



Notice of Meeting of

PLANNING COMMITTEE - NORTH

Tuesday, 12 March 2024 at 2.00 pm

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

To: The members of the Planning Committee - North

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

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

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

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12noon on Monday, 11 March 2024**.

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

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Friday 1 March 2024.

AGENDA

Planning Committee - North - 2.00 pm Tuesday, 12 March 2024

Public Guidance Notes for Planning Committees (Agenda Annexe)
(Pages 5 - 8)

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 9 - 12)

Click here to join the online meeting (Pages 13 - 14)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 15 - 20)

To approve the minutes from the previous meeting held on Tuesday 13 February 2024.

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 democraticserviceteam@somerset.gov.uk by 5pm on Wednesday 6 March 2024.

5 Planning Application 24/23/00016 Land To The North Of, Old Bristol Road, East Brent, Highbridge, Somerset, TA9 (Pages 21 - 48)

To consider an application for the approval of the details of appearance, landscaping, layout and scale, for the erection of 40no. dwellings.

6 Planning Application 21/23/00013 26 Church Lane, Compton Bishop, Axbridge, Somerset, BS26 2HB (Pages 49 - 56)

To consider an application for the retention of change of use to domestic land and proposed erection of a double fronted garage with parking area and associated works.

7 Planning Appeals Decided (Pages 57 - 58)

To receive the report on Planning Appeals Decided between 01/02/2024 - 29/02/2024.

Ordnance Survey mapping/map data included within this publication is provided by Somerset Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. Somerset Council - AC0000861332 - 2023

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.

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

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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

Where a matter arises at a meeting which affects –

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

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

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

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

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

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

If your Non-Registrable Interest relates to –

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

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

*1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.

2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.

3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.

4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.

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

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

This page is intentionally left blank

Planning North 12 March 2024

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 385 234 684 848

Passcode: ozmmnR

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+44 1823 772277,,435608051#](#) United Kingdom, Taunton

Phone Conference ID: 435 608 051#

This page is intentionally left blank



Minutes of a Meeting of the Planning Committee - North held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Tuesday, 13 February 2024 at 2.00 pm

Present:

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

Cllr Alan Bradford	Cllr Hilary Bruce
Cllr Bob Filmer	Cllr Tony Grimes
Cllr Pauline Ham	Cllr Alistair Hendry
Cllr Mike Murphy	Cllr Brian Smedley

74 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Brian Bolt and Gill Slocombe, Councillor Lance Duddridge attended as substitute for Councillor Slocombe.

75 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - North held on 16 January 2024 be confirmed as a correct record. Councillor Filmer requested that Proposers and Seconders of applications be recorded and the Chair of the committee agreed that this would be actioned for future minutes.

76 Declarations of Interest - Agenda Item 3

Councillor Matt Martin declared a pre-determination in Application 50/20/00054 as he had made comment on the proposal previously.

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

77 Public Question Time - Agenda Item 4

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

78 Major Planning Application 36.22.00024 Inwood Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1HY - Agenda Item 5

The planning officer requested that the committee defer this application as it had come to light that the description of the application was incorrect and that this had resulted in a material change therefore the application would need a re-consultation.

The Chair Councillor Pearce proposed the deferment and this was seconded by Councillor Martin.

Resolved:

To defer the application for further information and to allow a period of re-consultation for any material changes made to the application.

(Unanimous)

79 Major Planning application 50.20.00054 Land At, Combe Batch, Wedmore, Somerset, BS28 - Agenda Item 6

Councillor Matt Martin left the room before consideration of this application as he had declared himself to be pre-determined.

The planning officer introduced the application to the committee with the assistance of a power point presentation. She confirmed that members of the committee had undertaken a site visit the previous week due to the lag in time for the application to be considered. The proposal was a hybrid application with the full application for the erection of 26 dwellings with the formation of access, open space, landscaping and parking and an outline application for 4 self build plots. The application had been deferred from the committee in July 2023 to consider various issues and the agent provided additional information relating to materials to be used, planting plan, pedestrian links from the site to the surrounding area and changes to the properties at the front of the site with chimneys added, therefore the application was re-advertised in August 2023.

The committee were addressed by 5 residents in opposition to the application and

their comments included:

- Land needed to be protected for wildlife and open land, and compliance with Biodiversity Net Gain
- No community or Parish Council support
- Combe Batch is not suitable for pedestrians and access has poor visibility and on the brow of a hill
- Flood and drainage issues
- This site was not put forward in the Neighbourhood Plan for development as other sites more suitable
- No further need for Affordable Housing in Wedmore
- Wedmore is not a sustainable place to live
- Prominent site into the village and would have an adverse impact on the village and surrounding area, land undulates
- Design did not meet the local character
- No safe access to the village or pavements in the area
- Damage to an ancient hedge and ecology will be affected

A letter was read out from an ex-Sedgemoor District Councillor and a representative from the Parish Council also spoke who reiterated the above points especially not meeting the local infrastructure policies.

The committee then heard from the planning agent for the application who stated that the proposal would be a betterment to Wedmore, Housing Needs Assessment proves affordable housing needed and for smaller houses. A new pavement will be provided and it was considered that there would be low visual impact on the surrounding area and that the listed buildings would not be impacted. The properties would be sustainable and the 4 self-build properties element reflected the local self-build list. There were appropriate conditions proposed.

Officers responded to matters arising from comments made and clarified the following:

- That the Biodiversity Net Gain legislation only came into force on Monday 12 February 2024 and will apply to major applications received after this date.
- The application complies with the Housing Needs Assessment which was compiled independently from the Council although the Affordable Housing Manager agreed the findings; however Members were reminded that the assessment was always a snapshot in time
- Drainage and flood risk were conditioned and agreed by the Lead Local Flood Authority
- Combe Lane amendments will be added to the Heads of Terms if the application is approved.
- Heritage statement reflected in design of development.

- The hedge is proposed to be translocated, however if this fails, then this was covered by landscaping conditions.
- The Highways Officer confirmed that works to highways would be subject to legal agreements as would drainage to the roads to be adopted through a S38 agreement.
- Visibility splays and junctions agreed as this was for a 30mph speed limit, street furniture and lighting would also be agreed prior to the occupation of any properties.
- The Heritage statement reflected the design features of the surrounding and proposed development.

During discussion, varying views were expressed by Members, including land levels of the site, impact on character of the area and visibility issues with the highway access to the site.

At the conclusion of the debate, the proposal to recommend approval with the additional heads of term for the contribution was put to the vote by Councillor Pearce and seconded by Councillor Smedley, however the vote was lost by 2 in favour, 4 votes against and 4 abstentions.

It was subsequently proposed by Councillor Filmer and seconded by Councillor Grimes to recommend refusal of the application for the following reasons: Due to the adverse impact on the street scene, character and setting of the area and particularly the transitional nature of the entrance to the village and in terms of design the impact on its character.

On being put to the vote, the proposal was carried by 7 in favour, 2 votes against and 1 abstention.

Resolved:

That application 50/20/00054 be refused permission for the following reasons: It was considered that the proposal would have an adverse impact on the street scene, character and setting of the area and particularly the transitional nature of the entrance to the village and in terms of design the impact on its character.

