



Notice of Meeting of

PLANNING COMMITTEE - NORTH

Tuesday, 12 December 2023 at 2.00 pm

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

To: The members of the Planning Committee - North

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

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

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

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12noon on Monday, 11 December 2023**.

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

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Monday, 4 December 2023

AGENDA

Planning Committee - North - 2.00 pm Tuesday, 12 December 2023

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

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

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

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

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

To approve the minutes from the previous meeting.

3 Declarations of Interest

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

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

4 Public Question Time

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

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

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticservicesteam@somerset.gov.uk by 5pm on Wednesday 6 December 2023.

5 Major Planning Application 44/23/00016 Land On North Side Of Lippiatt Lane, Lippiatt Lane, Shipham, Winscombe, Somerset (Pages 23 - 32)

To consider a major planning application for the change of use of agricultural land to mixed agricultural and equestrian use, with the erection of stable block and hay/machinery store.

6 Planning Application 13/23/00014 Land At, Cannington Bypass Roundabout East, Cannington, Bridgwater (Pages 33 - 36)

To consider an application for the erection of 3no. non- illuminated free standing fascia advertisement signs.

7 Planning Application 13/23/00015 Land At, Cannington Bypass Roundabout West, Cannington, Bridgwater (Pages 37 - 40)

To consider an application for the erection of 4no. non- illuminated free standing fascia advertisement signs.

8 Planning Application 24/23/00017 25 Red House Road, East Brent, Highbridge, Somerset, TA9 4RX (Pages 41 - 48)

To consider an application for the erection of two storey rear extension part on site existing conservatory (to be demolished).

9 Planning Application 31/20/00002 The Stables, Bridgwater Road, Lympsham, Weston-super-mare, Somerset, BS24 (Pages 49 - 68)

To consider an application for the change of use of land to form 1no. Gypsy/Traveller pitch comprising of 1no.mobile home, 1no.touring caravan, erection of one dayroom, formation of pony paddock and associated works (part retrospective).

10 Planning Application 54/23/00002 Land At, Green Paddock, Cossington Lane, Cossington, Bridgwater, Somerset (Pages 69 - 82)

To consider an application for the change of use of land to enable formation of 4no. pitch site for gypsies and travellers (revised scheme).

Other information:

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

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

Exclusion of the Press and Public

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

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

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

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

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

The order of speaking will be:-

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

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

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

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

Although not an exhaustive list, these might include:

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

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

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

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

How do I register to speak at Planning Committee?

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

Can I present information to the Committee?

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

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

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

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

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

Presentation of planning applications

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

The role of Officers during the debate of an application

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

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

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

Recording of the Meeting

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

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



Councillor reminder for declaring interests

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

Non participation in case of Disclosable Pecuniary Interest

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

Disclosure of Other Registerable Interests

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

If your Other Registrable Interest relates to -

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

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

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

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

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

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

Where a matter arises at a meeting which affects –

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

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

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

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

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

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

Disclosable Pecuniary Interests*

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

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

Other Registerable Interests**

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

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Planning North – Tuesday 12 December 2023

Microsoft Teams meeting

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Minutes of a Meeting of the Planning Committee - North held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Tuesday, 14 November 2023 at 2.00 pm

Present:

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

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

46 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Gill Slocombe and Brian Smedley.

47 Minutes from the Previous Meetings - Agenda Item 2

Resolved that the minutes of the Planning Committee - North held on Tuesday 12 September 2023 and Tuesday 10 October 2023 be confirmed as a correct record.

48 Declarations of Interest - Agenda Item 3

Councillor B Filmer declared on application 12/23/00025 that he had referred the application for consideration by committee, however he confirmed that he retained an open mind and would listen to all the information presented before casting his vote.

Councillor T Grimes declared a Non-Registrable Interest on application 12/23/00025 as he was the Division member but took no part in any discussion on the application.

Councillor M Martin declared that he had spoken to Middlezoy Parish Council on application 32/23/00007 but did not discuss the merits of the application and

confirmed that he retained an open mind and listen to all the information presented before casting his vote.

Councillor K Pearce declared a Non-Registrable Interest on application 08/23/00209 as she was a member of Bridgwater Town Council but had taken no part in discussion on this application.

Councillors B Filmer, H Bruce, A Hendry and A Bradford declared a Non-Registrable Interest as they were members of the Internal Drainage Board.

49 Public Question Time - Agenda Item 4

Details of public speaking is captured under the minute of the appropriate application.

50 Major Planning Application 34/23/00007 Land To The North Of, Olivers Road, Middlezoy, Bridgwater - Agenda Item 5

The Planning Officer introduced the application to the committee, with the aid of a power point presentation. Further to the published report, Othery Parish Council (who had not been consulted, had made comment on the application as they had concerns on vehicle movement to and from the site and through the village. It was confirmed that the application was for temporary consent and the stockpile would be soil only, with the site being near to the three reservoir sites that is in need of the work.

The committee were addressed by the clerk to an adjacent parish council who explained that the council had concerns relating to the impact on the highways as well as ecology of the local area as consider that the conditions were not strong enough and did not meet policy D14.

The agent then spoke to the committee on behalf of the Environment Agent who were the applicant, explaining that the safety works were needed for the three reservoirs in the locality. It was confirmed that the Construction Traffic Management Plan and routes proposed had been agreed with County Highways and the HGVs and tractors would not be travelling through the villages and there would be mitigation measures which included road sweeping.

In response to comments and questions from the committee, it was confirmed that within the conditions, there was the need for a road survey and reinstatement of any damage as agreed with the Highways Authority, there would also be the use of

banksmen on the track to the site due to the size and nature of the road and the amount of proposed vehicle movements.

Members were reassured that the Construction Traffic Management Plan indicated that traffic would not be directed through Westonzoyland. It was noted that there was a plan to manage the number of vehicles, including provision of signage and temporary traffic lights. It was requested that the Construction Traffic Management Plan be sent to the local Parishes.

Councillor Hendry proposed the officer's recommendation and this was seconded by Councillor Bradford. On being put to the vote, the proposal was carried unanimously.

RESOLVED:

The application 34/23/00007 at Land to the North of Olivers Road, Middlezoy for the proposed formation of a temporary material stockpile for reservoir embankment construction be approved subject to the conditions detailed within the report.

51 Planning Application 08/23/00209 Commercial Buildings & Land At, Clarks Road, Bridgwater, Somerset, TA6 - Agenda Item 6

The committee received a presentation from the planning officer on this application, confirming that this was the third application for this site and the applicant had taken into account the refusal reasons from the previous applications and had also amended this application to reduce the number of dwellings to three which were of a contemporary design. The planning officer confirmed that if the application was approved, then the plans list would need to be corrected as there were inconsistencies between some floor plans and elevations, with the correct plans shown in the presentation.

The committee heard the speech of a local resident (read out by the committee manager as there were technical issues) and they still considered that there would be an impact on the privacy and light of their properties, would not be in keeping with surrounding properties, use of the highlighted driveway which was in private control and the new properties would also generate further impact on parking in the area.

The agent then spoke on the proposal. He confirmed that the land ownership had been legally agreed, that the properties had been carefully designed with the layout to be opposite the current dwellings to reduce any impact on privacy and residential amenity.

The planning officer, in response to the issues raised by the speaker, confirmed that

systems indicated all consultation letters had been issued correctly and that the rights of access has also been sorted. 7 parking spaces were to be allocated to the new properties. The design of the properties would ensure that habitable rooms would reduce any impact on neighbours and materials to be used were of the surrounding area.

In response to questions from the committee about the train line, it was confirmed that there were mitigation measures within the build of the properties, including acoustic fencing and there had been no objections from Environmental Health on the technical information provided.

Councillor Bradford proposed approval of the recommendation with the updates to plan numbers noted in Condition 2 as requested by the planning officer and this was seconded by Councillor Hendry. On being put to the vote, the proposal was carried with one against.

RESOLVED:

The application 08/23/00209 Commercial Buildings and Land at Clarks Road, Bridgwater was approved subject to the conditions detailed on the report and updates to plan numbers in Condition 2 to address inconsistency between floor plans and elevations.

52 Planning Application 12/23/00025 Rose Cottage Farm Nursery, Burnham Moor Lane, Edithmead, Highbridge, TA9 4HE - Agenda Item 7

The planning officer with the aid of a presentation, explained that this new application followed on from a previous application which was still extant. This proposal was for the conversion of the property into 5 1 bed properties with gardens and parking and bin stores.

In response to a question from the committee, it was confirmed that the kitchen and dining area would be raised to provide a refuge in case of flooding. It was also confirmed in respect of the vehicular access that the parish council expressed concerns about would not create any adverse impact and that there had been no objections from the Highways Authority.

Councillor Filmer proposed the officer's recommendation and Councillor Grimes seconded the motion. When put to the vote, it was unanimously agreed.

RESOLVED:

The application 12/23/00025 at Rose Cottage Farm, Burnham Moor Lane, Edithmead for the conversion of a Childs nursery to form 5 dwellings be approved subject to the conditions detailed within the report.

53 Planning Application 41/23/00004 19 Old Pawlett Road, West Huntspill, Highbridge, TA9 3RH - Agenda Item 8

With the assistance of a presentation the Planning Officer explained that the application was for an extension to a workshop and had been picked up through enforcement. Land issues had now been agreed with the Highways authority.

During discussion, it was requested that an additional condition be placed on any approval granted requesting that visibility splays be kept clear to allay concerns expressed and a further condition concerning signage.

Councillor Bradford proposed the recommendation with the additional conditions and this was seconded by Councillor Filmer. On being put to the vote, the recommendation was approved unanimously.

RESOLVED:

The application 41/23/00004 at 19 Old Pawlett Road, West Huntspill for the erection of a workshop extension be granted subject to the conditions detailed within the report and two additional conditions to secure the visibility splays to prevent obstruction/storage within those visibility splays and the provision of signage with the wording of these conditions to be agreed in consultation with the Chair and Vice-Chair of the committee.

54 Information sheets - Agenda Item 9

The committee received the following Information Sheets and noted their contents:

- Planning Appeals Received
- Planning Appeals Decided
- Enforcement Appeals Decided
- S106 Agreements
- Certificate of Lawfulness – Existing Use
- Certificate of Lawfulness – Proposed use

The Planning Officers highlighted certain cases for the committee where there had been a positive result for the planning authority.

55 Training and Updates for the Committee - Agenda Item 10

Members received an update on various matters relating to new policies being proposed, performance statistics and staffing.

(The meeting ended at 4.30 pm)

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CHAIR

Committee date 12/12/2023

Application No: 44/23/00016

Application Type: Full Planning Permission

Case Officer: Amelia Elvé

Registered Date: 25/08/2023

Expiry Date: 23/11/2023

Parish: Shipham

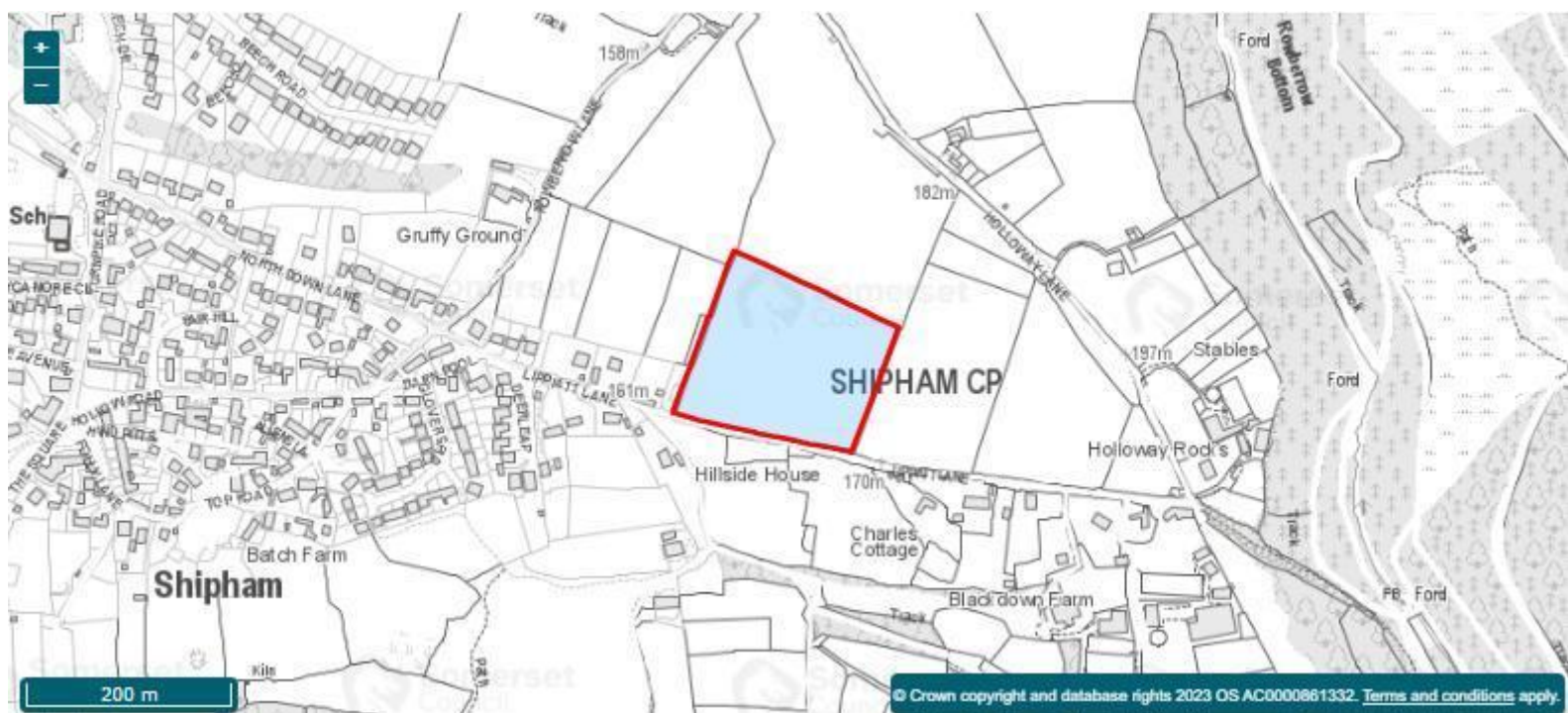
Division: Cheddar

Proposal: Change of use of agricultural land to mixed agricultural and equestrian use, with the erection of stable block and hay/machinery store.

