assessment – September 2023





# Shadow Habitats Regulations Assessment

## Higher Halsey Cross Farm, Nether Stowey

Client: Mr K Barrow

Date: September 2023

### **Richard Green Ecology Ltd**

The Natural Selection

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Version	Date	Prepared by	Checked and approved by
1.1	05/10/2023	Richard Green BSc (Hons) CEnv MCIEEM	Heather Gardiner BSc (Hons) ACIEEM

This report has been produced using all reasonable skill and care. Opinions are provided in good faith.

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# 1 The Proposal

## 1.1 *Type of permission/activity*

Full planning permission is needed to build a new dwelling on land at Higher Halsey Cross Farm (refer to Figures 4-7).

## 1.2 *Application reference number*

45/20/00019.

## 1.3 *Site address*

Higher Halsey Cross Farm, Nether Stowey, Bridgewater, Somerset, TA5 1JA, NGR ST 2038 3862.

## 1.4 *Brief description of proposal*

It is proposed to build a new dwelling on land at Higher Halsey Cross Farm. The development would result in the loss of approximately 0.08 ha of heavily poached modified improved grassland, 10 m of species-poor hedgerow (to provide access), and the temporary loss of approximately 70.5 m of species-poor hedgerow to form a visibility splay, considered to result in no more than a minor adverse impact on a local scale.

## 2 The European Site potentially affected

### 2.1 European site name(s) and Qualifying Features

#### 2.1.1 Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC)

The qualifying features of the SAC are:

- (a) Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles;
- (b) Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*);
- (c) Barbastelle bat *Barbastella barbastellus*;
- (d) Bechstein's bat *Myotis bechsteinii*; and
- (e) Otter *Lutra lutra*.

### 2.2 Ecological characteristics associated with the features (including those associated with the site, and information on issues or sensitivities associated with the features if available)

#### 2.2.1 Exmoor and Quantocks Oakwoods SAC

- (a) Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

The site supports large expanses of this habitat, including some of the largest oakwoods in southern England. They are rich in bryophytes, ferns and epiphytic lichens. The most widespread communities occurring are W17 sessile oak - downy birch - *Dicranum majus* woodland (Rodwell, 1991) on poorer, more lithomorphic soils on steeper slopes and W11 sessile oak - downy birch - wood sorrel woodland on deeper soils developed on more moderate slopes towards the upper edge of the woods. W16b *Quercus ssp* - *Betula spp* - *Deschampsia flexuosa* woodland (*Vaccinium myrtillus* - *Dryopteris dilatata* sub-community) also occurs, particularly to the east. The SAC has two major lichen associations (*Lobarion* and *Lecanactidetum premneae*) which are communities of ancient woodland. The Quantock woodlands are less surveyed (than Exmoor) but are probably important on a national scale for a range of old woodland and parkland species (Natural England, 2019).

- (b) Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

This habitat comprises woods dominated by alder *Alnus glutinosa* and willow *Salix spp.* along many streams in narrow flood plains in a range of situations from islands in river channels to low-lying wetlands alongside the channels. The habitat typically occurs on moderately base-rich, eutrophic soils subject to periodic inundation and many woods are therefore dynamic and part of a successional series of habitats. Their structure and function are best maintained within a larger unit that includes the open communities, mainly fen and swamp, of earlier successional stages. The main NVC equivalent is W7 *Alnus glutinosa* – *Fraxinus excelsior* – *Lysimachia nemorum* woodland. On the drier or more neutral margins of these areas other tree species, notably ash *Fraxinus excelsior* and elm *Ulmus spp.*, may become abundant in the canopy with the main NVC equivalent being W8 *Fraxinus excelsior* *Acer campestre* *Mercurialis perennis* woodland. These transitions from wet to drier woodland and from open to more closed communities provide an important facet of ecological variation (Natural England, 2019).

(c) Barbastelle bat

Barbastelle bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), making them a European Protected Species. In recent years they have been found to be more widespread across southern England and south Wales than previously thought, but they are still considered to be one of the rarest mammals in the UK. Barbastelle bats forage in mixed habitats and are known to roost in woodland trees, but also timbers in buildings, with hibernation often in caves and underground structures. Barbastelle bats are very sensitive to disturbance and the Exmoor and Quantock Oakwoods SAC is one of the few sites designated as an SAC for them. A maternity roost of barbastelle bats is known in the Quantocks component of the SAC at Alfoxton woods, Hodders combe and Holford combe (Natural England, 2019).

The summer foraging range of barbastelle bats was recorded as being up to 9 km in the Horner Wood area on Exmoor (English Nature, Conservation Objectives for North Exmoor SSSI). Other studies have shown that barbastelle bats can fly up to 20 km from roost sites although the average was about 8 km (Burrows, 2019a).

Barbastelle bats leave their roosts in groups before dispersing to their individual hunting grounds along darkened connecting habitat features, which they are reliant upon (Burrows, 2019a). Darkened connecting features between roosts and foraging grounds are typically along vegetated rivers and streams, lines of trees, large hedgerows or paths and are generally within 200 m of water features (Burrows, 2019a). Commutes are typically rapid and direct and barbastelle bats will move freely across large open areas, flying at low level when they cross open ground (Burrows, 2019a).

The numbers of barbastelle bats roosting in the Quantocks component of the SAC are not recorded or monitored (Burrows, 2019b).

(d) Bechstein's bat

Bechstein's bats are one of the UK's rarest mammals, known only from a small number of sites in southern England and Wales. Like the barbastelle bats, Bechstein's bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), making them a European Protected Species. They are closely associated with mature broadleaved woodland and two breeding female Bechstein's bats have been caught in Holford Combe and Alfoxton Woods, which were then traced back to roosts in Alfoxton Park (adjoining the SAC boundary) but very few maternity roosts are currently known (Natural England, 2019).

(e) Otter

Otters are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), making them a European Protected Species. They are semi aquatic, solitary animals living

mainly along rivers. They are usually active at dusk and during the night, travelling widely over large distances, eating up to 15% of their body weight in fish daily. Otters are very territorial and use spraints to mark their territory and keep in social contact with neighbouring otters. Otters are widespread in Somerset and are known to use all the rivers within the SAC (Natural England, 2019).

### **2.3 Exmoor and Quantocks Oakwoods SAC Conservation Objectives**

The Exmoor and Quantocks Oakwoods SAC Conservation Objectives are as follows:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

### **2.4 Ecological baseline of the application site**

An extended phase I habitat survey of the site was undertaken on 04 November 2020 by Richard Green Ecology Ltd. An updated UK Habitats survey of the site was undertaken on 22 September 2022 (refer to Figure 1) supported by a local records centre data search. Refer to Preliminary Ecological Appraisal report (Richard Green Ecology, October 2022; Appendix B) for more details.

In 2020, the site consisted of a field of heavily poached modified (improved) grassland surrounded by species-poor (less than 5 woody species per 30 m) heavily managed, i.e., flailed, elm *Ulmus procera* dominated hedges on the east boundary and north-west boundary. There was a pond surrounded by semi-mature trees approximately 50 m south-west of the site redline boundary, within the same field.

The wider landscape consisted of agricultural fields and hedgerow boundaries, lines of mature trees, ponds, areas of woodland (including ancient semi-natural woodland), the Cannington Brook approximately 400 m south of the site and a tributary of the South Moor Main Brook/Wild Moor Middle Rhyne approximately 600 m north-west of the site.

In 2022, the site remained in a similar condition with more extensive poaching and a limited amount of grassland present. The hedges remained heavily managed/flailed.

Records of bat species within 1 km of the site include common pipistrelle bat *Pipistrellus pipistrellus* and brown long-eared bat *Plecotus auritus*.

The improved grassland in the location of the proposed dwelling was heavily poached and largely consisted of mud and slurry. This is considered of negligible value to foraging and commuting bats.

There are no trees on the site with any potential roost features (PRFs) for bats.

The hedges surrounding the site and pond to the south-west are likely to be used by foraging and commuting bats, including occasional barbastelle bats. As these would not be significantly affected and indirect effects from lighting can be avoided by sensitive lighting design, no bat activity surveys were considered necessary.<sup>1</sup>

---

<sup>1</sup> Note for Emily Kennet

This is not introducing mitigation design; it is explaining why no bat activity surveys were considered necessary. ODPM Circular 06/2005 states, *“bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development”*. As any impacts on bats can be avoided by design, there was no need to undertake bat activity surveys. This statement simply states the position with regard to baseline information on bat activity, i.e., that there is none because it is not needed.