It was considered that the application was contrary to Policies D2 and D26.

Refusal reasons to be delegated to the Service Director and in conjunction with the Chair of the committee and the proposer of the resolution.

(For 7, Against 2, Abstention 1)

80 Planning Application 45.20.00019 Habitats Regulation Assessment - Agenda Item 7

Councillor Lance Duddridge left the meeting and Councillor Martin returned to the meeting both before the consideration of the following applications.

The planning officer introduced the Habitats Regulations Assessment that the committee needed to endorse on the basis that the proposed development would not have an adverse impact on the integrity of a European site.

The committee were advised that there had been some concerns about bats and Ecology, however a number of conditions were proposed including the protection of bat routes from excess lighting and hedges to remain in place.

The recommendation was proposed by Councillor Pearce and seconded by Councillor Bradford and the vote was unanimously in favour.

Resolved:

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

81 Planning Application 45.20.00019 Higher Halsey Cross Farm, Radlet Road, Spaxton, Bridgwater, Somerset, TA5 1JA - Agenda Item 8

The planning officer introduced the application to the committee with the assistance of a power point presentation, He provided confirmation that the footpath would be diverted around the site, a new access would be created to the dwelling and that the hedge would be retained. The officer considered that the design of the dwelling was suitable, although there would be a visual impact as a result of the siting on the opposite side of the highway to the main holding.

The committee were addressed by a supporter of the applicant who stated that they considered that the proposed dwelling was required to be close to the animals as the applicants had a duty of care to them but a buffer zone was required for Health and Safety and biosecurity.

The Division Member Councillor Caswell was also in support of the application as it was considered that there would be no adverse impact on the area, highways and the dwelling was needed for the family.

The agent addressed the committee explaining that the size of the dwelling had been reduced and there would be no adverse visual impact on the landscape and that there was an essential need for the dwelling.

During discussion, Members made the following points:
That they considered there was a functional need for the new dwelling
That there would not be any adverse impact on the highways
The design of the property reflected the rural nature of the area
Suggest that additional landscaping especially trees could be conditioned
That the footpath diversion should be conditioned

It was therefore proposed by Councillor Hendry that the application be approved subject to conditions to be agreed but to include conditions relating to the plans, agricultural occupancy, time, ecology, hedgerow protection, visibility splay, materials, control on additional trees, lighting, landscaping and footpath diversion. This was seconded by Councillor Bradford.

On being put to the vote, the vote was unanimously supported.

Resolved:

That Planning Application 45/20/00019 be approved as the committee considered that the proposal would not result in an adverse visual impact and would be in character in the local landscape and would not be contrary to Policies D2 and D19 of the Sedgemoor Local Plan. Conditions to be delegated to the Service Director to be agreed in conjunction with the Chair and Vice-Chair of the committee; these conditions to include plans, agricultural occupancy, time, ecology, hedgerow protection, visibility splay, materials, control on additional trees, lighting, landscaping and footpath diversion.

82 Planning Appeals - Agenda Item 9

To note the report on the Planning Appeals Received in January 2024.

(The meeting ended at 4.58 pm)

.....
CHAIR

Committee date 12/03/2024

Application No: 24/23/00016

Application Type: Reserved matters

Case Officer: Adrian Noon

Registered Date: 13/07/2023

Expiry Date: 11/10/2023

Parish: East Brent

Division: Brent

Proposal: Approval of the details of appearance, landscaping, layout and scale, for the erection of 40no. dwellings.

Site Location: Land To The North Of, Old Bristol Road, East Brent, Highbridge, Somerset, TA9

Applicant: Edenstone Group

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



Committee decision required because

This is a major application and the recommendation is contrary to the views of the Parish Council.

Background

This 2.79 hectare site is located outside but adjacent to the settlement boundary for East Brent, within Flood Zone 3 and comprises of undeveloped land extending to an area of approximately 2.79 hectares. The site is bordered to the north and west by existing hedgerows and Brock's Pill Rhyne to the south and east. Beyond the boundary to the west, there are residential properties and to the south, on the opposite side of Old Bristol Road there is a row of houses. To the north and east there is open pasture land.

The site is relatively level with slight falls from south-west to north-east towards the existing rhyne. It is accessed via a gate entrance over a bridge from Old Bristol Road on the southern boundary.

Outline consent was granted 2021 (24/19/00015) for up to 40 dwellings with all matters reserved for subsequent approval except for the means of access. This was varied by the subsequent approval of a s73 application (24/22/00026) which agreed a revised plans list to clarify the means of access into the site and the location of the off-site footpath.

This is the subsequent application for the approval of the 'reserved matters', i.e. appearance, layout, scale and landscaping. 40 two-storey dwellings are proposed, made up of:-

- 6 one-bed units
- 12 two-bed units
- 14 three-bed units
- 8 four-bed units.

A total of 130 car parking spaces, including 13 visitor spaces would be provided.

Outward facing frontages would be provided to the south, east and north sides, with the Old Bristol Road (south) frontage being set back c.35m from the road behind the rhyne and an area of incidental open space. A LEAP would be provided to the south east corner of the site and attenuation features to the north east part of the site. Perimeter planting would be provided to all sides and an area of landscaped open space incorporating a LAP would be provided centrally which would afford views through the site to the countryside to the north.

The scheme has been amended to address consultee issues and matters raised by the Parish Council.

Relevant Planning History

24/22/00043 Permission granted for create a site access to Old Bristol Road.

OFFICER NOTE:- this application was necessary because the outline planning permission (and as

varied by the section 73 approval) did not include the works necessary to reach the public highway.

24/22/00034 Planning permission granted for formation of temporary access from A38 Bristol Road to serve construction phase.

24/22/00026 S73 application approved to vary condition 2 (plans list) 24/19/00015 to clarify the means of access into the site and the location of the off-site footpath.

24/19/00015 Outline permission granted on appeal for the erection of up to 40 dwellings and formation of access. This agreed the means access and the details of an offsite footway to run along the northern edge of Old Bristol Road from a point west of the south-west corner of the application site for a distance of approximately 130metres until it curves into Orchard Close and then to continue along the north side of Old Bristol Road for approximately 90 metres to link with the existing footpath at The Laurels.

Supporting information supplied by the applicant

- Planning Statement
- Site Investigation Report (in relation to ground conditions)
- Ecological Impact Assessment
- Energy and Sustainability Statement

Consultation Responses

East Brent Parish Council – object:-

1. Drg No. 2283701-SBC-00-XX-DR-L-201 Rev. PL01 Tree pit detail, no comment
2. Specification Drg No. 2283701-SBC-00-XX-SP-L-001 Rev. PL01 This is not a drawing but a landscape works spec and generic.
3. Drg No. 2283701-SBC-00-XX-DR-L-102 Rev. PL12 Generic planting layout, whilst the tree and shrub spec states native trees and shrubs, it does not state the source. We must insist that the source is UK grown plants and not imports that bring in diseases our native species cannot cope with. The existing capacity of the green field site has been drastically reduced in its ability to carbon capture by hard paving, road surfaces, and buildings, the proposed planting does not come anywhere near a carbon capture ability that has been lost, in addition the site with its added load of some 60 vehicles will increase the pollution within the space. The applicants own Energy and Sustainability Statement table 5 indicates that the total dwellings as Part L compliant would produce 49,762 kgCO₂/year. Thats over the current site CO₂ of zero. It is however noted that the proposal of Air source heat pumps, and Pv cells could reduce the CO₂ down to 5,527 kgCO₂/year, however the factor of ASP noise level has not been discussed. No thought appears to have been given to carbon capture, or for that matter to the current topical issues of global warming by loss of the ability to carbon capture. The application has not discharged the reserved matters regarding sustainability or landscape replacement.