Site Location: Land On North Side Of Lippiatt Lane, Lippiatt Lane, Shipham, Winscombe, Somerset

Applicant: Miss P Lait

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



Committee decision required because

The officer's recommendation is contrary to the view of the Parish Council and this is a major

application (based on site area).

Background

The application site is an agricultural field to the north of *Lippiatt Lane*, a public bridleway. Established hedgerow is present along all of the boundaries. The site is currently served by an existing field access with gate, that is set in from the track with a pull-in area.

The application seeks consent for the change of use of the land to allow for mixed agricultural and equestrian use. The scheme also include the erection of a timber cladded stable block, measuring approx. 22.8m x 4.8m, with a ridge height of approx.. 2.9m. An agricultural storage building is also proposed, also timber clad, measuring approx. 9.0 x 4.8m with the same ridge height.

Relevant History

None

Supporting information supplied by the applicant

Location Plan Drg No. OS 100042766

Block Plan Drg No. 0002

Proposed Stables Floor & Elevations Plan Drg No. P3 Rev 02

Proposed Hay Barn Floor & Elevations Plan Drg No. 1 P3 Rev 02

Consultation Responses

Shipham Parish Council – Object

Shipham Parish Council object to this proposal on the grounds of the visual impact of the roof line and the proximity of the buildings to the road.

Environmental Health – Comment recommending a condition to ensure that manure and bedding is stored appropriately.

SW Heritage – No objection

There are limited or no archaeological implications to this proposal.

Mendip Hills AONB Service – Objection

We do not consider that this application meets any of the conditions to satisfy the exceptional

circumstances (of paragraph 177 of the NPPF), therefore we object to this application as a major application in the AONB.

Ecology – No objection and recommendation of appropriate conditions in respect of external lighting, biodiversity enhancements.

Rights of Way – No objection and an informative to be provided.

Lead Local Flood Authority – Comment recommending conditions to secure further drainage details.

Highways – Standing Advice on the basis the proposal is for private use and not for any business/commercial use.

Representations

3 letters of support from 3 addresses, raising the following planning considerations:

- Limited visual impact due to the position and screening of the stable
- Adequately distanced from residential properties
- In-keeping with the area where there are other stables
- Equestrian use of the land is acceptable
- Utilising existing field access
- Slope of the land would not impede drainage

1 letter of objection from 1 address, raising the following planning considerations:

- Development would result in increased surface water run off which would impact the lane.

Most Relevant Policies

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

National Planning Policy Framework July 2021

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Sedgemoor Local Plan (2011-2032)

CO1: Countryside

D1: Flood Water and Surface Water Management

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D19: Landscape

D20: Biodiversity & Geodiversity

D23: Bat Consultation Zone

D25: Protecting Residential Amenity

D26: Historic Environment

Main Issues

Principle of Development

The application site lies outside of any Development Boundary and proposals in such locations are strictly controlled unless a specific locational requirement can be demonstrated, as set out in policy CO1.

The proposed use of the site requires a rural location, and it is therefore considered that the principle of the development complies with policy CO1 of the Local Plan.

Visual Amenity & Landscape

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 building.

Policy D19 of the Local Plan supports development within the setting of AONBs if potential harm can be *negated through appropriate and acceptable* mitigation measures. The policy seeks to protect and enhance the natural environment wherever possible and seeks to ensure that schemes incorporate mitigation and compensation measures.

The application site is within the Mendip Hills AONB designation. Paragraph 177 of the NPPF sets out that when considering applications within an AONB, permission should be refused other than in exceptional circumstances, and an assessment made of *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

The application is classed as a major development solely based on the area of land that is within the red line. The vast majority of the site will remain as is – and is simply included within the red line to allow for its change of use to allow for equestrian uses as well as agricultural – both uses that are typical for rural areas. The proposal does include two buildings, a stable and agricultural store, however these are of a modest scale and finished with appropriate detailing that is not considered to harm the visual impact of the site or the wider protected landscape. The proposed buildings are well sited along the field boundary and would not appear as incongruous additions to the landscape.

Considering the minimal change to the site, the suitable positioning of the modest sized rural buildings, the proposal is not considered to have a detrimental impact on the environment, landscape or recreational opportunities of the AONB. As such, the proposal is considered to be compliant with policies D2 and D19 of the Local Plan.

Surface Water Management

Policy D1 of the Local Plan seeks to ensure that the surface water run off generated from development is adequately assessed and does not result in a detrimental impact on the wider area and existing water courses.

The LLFA have reviewed the submitted documents and have requested conditions are imposed for

further details to be provided prior to commencement of development. The applicant is agreeable to the imposition of this condition, and it is therefore considered that in this respect, the proposal complies with policy D1 of the Local Plan.

Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further 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.

The closest residential dwelling is sited approx. 24m from the boundary of the application site, and approx. 80m from the proposed stable building. Due to this distance from the proposed buildings it is considered that there would not be any detrimental impact in respect of overdominance, overshadowing or overlooking.

Environmental Health have reviewed the application and have recommended an appropriate condition to ensure that any manure/bedding is stored in a manner that does not give rise to any detrimental impact to the amenities of neighbouring residents.

It is therefore considered that the application is compliant with policies D2 and D25 of the Local Plan.

Highways Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority consider *Standing Advice* to apply to this proposal, providing the

development is solely used for private purposes. In respect of this application, in addition to the use being secured as non-commercial, the development should not impede on highways safety.

The site is currently accessed by an existing vehicular access and pull in area onto *Lippiatt Lane*, a bridleway. The proposed use is not considered to unacceptably intensify the use of the access and is considered to be adequate to allow for vehicles to safely enter and exit the site. As such, the application is compliant with policy D14 of the Local Plan.

Ecology

Policy D20 of the Local Plan seeks for proposals to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity. The application site lies within a Bat Consultation Zone and policy D23 of the Local Plan seeks to secure relevant mitigation measures that could protect relevant species from the impacts of development.

The ecologist has reviewed the application and has requested conditions to secure appropriate mitigation measures and biodiversity enhancement. It is therefore considered that the proposal is compliant with policy D20 of the Local Plan.

Historic Environment

Policy D26 sets out that development proposal should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting, in a manner consistent with their historical significance.

The location of the proposed development lies atop of an archaeological site. SW Heritage have raised no objection and therefore in this respect, the application is considered to be compliant with policy D26 of the Local Plan.

Conclusion

Due to the size and scale of the proposed buildings, and the proposed rural use it is considered that the principle of the development is acceptable, and would not result in an unacceptable impact on visual or residential amenity, highways safety, surface water drainage, ecology or historic environment. As such, the application is compliant with policies CO1, D1, D2, D14, D19, D20, D23, D25 and D26 of the Sedgemoor Local Plan 2011-2032.

RECOMMENDATION

GRANT PERMISSION

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

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

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

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

- 3 Prior to the installation of any external lighting, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. 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 external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 4 Prior to the first use of the development hereby approved, a biodiversity enhancement plan shall be submitted to and approved by the Local Planning Authority. The measures once approved shall be installed prior to the first use of the development hereby approved and retained and maintained thereafter in perpetuity.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

- 5 The development hereby approved shall solely be used for the private needs for the owner and for no commercial purpose.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 6 Prior to the commencement of development, details of the surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The development shall include measures to control, attenuate and discharge surface water. The approved measures shall be installed prior to the first use of the development hereby approved, and retained and maintained thereafter in perpetuity.

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

Schedule A

Location Plan Drg No. OS 100042766

Block Plan Drg No. 0002

Proposed Stables Floor & Elevations Plan Drg No. P3 Rev 02

Proposed Hay Barn Floor & Elevations Plan Drg No. 1 P3 Rev 02

DECISION

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Committee date 12/12/2023

Application No: 13/23/00014

Application Type: Advertisement consent

Case Officer: Liam Evans

Registered Date: 04/09/2023

Expiry Date: 29/10/2023

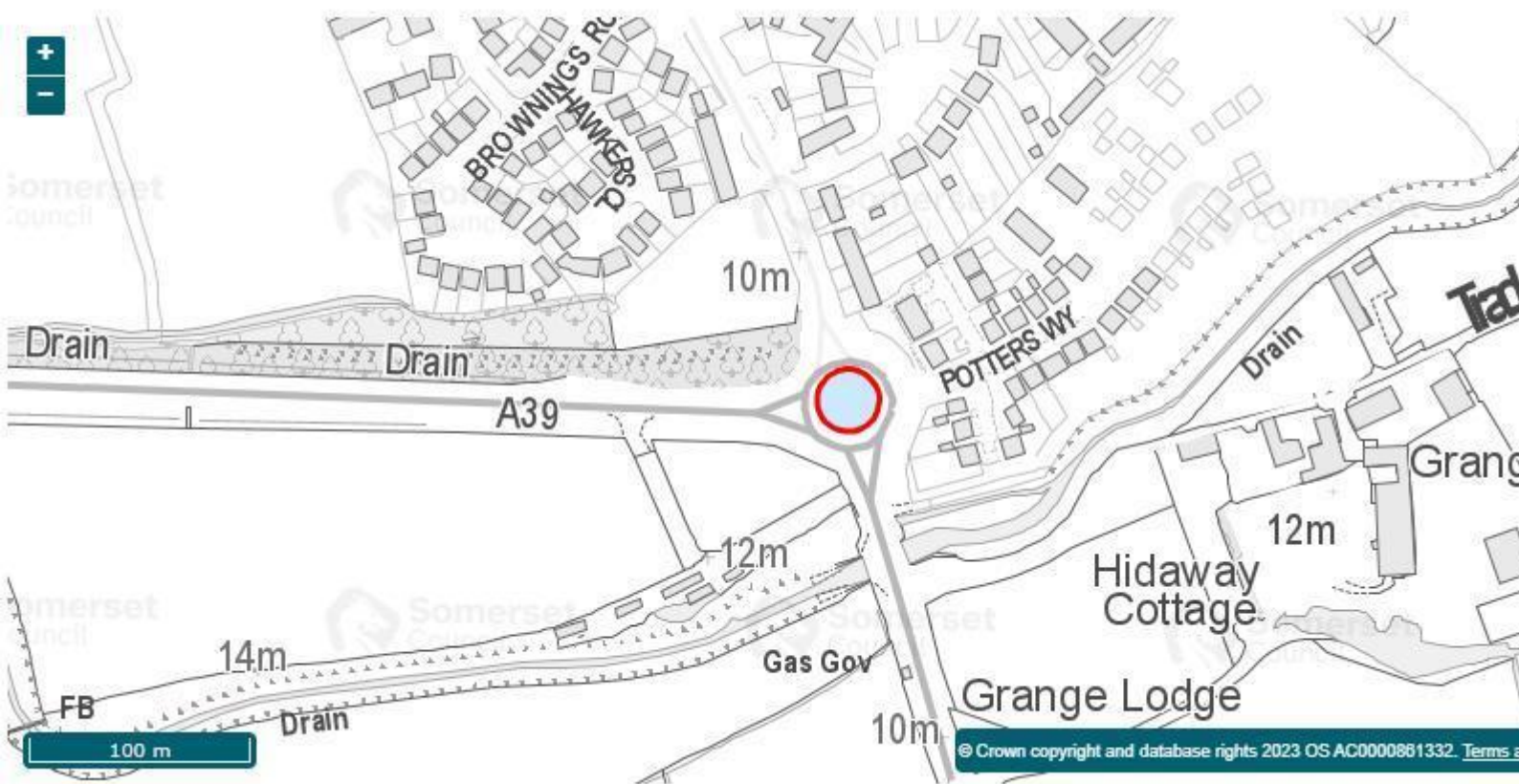
Parish: Cannington

Division: Cannington

Proposal: Erection of 3no. non- illuminated free standing fascia advertisement signs.