Please also remember that it is Somerset Council’s responsibility to undertake the Appropriate Assessment, although it is reasonable for them to request the applicant to provide the information required for them to make the assessment. Therefore, if that information is provided coherently, it should not be required to provide it in a set format. You may choose to write your Appropriate Assessment report/conclusion in a certain way, but this report does not necessarily have to follow that format, as long as the information required for you to make your assessment is provided.



### 3 Assessment of risks without avoidance or mitigation measures (Stage 1 – Screening)

#### 3.1 *Is this application necessary to the management of the site for nature conservation?*

The proposal is not connected with or necessary for the management of Exmoor and Quantocks Oakwoods SAC.

#### 3.2 *The identified ways in which the Qualifying Features of the European site could be affected by the proposal*

##### 3.2.1 *Qualifying features scoped out of the assessment*

The Site lies c. 2.8 km to the east of the SAC and there are no pathways by which the qualifying habitats, **Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles** and **Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)** could be affected by the proposal.

There are no suitable habitats for **otter** on the Site or that would be affected by the proposal.

**Bechstein's bats** are present in the Quantocks component part of the SAC at Alfoxton Wood, where activity is likely to be confined to the local woodland (Burrows, 2019). Alfoxton Wood is c. 5.5 km from the Site and owing to the limited home range of Bechstein's bats, they are not considered to be affected.

Therefore, these qualifying features are not considered further in this assessment.

##### 3.2.2 *Barbastelle bat*

The site is within Band A of the SAC Barbastelle Bat Consultation Zone (Figure 2). The proposal would result in the loss of approximately 0.08 ha of heavily poached modified improved grassland, 10 m of species-poor managed hedgerow (to provide access), and temporary loss of approximately 70.5 m of species-poor managed hedgerow to form a visibility splay.

Zeale (2009) found the most significant barbastelle habitat preferences were (in order) riparian vegetation, broad-leaved woodland, and unimproved grassland. Billington (2012) stated for the Horner Wood maternity colony that, 'The most important single habitat was rough/ unimproved grassland 94.5% of the habitat in the colonies range was used for foraging. The next most important (>57% use) habitats were scattered (gorse) scrub and broadleaved woodland and other important (>25% use) habitats were bracken, running water and dense (gorse) scrub.' No known studies have identified modified grassland as an important or favoured barbastelle bat habitat.

Zeale (2009) concludes that improved grassland typically is species poor and likely to be of little importance, and that moths (barbastelle's main prey item) are likely to be negatively affected by moderate and high levels of cattle grazing.

Greenway (2004) found that high wide hedgerows are preferred by commuting barbastelle bats, especially where they occur either side of a track or pathway and where trees develop to form a tunnel. Hedgerows need to be at least 1.5m high. Trimmed hedges provide very poor cover to commuting bats.

The heavily poached modified grassland is therefore considered of negligible value for foraging or commuting barbastelle bats; and the species-poor managed hedges are of low value for foraging and commuting barbastelle bats. Given the available network of hedges surrounding the site (see aerial photograph below), the hedges surrounding the site do not provide a critical path for commuting barbastelles, as other routes are available that would not result in a significantly increased energy expenditure. Barbastelle bats are also known to readily fly over open habitats and the permanent loss of 10 m and temporary loss of 70 m of hedge on the east boundary for access is not considered to be an impediment to commuting barbastelles, particularly because there is a parallel hedge on the other side of the road, approximately 4 m from that affected, that would be retained and available for bats to fly along. These losses are also considered insignificant given the availability of foraging habitat within Zone A of the SAC consultation zone.



**Aerial photograph showing the site and surrounding landscape**



**East boundary hedge in 2022 – view north**



**North-west boundary in 2020 – view south-west**

Therefore, it is considered that no significant impact on the integrity of the SAC would result from habitat loss, as there would be no significant loss of barbastelle bat foraging habitats and barbastelle bats would still be able to commute around the site and in the wider area.

Lighting from the proposed dwelling could illuminate hedges surrounding the site, potentially having an adverse effect on foraging and commuting barbastelle bats.

### **3.3 Conclusion of assessment of risks without avoidance or mitigation measures**

It is concluded that illumination from the proposed dwelling could have a long-term adverse effect on barbastelle bats foraging and commuting along hedgerows around the site. Therefore, without mitigation measures, the proposal is likely to have a significant effect 'alone' or 'in combination' on the Exmoor and Quantocks Oakwoods Special Area of Conservation, and an Appropriate Assessment is required.

## 4 Mitigation and assessment of residual effects (Stage 2 – Appropriate Assessment)

### 4.1 *Lighting design and assessment*

Services Design Solutions Ltd have undertaken a Lighting Impact Assessment (June 2023; Appendix A), which provides an assessment of the impact of the internal and external lighting from the proposals in terms of ecology, by considering light spill onto the dark zones of the site.

This Lighting Impact Assessment is based on the adoption of the internal and external lighting strategy and mitigation measures outlined in this report. The site has been modelled and calculations provided, using industry standard software. The impact of light spill from internal lighting has been calculated using DIALux Evo Lighting Software.

The lighting of the site has been designed in accordance with ‘Bats and artificial lighting in the UK’ (ILP 2018) to avoid potential illumination of the dark zones of the site. Following LPA ecologist comments, the external lighting has been reduced with only essential security and wayfinding lighting remaining.

The results show that light spill from the internal and external lighting (Calculated horizontally at ground level) from the proposed site is predicted to be less than 0.5 lux on all property boundaries. Furthermore, the vertical calculation plan for this section remains below 0.5 lux and as such is deemed to be acceptable.

All hedgerows surrounding the site have been kept below the recommended threshold of 0.5 lux from the LPA ecologist.

It should be noted that the calculation model represents the worst-case scenario, with all lights switched on simultaneously, no blinds or curtains included, and the screening effect of any vegetation and planting not being included. Levels of illuminance will be further reduced when these factors are considered.

The results from the lighting calculation indicate that the proposed lighting scheme will not increase lighting on boundary hedges to a level likely to affect barbastelle bats.

This can be assured by applying a suitably worded planning condition to ensure that the proposed lighting design is followed.

### 4.2 *Avoiding lighting impacts during construction*

There will be no lighting of the site during construction. This can be assured by applying a suitably worded planning condition to ensure that there is no lighting of the site during construction.

#### **4.3 Protection of retained hedges**

Hedges not removed for access would be protected by appropriate fencing to avoid damage during construction. This can be assured by applying a suitably worded planning condition.

#### **4.4 Conclusion of assessment (Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?)**

##### **4.4.1 Exmoor and Quantocks Oakwoods SAC – barbastelle bats**

###### **Alone**

It is considered extremely unlikely that the proposal would significantly affect the SAC population of barbastelle bats.

###### **In combination**

A review of the Local Plan and applications within 1 km of the Site revealed no other applications likely to have impacts on barbastelle bat foraging or commuting habitats. Given the extent of the SAC consultation zone and the de minimus impacts of the proposal, further review was not considered necessary.

It is concluded that there would be no significant effect on the Conservation Objectives or the integrity of Exmoor and Quantocks Oakwoods SAC.