4. Drg No. 2283701-SBC-00-XX-DR-L-101 Rev. PL13 Trees indicated along the south boundary adjacent to the rhyne, when grown in say 4 years will overhang and hinder with their canopies on the rhyne clearing strip. The same comment applies to the western boundary where the trees will hinder the drainage ditch clearing and will in years to come overhang the adjoining properties. The application has not discharged the reserved matters regarding sustainability or landscape replacement.
5. Longitudinal Sections Sheet 2 Drg No. 2244-102-2 Rev. D This drawing indicates the sections across the site, changes in GL and drainage falls. As the drainage in parts will be permanently within the water table extreme care has to be guaranteed for joints. The application does not state how trenching below the water table will be undertaken or where the dewatering waste will be discharged.
6. Longitudinal Sections Sheet 1 Drg No. 2244-102-1 Rev. E This drawing indicates the sections across the site, changes in GL and drainage falls. As the drainage in parts will be permanently within the water table extreme care has to be guaranteed for water tight joints. The application does not state how trenching below the water table will be undertaken or where the dewatering waste will be discharged.
7. Engineering Layout Sheet 4 Drg No. 2244-100-3 Rev. C The ground level from the earlier submissions has been put back to close to existing, however that places all the foul drainage pipework in the water table and extreme care must be guaranteed for water tight joints. The application does not state how trenching below the water table will be undertaken or where the dewatering waste will be discharged. In addition, the SW detention pond shows a base level 2.85 which will be below the current water level therefore this pond will have constant standing ground water, thus reducing its capacity. Also, the indicated outfall to BPR is at 4.80, which is below the winter rhyne recorded water level of 5.6, therefore the swale will not empty. In addition, the original planning requirement was for a discharge rate not to exceed 2 lits /sec, the current proposal is now 4 lits/sec, double the agreed rate.
8. Engineering Layout Sheet 3 Drg No. 2244-100-2 Rev. C Comments as 7 above. In addition, why in this day and age has the scheme proposed collection of all surface water from properties, and not local soakaways, thus reducing the load on the local rhyne.
9. Engineering Layout Sheet 2 Drg No. 2244 100 -1 Rev. C The south west area swale appears to drain into the Wessex sw drain and not direct into BPR why?
10. Engineering Layout Sheet 1 Drg No. 2244-100 Rev. H Comments as 7, 8 and 9 above.
11. Construction Management Plan Drg No. 1259_01_CEMP Rev. D This drawing states that the existing field gate to be used for initial site works. However, Application No: 24/22/00034 STP, Sedgemoor District Council hereby GRANT PERMISSION in respect of the application PROPOSAL: Formation of temporary access from A38 Bristol Road, with no construction access from OBR, this drawing contravenes this approval. No construction access will be allowed from Old Bristol Road. The PC will insist this is adhered to. This drawing fails to indicate the bollards to seal off OBR from the new temp access, in addition it fails to indicate the OBR turning head of dog waste bin, to be retained on OBR side. The A38 Construction access must be sealed off from OBR to prevent a rat run developing. This drawing fails to detail the site vehicle wheel washing facility or discharge containment.

12. Storey Heights Drg No. EB-103 Rev. B This drawing fails to indicate the correct ridge height of the proposed properties.

13. Site Survey drg No. Z18226-SX The site survey from water level in the Brocks Pill Rhyne is in fact the summer DWF and not the winter WWF , therefore the proposed SWD scheme will not function during the winter months as the proposed discharge is lower than the rhyne water level.

14. Refuse - Cycle Strategy Drg No. EB-109 This proposed layout fails to show the tracking route of the refuse collection vehicles, or that there is sufficient space to turn the vehicle, this is demonstrated as the proposal is for some properties to have a central stacking area, which residents must place their waste in, this will lead to unnecessary waste spillage and unsightly areas. This also places a health and safety risk on elderly residents having to move their recycling down the street to these collection points and is a form of discrimination.

It must also therefore follow if you cannot turn a refuse vehicle around in some parts of this estate, how can you turn a removal lorry, or fire tender. The overall layout does not conform to the requirements of highways standards for estate road layouts. The proposed highway layout is unworkable if cars choose to park along its route.

15. Planning Layout Drg No. EB-100 Rev. B Inadequate turning heads on the three roads on the west side of the development. In addition, the top road on the north west side is shown as having a gated off turning head. No protective fencing indicated to the LEAP or the SuDs basin area, danger to public from deep water.

16. Parking Strategy Drg No. EB-105 Rev. B Only 13 visitor spaces across the entire development, and insufficient carriageway widths to allow street parking on the remainder due to the curved nature of the road layouts. This will become an estate parking issue. The PC strongly object to the fact that parking could spill out onto OBR.

17. Materials Layout Drg No. EB-102 Rev. B The pallet of materials indicates,

- Rodruza esher bricks, however this is a sand finished red brown brick, which bears no relationship to the existing village used red clay smooth finished brick and is therefore out of character with the village.

- Bradstone Rough dressed Keinton grey stone, which has been scheduled on some dwellings bears no resemblance to the locally used Blue Lias rough cut and irregular stone used on the cottages in OBR and throughout the village.

- Redland duoplain charcoal grey or Rustic brown tiles which has been scheduled on some dwellings bears no resemblance to the locally used double curve pantiles in red clay that are predominantly used throughout the village and area.

The pallet of materials that have been proposed fail to address the local character of the area or village and adjacent existing buildings. What is proposed is the same as every new estate that has been constructed in Somerset North, or for that matter the UK, and as a result villages lose their distinct charm and character. In addition, there is a distinct pallet change on the affordable housing that identifies them as such and is therefore discriminatory. Finally, the Affordable has all been grouped into the South East corner and not integrated across the estate, discrimination.

18. Enclosures Layout Drg No. EB-106 Rev. B This drawing indicates boundary fences and walls, Comments on materials as 17 above.