Site Location: Land At, Cannington Bypass Roundabout East, Cannington, Bridgwater

Applicant: Somerset Council



Committee decision required because

The views of the Parish Council are contrary to the officer's recommendation.

Background

The application site is an existing roundabout to the south of Cannington linking the A39 with the village and the newly constructed Potters Way residential development.

Permission is sought for the erection of 3 small advertisement signs on the roundabout. The signs would be 1m x 0.5m in area and supported on posts 0.26m high. The sign would display local business names on a white background.

Relevant History

None.

Supporting information supplied by the applicant

None.

Consultation Responses

Parish Council - Objection.

It considers advertisement on the roundabout as:

- An unnecessary distraction to drivers.
- Unwanted roadside signage.
- No benefit to the local area.

Highways - No objection.

Representations

None received.

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Sedgemoor Local Plan (2011-2032)

D2 Promoting High Quality and Inclusive Design

D14 Managing the Transport Impacts of Development

Main Issues

The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

Impact on Amenity

The signs as proposed would be small in size and would not lead to a significant or detrimental impact on the amenity of the immediate locality or the wider area. The signs would be proportionate to the size of the roundabout without visually dominating it or the surrounding area. The provision of 4 signs would respond to the arms of the roundabout.

Public Safety

Council guidance has sought to limit the number of signs to the number of arms on a roundabout and no more. This is considered to be a good balance between making the sponsorship of the roundabout viable and worthwhile and the safety of the travelling public.

The location of the signs on the roundabout would not lead to an obstruction for road users due to their low height (no more than 760mm above the surface of the roundabout) and lack of illumination. The signs would be positioned within the roundabout so as not to encroach onto forward visibility of vehicles approaching the roundabout or visibility to their right, where giving way would be required. The guidance from the Council suggests that any sign on a roundabout should have an overall height of no more than 800mm and 1m x 0.54m in area. The proposed signage would be compliant with these parameters.

The signs would also be viewed against the backdrop of the existing trees and shrubs within the centre of the roundabout and while the Parish Council have cited them as not being wanted or having any local benefit the signage would potentially provide greater awareness for any local business who may wish to exercise the opportunity to advertise via the signs proposed and generating local income.

There is no objection to the proposal as the signs would be small in scale resulting in minimal impact on the amenity of the locality and the safety of road users.

RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 2. No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason for the above five conditions: To accord with the provisions of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

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

Schedule A

Location Plan Drg No. OS AC0000861332

Site Plan Drg No. OS AC0000861332

Proposed Sign Dimensions Drg No. 01

DECISION

Committee date 12/12/2023

Application No: 13/23/00015

Application Type: Advertisement consent

Case Officer: Liam Evans

Registered Date: 04/09/2023

Expiry Date: 29/10/2023

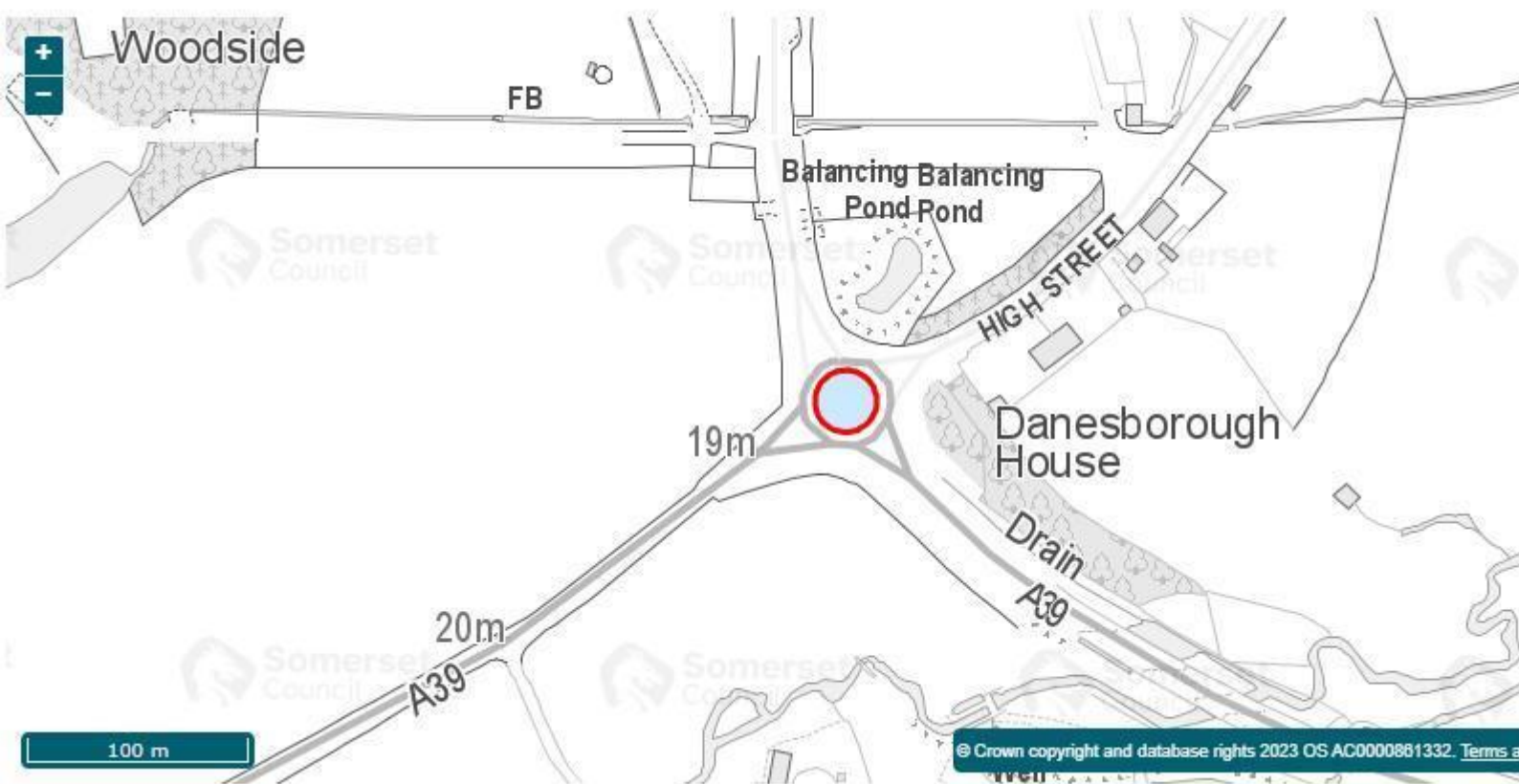
Parish: Cannington

Division: Cannington

Proposal: Erection of 4no. non- illuminated free standing fascia advertisement signs.

Site Location: Land At, Cannington Bypass Roundabout West, Cannington, Bridgwater

Applicant: Somerset Council



Committee decision required because

The views of the Parish Council are contrary to the officer's recommendation.

Background

The application site is an existing roundabout to the west of Cannington linking the A39 with the village and the Brymore Way bypass.

Permission is sought for the erection of 4 small advertisement signs on the roundabout. The signs would be 1m x 0.5m in area and supported on posts 0.26m high. The sign would display local business names on a white background.

Relevant History

None.

Supporting information supplied by the applicant

None.

Consultation Responses

Parish Council - Objection.

It considers advertisement on the roundabout as:

- An unnecessary distraction to drivers.
- Unwanted roadside signage.
- No benefit to the local area.

Highways - No objection.

Representations

None received.

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Sedgemoor Local Plan (2011-2032)

D2 Promoting High Quality and Inclusive Design

D14 Managing the Transport Impacts of Development

Main Issues

The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

Impact on Amenity

The signs as proposed would be small in size and would not lead to a significant or detrimental impact on the amenity of the immediate locality or the wider area. The signs would be proportionate to the size of the roundabout without visually dominating it or the surrounding area. The provision of 4 signs would respond to the arms of the roundabout.

Public Safety

Council guidance has sought to limit the number of signs to the number of arms on a roundabout and no more. This is considered to be a good balance between making the sponsorship of the roundabout viable and worthwhile and the safety of the travelling public.

The location of the signs on the roundabout would not lead to an obstruction for road users due to their low height (no more than 760mm above the surface of the roundabout) and lack of illumination. The signs would be positioned within the roundabout so as not to encroach onto forward visibility of vehicles approaching the roundabout or visibility to their right, where giving way would be required. The guidance from the Council suggests that any sign on a roundabout should have an overall height of no more than 800mm and 1m x 0.54m in area. The proposed signage would be compliant with these parameters.

The signs would also be viewed against the backdrop of the existing trees and shrubs within the centre of the roundabout and while the Parish Council have cited them as not being wanted or having any local benefit the signage would potentially provide greater awareness for any local business who may wish to exercise the opportunity to advertise via the signs proposed and generating local income.

There is no objection to the proposal as the signs would be small in scale resulting in minimal impact on the amenity of the locality and the safety of road users.

RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 2. No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason for the above five conditions: To accord with the provisions of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

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

Schedule A

Location Plan Drg No. OS AC0000861332

Site Plan Drg No. OS AC0000861332

Proposed Sign Dimensions Drg No. 01

DECISION

Committee date 12/12/2023

Application No: 24/23/00017

Application Type: Full Planning Permission

Case Officer: Chris Mitchell

Registered Date: 21/08/2023

Expiry Date: 15/10/2023

Parish: East Brent

Division: Brent

Proposal: Erection of two storey rear extension part on site existing conservatory (to be demolished).

Site Location: 25 Red House Road, East Brent, Highbridge, Somerset, TA9 4RX

Applicant: Mr & Ms Barrett & Chase



Committee decision required because

This application is referred to the area committee at the request of the Chair and/or Vice Chair to enable the issues raised by the Parish Council to be debated.

Background

The site is located to the north of East Brent with access taken from East Brent Road. The property is a detached dwelling house built with stone walls, UPVC windows and doors and tiled roof.

The proposal is for the demolition of existing rear conservatory and the erection of two storey rear extension that would provide a dining room with sitting room at ground floor with enlarged bedrooms above. The rear extension would be built with stone walls, UPVC windows and doors and tiled roof.

Relevant Planning History

Applications Overlapping the same Spatial Area

Reference	Decision	Proposal
24/21/00042	GTD	Conversion of garage to living accommodation
24/94/00014	GTD	Erection of 35 detached dwellings, garages and formation of accesses thereto
24/90/00022	GTD	Development of land for residential purposes and formation of a village green with parking area and footway/footbridge together with enlargement of farmhouse curtilage

Consultation Responses

Consultee Name	Summary of Response
East Brent PC	<p>At our PC meeting held on 04.09.23 - it was agreed unanimously to object to this application</p> <p>Under policy D125 - the new appearance will be too domineering on the plot.</p> <p>There is not enough space for parking/ turn in is too tight for the 3 parking spaces shown on the plan</p>
Axe Brue Drainage Board 07/10/2023	<p>Further information has been provided by the applicant to the IDB regarding the proposed surface water drainage, which will discharge to an existing Wessex Water surface water sewer. Information has also been provided regarding the current restrictions on maintenance access and how future maintenance could be carried</p>

out.

The Board therefore have **no objection** to this application. The Board would request that the following informative is added to any permission that is granted:

Informative: The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).25/09/2023 – Objection
The Board **requires further information** to fully assess the impacts of the proposals.

The site is bounded on the north-eastern boundary by an ordinary watercourse, and a second ordinary watercourse bisects the site to the north-west of the proposed extension. The proposed extension is over the footprint of the existing conservatory and deck area. Whilst located in line with the wall of the existing dwelling, the extension is located within 6m of the ordinary watercourse to the north-eastern boundary. This will increase the length of restricted access. Maintenance of ordinary watercourses is the responsibility of the Riparian owner, details of how this portion of ordinary watercourse will be maintained should be provided.