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## 6 Figures

Figure 1. UK Habitat Classification Survey map



Figure 2. Site location and the Barbastelle Bat Consultation Zone Bands

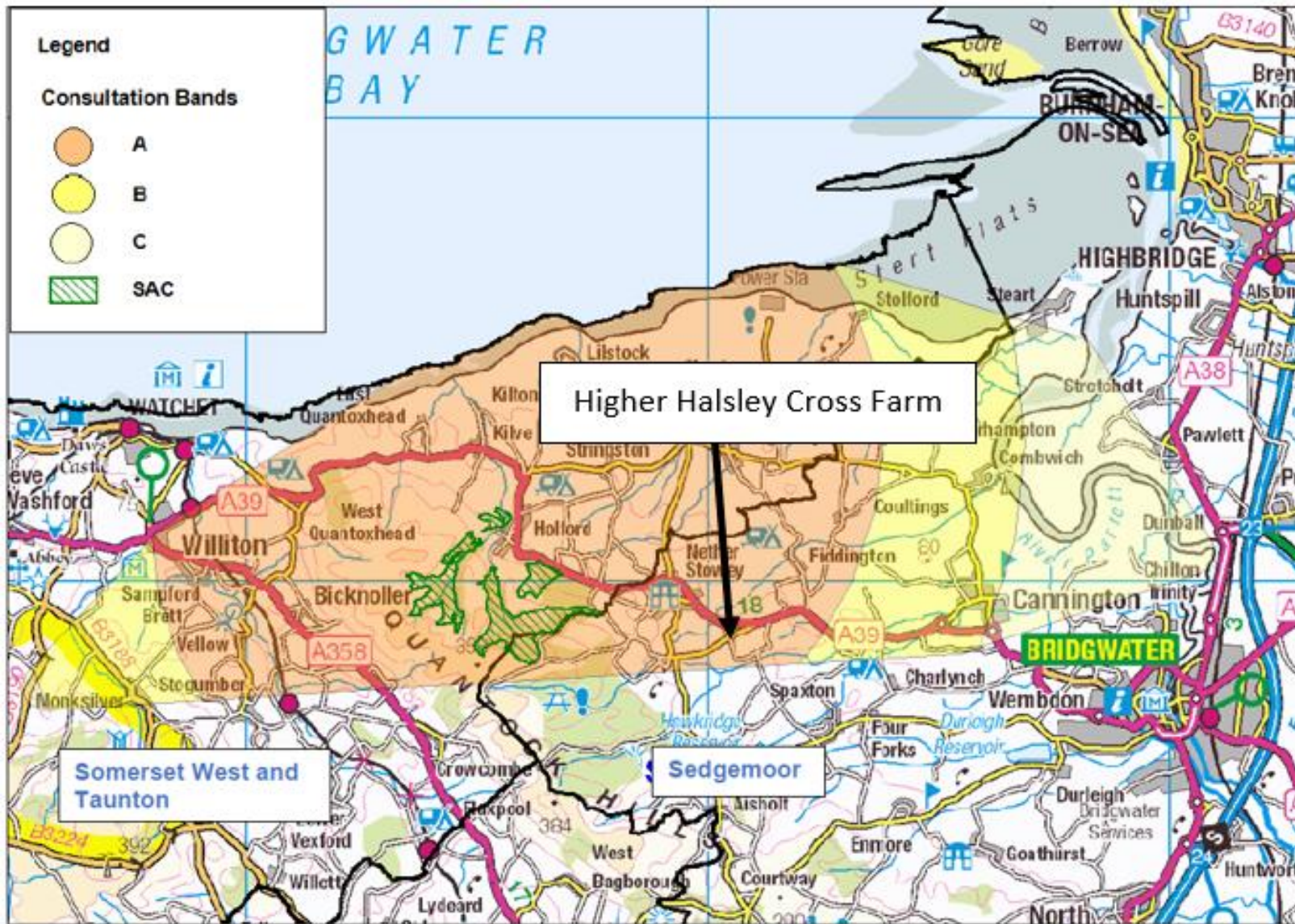
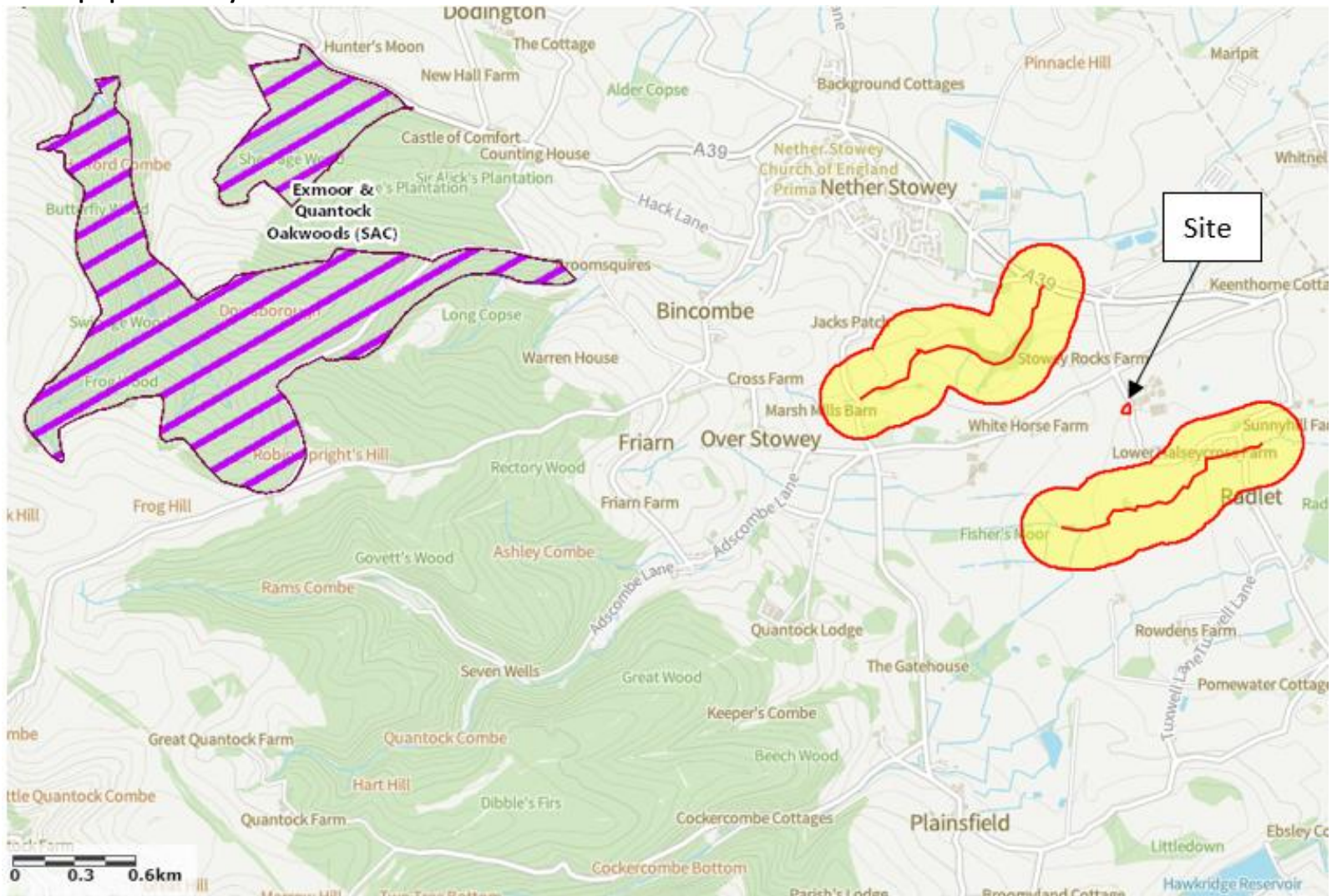


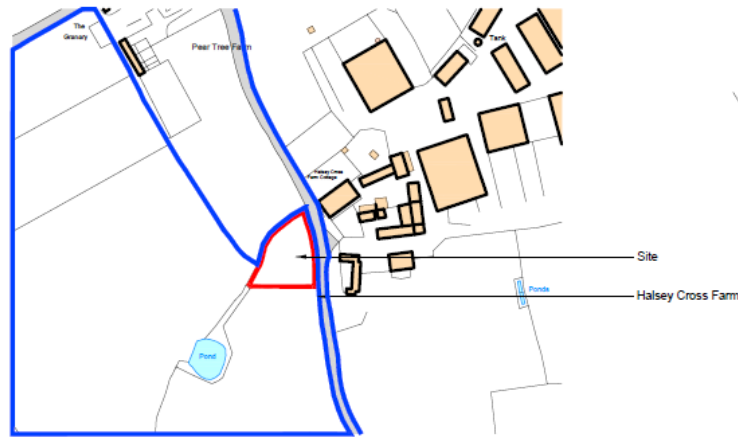
Figure 3. Location of the Site in relation to the SAC boundary and 200 m buffers around tree-lined streams to the north and south of the site offering landscape permeability



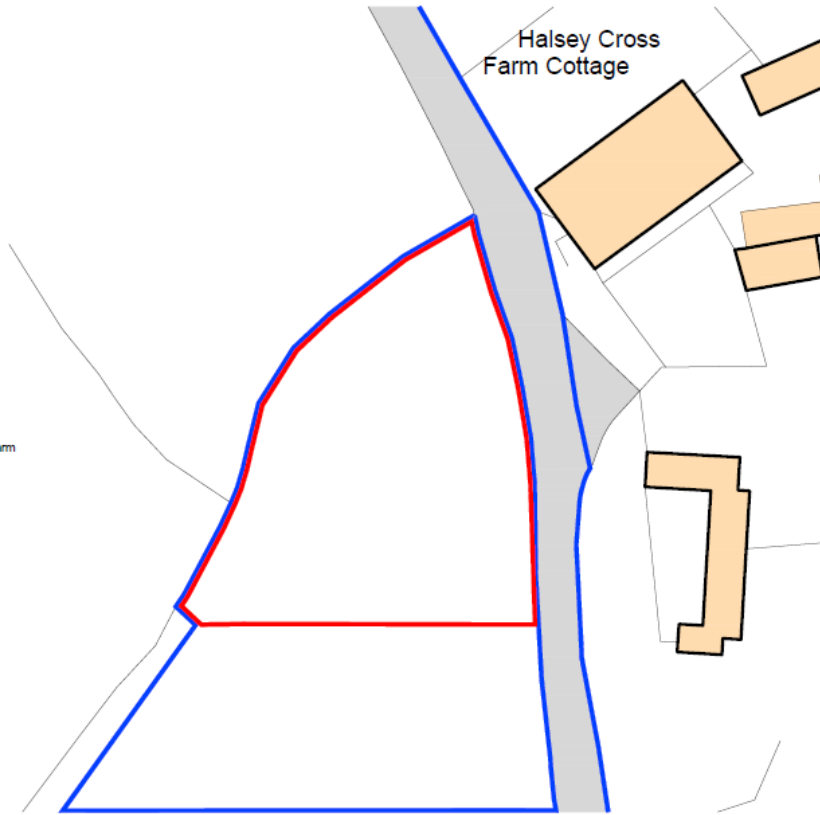
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Figure 4. Location Plan & Block Plan

