

**Committee date 11/07/2023**

**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

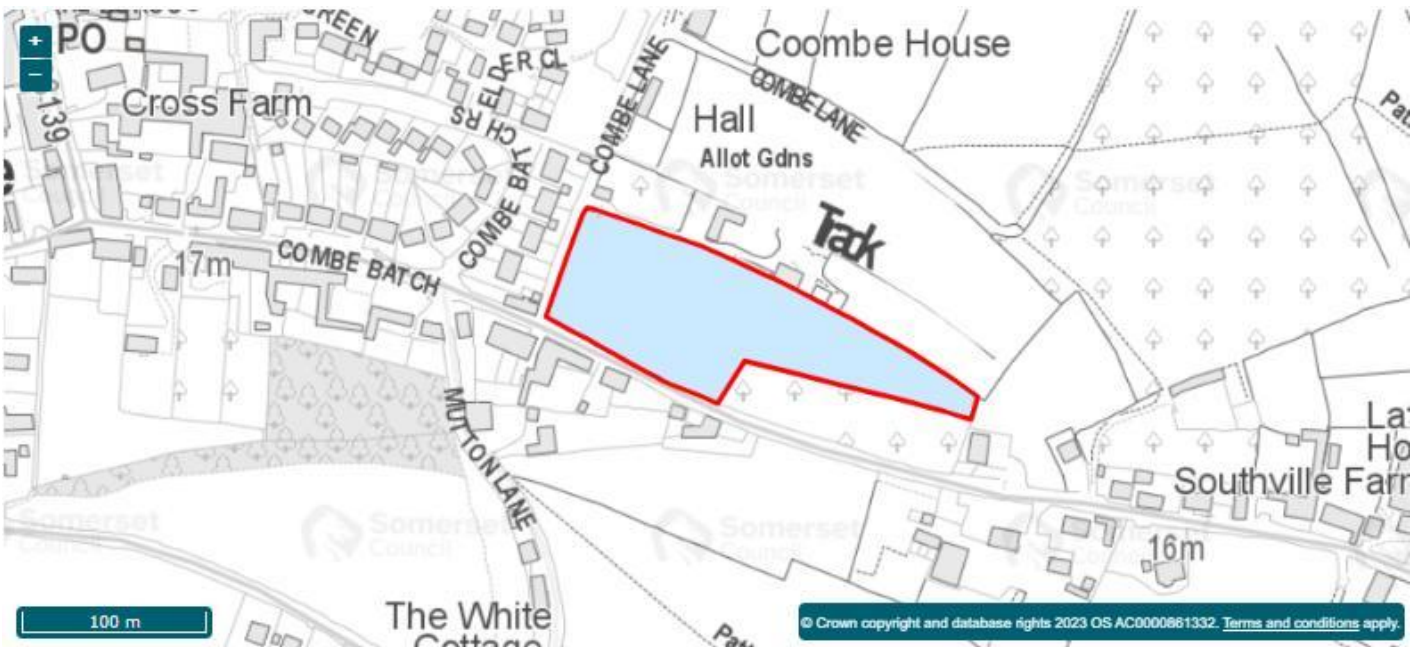
**Division:** Wedmore & Mark

**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 \*\***



## **Committee decision required because**

The recommendation is contrary to the Parish Council and Local Member comments on the application.

## **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, Acacia 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 homes 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 ask 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 Responses**

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.

**Natural England:** Confirm no objection subject to the mitigation identified in the Habitats Regulations Assessment being secured. Provided your Authority adopts the HRA there is no need to reconsult Natural England.

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 Areas

## 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 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 parameter 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.

Appropriate landscape conditions will be required to ensure that planting is carried out in the first 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 conservation 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 revisions 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 night-time 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 an 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 Legal and Governance, 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.

Reason: This condition is pre commencement 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 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 Due to the nature of the proposed human health-sensitive use it would be advised to keep a watching brief for potential contamination and assess for visual and olfactory evidence of contamination during any groundworks. If 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.

NPPF s.184: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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.

## **Schedule A**

Location Plan Drg No. L.01 B  
Landscape Masterplan and Mitigation Drg No. 644/01 P12  
Landscape Masterplan and Mitigation Drg No. 644/01R P4  
Planting Strategy Drg No. 644/02 P7  
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  
Materials Layout Site Plan Drg No. F.15O  
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 D  
Plots 1 & 2 Elevations Drg No. HT\_A02 D  
Plot 3 & 19 Floor Plans Drg No. HT\_B01 G  
Plot 3 Elevations Drg No. HT\_B02 F  
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  
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

## DECISION

---

---