The proposals will increase the impermeable areas of the site and therefore the volume of surface water runoff. No information is currently provided regarding the management of surface water runoff. Details of how surface water from the extension will be managed should be provided.

We would also like to remind the applicant that in

	addition to obtaining planning permission, they will need to apply for Land Drainage Consent for any work within 9m of the top of bank of any viewed rhyne or ordinary watercourse. East Brent Parish Council
Somerset Highways	Standing Advice
Somerset County Council - Rights of Way	Public Right of Way: No objection – recommends an informative be placed on any permission granted. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Representations:

There have been two letters of objection received, summarised as:

- Concern to blocking of turning area with trades persons;
- Objection to lack of time to comment upon the application due to being on holiday and varying dates advertised;
- Inaccuracy of the site plan that includes a field to the rear of the garden of the property, this is not residential land and is outside the settlement boundary of East Brent;
- Objection to the loss of light to sitting room from the proposed two-storey rear extension;
- Unneighbourly development upon our rear garden;
- Loss of privacy from windows on the proposed development;
- Issue of noise and disruption to our property during development;
- Concern to ditch being filled in by previous owners and culverting the ditch without appropriate permissions;

Most Relevant Policies

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

Sedgemoor Local Plan 2011-2032

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

National Planning Policy Framework February 2021

Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment

Main Issues

Visual Amenity

The proposed two-storey extension would be on the rear elevation of the dwelling house and therefore, would no visual impact upon street scene of Red House Road.

It is noted that it would be seen from the public right of way AX 17/11 to the north east of the property. However, the two-storey rear extension is considered to be of an appropriate scale, design and detailing that would respect the form and character of the existing building and identity of the wider locality. In this respect the proposal complies with policies D2 and D19 of the Local Plan (LP).

Residential Amenity

The objection by the neighbour to the loss of light from the two-storey rear extension to the sitting room of No 23 Red House Road and unneighbourly development to their rear garden is noted. The proposed two-storey rear extension would project by some 3.5m of the rear elevation of the property and whilst it would have an impact upon neighbour's property. However, due to the orientation of the neighbour's house, being stepped back from the rear boundary and at a distance of some 2.5m between properties, officers consider that there would be sufficient light to neighbour's property throughout the day.

The concern raised by Parish Council to the potential dominant impact upon neighbour is noted. As stated above officers do not consider that the proposal would have a domineering impact upon neighbour and it is on the rear elevation so it would have minimal visual impact.

Therefore, officers do not consider that there would be a significant loss of light or dominant impact upon the sitting room to warrant the refusal of this application.

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

Ecology

In officers' opinion the conservatory would be of low likelihood for nesting area for protected species there is no requirement for any biodiversity mitigate at the site. It is recommended that an informative be placed on any permission granted detailing that if any bats are found during the works a qualified ecologist must be consulted immediately and all works halted on site.

Therefore, the proposal is considered acceptable in accordance with policies D19, D20 and D23 of the Sedgemoor Local Plan.

Other Matters

The Public Right of Way (PROW) officer raises no objection and recommends an informative be placed on any permission granted that the PROW shall not be obstructed during construction works. The issue of the filling in of ditch to the north west of the site are noted though the agent has confirm that the applicant have done no works reading culverting the ditch. This is a civil matter between the Drainage Board and neighbours.

Following further information provided to Axe Brue Drainage Board by the agent to address their objection the Axe Brue Drainage Board states standing advice and recommends an informative be placed on any permission granted.

The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).

The concern raised to the use of the land to the rear of the applicant's garden where a shed, decked area, play equipment and planting has been undertaken on agricultural is noted. Following a site visit officers confirm that there is no permission to change the use of this land for residential purposes. This is an enforcement matter that would need to be investigated separately. If planning permission were to be approved for the proposed extension, then an informative would be placed on any permission granted that the applicant would need to regularise the use of this land as residential curtilage to this property.

The agent has amended the site location plan with correct red around the garden of the property and blue line around the field area.

The objection to the development and issue of parking of trades persons is a civil matter and not an overriding reason to refuse this planning application.

Flood Risk

As the property is within Flood Zone 3, however, this is a householder application that is acceptable subject to implementation of flood resilience measures that have been detailed in their Flood Risk Assessment. The electrical sockets shall be raised above the ground floor level by 0.4m and raise all electrical appliances above ground floor level. A condition shall be placed on any permission granted to this effect.

Highways

The objection by the Parish Council to the lack of off-street parking to the property with the addition of bedroom is noted. The proposal does not result in the addition of a bedroom as the first floor extension is merely extending an existing bedroom. The playroom is an existing room within the property and could be used as bedroom and already exists. Consequently, there is no increase in bedrooms to the property and it can provide 3 off-street parking spaces as originally built.

The concern raised to the issue of noise and parking disruption of cul-de-sac during development is noted. The proposed development is of acceptable scale and size and hours of operation and parking issues are civil matters that neighbours can deal with independently.

Conclusion

The proposal is of an acceptable design and appearance that would have no adverse impact of the character of the existing building or the locality, residential amenity, or highways safety. As such the proposal complies with policies T3a, D1, D2, D14, D19, D20 and D25 of the Sedgemoor Local Plan.

RECOMMENDATION

GRANT PERMISSION

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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

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

- 3 The development hereby approved shall be carried out in accordance with the flood resilience measures as set out in submitted and approved Flood Risk Assessment dated 29th August 2023.

Reason: To safeguard the site and surrounding area from flood risk in accordance with Sedgemoor Local Plan 2011-2032 Policy D1.

Schedule A

- Location Plan Drg No. 001 Rev A
- Existing Block Plan Drg No. 002 Rev A
- Existing Plans Drg No. 004 Rev A
- Existing Elevations Drg No. 006 Rev A
- Existing Elevations Drg No. 007 Rev A
- Existing Roof Plan Drg No. 005 Rev A
- Proposed Block Plan Drg No. 003 Rev A
- Proposed Plans Drg No. 008 Rev A
- Proposed Elevations Drg No. 010 Rev A
- Proposed Elevations Drg No. 011 Rev A
- Proposed Roof Plan Drg No. 009 Rev A

DECISION

Committee date 12/12/2023

Application No: 31/20/00002

Application Type: Full Planning Permission

Case Officer: Sharon Redman

Registered Date: 18/03/2020

Expiry Date: 12/05/2020

Parish: Lympsham

Division: Knoll

Proposal: Change of use of land to form 1no. Gypsy/Traveller pitch comprising of 1no.mobile home, 1no.touring caravan, erection of one dayroom, formation of pony paddock and associated works (part retrospective).

Site Location: The Stables, Bridgwater Road, Lympsham, Weston-super-mare, Somerset, BS24

Applicant: Mrs Ayres



Committee decision required because

The application is to be considered by the committee at the request of the Chair and Vice-chair to enable the issues relating to flood risk and the objection of the Environment Agency to be considered.

Background

The application site is located to the north of Lympsham, outside of the settlement boundary and is adjacent to Bridgwater Road (A370). The site is enclosed by existing tree planting and is directly south of car and motorhome dealerships. A large residential property is to the south (Oakwood Grange) and there is a residential development (Ferry Lane) opposite on the eastern side of Bridgwater Road. Access to the site is via an unmade track that runs along the western boundary with access via a gate at the south of the site. The point of access onto the A370 is shared with Oakwood Grange.

This application seeks part retrospective consent for the change of use of the land to site a mobile home and for the erection of a utility/day room. The mobile home is positioned towards the centre of the site while the utility room is located adjacent to the south western boundary. The utility room is 9m x 6m in area with a maximum height of 4.675m and finished in red brick and red clay tiles. The submitted layout plan indicates the northern part of the site will form a grassed area to be used as a pony paddock with additional hedge screening to be added along northern, western and south western boundaries. The site is occupied by one gypsy family.

Several visits to the site have identified one static caravan, one touring caravan, a small wooden outbuilding and a portable toilet on the site. In addition there was a part built building works in blockwork to the west of the mobile home, where the day room is now proposed. Hardstanding exists across the site with the exception of the northern part of the site, although remnants of building material used to consolidate the site remain visible.

Relevant History

None.

Supporting information supplied by the applicant

Supporting letter and Flood Risk Assessment.

Consultation Responses

Consultation Responses received on Amended Plans – July/August 2023

Lympsham Parish Council – Objection

“Parish Council stand by original comments of 20th June 2020. The revised day room is in size more like a bungalow and it is noted that a window in the storage room could be a bedroom.”

Somerset Council - Environmental Health – Comment

- Comments remain the same as previously submitted

Somerset Drainage Boards Consortium – Comment

- No principal objection
- Surface water attenuation and discharge must be in accordance with NPPG and appropriate for the development
- Applicants advised to check proposal is in accordance with standing advice
- Land Drainage consent may be required and informative should be added to any decision

Somerset Ecologist – No Objection

- Recommends condition regarding external lighting

Somerset Civil Contingencies – Comments

- Recommends condition requiring flood warning and evacuation plan.

Somerset Highways – No Objection

- Previously recommended a surface water condition but on review the FRA identifies the site will be permeable therefore the condition is not required and there is no objection from the Highway Authority.

Environment Agency – Objection

“We maintain our ‘in principle’ objection to the proposal on the basis that the development falls within a flood risk vulnerability category which is inappropriate to the flood zone in which the development site is located. This is not disputed within the supporting flood risk assessment (FRA) which identifies the proposal as being ‘highly vulnerable’ development (as defined in Annex 3: Flood risk vulnerability classification of the National Planning Policy Framework (NPPF) located within flood zone 3. Therefore, in line with Table 2: Flood risk vulnerability and flood zone ‘incompatibility’ of the national Planning Policy Guidance (PPG) the proposed development should not be permitted.

We have however reviewed the submitted flood risk assessment (FRA) completed by “SLR Consulting Ltd”, dated July 2023, and we are able to offer the following comments in addition to the above policy objection.

Upon review, we consider the FRA fails to demonstrate how people will be kept safe from the potential flood hazards, which is contrary to the requirements for site specific flood risk

assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance.

Reasons

In our letter dated 6th October 2022 we state, “The proposed development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis”.

In the data provided by the Environment Agency, the undefended, 1 in 200 year level is 6.54mAOD, with maximum predicted flood depths on site in excess of 1 metre. However, this is a current day level which excludes an adequate climate change allowance. Therefore, it’s fair to conclude, with an additional climate change allowance, the predicted flood depths of the proposed site would likely reach a “Danger for most/Danger for all” level as outlined in the “Danger to People Velocity”.

The latest FRA states, “The LiDAR data indicates that levels across the Site vary between a minimum elevation of 4.5m Above Ordnance Datum (AOD) to the east of the Site, to a maximum elevation of 6.4m AOD to the east of the Site. As shown by Drawing 002, the mobile and amenity block are to be located on the western half of the Site which has a minimum elevation of circa. 6.0mAOD”.

The residual risk is something which is site specific and a key aspect to cover when considering safety of a development. Whilst the latest FRA disagrees a residual risk caused by an overtopping/breach in defences would significantly impact the site, this will need to be supported by appropriate flood modelling, as referenced in our previous response, before this can be accepted.

As stated in our previous correspondence from the 6th October 2022, to definitively determine whether the site is at residual risk of flooding due to a breach in the defences would require a comprehensive modelling assessment simulating breaches at a number of locations along the coastal frontage to determine the worst--case at the site, something which is not proportionate for a planning application of this scale.

In conclusion, the submitted FRA fails to adequately demonstrate the proposed development is safe for occupants for its lifetime. Data provided by the Environment Agency demonstrates flood depths to the site in excess of 1 metre, at a present--day level, without the potential impacts of climate change. Therefore, when this additional risk is included, it presents an unnecessarily high risk to occupants. In the absence of a safe access/egress and/or safe refuge, the occupants could be subjected to potentially deep/dangerous flood waters with no safe escape/evacuation.

In order to pass the Sequential Test the applicant must demonstrate that there are no reasonably available sites in a lower flood risk area within an agreed area. The applicant should agree a Sequential Test position with the Local Planning Authority prior to committing further resources

into the proposal.”

Natural England – No Objection

Wessex Water – Comments

- Comments as before – use of a septic tank requires Local Authority agreement.

As originally consulted – March 2020

Lympsham Parish Council - Objection.

"Lympsham Parish Council Object to this Retrospective Application on the following valid planning grounds;

1) The Application falls outside the Lympsham settlement and development boundary and is on a green field site.

It does not seek to protect or enhance the natural environment and does not demonstrate specific countryside needs, contrary to Strategic Policy S7 of the Sedgemoor Local Plan 2011-2032. This land was sold on the understanding that it was to continue to be a pony paddock.