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 NOTES:  
 1. It is a draft only.  
 2. Where directions to be used only.  
 3. The drawing is confidential and remains the exclusive property of ACORUS.  
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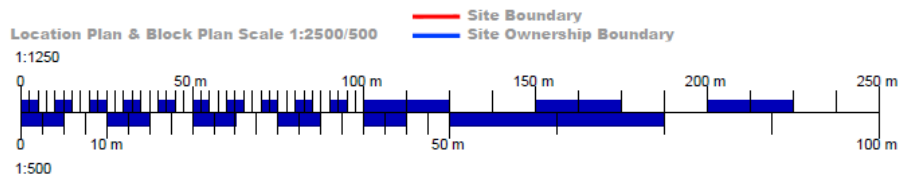
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 Location Plan



Block Plan

PLANNING ISSUE

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Rev	Date	Description	Dwn	Chk

PROJECT  
 Mr. George Barrow  
 Higher Halsey Cross Farm, Nether Stowey  
 Bridgwater, Somerset TA5 1JA - New Dwelling

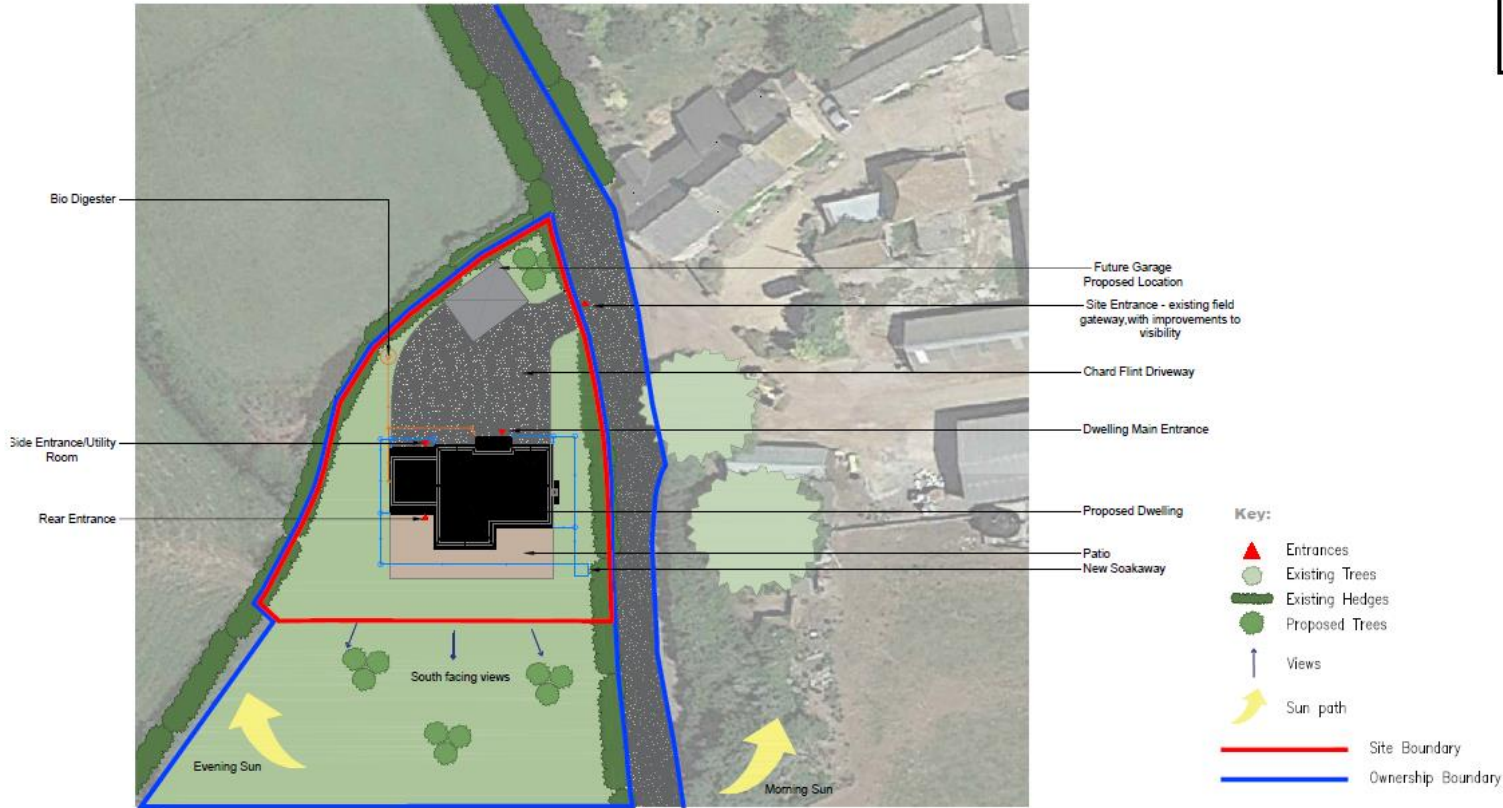
TYPE  
 Location Plan & Block Plan



DATE AS SHOWN	DATE June/2020	DRAWN BY SC	TITLE BY MB
JOB NO. JW/1485/0620	CONTRACT NO. 100-00	SCALE 1:1	REVISIONS ++

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Figure 5. Proposed Site Plan



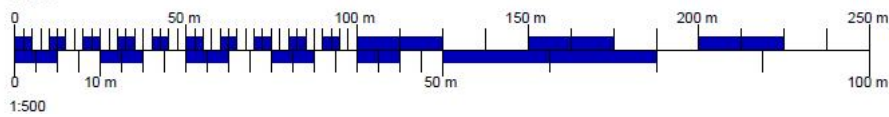
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 NOTES  
 1. It is made out  
 2. Within brackets to be used only  
 3. The drawing is combined and remains the  
 4. It is not only when attached.

MATERIAL  
 SCHEDULE

Walls – Stonework, vertical timber cladding,  
 Roof – Natural Slate Roof,  
 Windows/doors – Powder coated aluminium,  
 Rainwater Goods – Galvanised steel

PLANNING ISSUE

Proposed Site Plan  
 Scale 1:500  
 1:1250



REV	Date	Description	Dwn	Chk
Rev.	Date	Amendment	Drawn	Checked

PROJECT  
 Mr. George Barrow  
 Higher Halsey Cross Farm, Nether Stowey  
 Bridgwater, Somerset TA5 1JA - New Dwelling

DATE  
 Proposed Site Plan

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DATE AS SHOWN A3 DATE June/2020 SCALE SC TITLE MB  
 JOB NO. JW/1485/0620 DRAWING NO. 100-60 CHECK \*\*  
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Figure 6. Proposed Elevations A



Figure 7. Proposed Elevations B

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 1. It is built oak.  
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**MATERIAL SCHEDULE**

Walls – Stonework, vertical timber cladding,  
 Roof – Natural Slate Roof.  
 Windows/doors – Powder coated aluminium,  
 Rainwater Goods – Galvanised steel

Page 128

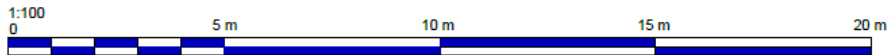


Side Elevation A  
 Scale 1:100



Side Elevation B  
 Scale 1:100

PLANNING ISSUE



Rev	Date	Description	Dwn	Chk
Rev.	Date.	Amendment.	Drawn	Checked

PROJECT  
 Mr. Geroge Barrow  
 Higher Halsey Cross Farm, Nether Stowey  
 Bridgwater, Somerset TA5 1JA – New Dwelling

DATE  
 Proposed Elevations B

SCALE  
 AS SHOWN @ A3

DATE  
 June/2020

DRAWN BY  
 SC

CHECKED BY  
 MB

JOB NO.  
 JW/1485/0620

DRAWING NO.  
 100-50

ISSUES  
 \*\*

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## 7 Appendices

# **A Higher Halsey Farm Lighting Impact Assessment**

## **B Preliminary Ecological Appraisal Report**

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**Committee date 13/02/2024**

**Application No:** 45/20/00019

**Application Type:** Full Planning Permission

**Case Officer:** Adrian Noon

**Registered Date:** 28/09/2020

**Expiry Date:** 22/11/2020

**Parish:** Spaxton

**Division:** Quantocks

**Proposal:** Erection of an agricultural worker's dwelling and formation of access.

**Site Location:** Higher Halsey Cross Farm, Radlet Road, Spaxton, Bridgwater, Somerset, TA5  
1JA

**Applicant:** Mr Barrow



## **Committee decision required**

This application is referred to committee at the request of the chair and vice chair to enable the matters raised by Over Stowey Parish Council and the ward member to be debated.