19. Kingsholm Plots 8 11, 12, 17 & 18 Drg No. EB-159 Rev. A Roof tiles not in keeping with local environment, as comment 17.
20. Frome 2 Plot 40 Drg No. EB-151 Rev. B Roof tiles and brickwork not in keeping with local environment, as comment 17.
21. Monmouth Plots 1, 9, 10, 13, 15 & 16 Drg No. EB-157 Rev. A Roof tiles and stonework not in keeping with local environment, as comment 17.
22. Street Scenes Drg No. EB-108 Rev. B The materials utilised on the proposed dwellings bears no relationship to the surrounding existing street scape or village, as comment 17.
23. Site Sections Drg No. EB-107 Rev. A Section now indicates that the site dwellings ridge heights will be no higher than the adjacent Grange,
24. Twin Garage Plots 2, 3, 4, 5, 6, 7, 14, 15, 28, 29, 34 & 35 Drg No. EB-161 Rev. A Materials as comment 17.
25. Single Garage Drg No. 1, 2, 10, 13, 16, 27 & 36 Drg No. EB-160 Materials as comment 17.
26. Double Garage Plots 8, 11, 12, 17 & 18 Drg No. EB-162 Materials as comment 17.
27. Radcot Plots 2, 6, 35 & 36 Drg No. EB-156 Rev. A Materials as comment 17.
28. Monnow - Ashmore Plots 19, 20, 21, 24, 25, 26, 37, 38 & 39 Drg No. A Materials as comment 17.
29. Monmouth Corner Plots 5 & 29 Drg No. EB-158 Materials as comment 17.
30. Dartford Plots 7, 14 & 34 Drg No. EB-155 Rev. A Materials as comment 17
31. Chepstow Plots 3, 4, 27 & 28 Drg No. EB-154 Rev. A Materials as comment 17.
32. Ashmore Plots 22, 23, 32 & 33 Drg No. EB-152 Rev. A Materials as comment 17.
33. Ashford Plots 30 & 31 Drg No. EB-153 Rev. A Materials as comment 17.
34. Site Location Plan Drg No. EB-101 Rev. A The area to the south east of the development which is part of the existing field, is shown as outside the developer's ownership, and has no access from the development or any other area. How is this accessed in the future, and maintained, as it is currently grassland that needs periodic cutting. The PC will not allow the area to be unmaintained and become a future eyesore.
35. East Brent Design and Access Statement A. Point 1.6.2 States, Provision of much-needed new homes, This is not a factual statement, East Brent currently has numerous unsold homes for sale, 4 of which are 4-year-old properties located in OBR, and currently are unsaleable due to poor building control policing.
Point 1.6.3 States, Create new community infrastructure in the form of: EV charging point, this is not indicated on the drawings, and from the statement implies it's a charging point available to all.
Point 2.4.1 States, The scale of the development is informed by the surrounding residential context, by the need to create successful streets and create a sense of place. All the houses across the site are 2-storey to reflect the character of the surrounding built. This is an untrue statement, the existing surrounding street scape is a linear design that has evolved over 2 centuries, and with each and every dwelling different. This development is an estate with all dwelling hands of each other and the same pallet of unsympathetic material. Point 2.5.1 States, The development has been designed to be low density, again an untrue statement it is not low density compared to the surrounding existing part of the village, this development has double the amount of dwelling that the whole of the existing OBR. Its also outside the village boundary

where generally the density would drop off, this places an over density estate in open countryside.

36. *Construction Method Statement.* No reference is made to the exclusion of any contractor's vehicles from OBR, all contractors access must be from the A38. The PC will not allow any contractors access or vehicles along OBR.

37. *Sourcing of Local Labour* The statement only mentions 50% locally sourced, an unrealistic figure and not enforceable. The applicant states that the remainder will be Edenstone own staff, however they are a Welsh operator located in Wales, and therefore the carbon expended on travel is unacceptable.

38. *Other related matters*

a) No drawings to indicate bat boxes.

b) No street lighting plans.

c) Ecology report is out of date and needs updating.

d) A38 temporary traffic control is not defined. Highways have recently suggested the exiting vehicles could use Mendip Road as a turning point. This comment beggar's belief.

39. *LEAP position* The South East corner is not the correct location for the LEAP, too close to the rhyne, not overlooked by residences for safety all as noted by Avon and Somerset Police.

In conclusion this reserved matter application fails to define the reserved matters as required by the Planning Inspectorate, it simply attempts to whitewash over key matters and as such the PC strongly object to the proposals. In addition, there are areas of this proposal that the PC will not entertain becoming responsible for in the future and will place the onus firmly on Somerset Council to upkeep and maintain.

OFFICER NOTE: these detailed comments have been shared with the applicant who has provided a detailed response. This has prompted a facilitated exchange of views between the applicant and the clerk to PC. Many of the issues raised relate to matters outside the remit of this application reserved matters for example the use of the construction access approved through a different permission, building control issues in relation to renewables and EV charging points; technical issues in relation to the sewage connection to the main sewer; matters that are controlled by condition of the outline (e.g. Construction management). Where relevant their detailed comments are considered in the appropriate section under Main Issues.

Affordable Housing Officer: initially commented:-

I welcome the submission of this reserve matter application. We identified the need to bring more affordable homes to East Brent many years ago. There are several local families who [find] themselves priced out of the local housing market waiting (and have been a long time) for the affordable homes to come forward on this development.

On a positive note, this reserve matter application proposal confirms a 40% policy compliant affordable housing provision and fulfils the affordable quantum secured by s106 when the outline permission was secured.

The location of the proposed affordable housing is also acceptable. Disappointingly, other aspects of the affordable housing proposals associated with this reserve matter application are not acceptable.

The affordable housing tenure mix proposed has not been agreed. The current proposal would see 10 of the 16 affordable homes provided as shared ownership. There is no evidence to support so many homes of this tenure. Given prevailing house prices in rural communities to push the cost of shared ownership beyond the reach of local people in housing need. I would expect social rent to be the overwhelming affordable housing tenure. The tenure proposal needs reconsideration.

Similarly, the unit types and their size have not been agreed. This needs a review and agreement.

Subsequently the affordable element has been amended to provide 12 rented units and 4 for shared ownership and the affordable housing officer has confirmed that this, the location and the type are acceptable.

Finally it is observed that:

Notwithstanding the reduction in AH reported in the 2021 HNA, I am assuming the outline consent for 16 AH units is still valid.

The quantum of AH is policy compliant (40%).

The tenure mix at 12 x rent and 4 x shared ownership is acceptable. Given the high rental values in EB, the rented must be social rented in nature to ensure they are genuinely affordable to local people.

The unit mix does not address the unit mix suggested in the 2021 HNA. The HNA suggests a need for 6 x 2 bed homes, but the current AH proposals only provide 1 unit. There is no justification for the number of 3 and 4 bed homes proposed by the applicant (75% of the overall AH provision).

I am not convinced that the AH units are well integrated across the scheme. They seem to be clumped in one part of the development.

The s106 requires the AH units to be indistinguishable in appearance to the market homes. I am not convinced they are. For example, the market units have garages – the AH do not.

All in all, I am still satisfied with the overall AH package proposed.

Highway Authority: Recommend approval subject to safeguarding conditions

Landscape Officer: no objection:-

I have reviewed the submitted soft landscape drawings and confirm that they are acceptable in terms of providing an appropriate landscape setting to the proposed development.

Police Design Officer: comments as follows:-

Layout of Roads & Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features i.e., surface changes by colour or texture, rumble strips and similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The single vehicular entrance/exit to the development has advantages from a crime prevention perspective over through roads in that this can help frustrate the search and escape patterns of the potential offender. The segregated footpath along the south - west frontage of the development appears to be well overlooked from Plots 1 - 5 and existing dwellings opposite in Old Bristol Road.