2) The low level of the site (flood zone 3) gives concern that to prevent or reduce any flooding risk to the site and to any buildings or caravans , the ground level would need to be raised significantly - this will also impact on neighbouring properties. Looking at the neighbouring garage it can be seen how low lying the proposed site is for this retrospective application.

3) There has been considerable clearance at the site already and with mature hedgerows and trees removed , this will have an effect on the landscape, diminishing the appearance and character of the area, and causing loss of natural habitat to wildlife. This will have a substantial negative impact on the enjoyment of the residents of the surrounding properties. The cleared area is also much more significant in size than is required for one mobile home, and raises concerns that a business will also operate from the site.

4) The access in and out of the site is via a private single -track lane which joins on to the A370. This is a known accident spot and this stretch of road is unlit in a 60mph zone. Additional cars, caravans and commercial vehicles pulling out on a regular basis would clearly add to the risk of more accidents. A previous Application to build on the site was refused for these reasons . Highways have yet to produce a report on this Application.

5) There will be a loss of privacy for local residents. The site is overlooked by a number of properties and the privacy of residents especially from the first floor of their accommodation will be affected.

6) Sewerage disposal from the site would need addressing. The new septic tank legislation of 1st January 2020, would mean a full treatment plant with documentation would be required. There are no details in the Application for the provision of utility services."

Environmental Health - Recommend drainage condition.

Natural England - No objection

“Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.”

Environment Agency (Initial Comment) - Objection.

"We advise the proposed development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG). We recommend that planning permission is refused on this basis.

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site lies within Flood Zone 3a , which is land defined by Sedgemoor District Council Strategic Flood Risk Assessment as high risk.

The development is classed as highly vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted."

Environment Agency (Further Comment) – Objection

“We refer to the letter from SLR Consulting dated 25 August 2022. We apologise for the delay in response. The 2009 Sedgemoor District Council Level 2 Strategic Flood Risk Assessment (SFRA) modelling provides potential indication of overtopping and breaching of the defences, including climate change, in the area of the site.

We note the modelled Level 2 SFRA outputs indicate the available 1 in 200 (0.5%) events in 2108 are not shown to affect the site and surrounds but the 1 in 1,000 (0.1%) events shown to surround them. It is however important to note that, by definition, the three locations were selected as part of the SFRA to provide a range of conditions throughout the district, and not to identify the worse potential flood scenarios at the site and immediate surrounds. Should a breach occur in a location that has not been modelled in the SFRA or an exceedance event occur, the application site may be impacted.

To definitively determine whether the site is at residual risk of flooding due to a breach in the defences would require a comprehensive modelling assessment simulating breaches at a number of locations along the coastal frontage to determine the worst-case at the site, something which is clearly not proportionate for an individual planning application.

Notwithstanding the above, the inherent vulnerability of this type of development and its occupants to flood risk, the uncertainty as to the potential for worse residual risk conditions than those considered in the SFRA and the potential for the site to be cut-off by floodwater mean we maintain our 'in principle' flood risk objection. The proposed development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis."

Wessex Water - No comments.

Internal Drainage Board - Objection.

"The Board would like to retain its objection due to there being insufficient information regarding the proposal for the management of foul drainage. The proposed septic tank appears to be some way from the dayroom and the mobile home. This does mean that flows under gravity may not be achievable. There are also no details of how the treated effluent will be disposed of, it is unlikely that a drainage field and infiltration will work in this location.

Further information is required, prior to determining the application."

Highway Authority - No Objection

- The access is an existing access onto the A370 and in the opinion of the Highway Authority this planning application would not place the existing access or existing highway network over capacity
- Access benefits from suitable visibility onto the A370 but should be maintained to allow for the egress/ingress of vehicles
- Water should not be discharged onto the highway (condition recommended)
- Highway Authority would have concerns if further development in the site at a future date

Representations

Responses to Neighbour Notification received on Amended Plans - July/August 2023

4 additional letters of objection received reiterating previous concerns and the following issues:

- Precedence would be created if this is allowed
- Sites like these have a tendency to grow
- Similar schemes previously refused
- Object to large bungalow on the site (day room)

As originally Consulted March 2020

Twenty four letters of objection received raising the following concerns:

- Inaccuracies on block plan with mobile home being larger and in different position
- Remains against local policies
- Concerned there is no proper sewage disposal and inadequate drainage information
- Plans are not dimensioned or to scale
- Traffic generation and road safety is a concern
- Not in keeping with the landscape and countryside
- Applicant was granted consent for different site in 2019
- Outside of development boundary
- Would not maintain the environment and would increase traffic
- Countryside location has not been justified
- Impact on landscape and character of Lympsham
- Doesn't meet the requirements of Policy D8
- Has resulted in removal of hedgerows, trees and grassed areas and is damaging to the environment
- Bats and wildlife impact
- Is contrary to flood policies and could increase flood risk elsewhere
- Septic tank is not appropriate
- Access is dangerous, located on blind bend with limited visibility and there have been several accidents on this stretch of road
- Lack of lighting adds to the safety issues
- Numerous planning applications for dwellings refused in the past around Boat Lane
- Mobile homes have higher flood vulnerability
- Highway authority have not properly assessed the junction
- Replacing pony paddock with gypsy caravan site will negatively impact on enjoyment of homes, gardens, walking and recreation and enjoyment of the countryside by others
- No details of hardstanding has been provided and what has been provided is enough for 25 vehicles
- Little amenities close to the site and so environmental impact through traffic
- No evidence of gypsy status and no justification for gypsy site here as other official gypsy sites within the area
- No evidence of occupational need to live on this site
- Size of proposed mobile home is large and clearly is not to be used for a nomadic lifestyle
- Contrary to Policy CO1 as it does not demonstrate countryside need
- No safe route to schools, local shops or health facilities and no public transport
- Track becomes muddy and access difficult in the winter months
- Significant local concern raised to the application on highway safety grounds
- Will dominate local community and is not of an appropriate scale
- Impact on badger sett on site and wider TB risk to local livestock

- Site is overlooked by several properties and screening will be insufficient to protect privacy of occupants from views from first floor accommodation of properties north, east and south
- Object on basis it is retrospective and will affect property values
- It will impact on security and privacy of surrounding properties
- Applications for housing previously turned down on highway safety concerns
- Concerned it grow to be a larger site
- Will not be in keeping with two storey dwellings established over years and mobile home will disturb character, design and have adverse landscape impact
- Is against Wildlife and Countryside Act and has already caused irreparable damage to wildlife including bats and other protected species
- Utility block is excessive for one family when compared to utility blocks provided on campsites
- Applicant has already converted an existing building to be a utility block which means there would be two utility blocks on site
- Size shape and material for mobile home has not been specified
- Allowing caravan at flood risk would mean council were failing to provide safe environment for the health and wellbeing of the applicant
- Will impact on the human rights of the settled community and right to respect for private and family life, protect property and investment and children's futures
- Site has previously been refused for housing
- Increased use of the lane will affect the privacy of properties adjacent to it
- No signage on the field when put up for auction

Most Relevant Policies

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

National Planning Policy Framework 2021

Sedgemoor Local Plan (2011-2032)

Policy S1 - Presumption of Sustainable Development

Policy S2 - Spatial Strategy for Sedgemoor

Policy D1 - Flood risk and surface water management

Policy D2 - Promoting high quality and inclusive design

Policy D8 - Gypsies, Traveller and Travelling Show People

Policy D14 - Managing the Transport Impacts of Development

Policy D19 - Landscape

Policy D20 - Biodiversity

Policy D25 - Pollution Impacts of Development and Protecting Residential Amenity

Policy D26 - Historic Environment

Other Relevant Documents

Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update

Main Issues

Principle

Identified local need for gypsy and traveller pitches

The site is in the countryside where Local Plan policies do not support new residential development unless there is a recognised exception. In this case the application would deliver gypsy/traveller pitches to meet an identified local need and for which there is a policy exception. It is accepted that this potentially addresses national and local policy requirements, set out as follows.

The National Planning Policy Framework (NPPF) needs to be read in conjunction with the Government's 'Planning Policy for Traveller Sites' published alongside the original NPPF in March 2012. The Government's aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life whilst respecting the interests of the settled community.

In determining planning applications for traveller sites, LPAs are required to determine applications in accordance with the development plan unless material considerations indicate otherwise; applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the Planning Policy for Traveller Sites.

For planning purposes, the Planning Practice Guidance provides the following definition of Gypsy and Travellers:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.'

The adopted local plan includes a specific policy (D8) relating to gypsy and traveller sites. This sets out that the identification and delivery of pitches in Sedgemoor is challenging, particularly given the extent of flood risk within the District and the requirement of national policy to demonstrate a five year deliverable supply of sites to meet identified local needs. Policy D8 sets out the intention to produce a Site Allocations Development Plan Document in order to address these challenges, however, as this is yet to happen, the policy sets out criteria against which applications that seek to address outstanding need are to be assessed.

In terms of outstanding need, the Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update currently provides the most up to date information in respect of local need. In terms of outstanding need, the Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update advises that 69 pitches are needed up to 2032. Whilst the GTAA update technically covered the period from 2010-2032 (rather from 2011), for simplicity it was considered appropriate to apply the full pitch requirement over this time to the Local Plan 2011-2032 period. This approach was agreed at the Local Plan examination.

At the time of examination of the Local Plan, 24 pitches had been delivered against the requirement, leaving a residual pitch requirement of 45. This is the 45 pitches referred to in Policy D8. This was up to the 2015/2016 monitoring period at the time. Since that time our monitoring confirms consents for an additional 19 pitches have been granted. Therefore, this leaves a current residual need of 26 pitches up to the end of the plan period (Noting that there is potential for another current live application for 4 additional pitches to be consented at the same Planning Committee meeting (reference 54/23/00002) - in which case a further update will be given at the meeting). It should be noted also that the GTAA figures are minimums. On this basis the Local Planning Authority is unable to demonstrate a suitable supply of pitches and there remains a demonstrable need for pitches, and an exceptional policy justification to meet the need for gypsy/traveller pitches. Accordingly, it is considered that, in principle, the further pitch proposed by this application could be supported.

Compliance with Policy D8

Given the above and the absence of a site allocations development plan document the principle of the site has been assessed against the criteria of policy D8 and this is set out in italics under each bullet point of the policy. The assessment of further detailed technical matters such as design and layout, highways, flood risk, drainage, landscaping, and residential amenity are set out in more detail in subsequent sections of the report.

- Are of appropriate size and proportionate in scale to and avoid dominating the nearest settled community in rural/semi-rural areas - The site proposes a single pitch on the site which would serve one family. It adjoins a small group of existing properties with the size of the site not being out of character to plots of the existing properties. It is reasonably well related to Lympsham as the nearest village and is not considered to be inappropriate in this location and could not be considered to dominate the nearby settled community given the modest scale. Matters of design and layout are considered in more detail in a subsequent sections of this report.
- Take account of the particular and differing needs of different groups of Gypsies and travellers - The proposal would meet the needs of the gypsy and traveller community in the use of the site for a family pitch and would provide facilities generally associated with that use.

- Promote and facilitate access to schools and health facilities - It is considered that at approximately 1km outside the village of Lympsham (an identified Tier 3 settlement in the Local Plan on the basis of its offer as a local service centre) the site is reasonably well related to services and facilities. There are footways along the A370 that could be used to connect from the site to the entrance of the village. In considering distances from services and facilities in the context of gypsy and traveller sites, Inspectors elsewhere have considered distances up to 5km as reasonably accessible.
- Ensure that the development will not result in severe transport impacts including providing appropriately safe access - Somerset County Council as Highway Authority raise no objections in respect of highway safety subject to conditions being imposed. This is on the basis that the traffic generation associated with the development would not have a severe impact given the adequacy of the existing access arrangements. Matters of highway safety and access are considered in more detail in a subsequent section of this report.
- Provide sufficient space within the site for parking and manoeuvring of vehicles, and for transit sites, are located reasonably close to, or easily accessible from the primary or county road network - The site is intended as a permanent site and so reference to the transit site requirements are irrelevant to this application. The site plan demonstrates adequate parking and turning areas for the pitch would be provided and has not raised any objection from the Highway Authority. Matters of layout are considered in more detail in a subsequent section of this report.
- Provide opportunities where appropriate for travellers to live and work from the same location where this can be sensitively designed to mitigate potential impacts on the site surroundings or other residential uses near to the site - the proposal does not include any specific reference to working on the site although there is sufficient space on site for ancillary activities, e.g. for parking a works van, and, subject to further grant of planning permission, the site could accommodate a low level business activity. Given the site is adjacent to existing residential properties the potential impact of commercial uses would need careful consideration. Matters of residential amenity are considered in more detail in a subsequent section of this report.
- The site is suitable in flood risk terms for the proposed use - The site is within flood zone 3a where highly vulnerable uses such as residential caravans would not generally be considered appropriate. The Environment Agency object to the application on the basis of this policy principle. Whilst the site is defended the Environment Agency also raise concerns regarding the residual risk should defences fail. However reference to relevant planning decisions and the information submitted within the applicants flood risk assessment suggest that the actual level of harm arising in respect of flood risk (besides a policy principle objection) when weighed against the identified need for the site would not be objectionable. Matters of flood risk and drainage are considered in more detail in a subsequent section of this report.