## **Background**

Higher Halsey Cross Farm is located off Radlet Road, Spaxton, to the south of Halsey Cross, c.1.5km south east of Nether Stowey. The original farmhouse, an annexe and the associated agricultural buildings, comprising a mix of traditional and modern structures are all located on the east side of Radlet Road.

The farming activities at Higher Halsey Cross Farm are spread over c. 330 acres (134 ha) in three blocks around the main agricultural buildings and to the west of the adjacent lane. Additionally the farming enterprise includes a number of other holdings

- Marsh Mills Barn, c. 1.5km to the west – a dwelling and 19 acres (7.8 ha) of arable land,
- Higher Hockpitt Farm – c. 2km to the west, an agricultural workers dwelling, a former agricultural building with planning permission for conversion to 4 dwellings and 52 acres (21 ha) of arable land.
- Great Knowles Farm – and agriculturally tied bungalow, a range of former agricultural buildings used for equestrian purposes and 52 acres (21 ha) of arable land.

The proposal is for the erection of an agricultural worker's dwelling and access on undeveloped land on the west side of the lane. A public right of way (30/16) runs across the site which would be diverted to run around the west side of the site. The access would be to the south side of the site – this has been amended to address concerns raised by the highway officer..

The proposed 4 bedroom dwelling would have a gross floor area of c. 266sqm, a footprint of approximately 13.25m x 9m and would be 10.5m high. It would be finished in natural stone and slate to reflect the existing farm house on the opposite side of the road. The windows would be aluminium framed with stone cills and brick soldier courses. An external brick chimney breast is included to the west elevation.

## **Relevant History**

None

## **Supporting information supplied by the applicant**

- Application form
- Farm Business Details by Acorus dated June 2022
- Design Statement by Acorus
- Landscape Strategy
- Landscape & Visual Appraisal by Anne Priscott Associates dated June 2022
- Preliminary Ecological Appraisal by Richard Green Ecology October 2022
- Shadow HRA

## **Consultation Responses**

**Ward Member (Cllr Caswell)** – Fully Supports, observes that:-

*The application is NOT in the QH AONB in fact [1.35km] away so the comments made by their officer are null and void.*

**Spaxton Parish Council:** initially objected:

- *The proposed site will obstruct footpath f/p 30/16*
- *Location - if approved, this would amount to a new build in a prominent position in the open countryside. This could be overcome by siting the development on the opposite side of the road, in a grouping with the other farm buildings.*
- *Scale - this is a substantial development far in excess of what would generally be required for an agricultural worker's dwelling.*
- *Visual amenity - the proposed development is large, visually intrusive and out of keeping with other buildings nearby.*
- *Further, it will obscure views of the AONB from the road.*

Subsequently maintain two objections:-

*We believe that the need for an agricultural dwelling has been demonstrated beyond question, and that the size and scale proposed is commensurate with the needs of this growing family.*

*However, in our opinion the proposed footpath diversion remains an issue. We cannot support the proposed diversion for reasons of maintenance and access, but we don't consider this to be insurmountable. If the proposed new access to the south could be utilised as access to the PRoW, then the PRoW could continue in its current route, traversing the field diagonally, as now.*

*The other problem for us as a consultee is the dwelling's proposed location in open countryside - which we believe will irreparably damage the visual amenity of this rural site. We understand the desire to move slightly away from the main farming activity in order to provide the family with rest and relaxation as far as possible, but we are aware of another potential paddock within the property - currently used for lambing - that would serve this purpose equally as well.*

*If the revised footpath route and location of the dwelling could be agreed according to our suggestions, then we would withdraw our objection.*

**Over Stowey Parish Council (adjacent PC):** no objection, note that

1. *Although in sight of the AONB, the distance from the boundary is 0.81miles away*
2. *The ground level of the proposed dwelling is 9.8m below the nearest property*

3. *The proposed dwelling will be 189 metres away from the nearest property*
4. *The proposed location of the garage will be brought forward to allow for the footpath, which will then run around the back of it*

**Somerset Highways:** No objection subject to conditions, notes that there is a public footpath running through the middle of the site so PROW should be consulted.

**SCC Ecologist** – initially object as the ecology information was deemed to be out of date. Subsequently additional lighting details were requested and the following comments made:-

*Whilst SES welcome such a full and thorough lighting assessment, we would advise in the first instance that some amendments are made to the external lighting design to lessen the adverse effect on bats given the setting of the site within Band A of the Exmoor and Quantock Oakwoods SAC (designated in part of Annex II barbastelle bats), and on the assumption that bats, including barbastelle bats, are using the hedgerow network surrounding the site.*

*The Preliminary Ecological Appraisal Report states: 'Any external lighting should be restricted to where necessary, i.e., to provide access, with the use of passive infrared (PIR) sensors on short duration timers (<1 minute) to further reduce light spill'.*

*Whilst the use of timers for external lighting is noted, the external lighting design proposed far exceeds what is considered necessary.*

*The Preliminary Ecological Appraisal Report goes on to recommend: '...an integrated bat tube... be installed on the west gable of the new dwelling, facing the open countryside. The bat tube should be installed near the apex and remain unlit'.*

*Whilst it is acknowledged that the height of the lighting on the west gable of the new building will be below the height of a bat tube, it will nonetheless be affected by external light spill.*

*In summary, effort should be made to remove all but necessary external lighting. Where external lighting is considered truly necessary (i.e., from a safety perspective), it should be located such that light spill on to boundary hedgerows be avoided or, as a worst case, suitably minimised (less than 0.5lux).*

Indication of the external lights to be removed was provided and an updated lighting plan has been provided. This has been accepted by the ecology, subsequently an shadow HRA has been provided which suggested that subject to appropriate safeguarding conditions any impact on bats could be appropriately mitigated.

As a result it is confirmed that:-

*as the above is deemed acceptable by Natural England and is implemented as worded, SES*



*have no further comments.*

**Natural England:** Initially requested further information to determine impacts on Designated Sites: Exmoor and Quantock Oakwoods SAC

*As submitted, the application could have potential significant effects on the above designated site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.*

*This proposed development is within the Band A consultation zone of the Exmoor and Quantock Oakwoods SAC which, aside from its habitats, is primarily designated for Barbastelle bats. No assessment of impacts has been submitted as part of this application. The Exmoor and Quantock Oak Woodlands SAC guidance states that for proposals within bands A and B of the bat consultation zone, full season surveys will be needed and must include automated bat detector surveys, unless minor impacts can be demonstrated (p. 6).*

In relation to the shadow HRA provided by the applicant:-

*...agrees with the conclusions of the HRA and considers that harm to the Exmoor and Quantocks Oakwoods SAC will be avoided provided that the mitigation identified is secured through appropriate planning controls.*

**Environmental Health:** no objection suggests ownership be tied to Higher Halsey Cross Farm so that it cannot be sold separately to prevent any complaints of nuisance from farm operations.

OFFICER NOTE: if approved as an agricultural workers dwelling this would not be necessary as it would be reasonable to assume that an agricultural worker would be tolerant of farming activities

**Office for Nuclear Regulation:** no objection

**Rights of Way Officer:** No objection, advises that footpath BW30/16 would be obstructed if the proposed development were to proceed as planned. In the event of approval a Grampian condition to require the diversion to be implemented prior to commencement and and informative to remind the developer not to allow works to obstruct the foot path.