Orientation of Dwellings - most of the dwellings appear to be positioned facing one another enabling neighbours to easily view their surroundings and making the potential criminal more vulnerable to detection. Many of the dwellings are also orientated back - to - back, which is advantageous from a designing out crime perspective, as this orientation helps restrict unlawful access to the rear of dwellings which is where most burglaries occur.

Dwelling Boundaries - it is important that all boundaries between public and private space are clearly defined, and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences, or hedges to a minimum height of 1.8 metres. The Enclosures Layout drawing indicates that these recommendations will be complied with.

Vehicle Parking - is a combination of on - plot garages and parking spaces, communal driveway parking and one rear parking court serving a small number of dwellings and the FOG's. On plot parking is recommended and rear courtyard parking discouraged, as this enables unlawful access to the rear of dwellings which is where most burglaries occur. However, the rear parking court is overlooked by dwellings at the entrance and from the FOG's, which should improve the security of the rear parking court. The communal driveway parking spaces are allocated to dwellings, which is also recommended to deter neighbour disputes.

Communal & Play Areas - have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. In this regard, the proposed LAP is centrally located with good all-round surveillance from dwellings, which is recommended. The LEAP on the other hand is in the south-east corner of the development and directly overlooked by six dwellings to the north-west only. I recommend the LEAP also be relocated to a more central area with good all-round surveillance from dwellings.

Landscaping/Planting – should not impede opportunities for natural surveillance and must avoid potential hiding places. As a rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly relevant in respect of the LAP & LEAP, SuDS Basin, and all other areas of POS in and around the perimeter of the development.

Street Lighting – all street lighting proposed for adopted highways and footpaths, private estate roads and footpaths and car parking areas within this development should comply with BS 5489:2020.

Physical Security of Dwellings – to comply with Approved Document Q: Security Dwellings, of Building Regulations, all external doorsets providing a means of access into a dwelling and ground floor or easily accessible windows and rooflights must be tested to PAS 24 security standard or equivalent.

Secured by Design (SBD) – if planning permission is granted, the applicant is advised to refer to the ‘SBD Homes 2023’ design guide available on the Secured by Design website www.securedbydesign.com which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

Subsequently in light of additional information provided in relation to the location of the LEAP and measures to be taken with a view to safeguarding children using it and improving natural surveillance of this area the LEAP:-

Bearing in mind that LEAPs are primarily intended for use by older children who are starting to play independently, this would appear to address my previous concerns.

The LEAP should be capable of being secured at night to reduce vandalism and graffiti after dark and have a single dedicated entry and exit point and gate.

Fencing at a minimum height of 1.2 metres would discourage casual entry, provide a safe, clean play area and further reduce damage to equipment. Bearing in mind the nearby deep rhyne and vicinity to the A38 road, I feel this is particularly relevant from a child safety perspective.

OFFICER NOTE: The applicant has confirmed that the fencing would be raised to 1.2M

Open Spaces Officer – Comment:-

The proposed LAP and LEAP are acceptable for the amount of dwellings.

We do however, have some recommendations the site layout:

- *We recommend that the LEAP is sited more centrally. If the LEAP can't be more centralised then it must have passive supervision from nearby properties*
- *Full equipment details and the exact specification of this area can be secured at the detailed planning stage or as a covenant in a S106 agreement.*

In light of the additional details provided in relation the LEAP (as considered by the Police Design Officer) it is confirmed that the scheme, as amended, is satisfactory.

Axe Brue Internal Drainage Board: No objection to amended plans. Recommend conditions to agree foul and surface water drainage and to prevent planting with 9m easement of rhyne.

OFFICER NOTE: conditions attached to the outline permission already secure the drainage details

Lead Local Flood Authority: initially sought technical clarifications and raised concerns about the pumped surface water drainage system, although have subsequently confirm that they have no objection.

Civil Contingencies Officer: Recommends a condition to complete and maintain a Flood Warning and Evacuation plan for the site

Wessex Water: No Objection but raise a concern about the pumped surface water system.

Environmental Health Officer: no comment/observation

Somerset Heritage Centre: no objection:-

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Ecologist: no objection subject to safeguarding conditions

Natural England: No comments to make

Representations

24 letters of objection raising the following issues:

- Increased risk of flooding
- Inappropriate surface water drainage, including pumped system, attenuation ponds too small, won't work with proposed levels
- Exceedance plan shows surface water flooding
- Wildlife and noise surveys out of date
- No access to land to east
- No access to attenuation ponds
- Impact of construction and construction traffic especially in Old Bristol Road;
- issues with road layout for larger vehicles;
- lack of public transport
- issues with electricity and broadband
- impact of wildlife
- many residents rely on deliveries which increases traffic and the potential for accidents.
- Lack of surveillance to LEAP;
- Applicants have not discharge conditions imposed by inspector
- Changes to the footpath along Old Bristol Road with out consultation;
- Removal of barriers to A38 on revised plans
- Increased noise
- Speeding cars on Old Bristol Road
- Increased traffic on Old Bristol Road
- Use of existing access for initial construction work
- Affordable housing not needed
- Impact of road narrowing as a result of the offsite footpath
- Position and design of the affordable housing
- Village not suitable for a major development like this
- Over subscribed doctor's surgery
- People will have to bring their bins to a collection points
- Wildlife surveys out of date
- Latest HNA report, January 2022 only shows a need for 12 dwellings not 16;
- there should be no street lighting

Most Relevant Policies

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

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

National Planning Policies

Sedgemoor Local Plan 2011-203

- S1 Presumption in Favour of Sustainable development
- S2 Spatial Strategy for Sedgemoor
- S3 Infrastructure Delivery
- S4 Sustainable Development Principles
- T3 Placemaking Objectives
- T3a Tier 3 Settlements – Housing
- D2 Promoting High Quality and Inclusive Design
- D3 Sustainability and Energy in Development
- D5 Housing Mix
- D6 Affordable Housing
- D13 Sustainable Transport and Movement
- D14 Managing the Transport Impacts of Development
- D19 Landscape
- D20 Biodiversity and Geodiversity
- D21 Ecological Networks
- D22 Trees and Woodland
- D25 Protecting Residential Amenity
- D26 Historic Environment
- D29 Protection and Enhancement of Existing Green Infrastructure Resources
- D30 Green Infrastructure Requirements in New Development
- D34 Outdoor Public Recreational Space and New Residential Areas

Other Material Considerations

East Brent Housing Needs Assessment 2021

Main Issues

Principle of Development

The principle of development has been established by the earlier grants of outline permission (24/19/00015 & 24/22/00026) and these remain extant. Permission was granted on the basis that the proposal would provide affordable housing to meet an identified local need under policy T3a; this remains the case and, notwithstanding local concerns about the principle of the development of the site or the justification for doing so, it is not considered that there have been any changes in policy or circumstance which justify revisiting these issues in this instance.

Accordingly, this application falls to be determined on the merits of the reserved matters i.e. layout, appearance, scale and landscaping in light of the relevant local plan policies.