With regard to the other requirements of Policy D8 the following comments are offered:-

- It is accepted that the applicant is a gypsy/traveller for the purposes of the definition in annex 1 of the Planning Practice Guidance for Gypsies and Travellers. In addition to the description of development which seeks consent for a gypsy/traveller pitch, a condition would be imposed on any permission limiting the occupation of the site to those meeting the definition. If in the event of a breach of such restrictions came to the council's attention there are enforcement powers to address the situation.
- It is not disputed that this site is required to meet the applicant's family needs including the provision of a settled based from which the family's educational and other needs would be met. The application includes supporting information confirming educational needs of the family are currently being met in Lympham.

On this basis it is considered that the principle of the proposal complies with the requirements of policy D8 and would deliver a further pitch to meet the Council's on-going need for gypsy/traveller sites. This is subject to the detailed considerations of design and layout, highway impact, flood risk, drainage, landscape and visual impact, and residential amenity. These matters are dealt with individually below.

Design and Layout

The proposed site plan identifies that the site would be laid out to accommodate a mobile home set towards the centre facing to the south east with a utility/day room shown to the south west. This plan has recently been amended to more accurately the situation on the site than the originally submitted block plan which showed the mobile home and day room further to the south of the site. A touring caravan has been present on the site on earlier site visits, located in front and to the left of the mobile home, although this was not seen on the site in more recent visits. The proposed block plan provides sufficient space for a tourer to the right of the mobile home as well as two parking spaces adjacent to the day room.

As outlined above access will be through an existing gated entrance at the southern point of the site onto an unmade track which has a shared point of access onto Bridgwater Road (A370) with the adjacent residential property (Oakwood Grange). The site plan also identifies that the existing hedgerow along the eastern boundary (adjacent to the A370) will be retained with new hedgerow for screening purposes to be planted along the northern and eastern boundaries.

The layout demonstrates that the site is large enough to provide an attractive living environment for the occupiers of the pitch, providing the level of facility generally expected on Gypsy/Traveller pitches including sufficient space for parking, turning and the parking of touring caravans as required as well as sufficient amenity space. The additional landscaping will help provide a degree of privacy as well as screening the site to help reduce any visual impact. It is therefore considered that the proposal is acceptable in respect of design and layout and accords with Policy D2 of the adopted Local Plan.

Highway Impact

As set out above, the Highway Authority, does not raise any objection on the grounds of highway safety subject to the addition of conditions should consent be forthcoming. The proposal utilises the existing access onto the A370 to the site which provides suitable visibility. The application would generate traffic movements associated with a single pitch (generally assumed to be 6-8 movements per day) above the existing situation. The Highway Authority are satisfied that the access and local highway network could accommodate the resultant traffic associated with this proposal and raise no objection on this basis.

Furthermore, the site layout makes adequate provision for parking and turning within the site. Whilst the Highway Authority raise some concern regarding the future intensification of the site, this does not form part of the application proposals and any increase in pitches in the future would require planning consent and further assessment at that stage. On the basis of the above, the application is considered to accord with Policy D14 of the adopted Local Plan.

Flood Risk and Drainage Considerations

The site lies in flood zone 3a which is land at a high risk of flooding. Mobile homes and caravans meant for permanent residential occupation are classed as 'highly vulnerable' and according to Planning Practice Guidance such development should not be allowed in this flood zone. The Environment Agency object to the application on this basis.

As Members will be aware the flood risk zoning does not take into account the presence of flood defences. The applicant's submitted Flood Risk Assessment (FRA) sets out the case that the proposed development would be adequately protected by existing tidal defences when considering the impact of climate change and that any residual flood risk (through failure or overtopping of the defences) would be low. The FRA identifies that under an undefended scenario the potential flood depth across the site in a 1 in 200 year flood event would be a maximum of 0.5m, increasing to 0.78m for a 1 in 1000 year flood event.

Drawing on the Council's Strategic Flood Risk Assessment (SFRA), the applicant's FRA identifies that taking into account any potential failure of the food defences and allowing for the impact of climate change, flood waters would not reach the site. This is in part due to the role that the north-south running railway embankment plays some 2.5km to the rear of coastal flood defences and that the site is some 4km from the tidal flood defences. The SFRA also confirms that the site has no record of historic flooding affecting the site (tidal or fluvial).

In their original comments on the application the Environment Agency set out their objection in principle, identifying the conflict with national policy in respect of the incompatibility between flood vulnerability and flood zone 3a. It did not identify any disagreement with the findings and

conclusion of the FRA in respect of the detailed assessment of risk. This was the same position taken with an application for Gypsy/Traveller pitches at Oakdale, Battleborough Lane, Brent Knoll (reference 07/18/00010) which was withdrawn prior to an Appeal Hearing.

The withdrawal of that appeal followed concerns by the then case officer that defending an appeal on policy grounds alone might be difficult, particularly given other decisions that had granted gypsy and traveller pitches within Flood Zone 3. The appeal documentation specifically referred to the 2016 allowed appeal at Withy Road, East Huntspill for 3 pitches and a subsequent consent for extension of the site in 2019 (references 25/15/00023 and 25/18/00013). In the case of Withy Road, despite the in principle policy objection the Inspector considered the detail of the applicants FRA and matters including, the lack of historical flooding, the level of protection offered by flood defences and other features (including the railway embankment), proposed mitigation of raising floor levels alongside balancing the level of outstanding need for and the lack of a five year supply of pitches for gypsies and travellers. The Inspector concluded that the use of that site as a gypsy and traveller site would therefore be safe for the site occupiers and for its lifetime. Whilst he acknowledged there is a residual risk, the Inspector considered that risk acceptable given the lack of alternative available sites.

It was on this basis that the appeal on the previous Oakdale application was withdrawn, and a further application was submitted to allow for a more detailed consideration of the flood risk issue beyond the policy principle (reference 07/19/00025). However the Environment Agency continued to object primarily on the policy principle issue without providing comment on the more detailed arguments that the site would be safe as set out in the FRA. It did though confirm that the FRA uses Environment Agency data and draws on the Council's SFRA. The response also acknowledged the applicant's case that given the standard of the tidal defences, distance to any potential breach location and the size of the floodplain, impacts to the site are likely to be minimal and the current risk is low. However, it also referred to the undefended scenarios and therefore that residual risk will remain and is likely to increase with climate change meaning it cannot be guaranteed that the existing standard of protection will be maintained over the lifetime of development.

Officers considered on Oakdale that the fact that Withy Road has permission both through an appeal and through the direct grant of consent by the Council, would be material in any subsequent appeal. Given the likelihood that a low residual risk could be demonstrated and there remains an outstanding need for pitches, a refusal on flood risk grounds was considered unreasonable given these circumstances. Permission was duly granted by the Development Committee in February 2023.

Again these decisions are material to the considerations for the current application at The Stables, with again the impacts of flooding at the site occurring through failure or overtopping of defences being greatly reduced by the distance behind defences and the benefit of the intervening north-south railway embankment offering further protection. The residual risk identified by the Environment Agency relates to the unlikely scenario of the site being undefended in the future which, when balanced against the contribution the site makes to meeting an outstanding need for

pitches and the lack of identified alternative sites, is not considered to justify refusal in these specific circumstances. Furthermore mitigation is proposed including the occupiers signing up to flood warnings and that the mobile home would be raised above existing ground levels by 0.7m.

In terms of Drainage matters previous objection from the Drainage Board have subsequently been overcome and Wessex Water have now confirmed there is capacity in the foul drainage system to accommodate the proposed development with a point of connection available on the opposite side of Bridgwater Road. A condition requiring details of foul and surface water drainage to be submitted and approved is though prudent to ensure there is certainty over the drainage strategy for the site.

On the basis of the above and subject to conditions being imposed the details are acceptable and no longer are considered to be sustainable reasons for refusal. The proposal is therefore considered to be in accordance with Policy D1 of the adopted Local Plan.

Impact on Visual Impact and Residential Amenity

Although the site is in the countryside, it is not isolated or remote from other development with the site forming part of an established pattern of development alongside this part of Bridgwater Road, with a mix of commercial and residential on the west side and more predominantly residential on the eastern side. This means that the proposed development is seen in the context of other development, lessening any visual impact on the countryside. Furthermore the site benefits from existing landscaping screening along the site's eastern boundary adjacent to Bridgwater Road and additional proposed hedgerow enhancement around the other boundaries will strengthen screening of the site. The pony paddock area will ensure the proposed structures on the site will be seen as part of a spacious and green plot in keeping with the adjacent larger residential properties.

The nearest properties to the site lie to the south and north. The location of the mobile home towards the centre of the site means there is significant distance between this and the nearest dwellings with separation distances well above 20m. The large residential property to the south is orientated to minimise any overlooking effects on the pitch and vice versa, in addition the existing and proposed boundary screening, alongside the separation created by the track running along the site's south western boundary will ensure amenities are not adversely affected. Although the point of access from the A370 will be shared with this property, the level of traffic associated with a single pitch is unlikely to raise any additional amenity concerns.

The property to the north is a commercial motorhome business which will benefit from the buffer of the pony paddock to the north of the mobile home, as well as retention and enhancement of screening around the site. It is not considered that the use of the site as a single pitch to be occupied by a single family raises any significant amenity concerns in respect of additional traffic, lighting, noise or any overlooking/privacy issues on existing residents. On this basis it is considered that the proposal complies with policy D25 of the adopted local plan.

Other matters

A number of concerns that have been raised fall outside of planning matters such as impact on property value. The relevant planning considerations are covered under the main issues above. Additional matters are addressed as follows:

- There is concern regarding this application setting a precedent. Such development would require planning permission and any application would be considered on its merits and in line with local and national planning policy if such an application was received. Any grant of permission on this site would not set a precedent for other development without a suitable justification for a site in the countryside.
- Day rooms are an accepted facility on Gypsy and Traveller pitches and the proposed day room in this case is not considered excessive in size compared to other consented schemes.
- Any increase in occupancy of the site i.e. additional pitches would require planning consent.
- Inaccuracies on the plans have been addressed by the amended plans.
- Gypsy and Traveller pitches are not personal consents and therefore a site is not tied to particular family. However the pitch will be conditioned to ensure it can only be occupied by a Gypsy and Traveller. As discussed above there is sufficient evidence of the extent of need for pitches and the lack of available sites/delivery of pitches to support this application.
- Impact on wildlife – no objections have been raised by the Somerset Ecologist or Natural England in respect of the proposals.

Public Sector Equality Duty

The Public Sector Equality Duty is a duty for public bodies to have 'due regard' when carrying out its functions to the need to promote equality for persons with protected characteristics, to eliminate discrimination, and foster good relations between different people when carrying out their activities. The application provides accommodation for gypsies and travellers, a group that has protected characteristics that fall under the Council's duty to be considered as part of the Public Sector Equality Duty. The application provides for a family pitch to meet the needs of this group and as such will not negatively impact on the traveller community or their protected characteristics as defined in the Equality Act.

Summary and Planning Balance

The proposal is for a single family Gypsy and Traveller pitch and is considered acceptable in principle in light of national and local policies with regard to the location and siting of gypsy and traveller sites. It is not considered that it would result in any significant impact on highway safety or undue visual impact or have any adverse effect on residential amenity. The nature of the site proposals will allow for a good standard of amenity for future occupiers. Although the site is within Flood zone 3a the submitted information identifies that the extent of risk is low given the good standard of the tidal defences, distance to any potential breach location, size of the floodplain and mitigation of the risk. As has been the case on other applications this needs to be balanced with

the outstanding levels of need for gypsy and traveller pitches within the District.

As such the proposal, subject to appropriate conditions, is considered to be acceptable and in accordance with the relevant policies of the adopted Local Plan.

RECOMMENDATION

GRANT PERMISSION

- 1 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.

- 2 The pitch hereby approved shall not be occupied by any persons other than gypsies and travellers, as defined in Annex 1 to Planning policy for traveller sites (August 2015) or any such definition arising from amendments to that document or relevant caselaw. The approved pitch shall comprise no more than 1 touring caravan, 1 dayroom and 1 mobile home at any one time, nor shall it be occupied by more than one family living as a single household at any one time.