**Landscape Officer:** Objects:-

*I concur with the view of the Quantock Hills AONB officer that the proposal will impact on the landscape character of the area. The proposed visibility splays will require the removal of the adjacent hedgerow and inevitably will have a detrimental impact on the rural character of Radlet Lane.*

*The proposed dwelling will clearly be an intrusion into the open countryside which will be visible*

*from the public right of way that runs adjacent to the site. The proposed dwelling is large in scale and, although not located within the AONB, would have a harmful impact on the rural character of the landscape.*

In relation to the amended scheme comments:-

*I have reviewed the application with regard to the proposed 4 bed roomed , two storey dwelling on land at Higher Halsey Cross Farm, Radlet Road, Spaxton. I concur with the view of the Quantock Hills AONB officer that the proposal will impact on the landscape character of the area. The proposed visibility splays will require the removal of the adjacent hedgerow and inevitably will have a detrimental impact on the rural character of Radlet Lane.*

*The proposed dwelling will clearly be an intrusion into the open countryside which will be visible from the public right of way that runs adjacent to the site. The proposed dwelling is large in scale and, although not located within the AONB, would have a harmful impact on the rural character of the landscape.*

**Quantock Hills AONB Officer:** Initially objected:-

*Although outside the AONB boundary the proposal is clearly an intrusion into open countryside and the wider landscape of the AONB. The house seems beyond the remit for an agricultural worker dwelling. It is indicated that the site is not visible from the highway or any PROW which is misleading. A PROW runs through the site, there is no acknowledgement of this and no mitigation measures.*

*From the perspective of the landscape and character of the area, a new dwelling and subsequent domestication of the site would have a harmful impact. Before any permission is granted for a new build in open countryside, a more appropriate location within the existing farmstead should be investigated together with other sites in the ownership of the farm partnership.*

Subsequently:-

*With reference to comments previously submitted on 3rd November 2020, the AONB Service continues to object to this proposal and requests that those comments are considered, especially the final paragraph which is copied below.*

*“From the perspective of the landscape and character of the area, a new dwelling and subsequent domestication of the site would have a harmful impact. Before any permission is granted for a new build in open countryside, a more appropriate location within the existing farmstead should be investigated together with other sites in the ownership of the farm partnership.”*

*Since those comments were submitted, the National Planning Policy Framework has been revised (in 2021), and paragraph 176 states that,*

*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

*The last sentence was an addition to the previous NPPF and should be given the upmost consideration.*

## **Representations**

Friends of Quantock: object - development in open countryside that will have an impact on the setting of the AONB and views out from this protected landscape contrary to the NPPF; support the point made by the Quantock Hills AONB service and Spaxton Parish Council that alternative sites, better related to the existing farm buildings, have not been investigated.

Three objections from the occupiers of nearby properties summarised as:

- This building would be a first in terms of construction to the west side of the road and be a prominent property which will obstruct currently uninterrupted views towards the Quantock Hills AONB.
- Could be the thin end of wedge and pave the way for further development
- The case made by Spaxton Parish Council is entirely correct (Over Stowey Parish
- Council appears to have been misled by erroneous information
- The detailed business case establishes the need for a dwelling but it does not attempt to
- establish a need for this site
- The chosen site is outside the curtilage of the farm in open countryside
- It blocks a Public Right of Way and requires a new access onto a narrow lane
- The applicant has other, more suitable, sites available
- Concerned about the obstruction of the definitive Public Right of Way, the route shown on the latest site plan is not the definitive route; the suggested alternative has not been submitted for approval by the public or the Parish Council and it is unsuitable; The plan shows no access from the south and the route passes close to the proposed house; Other Public Rights of Way on the same landholding have been inaccessible for several years and it is unlikely that a route so close to the house will be maintained (The initial application did not even mention the Right of Way)
- If approved, conditions should be applied which prevent work until a publicly acceptable and unobstructed route for the Public Right of Way is in place
- The Authority has taken no measures to prevent the avoidable obstruction of footpath 30/16 and

that officers' time and public money has been used unnecessarily in an attempt to reroute the Queen's highway

- Building is on a greenfield site where no other buildings are situated and it is set away from the main farmhouse and farm buildings
- The building would be in full view of the road and would not be in within character and appearance in a conservation area
- There is a far more suitable site in a paddock on the opposite side of the road within the curtilage of the existing farm, to north-west of the farmhouse (described in the planning application as farm cottages) and farm buildings
- The road access for this site would not be on a bend and would therefore be a safer option, plus the footpath could remain in its current route
- While pleased efforts are being made to mitigate the effects of the proposed development, any development to the west of Radlett lane will set an unwelcome precedent and be detrimental to an uninterrupted view of the nearby Quantock Hills AONB.

### **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 1<sup>st</sup> 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

C01 Countryside

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D10 Rural Workers Dwellings

D14 Managing the Transport Impacts of Development

D15 Economic Prosperity

D19 Landscape

D20 Biodiversity and Geodiversity

D21 Ecological Networks  
D22 Trees and Woodland  
D23 Bat Consultation Zones  
D24 Pollution Impacts of Development  
D25 Protecting Residential Amenity

Quantock Hills AONB Management Plan 2019-2024

Quantock Landscape Partnership Scheme Landscape Character Assessment. 2019

Annex A to former Planning Policy Statement 7 (PPS7), was adopted by the Council as the National Planning Policy Framework did not include comparable functional and financial tests for the justification for new agricultural worker's dwellings.

### **Community Infrastructure Levy (CIL)**

The application is for residential development in Spaxton where the Community Infrastructure Levy (CIL) is £105.20sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £26,318.15. 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 application is located outside of any settlement boundary and therefore is defined as located within the Countryside where policy C01 seeks to restrict development to that for which a rural location is essential and is supported under another policy of local plan that provides for exceptional development in the countryside. Policy D10 is such a policy and supports the development of rural workers dwellings where an essential need has been demonstrated for a dwelling to support a rural enterprise. This requires applicants to demonstrate that, functionally:

- The dwelling is required to satisfy a clearly established existing functional need to live at or near their place of work in the countryside, that cannot be met within the defined settlement boundaries; and
- The functional need could not be fulfilled by an existing suitable and available dwelling either on the unit or in the area; and
- The need could not be fulfilled by another existing building capable of conversion on the unit, or any other building capable of conversion in the area; and
- The dwelling is well related in relation to the rural business reflecting its functional need and wherever possible, is sited within a hamlet or existing group of buildings; and
- The dwelling is of a size commensurate with the essential need and should be able to be

supported long-term by the rural enterprise.

And that financially:-

- The rural business has been established for at least three years, has been profitable for at least one of them, is financially sound, and has a clear prospect of remaining so;

#### Functional need

The guidance states 'a functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.' Such a requirement might arise if workers are needed on hand day and night for example if animals need essential care at short notice.

The overall farming enterprise operates as a long-standing family-run partnership with stock rearing activities based at Higher Halsey Cross Farm and further arable activities at the smaller satellite holdings at Marsh Mills Barn, Higher Hockpitt Farm and Great Knowles Farm.

The beef rearing is based on dairy-cross calves which are purchased at 7-10 days of age and reared to 17-20 months for beef. At the time of the submission of the application there were 641 head of cattle:-

- 174 – 0 to 6mths
- 245 – 6 to 12mths
- 191 – 12 to 18mths
- 31 – 18 to 24mths

The sheep enterprise is based on a closed flock of 700 breeding ewes. The flock typically lamb in January and February in a single batch with an output of approximately 185% (c.1,300 lambs). The lambs are reared on and sold in June/July at around 40kg liveweight for slaughter.

The application is supported by evidence that demonstrates a need for 4.5 fulltime workers and the proposed dwelling is for a partner in the business who works full time on the holding. The 3 other working partners live at Marsh Mills Barn and Higher Hockpitt Farm.

It is stated that the intended occupier's presence on site is necessary to undertake his role effectively and provide the necessary 24 hour supervision of housed livestock in particular. His current accommodation, an annexe to the farmhouse, is no longer considered appropriate. Whilst it has been accepted that there is a genuine functional need, it is necessary to consider whether this need could be met by existing properties or through the conversion of existing buildings.