Layout

The proposed layout closely follows the indicative plan from the outline permission and would create a pleasant frontage to Old Bristol Road set back behind the rhyne and an area of open space. As such the visual impact of the development would be mitigated in the street scene of Old Bristol Road by a combination of separation and intervening landscape. Whilst the pattern of development to west along Old Bristol Road is of properties closer to the road, it is to be noted that on the north side the existing houses adjacent to the site are all set back a similar distance. On the South side of the road properties at this eastern end of the road are also set back from the road. This gives a looser character of development along this part of old Bristol Road that would be appropriately reflected by the new frontage to be created.

Within the site the proposed houses are set well back off the western boundary and as such would not result in any overcrowding or loss of privacy to the adjacent property. As noted above the frontage properties would be set back, and as such they would not adversely impact on the outlook or living conditions of the properties on the south side of the road. Accordingly, it is considered that the proposed layout would safeguard the living conditions of existing residents.

Within the site all properties would be provided with off road parking as required by the adopted parking standards together with visitor parking. Overall, the site would be over provided with parking by 10 spaces compared to the expected standard. The parking has been sensitively managed so as to avoid intrusion in the street scene with all properties having on plot parking generally to the side of their dwelling (garages and open parking), although there is some perpendicular parking to the front of some smaller terrace type properties. There is one small parking court however that has been provided with passive overlooking from the surrounding properties who will be using it for their parking needs.

The highway officer has not raised any concerns about the layout or parking provision, although they note that:-

the internal state roads and footways will remain private including the culvert over the rhyne to gain access. Only the land within the existing highway boundary (this includes the Old Bristol Road grass verge up to the rhyne edge) is subject to an ongoing Section 278 agreement to connect the access to the adopted carriageway of Old Bristol Road.

Nevertheless, they recommend that road construction should be in line with the Highway Authority's design standards even if remaining private and suggest a number of conditions to ensure that the appropriate standards and drainage are agreed. Most of these were imposed at outline stage and it is not necessary to reimpose them. Other conditions address matters covered

by other legislation (e.g. the provision of EV charging points which are covered by building regulations) or are covered by other permission relating to the site (e.g., the culverting of rhyne which is covered by the permission for the access and is in any event outside the redline of this application).

The local concerns about the layout and the accessibility for larger vehicles are noted however these are not shared by the highways officer and there is no evidence to indicate that the proposal is inadequate in this regard. Similarly, the concern that some residents would have to take their bins to a collection point some distance from their property is not shared by the highway authority who have accepted the layout and alignment of the roads. It is not uncommon that there are unadopted cul-de-sacs within modern developments where a few properties would have to take their refuge to a collection point on the nearest adopted highway. Such arrangements are common in rural areas where properties may have a long drive or for example be in a converted former agricultural building some distance from the public highway.

A condition is suggested to ensure the agreement of cycle stores. Whilst most of the houses have garages that would presumably provide cycle storage there are a number of properties without garages. It is therefore considered reasonable to impose such a condition to ensure that adequate provision is made such condition could also cover the provision of bin storage. This is considered reasonable to ensure compliance with policies D14 and D25.

Open space and equipped play space (a LEAP and a LAP) would be provided as required by the planning obligations agreed outline stage and to a standard expected by policy D34. A substantial area of open space would be provided to the Old Bristol Rd frontage along with an area of open space along the western edge that would serve as a buffer between the development and the existing properties. Additionally, there is an extensive landscaped area to the northern side that would provide a soft edge to the development within which would be the main attenuation area for the drainage.

The concerns raised by the Police Design Officer and the Open Spaces Officer about the LEAP have been addressed and it is accepted that, as amended, this area would benefit from an appropriate level of passive overlooking and would be provided with suitable landscape planting and boundary treatments.

A further area of open space incorporating a LAP and a seating area would be provided alongside the main road running north South through the site this would provide a view from old Bristol Rd through the development to the countryside to the north and is considered to be a welcome feature to provide a shared space for future residents and a general softening of the development. The detail of the layout and management of the equipped areas would be agreed through the discharge of planning obligations.

All properties would be provided with private amenity areas in the forms of gardens for the dwellings and shared spaces for 3 buildings accommodating the six one bedroom flats. The

gardens are considered to be well sized in relation to the property they serve.

In light of the foregoing is considered that the layout would provide an attractive and pleasant environment for future residents as well as safeguarding the living conditions of existing residents and respecting the character of the locality. As such the proposal complies with the requirements of policies T3a, D2 and D14 of the Local Plan.

Appearance

The proposed houses are of a traditional design, incorporating pitched roofs and chimneys considered appropriate to the location. The finished floor levels are lower than that envisaged at outline stage which would mitigate the visual impact but are still at the level required by the Environment Agency. Over all the heights of the building both in terms of the constructed height above FFLs and the height above the original ground level is considered appropriate. It is accepted that both would be higher than many of the traditional properties elsewhere in Old Bristol Road, however this reflects firstly the modern requirement for FFL to be set above the likely flood water levels and secondly, modern building control requirements and to a certain extent this is inevitable. In this instance with the development at the eastern end of Old Bristol Road and set further back from the road than other properties this is not considered objectionable as the properties would not be seen within the context of the existing properties. Instead, the new houses would read as a later, modern addition on the edge of existing village where there is a variety of more modern house types, rather than a modern infill scheme surrounded smaller traditional properties.

For the dwellings the amended materials plan specifies a mix of:-

- Rough cast cream/white render , some with grey 'Bradstone' detailing
- Red brick
- Rustic brown duoplain' roof tiles
- Grey 'duoplain' roof tiles

All the garages would be red brick with the rustic brown duoplain' roof tiles

Whilst this material palette has been challenged as not being locally appropriate, it is noted that there is a wide variety of materials at this end of Old Bristol Rd including a slate roof on the property adjacent to the site and another property opposite. Reflecting this occasional use of grey roofing material in the locality, the development includes six properties out of the 40 with grey roof tiles. A number of properties in the immediate vicinity of the site have a variety of profiled roof tiles and the variety of colours and not all are red double Roman tiles as contended. On this basis the 'rustic brown duoplain' tile proposed is not considered objectionable. The proposed red brick and render is considered to reflect the variety of materials used locally and there is no objection to the Bradstone detailing shown on a number of the rendered properties.

This is not considered that the objections to the proposed materials is sustainable in this instance nevertheless a condition is recommended to agree the final detail of the materials and on this basis it is considered that the proposal would comply with the placemaking requirements of policy T3a and the detailed requirements of policy D2.

Scale

It is considered the scale of the development, i.e. a mix of detached and semi-detached two-storey dwellings of the size proposed with associated open space and parking, is within the parameters of the outline permission and is appropriate to this edge of village location. In this respect it is considered that the proposal complies with the placemaking elements of policy T3a and the more detailed design and character requirements of policy D2.

Landscaping

The application is supported by detailed landscaping plans which have been accepted by the landscape officer. As noted in the layout section substantial areas of planting are proposed around the perimeter of the site and planted in accordance with the submitted details. It is considered that this would acceptably manage the visual impact of the inevitable change of character that would arise as this undeveloped site is developed. Such the proposal would comply with requirements of policy D19.