Reason: In accordance with national policy on the provision of sites for gypsies and travellers.

- 3 Prior to any external lighting being installed on the site, a lighting design for bats and biodiversity, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), 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. Lux levels should be below 0.5 Lux on key & supporting features or habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 4 The areas allocated for parking and turning on the submitted block plan (drawing number 02923/02A) shall be kept clear of obstruction at all times

and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy D14 of the Sedgemoor Local Plan 2011-32

- 5 Within 3 months of the date of this consent, details of a scheme for the management of surface water based on sustainable drainage principles and foul water shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented, managed and maintained fully in accordance with the approved details for the lifetime of the development.

Reason: In the interests of preventing food risk and ensuring the development is served by an appropriate drainage scheme in accordance with Policy D1 of the Sedgemoor Local Plan 2011-32.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revising revoking and re-enacting that order with or without modifications), there shall be no fence, wall or other means of enclosure erected on the application site without the prior written approval by the Local Planning Authority

Reason: In the interests of landscape visual impact and in accordance with policies D2 and D19 Sedgemoor Local Plan 2011-2032.

- 7 A landscape planting scheme shall be submitted to the Local Planning Authority for approval within three months from the date of the decision of this application. For the avoidance of doubt that landscape planting scheme shall include a scale plan showing details of the proposed planting that shall include a mixed species native hedgerow in accordance with SDC tree and native hedgerow planting guide. The hedgerow and new planting shall thereafter be managed and maintained until fully established and for the entirety of the development. The approved landscape scheme shall be implemented no later than the end of the first planting season following the decision date of this application.

Reason: In the interests of maintaining adequate screening to the site and biodiversity in accordance with policies D19 and D20 Sedgemoor Local Plan 2011-2032

- 8 Within 3 months of the grant of planning permission, a Flood Warning and Evacuation Plan for the site, including a timescale for its implementation,

shall be submitted to and approved in writing by the local planning authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the approved details.

Reason: To ensure the development is appropriately safe for its lifetime and makes appropriate provision for managing flood risk and in accordance with Policy D1 of the adopted Core Strategy and Emerging Sedgemoor Local Plan and Section 10 of the NPPF.

Schedule A

Location Plan Drg No. 02923/01A

Block Plan Drg No. 02923/02/A

Proposed Day Room Ground Floor and Roof Plans Drg No. 02923/03A

Proposed Day Room Elevations Drg No. 02923/04A

DECISION

Committee date 12/12/2023

Application No: 54/23/00002

Application Type: Full Planning Permission

Case Officer: Dean Titchener

Registered Date: 14/02/2023

Expiry Date: 10/04/2023

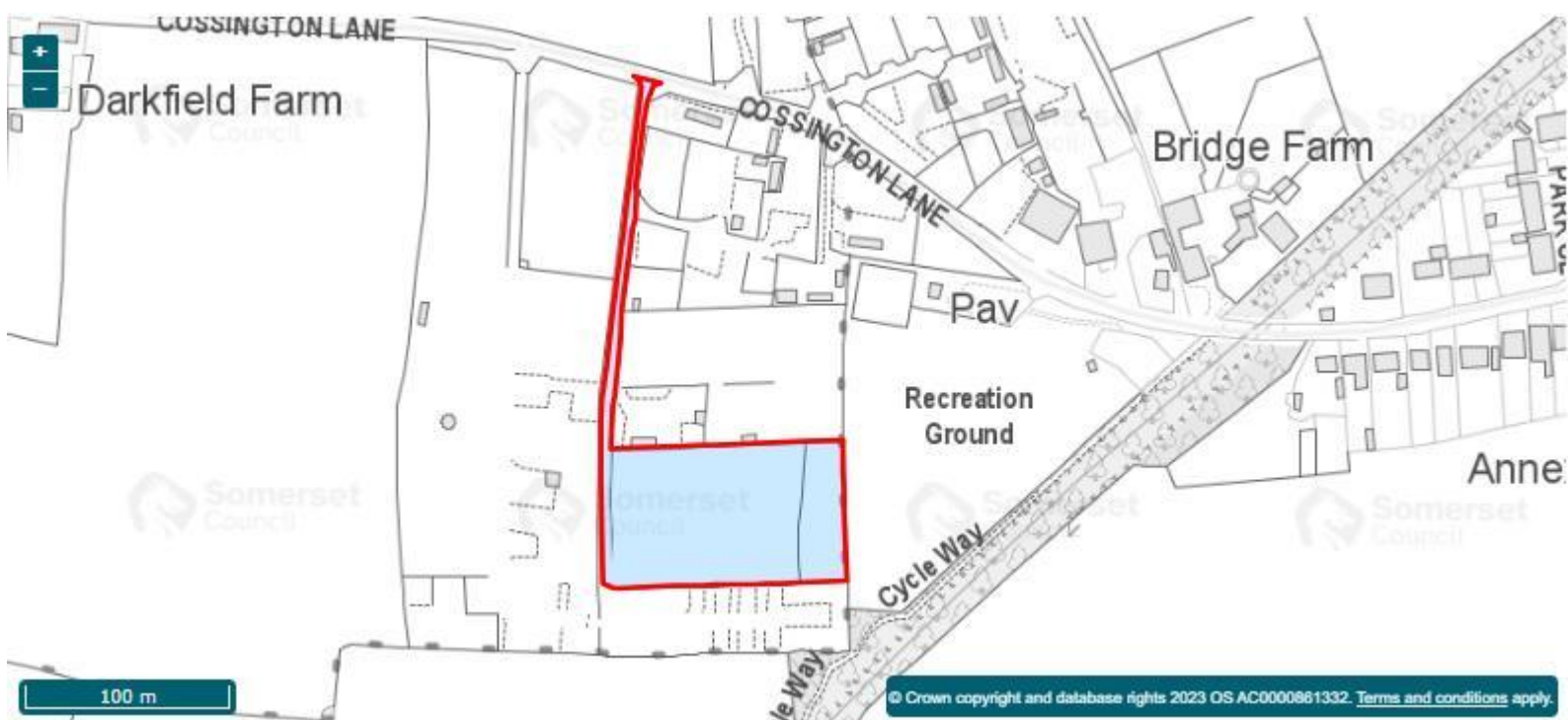
Parish: Woolavington

Division: Puriton and Woolavington

Proposal: Change of use of land to enable formation of 4no. pitch site for gypsies and travellers (revised scheme).

Site Location: Land At, Green Paddock, Cossington Lane, Cossington, Bridgwater, Somerset

Applicant: Mr A Smith



Committee decision required because

This application is referred to the area committee at the request of the Chair and/or Vice Chair to enable the issues raised by the Parish Councils to be debated.

Background

The application site is located to the west side of the village of Cossington. It comprises a rectangular field on the south side of Cossington-Woolavington Road. Immediately to the north and west are existing gypsy and traveller sites, to the east the site shares a boundary with the village playing fields. The site is laid to grass at present with mature trees and hedgerows on the eastern and western sides. Access is via an existing track off the Cossington-Woolavington Road (Brent Road) which currently serves the existing traveller site to the north.

In 2022 a scheme was submitted for change of the use of land to enable formation of a site for gypsies and travellers. The land was to be subdivided to form 9 pitches, each to accommodate space for two mobile homes and one touring caravan. The site was to be laid out with stone hardstanding, with a grass margin retained around the perimeter. Plots would be delineated with post and rail fences, whilst the whole site would be enclosed with new hedgerows on its north, west and southern boundaries. Access would be via the existing track to the north which connects to Brent Road.

That application was subsequently refused on the three following grounds:

Reason 1

No ecological surveying has been provided with the application to establish whether protected species may be affected by the proposed development. Without such information it is not possible to determine whether all relevant material considerations have been taken into account, nor whether ecological mitigation is required. The proposal is therefore contrary to Section 99 of the Government circular 2005/06 on biodiversity and geological conservation and contrary to Sedgemoor Local Plan 2011-2032 policy D20.

Reason 2

It has not been demonstrated that the proposed development can be brought forward without resulting in added nutrient loads (phosphorous) in the catchment of the Somerset Levels & Moors Ramsar Site. Insufficient information has therefore been provided to confirm, through a Habitat Regulations Assessment, that there would be no Likely Significant Effect on the Ramsar site. As such the proposal is contrary to Local Plan 2011-2032 policy D20 and the Conservation of Habitats and Species Regulations (2017) (as amended).

Reason 3

The number and density of pitches proposed does not provide a layout which would enable provision of on-site ecological mitigation and enhancement, adequate separation from adjoining trees, appropriate space for means of disposal of foul waste in relation to phosphate mitigation, as well as not providing provision for on-site play for quality of life and well-being of future residents. The proposal is therefore contrary to the Sedgemoor Local Plan 2011-2032 policies D2, D8, D20, D22 and D34.

A revised scheme has been submitted which seeks to overcome the previous reasons for refusal. The amended scheme now seeks provision for 4 (instead of 9 as previously sought on the previous application – though the current application originally proposed 7 pitches). They are grouped in the western part of the site. The eastern is now proposed as a wild flower meadow and play area.

Each pitch is proposed to consist of up to 3 caravans, of which no more than two would be caravans (one of which is in lieu of a dayroom).

Access will be as per previous, utilising the existing access on to Brent Road to the north of the proposal, which already serves the adjoining pitches.

Relevant History

The below application for the site though various for the adjoining land parcels.

Reference	Case Officer	Decision	Proposal
54/21/00012	DT	REF	Change of use of land to enable formation of 9 pitch site for gypsies and travellers.

Supporting information supplied by the applicant

Design & Access Statement
Preliminary Ecological Appraisal

Consultation Responses

Woolavington Parish Council – Recommend permission granted:

Woolavington Parish Council recommend that planning permission be granted for the above application, subject to the following issues being satisfactorily clarified/resolved

- 1) *The D & A statement indicates that the application is for five pitches but the plans, application form and application title indicates seven pitches;*
- 2) *Provision of the play area and wild flower meadow should be strongly conditioned, then closely monitored and enforced should it not materialise;*
- 3) *More detail should be obtained on the surface water drainage proposals in view of the prevalence of underground springs in the area;*
- 4) *Clarification should be sought on the adequate provision of services (water, sewerage and electricity) for use on the site;*
- 5) *The applicant runs a tarmacking business and therefore assurances need to be obtained that the units will be for bona-fide family use rather than by casual workers.'*

Cossington Parish Council (adjoining parish) – Objects:

Refusal is strongly recommended, primarily for the following reasons, in accordance with Local Plan policy D8 and the Government's National Planning Policy for traveller sites:

- The proposal would significantly add to the existing domination by traveller sites of the nearest settled community (Cossington) – where over half of the perimeter of the village playing field is bordered by traveller sites. This domination was acknowledged by Messrs. Houlet and Tait during a site meeting in December 2021 when the original scheme for 9 pitches was proposed.*
- The proposal is not within easy reach of the nearest facilities (doctor's surgery, school) being sited over 1.7 km away in Woolavington – certainly too far for normal pedestrian access. The pharmacy and nearest local shop are closer – but still over 1 km away, accessed via a long track leading to a narrow, well-used unlit country road with no pedestrian footpath. It is therefore highly unlikely that the location would be considered sufficiently well-connected for a domestic self-build application due to the distances from local services – so why should this proposal be any different?*

Cossington Parish Council would recommend similar important conditions – relating to landscaping, surface water drainage, access to services, and occupation (bona-fide family use only) – to those proposed by Woolavington Parish Council were approval to be considered.

However, virtually every other site in the area has flouted such conditions in the recent past only to have them removed and variations subsequently approved in retrospective planning applications. The overall effectiveness of such conditions is therefore doubtful given the Local Authority's past success in enforcement.

It is also noted that nothing has been mentioned regarding the design or size of the mobile homes proposed. Without this, there can be no assurances of adequate parking / manoeuvring space on site, as required by Planning Policy and other associated local impacts. Assurance should also be sought that the mobile homes proposed to be used as day rooms are suitable for that purpose.

As a point of detail, the following should be noted -The Bridge School, Cossington (closer than the Woolavington School) is a remedial facility for pupil referral only.

In conclusion, it should be pointed out that the Local Authority is under no obligation whatsoever to approve applications which do not meet Local and National Policy even if it hasn't fulfilled its stated aims in the Local Plan

County Highways – No objection subject to conditions.

Environmental Health – Drainage issues in the local area. Requests conditions to secure details of a foul drainage system and a verification report to confirm its installation.

Landscape Officer – No observations.

Environment Agency – Discharge of domestic sewage will require an Environmental Permit.