Firstly it is noted that across the holding there are a number of dwellings available which are considered as follows:-

- The farmhouse at Higher Halsey Cross Farm occupied by retired partners. It would not be reasonable to expect them to vacate their home to make way for the applicant, nor would be reasonable to expect them to meet the functional need
- an annexe to the farmhouse at Higher Halsey Farm, occupied by the applicant who is an active partner. The supporting information states that this is no longer suitable,
- the agricultural workers dwelling at Higher Hockpitt Farm is occupied by active partners. With the residential conversion of the adjacent agricultural building it is unclear what functional purpose is served by this dwelling and why the occupier could not meet the needs at Higher Halsey Cross Farm. Additionally, it is not explained why one of the approved dwellings could not meet the claim functional needs. Although it is indicated that the intention is to let the units for tourist accommodation as farm diversification, the permission that has been granted does not restrict the occupation of these units to holiday accommodation. Again clarification has been sought and will be reported to committee
- The barn conversion at Marsh Mills Barn is occupied by an active partner. Again there are no agricultural buildings at this site and it is unclear what functional need this dwelling serves or why the occupier could not provide the functional need at Higher Halsey Cross Farm. The applicant has been asked to clarify this
- The agricultural workers bungalow at Great Knowles Farm is understood to be rented to a unrelated third party. Clarification has been sought as why this agricultural worker's dwelling could not meet the needs at Higher Halsey Cross Farm

The applicant has advised for that none of these would meet the agricultural needs at this site. It is accepted that it would not be reasonable to expect the retired occupiers of Higher Halsey Cross farm to vacate their home and the annex is not suitable to meet the family needs of the intended occupier of the proposed house. Accordingly notwithstanding the issues identified above it is accepted the agricultural needs at this site can only be met by a worker residing at this site and that a new dwelling is the only way of providing the needed accommodation

Secondly it is necessary to consider whether other properties in the area could meet the need. The applicant has searched for available and suitable properties but has failed to identify any for sale or rent within a ½ mile radius of the postcode. It is accepted that this reasonably addresses this requirement.

Thirdly it is expected that applicant's should consider the possibility of providing the additional worker's accommodate through the conversion of suitable buildings at the holding. There are a number of potential buildings at Higher Halsey Cross Farm which are noted as follows:-

- Former pig sty - 8.13 m x 3.1 m traditional stone construction.
- Stables - 4.1 m x 11.17 m comprising three stables
- Former cow stalls – 20.1 m x 4.92 m concrete block construction with traditional stone lean-to
- Barn - 6 m x 6.15m 2 story traditional barn with lean-to 5.4 m x 3 m

- Wagon house - 6.74 m x 15 m traditional stone construction
- Machinery store - 6.44 m x 11.32 m steel portal frame, block/traditional stone
- Lambing shed - 6.86 m x 12.71 m with a 3.1 m x 11.14 m lean-to
- Calf shed - 12 m x 5.36 m concrete block construction
- Calf shed - 32.28 m x 29 m steel portal frame building
- Pig shed - 8 m x 18.43 m steel portal frame building
- Grain store - 13.59 m x 23.62 m steel portal frame building with 9.15 m x 23.72 m lean-to
- Calf shed - 27.64 m x 9 m steel portal frame building
- Calf shed - 36.55 m x 30 m steel portal frame building
- Calf shed - 32.36 m x 12.32 m steel portal frame building
- Calf shed - 32.36 m steel portal frame building
- Straw shed - 6.12 m x 10.56 m and 16.11 m x 10.25 m steel frame building, part used for cattle housing
- Stable block - 6.23 m x 13.03 m steel frame building with four stables
- Stable block - 5.83 m x 20.14 m steel frame building part block/stone with five stables and a foaling box
- Timber stables - five stables and tackroom, to be demolished
- Spray store - 9.23 m x 13.84 m steel portal frame building
- Livestock shed - 73.15 m x 19.09 m steel portal frame building with internal feed passage
- Livestock shed - 73.15 m x 19.09 m steel portal frame building with internal feed passage
- Livestock shed - 28.84 m x 36.59 m open-sided steel portal frame building with internal feed passage

Following a visit a number have been identified as having potential for conversion:-

- A 'Dutch' hipped barn adjacent to the main farmhouse.
- 1- A large set of vacant stables, in an L shape with 8 sections.
  - 2- A large building adjacent to the Dutch hipped barn, with breeze block reinforced doorway.
  - 3- A black profiled sheeting and stone building.

The applicant's agent has advised that none are suitable as:-

*all ..... are used by the farm business for storage or livestock housing and therefore not available. I would also contest that they are not suitable in terms of their location and proximity to livestock buildings, manure spray shed, from a nuisance perspective (noise, smell, dust etc), and passing farm traffic (health and safety). If I was considering the buildings for Class Q for example, and I hasten to add that the applicant has no interest in doing so on this unit, these would likely fail due to their unsuitable location. As a further note, the buildings are insufficient for a 4 bed property which is necessary for the applicant and offer no amenity space.*

This is in part at odds with statements made in support of applications for new agricultural buildings at Higher Halsey Cross Farm which have included:-



*“...the traditional buildings which are no longer suitable for use with modern farming methods i.e. they cannot be cleaned out with a tractor due to the restricted head height and they are not flexible in the ability to create lambing pens and separate live stock”*

The applicant has been asked to provide a more robust assessment of these buildings and in particular to justify the contention that it is not suitable for an agricultural worker to live in close proximity to farming activities, as is the situation with the original farm house and annex at Higher Halsey Cross Farm. In response it is maintained that these buildings are not suitable for the activities accommodated in the new buildings, but are still useful for some activities.

With regard to the location of the dwelling, this is on the opposite side of the road, further away from the livestock buildings than the current annexe accommodation. It is not considered that this is supportive of the essential functional need that is cited in support of the proposal and contrary to the requirements of policy D10. There are considered to be options to site the building on the other side of the road where it would have a better relationship with the claimed functional need, being within sight and sound for welfare reasons. The applicant has declined suggestions to re-site the proposed agricultural worker's dwelling.

It is considered that the proposed siting on the west side of the road, away from livestock buildings weighs against the proposal and undermines the case advanced on the basis of meeting a functional need.

Finally in terms of meeting the need Policy D10 suggests that agricultural worker's dwellings should be of a size commensurate with the essential need and should be able to be supported long-term by the rural enterprise.

For comparison purposes, the Nationally Described Space Standards for a 4 bed house vary between 97sqm and 124sqm depending on the number of occupiers (between 5 and 8 persons). Whilst the overall size gives rise to concerns about affordability to an agricultural worker, it is noted that in this instance the proposal is for a partner in the enterprise and as such a larger house is not considered fundamentally objectional. However the overall size of the dwelling creates concerns about the visual impact of the propose given the highly visible, prominent siting away from all other dwellings and buildings as considered below.

On this basis whilst it is accepted that the farming activities at Higher Halsey Cross Farm generate a functional need for a worker to be onsite it has not been clearly demonstrated that that functional need cannot be met from one of the other dwellings available to the holding or through the conversion of an existing building at the site. Additionally the chosen siting on the opposite side of the road, at distance from the livestock buildings, would not meet the claimed function need.

As such, although the principle of an agricultural workers dwelling to meet the needs of the agricultural activities at this site is accepted in principle, the chosen siting, on the opposite side of the lane, would not be within sight and sound of the agricultural activities creating the functional

need to live on site. As such the proposal is contrary to policy D10.

## **Financial Need**

The guidance requires evidence to be supplied that the enterprise has been planned on a sound financial basis. The application is supported by evidence of significant recent investment and shows that the enterprise is in profit at an appropriate level with every indication that it will remain so.

Concern has been raised that proposed dwelling is of such a size that it would not be affordable to an agricultural worker. The proposed dwelling is large. The footprint has been slightly reduced during consideration but, remains a generous dwelling. The ground floor includes a lounge/kitchen/diner, second separate lounge, WC, farm office and farm utility room. On the first floor are four double bedrooms (2 en-suite), a further study and family bathroom. Ground and first floors each have c.117sqm internal floor space, a total of 234sqm. The gross floorspace, upon which the construction costs would be based is 266sqm.

Whilst this is a material consideration when looking at proposals for new agricultural workers dwellings, the decision maker must also be mindful of the nature and type of agricultural business. In this instance evidence has been provided to show that the business is highly profitable and able to pay a significant wage for certain workers. On this basis it is accepted but the agricultural workers dwelling proposed in this instance is commensurate with the likely income of the intended occupier and as such the financial test is considered to be met.

## **Highways Safety**

The location of the existing field access, which also serves a Public Right of Way (PRoW) BW 30/16, is opposite the main farm access and close to the northern extent of the owned land. The lane rises south to north. The site is capable of providing the required off-street car parking and turning , however the visibility as initially proposed was considered substandard for a new dwelling. Consequently the application has been amended in order to achieve the required 43m visibility splay in each direction.

The application land is much higher than the lane and considerable engineering work would be needed, with the existing hedge removed and land excavated/retained. Although a hedge would be reinstated behind the new visibility splay. This would be a visually substantial intervention and is considered in the following section.