Within the site a central area of landscaped open space would be provided which would include street trees which are also a feature of the access roads within the development. The landscaping proposal also address the front gardens of the proposed properties and would serve to create an attractive public realm. Additionally, whilst not a feature of the proposed landscaping plans it is acknowledged that in the back gardens, with time, the gardening activities of residents would also serve to soften the official impact of the proposal.

With regard to the IDB's comments, no planting is proposed within 9 metres of the rhyne. It is not necessary to impose a condition to prevent future planting in this area as the IDB's rights of access would be able to address this. Similarly, the maintenance of the areas of public open space next to the rhyne are to be agreed as set out in the section 106 agreement.

On this basis, subject to a condition to ensure that the submitted landscape scheme is implemented, it is considered that the proposed landscaping is acceptable in light of the requirements of policies D2 and D19.

Other Issues

Affordable Housing

The provision of 40% affordable housing as required by policy T3a was agreed by section 106

agreement entered into at the time of the original outline permission. This obligation applies equally to the subsequent section 73 variation. The terms of the affordable housing provision is set out in the section 106 agreement with the further requirement that the detail be agreed in writing as a discharge of the obligation. As such the detail of the affordable housing element is not a matter to be agreed through this application for the approval of reserved matters.

At the time of the outline approval the most up to date Housing Needs Assessment (HNA) was from 2018 which identified a need for 27 affordable homes, hence the application was approved for up to 40 dwellings (40% of which = 16). The latest HNA, from 2021, identifies a need for 12 affordable houses, which would equate to an overall development of 30, which would be within the parameters of the outline permission.

The outline application was determined in accordance with the Development Plan and therefore took into account the 2018 HNA, which identified a local need for 16 affordable houses and approved a development of up to 40 dwellings with 40% (i.e. 16) to be secured as affordable homes. It is a general rule that you cannot, at the reserved matters stage, revisit matters agreed and approved at the outline stage, in this case the access arrangements and the quantum of development - i.e. up to 40 dwellings. Only where as a function of these reserved matters the overall number should be lower should the applicant be asked to reduce the quantum of development - e.g. to reduce a cramped layout or to make room for sufficient landscaping.

Accordingly, it must at this stage be accepted that up to 40 dwellings have been approved and it is not considered that there are any reasonable grounds to now seek to reduce this number. As noted above the scale, layout, appearance and landscaping are acceptable and provide no justification to reduce the numbers.

It has been suggested that the reduced need for affordable housing identified in the 2021 HNA should result in the number being reduced. This issue was tested in a Court of Appeal decision *R (Harvey) v Mendip District Council* [2017] EWCA Civ 1784. Here the appellant successfully reviewed the council's decision to approve an outline scheme for one open market house and up to 6 affordable units on the grounds that the need was for only 5 affordable houses.

In defence of the council's decision it was argued that: -

that the Council would be able to refuse consent for the building of more than 5 affordable homes at the reserved matters stage because the number of homes was a matter going to the "scale" of the development, which was a reserved matter.

In other words, and directly comparable to the current application, the case was that the council could seek to reduce the number of dwellings at the reserved matters stage if that is what the evidence pointed to at that time as with was part of the 'scale' of the development. This was not successful, with Sales LJ pointing out that:-

The definitions for reserved matters in relation to an outline planning permission are set out in article 2(1) of the 2015 Order. The term "scale" "means the height, width and length of each building proposed within the development in relation to its surroundings". The reservation of matters of scale under condition 1 of the planning permission, read in the light of this definition, would not allow the Council to refuse to allow a development of 6 (rather than 5) affordable homes to proceed by exercise of discretion at the reserved matters stage.

As such, whilst the justification for the number of houses approved may have changed, indicating that, if one were looking at a new grant of outline permission, the overall number might be lower, reflecting the diminished demand for affordable housing, at this reserved matters stage there is no ability to seek to review the numbers under the guise of 'scale'.

A percentage of the total number of dwellings (i.e. 40% as required by policy T3a) was secured through 106 although the number of affordable houses was not stipulated. The overall number of houses that were approved, i.e. up to 40, reference the need identified by the 2018 HNA which was a material consideration at that time. Subsequently it has to be accepted that up to 40 dwellings have been approved and this element of 'scale' in the context of the reserved matters cannot now be revisited. It is not considered that it would now be reasonable to seek to reduce the number of houses that have been approved in accordance with the above court of appeal decision.

Accordingly, whilst the 2021 HNA identifies a lower need than the 2018 HNA, the outline permission (that constitutes the extant permission for this site) was fully justified by the 2018 HNA at the time, and sets the overall numbers for the site at 'up to 40' dwellings, . As such it is not considered that it is justified at this reserved matter stage to seek to reduce the quantum of development that has been approved. The affordable housing would still be required to be let to those with a local connection as required by the s106.

Nevertheless, it is relevant to ensure that the housing is now proposed include appropriate house types that can be offered up in due course as the affordable element. In this respect the applicant has indicated the following to be provided as the 16 affordable units required by the s.106 agreement:-

- 6 x 1-bed flats for affordable rent;
- 4 x 2-bed house for shared ownership
- 4 x 2-bed house for affordable rent
- 2 x 3-bed house for affordable rent

The affordable housing officer has confirmed that this is acceptable and would meet the need identified in the latest housing needs assessment (the 2021 East Brent Local Housing Needs Assessment) which requires an affordable housing mix made-up of a "tenure split of affordable housing units which shall be Affordable Rented Unit and Affordable Shared Ownership Units". This later HNA suggests a mix of:

- 5 x 1-bed unit for affordable rent;
- 4 x 2-bed house for shared ownership
- 2 x 2-bed house for affordable rent
- 1 x 3-bed house for affordable rent

Whilst this would be a 'over provision' of one rented 1-bed units, two rented 2-bed units and one rented 3-bed unit it is not considered that this would be objectionable in light of the outline permission that has been granted.

It is considered that the design and siting within the development of these affordable units is acceptable. Whilst there is a local concern that they would be distinguishable from the market housing this is on the basis of size and lack of garages, not design and reflects the identified need for smaller units. The 'clustering' of the 16 affordable homes in 2 groups is not objectionable, nor is the position of the clusters objectionable any more than the clustering of market homes objectionable in the opposite corner of the site. It is simply that the need is for smaller affordable homes and operationally the providers prefer to see them clustered in small groups.

Flood Risk

Policy D1 (Flood Risk and Surface Water Management) seeks to steer development away from areas at higher risk of flooding and to manage risk where it is not possible to do so. The policy aims to appropriately manage surface water and to avoid any increased risk of flooding elsewhere.

Whilst the site is located within Flood Zone 3a, in an area at risk of flooding but benefitting from flood defences, it was accepted at the outline stage that the proposed development, which aims to meet a locally identified need for affordable housing, passes the sequential test as there are no other suitable sites available in the parish that are at lower risk of flooding. Accordingly, the development needs to pass the exceptions test to demonstrate that, as a more vulnerable use, occupiers of the development would be safe from flooding. At the time of the grant of outline permission the detail of the scheme was not known, however it was not considered reasonable to assume that the proposal could not be made safe and conditions were imposed to secure the appropriate detail, namely:-

- finished floor levels (FFL) be at a minimum of 5.93m AOD to put the houses above predicted flood levels; and
- flood resilience measures to be incorporated in the construction of the houses.