County Ecologist – No objection, and recommends conditions requiring submission of a Construction Environmental Management Plan, Landscape and Ecological Management Plan with associated mitigation and enhancement, and a lighting design for bats. No further comments on phosphates given proposed package treatment plan drainage field discharges outside of Ramsar catchment.

Representations

6 received in objection:

- Traffic impact – volumes and width of carriageway
- Will have adverse impact on settled community
- Village has had 'fair share'
- Accessed off narrow potholed lane
- Impact on walkers and cyclists
- Would 'dwarf' the village
- Surface water impacts
- Poor road infrastructure
- Inadequate parking
- No local school
- Rehash of applicant trying to obtain temporary housing for Hinkley
- Not fair on existing residents
- May lead to other fields being purchased for development
- Local school is special school only
- Previous applications not adhered to consents given

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Planning Policy for Traveller Sites

Sedgemoor Local Plan (2011-2032)

CO1 Countryside

D2 Promoting high quality and inclusive design

D8 Gypsies, Travellers and Travelling Show People

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D22 Trees and Woodland

D24 Pollution Impacts of Development

D25 Protecting residential amenity

D34 Outdoor Public Recreational Space and New Residential Areas

Main Issues

Planning history

A recent application for nine pitches for gypsies and travellers was refused permission on the site. The refusal made reference to three reasons for refusal. Two related to ecology – i.e. the absence of surveying, and the failure to address the impacts of phosphate pollution. The first related to layout, and the need to provide space on site for appropriate ecological mitigation, phosphate mitigation alongside other planning requirements.

This report sets out how the applicant has sought to overcome the three previous reasons for refusal. It also addresses the other planning matters previously considered with the earlier scheme (even if they did not constitute a reason for refusal).

Principle of development

The Government's Planning Policy for Traveller Sites states applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Applications should be assessed in accordance with the presumption in favour of sustainable development. It states local planning authorities should strictly limit new sites in open countryside that is away from existing settlements. It also states that sites in rural areas should respect the scale of and not dominate the nearest settled community and avoid placing undue pressure on local infrastructure.

Policy D8 states until a specific gypsy site allocations development plan document is prepared a criteria based policy will apply to applications coming forward proposing new or extended traveller sites. The criteria states sites should be of appropriate size and proportionate in scale to and avoid dominating the nearest settled community in rural/semi-rural areas. Proposals should take account of the particular and differing needs of different groups of Gypsies and Travellers, should promote and facilitate access to schools and health facilities, should ensure that the development will not result in severe transport impacts including providing appropriately safe access, should provide sufficient space within the site for parking and manoeuvring of vehicles, should provide opportunities where appropriate for travellers to live and work from the same location where this can be sensitively designed to mitigate potential impacts on the site surroundings or other residential uses near to the site; and ensure the site is suitable in flood risk terms for the proposed use.

Assessment

Policy D8 sets the policy context for applications for additional gypsy and traveller pitches. In terms of outstanding need, the Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update currently provides the most up to date information in respect of local need. In terms of outstanding need, the Somerset Gypsy and Traveller Accommodation Assessment (GTAA) 2013 update advises that 69 pitches are needed up to 2032. Whilst the GTAA update technically covered the period from 2010-2032 (rather from 2011), for simplicity it was considered appropriate to apply the full pitch requirement over this time to the Local Plan 2011-2032 period. This approach was agreed at the Local Plan examination.

At the time of examination of the Local Plan, 24 pitches had been delivered against the requirement, leaving a residual pitch requirement of 45. This is the 45 pitches referred to in Policy D8. This was up to the 2015/2016 monitoring period at the time. Since that time our monitoring confirms consents for an additional 19 pitches have been granted. Therefore, this leaves a current residual need of 26 pitches up to the end of the plan period.

National and local policy also states that whether a Council can demonstrate a '5 year supply' of deliverable traveller sites is a material planning consideration that should be taken into account when determining applications. As Sedgemoor cannot currently demonstrate a 5 year supply of sites, this is another factor to be weighed in consideration of the application.

The proposal adjoins other consent traveller sites on the west side of the village of Cossington. The application site is currently undeveloped but adjoins a large site to the west (The Poove), another immediately to the south, and others to the north between the site and the public highway; the site immediately to the north is currently under construction. Consideration needs to be given to the size of the site and whether it is proportionate in scale such that it does not dominate the nearest settled community. This is a requirement of Local Plan policy D8 as well as being set out in the national Planning Policy for Traveller Sites (PPTS). It is also underpins the objection of Cossington Parish Council, that the proposal, when considered alongside the adjoining traveller sites has grown to a point where it dominates the neighbouring village of Cossington.

There are different ways in which the issue of over-dominance can be considered. PPTS discusses it in terms of the pressure placed on local infrastructure. Appeal inspectors have considered comparisons of the population of settled community examined against the population of the traveller community. Visual impact is another metric, whereby the scale of sites could visually dominate the size of the settled community.

In terms of infrastructure impacts the County Education authority has previously indicated that this and other nearby proposals could lead to some pressure on Woolavington Primary and Crispin

Secondary schools. However, they state it would be normal practice to request Community Infrastructure Levy (CIL) funds to facilitate improvements/expansions to schools should these be deemed necessary, rather than generate a reason for refusal on capacity grounds.

In terms of impacts on highways infrastructure the proposal is making use of an existing access into the site. The view of the highways authority was that provided a condition was imposed to secure improvements to the visibility splay at the access, then they would not raise an objection to the proposal. Such a condition would be imposed on the permission. On that basis, there would be no unacceptable impact on highways infrastructure.

Inspectors have sometimes examined the population of the settled vs traveller community as one means to understand the issue of over-dominance, however population statistics at this small scale are not always readily available and can be difficult to use to make direct comparisons. Furthermore, estimating the traveller population is also difficult as reliable evidence on the number of residents is not available.

Visual impact is instead another means to assess the scale of a proposal in context of the size of the adjoining settlement. The site is set to the rear (south) of existing sites which adjoin the public highway. It is likely that there would be very little discernible change when viewed from the highway given the distance the site is located from the point of access and intervening built form. To some extent the site may be visible from the adjoining playing fields located immediately to the east. It would mean the north west boundary of the playing fields adjoined traveller sites along its entire length, as opposed to its partial length as current is the case. However, there is consistent planting and screening along this boundary, combined with some hard landscaping on the traveller site side that much of the visual impact of the built form is filtered out. Over-dominating visual effects would not be considered to arise as a result.

There is a need for pitches in the district, and the proposal would not be considered to place undue pressure on infrastructure or have over-dominating visual effects in relation to the existing community.

The previous permission was not refused on grounds of over-domination. It is not considered that local policies have changed or new material considerations arose that would justify a reason for refusal on this basis.

Ecological issues including phosphates

The county ecologist objected to the previous application on the grounds of the absence of ecological surveying. It was noted that a north-south hedgerow running within the eastern part of the site would be lost.

The revised application has now been submitted with an ecology survey. The survey notes the site is currently an isolate grassland within a mixed landscape of caravan sites, amenity grassland, hardstanding and arable farming. It is however linked linear woodland features and hedgerows.

The county ecologist has reviewed the survey and has provided comments. They are no longer objecting to the proposals and are recommending a number of conditions. These conditions seek to mitigate the impact of construction works on protected species through submission of a Construction Environmental Management Plan and require submission of lighting details to minimise impacts on bats. They also require submission of a landscape planting and ecological management plan, to include provisions for additional planting along the eastern boundary of the site, alongside installation of other ecological enhancements. Subject to the imposition of conditions to control these aspects they raise no further concerns. As such it is considered that the previous ecological reason for refusal has been overcome.

The previous scheme was refused on the basis of an absence of any required phosphates mitigation. The site straddles the boundary of the Somerset Levels and Moors Ramsar catchment, such that the western part of the site is outside the catchment, but the eastern within. In response to this the applicant has amended their scheme to remove the proposed pitches that were in the part inside the catchment. They have reduced the number of pitches sought to four to enable them to be positioned in parts of the plot that will not avoid phosphates impacts. They have also provided plans showing the proposed drainage location for the package treatment plant to service the mobile homes.

The county ecologist has reviewed the submitted details and confirmed that given it drains outside of the catchment of the Ramsar site, they no longer have any concerns. A condition is proposed to control the installation of the package treatment plant. Subject to its imposition, it is not considered that there is any basis to object to the proposal on grounds of phosphates impact.

Other Matters

The development would be served by a vehicular access which connects to Cossington Lane, to the north of the site. This is an existing access which serves a number of consented sites for travellers located along its length. It emerges on to a straight section of road, which is unclassified and subject to the national speed limit.

The highway authority commented in detail upon the application having made a site visit. They made recommendations about the cutting back of vegetation at the point of access in order to improve visibility to the west. To the east they state the visibility is adequate with a well maintained verge behind a ditch. They also note that there is sufficient space on site for parking and turning. Overall, they raise no objection to the proposal but request the imposition of a

condition to ensure visibility at the access is maintained. Given the absence of any objection from the highway authority the proposal would therefore be considered acceptable on highways grounds.

Finally, the application provides accommodation for gypsies and travellers, a group that has protected characteristics that fall under the Council's duty to be considered as part of the Public Sector Equality Duty. The application, if granted, would provide additional pitches for the needs of this group. The need to provide such pitches has to be considered in the planning balance, taking account of planning policy and material considerations.

Summary and planning balance

The proposal provides for four pitches for gypsies and travellers. It is located between existing consented sites for travellers and as such it is not considered to give rise to any visual harm. The scale of the proposal is not such that would be considered to amount to over-domination of the settled community.

It is considered that the three reasons for refusal on the previous scheme have been overcome through the submission of updated information and changes to the quantum of development sought and layout proposed. Subject to conditions, the development is now considered acceptable.

RECOMMENDATION

GRANT PERMISSION

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

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

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

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

- 3 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of biodiversity, species and habitat 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) to habitats and species.
 - d) Risk avoidance measures to protect habitat features 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.
 - e) The location and timing of sensitive works to avoid harm to biodiversity features.
 - f) The times during construction when specialist ecologists need to be present on site to oversee works.
 - g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - i) Use of protective fences, exclusion barriers and warning signs.
 - j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
 - k) Any additional species licences that are required must be disclosed and the granted licence(s) attached.

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

4 With the exception of any groundworks, prior to the commencement of any other development the following shall be submitted to and approved in writing by the Local Planning Authority:

- A Landscape Planting and Ecological Monitoring Scheme which shall include new a detailed scaled drawing which identifies the proposed green infrastructure (inclusive of new tree and hedgerow planting on the site's eastern boundary) and include full a plant schedule and planting specification. The planting schedule shall detail the proposed species, quantities, stock sizes, planting densities and spacings. The scheme shall include the details of its ongoing management and maintenance arrangements.
- A scheme of biodiversity enhancements, inclusive of a minimum of 2x bird boxes to be erected within the site on a building or mature tree. The enhancements shall be installed prior to the first use of the site hereby approved and shall thereafter be retained.

Reason: This is a pre-commencement condition to ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, and to ensure biodiversity is maintained and enhanced into the future in accordance with policies D19 and D20 Sedgemoor Local Plan 2011-203.

5 There shall be no obstruction to visibility (within the area of the red line as indicated on the submitted and approved Location Plan Drg No. 01) greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 65 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

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

6 Prior to the first siting of any caravan on the development site, a lighting design for bats and other biodiversity, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), 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. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key & supporting horseshoe bat features and habitats, and no more than 0.5 lux on features and habitats potentially used by other bat species. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. No other external lighting shall be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

7 The site shall be served by a package treatment plant (PTP) installed in accordance with the details on the submitted and approved Revised Site Layout Plan (submitted 19th April 2023). All foul water from the development hereby approved shall discharge via the approved PTP. No other means of disposal of foul water shall be permitted.

Reason: To ensure that the proposal does not negatively impact upon the Somerset Levels and Moors Ramsar site (due to an increase in nutrient loads (phosphorous) from foul waste) in accordance with Sedgemoor Local Plan 2011-2032 Policy D20.

8 The development hereby approved shall not be occupied by any persons other than gypsies and travellers, as defined in Annex 1 to Planning policy for traveller sites (August 2015) or any such definition arising from amendments to that document or relevant case law.

Reason: In accordance with national and local policy on the provision of sites for gypsies and travellers.

- 9 The approved four pitches shall each comprise no more than 1 touring caravan and 2 mobile homes at any one time. Occupation and use of each pitch shall be limited solely to one household.

Reason: For the avoidance of doubt as to the extent of the permission and to ensure an acceptable level of amenity is provided per household.

Schedule A

Location Plan Drg No. 01

Revised Site Layout Plan Drg No. 02 (submitted 19th April 2023)

DECISION