Presently vehicles and animals can cross to the land directly across the lane using the field access. This is to be stopped up and moved south. This means farm vehicles and animals will have to use the short stretch of lane. While less convenient and arguable less safe, it is by no means unusual and not deemed unsafe.

The PRoW which currently runs straight across the field is to be re-routed around the perimeter of

the site to run north behind the proposed garage with have a minimum of 2m width. Whilst this would be marginally less convenient the PRow officer does not object to the development in subject to securing the appropriate diversion of the footpath,

On this basis it is considered that the proposal would comply with policy D14.

### **Visual Impact**

The site is not within the Quantock Hills AONB, but close to it and potentially development could affect the setting of the AONB. The boundary of the AONB lies c. 1.1km to the west and 2.5km to the south.

The Council has a duty under the Under the Countryside and Rights if Way (CROW) Act, to ensure all decisions have regard for the purpose of conserving and enhancing the natural beauty of the AONB. Decisions must consider the potential effect development will have within the AONB and on land outside its boundary. Policies D2 and D19 of the Local Plan and the Quantock Hills AONB Management Plan are also relevant.

The as noted by the AONB officer there are concerns about the visual impact of the proposal. These derive from the fact that the land on the west side of the lane is undeveloped, with all the other farm dwellings and buildings located on the east side of the lane. Such concerns are exacerbated by the size of the proposed dwelling. Although its appearance has been refined and amended and the footprint slightly reduced, it remains a large dwelling.

The design, originally in brick, has been amended to more closely reflect the original red stone farmhouse. However, due to its span, the roof is extremely high and presents a more modern, suburban character than most narrower span traditional buildings. That it is detached and isolated from other buildings compounds the visual impacts and would make this development appear highly visible, prominent and conspicuous within the landscape.

The AONB officer advised that although outside the AONB boundary, they consider the proposal to be a clear intrusion into open countryside and the wider landscape setting of the AONB. As a PRow runs through the site there would be close public views. The AONB are concerned at the harmful impacts of domestication on this site.

Furthermore, the proposed visibility splays will require the removal of the adjacent hedgerow and inevitably have a detrimental impact on the rural character of Radlet Lane. The proposed dwelling will clearly be an intrusion into the open countryside which will be visible from the adjacent PRow. The proposed dwelling is large in scale and, although not located within the AONB, would have a harmful impact on the rural character of the landscape.

Within the Quantocks itself and its setting, the AONB management plan reflects that new development can 'easily change the character and beauty of the area'. The Management Plan

recognises the issue of small, cumulative development, which although seemingly minor, can and does over time, gradually erode the key characteristics of a landscape; weakening the landscape pattern. The AONB Service sees cumulative changes as a significant element of overall change within the Quantock Hills and surrounding area.

These landscape concerns are acknowledged and at a localised level the impacts are even greater from the revised proposal, involving a much greater extent of hedgerow loss and widening/alterations to the character of the lane than originally proposed, necessary to achieve safe visibility.

While this hedgerow loss would be replaced over time, local impacts from widening would be significant and permanent. The rural lane character would be eroded through eroding the narrow banks to provide a much wider lane for visibility reasons. Visibility would be extended into the land and altogether, this compounds the suburbanising effect of the large modern dwelling proposed, albeit there are references within the design to some traditionally distinct elements, including the use of materials. The landscape strategy includes planting an orchard to the south.

Having regard to the Council's duty under the CROW Act, it is considered that, given the distance from the AONB, the setting considerations - views of the AONB from near the site and views of the site at distance from within the AONB - are such that impacts are more localised and would not necessarily amount to a failure to conserve and enhancing the natural beauty of the AONB. It is appreciated this is a subjective judgement and not shared by the AONB Service.

The site lies within the Lowland Hills, Quantock Foothills Landscape Character Area (LCA) sub-category. Characteristics include gently hilly permanent pasture and arable cropping in larger fields, with field boundaries generally hedgerows, often with mature trees. The land is typical of the LCA in this regard.

While accepting that the proposal would not fail to conserve or enhance the setting of the AONB, it is considered that the visual impact of the development would amount to an unacceptable local landscape harm by eroding the natural hedgerow features and widening the lane which contribute to the distinctive character of the locality and opening up views into the site of this large, modern, suburban dwelling is contrary to the aims of landscape protection policies and guidance.

The lane and a PRow directly pass the site and from most public vantage points the dwelling would not be viewed in the context of the existing buildings on the other side of the lane. Development is favoured on the east side of the lane, against the backdrop of the existing farmstead. While options may be limited and are resisted by the applicant, opportunities exist for a less intrusive development in the landscape and without the harmful effects on the character of the lane. Unfortunately alternative site options have been rejected and a decision must be made on the merits of the case and in this instance the harm is considered to outweigh the benefits of providing an agricultural workers dwelling.

As such the proposal is contrary to policies D2 and D19 of the Local Plan.

## **Ecology**

The land is within consultation Band A for the Exmoor and Quantocks Oak Woodlands SAC and within a County Wildlife buffer zone for ancient plantation with species rich areas of semi-natural broadleaf woodland. The application is supported by a preliminary ecological appraisal and lighting impact assessment. A lighting plan has also recently been submitted.

The council's ecologist has confirmed that these demonstrate that the proposal's impacts could be mitigated and the applicant has been asked to provide a shadow habitat regulation assessments to fully consider any potential impact on the bat SAC. This concludes that:-

### **Alone**

*It is considered extremely unlikely that the proposal would significantly affect the SAC population of barbastelle bats.*

### **In combination**

*A review of the Local Plan and applications within 1 km of the Site revealed no other applications likely to have impacts on barbastelle bat foraging or commuting habitats. Given the extent of the SAC consultation zone and the de minimus impacts of the proposal, further review was not considered necessary.*

*It is concluded that there would be no significant effect on the Conservation Objectives or the integrity of Exmoor and Quantocks Oakwoods SAC.*

This HRA has been accepted by the council's ecologist and Natural England. Accordingly subject to the safeguarding conditions recommended by the HRA it is considered the application would comply with the requirements policies D20 and D23 of the Local Plan.

## **Other considerations**

### Living conditions

Policy D25 seeks to safeguard neighbours from development proposals that would unacceptably impact upon their residential amenity. Given the distance between the proposed dwelling and its nearest neighbours, the proposal would not give rise to any significant impact on the amenities of the adjoining occupiers. No policy conflict arises.

### Flood Risk/Drainage

The site lies within flood zone 1, at lowest risk of flooding. No undue concerns arise and surface water drainage could be dealt with by condition

## **Conclusion**

Having regard to the financial and functional tests being met, an agricultural worker's dwelling could be supported in principle without adverse impacts on highways safety, biodiversity, neighbour amenity or drainage. However the visual impacts of the proposed dwelling and associated access works on the chosen site are such that the proposal cannot be supported.

## **RECOMMENDATION**

### **REFUSE PERMISSION**

- 1 The proposed dwelling by reason of its siting on the opposite side of the road, would not be within sight and sound of the agricultural activities that are claimed to create the functional need for an additional worker to live at this site. As such the proposal is contrary to the requirements of policy D10 of the Sedgemoor Local Plan 2011-2032.
  
- 2 The proposed dwelling, due to its siting, scale and size, the loss of hedgerow and the engineering works necessary to create the access and necessary visibility splays, would result in visually prominent and conspicuous form of development to the detriment of the visual amenity and the local landscape character. As such the proposal is contrary to policies D2, and D19 of the Sedgemoor Local Plan 2011-2032 and the advice contained within the NPPF.

### **Schedule A**

Location & Block Plan Drg No. 100-00  
Proposed Site Plan Drg No. 100-60 Rev E  
Proposed Ground Floor Plan Drg No. 100-10 Rev B  
Proposed First Floor Plan Drg No. 100-20 Rev B  
Proposed Roof Plan Drg No. 100-30 Rev B  
Proposed Side Elevations Drg No. 100-50 Rev C  
Proposed Front & Rear Elevations Drg No. 100-40 Rev C  
Topographical Plan BS3457-10.2021-02-MK

### **DECISION**

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## **PLANNING APPEALS RECEIVED**

Between **01/01/2024** and **31/01/2024**

# Agenda Item 9

**Application No:** 11/23/00089

**Proposal:** Formation of driveway including dropped kerb.

**Appeal Received:** 11-Jan-2024

**Appeal Procedure:**

**Location:** 94 Love Lane, Burnham On Sea, Somerset, TA8 1EZ

**Final decision level:** Delegated

**Applicant:** Mr Labbe

**No. of Appeals received:** 1

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