The submitted drawings set the FFL's at a minimum of 5.93m and details of flood resilience measures have been agreed through discharge of condition. On this basis it is considered that the exceptions test has been passed and that it has been demonstrated that future occupiers of the development would be safe from the risk of flooding.

Conditions were imposed at outline stage to secure the agreement of the technical detail of the surface water drainage system and these will be discharged with the input of the relevant consultees. In respect of this application for the approval of the reserved matters the submitted layout plans include engineering and exceedance route drawings which are considered to demonstrate that the proposed drainage scheme is technically feasible.

The surface water drainage strategy includes traditional pipe to attenuation pond with a pumped discharge of 4.4l/s to the existing land drainage network (Brooks Pill Rhyne) via an onsite conveyance swale. Wessex Water note that this is a material change to the Surface Water indicated at the outline stage, which did not include a pumped surface water drainage network. They do not consider this to be a sustainable approach looking at the whole life energy consumption and costs, noting that Water Industry standards advise the use of surface water pumping stations is to be avoided due to the risks of flooding in the event of pumping station failure.

This concern is shared by the LLFA and has been raised with the applicant who has provide the following response:-

The mean summer water level in the rhyne is 4.80m AOD and our outfall cannot be lower than this. The minimum finished flood level agreed by the Environment Agency is 5.93m AOD. Wessex Water have asked that all surface water pipes offered for adoption meet the minimum self-cleansing velocity set out in Design Construction Guidance (DCG). Therefore, the surface water network shown on drawing 2244-100-P utilises the minimum acceptable gradients and the minimum acceptable cover. Based on the above our outfall into the attenuation basin can be no higher than 3.450m AOD, 1.35m below the outfall level.

The 2019 Flood Risk Assessment (FRA) was prepared using a minimum FFL of 6.45m AOD, which was contained in the EA's original response (17/08/2018). The EA later gave the minimum FFL as 5.93m AOD, and this is outlined in condition 26 of the Appeal decision (9/12/2021).

The original FRA was not updated to reflect the latest comments from the EA nor were detailed hydraulic calculations included. The approved FRA also utilised a climate change allowance of 40% as was current at the time of approval.

An analysis of the economic and environmental impact of raising site levels by 1.2-2m to achieve the levels outlined in the approved FRA was undertaken. The number of vehicle trips and hours of machinery usage required to bring the material to site would far outweigh any carbon associated with a surface water pump operating for 100 years.

There was also opposition from the Local Planning Authority and Local Community with regards to increasing site levels by 1.2-2m to achieve a minimum FFL of 5.93m AOD. It has been highlighted that the LLFA have agreed to use surface water pumps only developments within the local area, one example provide was a development on Land off Brent Road, Brent

Knoll.

It is accepted that the proposed pumped solution is not ideal however this is to be balanced against the benefits of delivering locally needed affordable housing, on a site that already has outline permission, in a manner that does not result in excessive levels raising which could unacceptably exacerbate the visual impact of this edge of village development. Accordingly, it is considered that the proposed pumped solution is acceptable and has been agreed by the LLFA. Whilst Wessex Water's reservations are noted, they advise that the Local Authority should be satisfied there are alternative maintenance and management arrangements for the proposed development surface water and highway drainage systems and surface water pumping station in the event that any sewer systems proposed or installed by the applicant are not compliant with adoption standards and not eligible to progress to formal vesting as public sewers with Wessex Water. This issue is covered by condition imposed at outline stage and is not considered to amount to a sustainable objection at this reserved matters stage.

With regard to foul drainage Wessex Water have confirmed that they will accommodate domestic type foul flows in the public foul sewer with connections made at the developer's cost to the nearest appropriate sewer. They note that the proposed 'gravity foul drainage network', as shown on the submitted Engineering Layout, to accord with the foul drainage strategy agreed at outline stage. This would connect to the public foul sewer at MH ref ST35512907 and discharge to East Brent Orchard Close Pumping Station. This is considered acceptable and the detail of the connection and technical specification would be agreed through the appropriate adoption mechanism.

Accordingly subject to the satisfactory discharge of the relevant conditions on the outline permission it is considered that the development would be safe from the risk of flooding and would not increase the risk of flooding elsewhere and as such complies with the requirements of policy D1. The proposed foul drainage system is considered appropriate and would safeguard the water environment from pollution and as such complies with policies D1 and D24.

Ecology

Policy D20 (Biodiversity and Geodiversity) of the Local Plan states that proposals should contribute to maintaining and where appropriate enhancing biodiversity and geodiversity and should seek to avoid significant harm. D21 (Ecological Networks) of the Local Plan states that all proposals should protect and where possible enhance the coherence and resilience of the ecological network.

Ecological safeguarding conditions were imposed at outline and include the requirements to:-

- Include swift bricks, house Martin nests, sparrow terraces and bee bricks;
- agree a lighting design for bats;
- agree and implement a LEMP;

- agree and implement a CEMP;
- agree tree protection measures

The supporting information now provided with this reserved matters application includes tree protection plans, detailed landscaping plans and a bird and bat box and bee brick plan. Additionally, details have been provided and agreed and the conditions discharged in relation to the CEMP and LEMP and the ecologist has confirmed that they support the proposed landscaping plans and have not objected to the proposed bat/bird box and bee brick plan.

Conditions are suggested with regard to tree protection, the need for any necessary Natural England licences in relation to works to watercourse to be submitted to the LPA and lighting. However, tree protection measures and lighting are conditioned as part of the outline permission and it is not necessary to repeat such conditions now. The main works to water courses formed part of the approval of the site access (24/22/00043) and the need for licences was conditioned as part of that approval. Nevertheless, the current application also includes some minor works to connect the drainage system to Brooks Pill Rhyne and therefore the suggested condition is necessary to cover these works.

Whilst it is contended that the wildlife survey is out of date the ecologist has not objected and it is not considered that there is any evidence to demonstrate that there have been any changes that would justify insisting on further surveys at this reserved matters stage.

On this basis, subject to this additional condition and compliance with the relevant conditions attached to the outline permission, it is considered the proposal would safeguard the local wildlife and biodiversity in general as required by policy D20.

Construction Management

The ongoing concerns about the impact of the construction phase and construction traffic is noted however such issues were fully considered when the outline planning permission was determined. At which stage it was accepted that subject to appropriate measures being undertaken as part of a construction management plan these impacts could be appropriately mitigated. Since then the applicant has agreed an alternative construction access for a temporary site entrance from the A38. Additionally, the applicant has revised drainage strategy to reduce the ground raising that would be necessary and as such the impacts of the construction phase are likely to be less than originally envisaged.

Notwithstanding the fact that it has been accepted the construction phase could be serviced via old Bristol Rd it is considered that the creation of a site access directly from the A38 is a significant improvement and as such it is not considered that it would be reasonable to revisit this issue again through the determination of this application

Offsite Footpath Improvements

These were agreed and secured as part of the outline permission and do not form part of this reserved matters application. Accordingly, whilst ongoing local concerns are noted they are not considered material to the determination of this reserved matters application.

Noise

A construction management plan would seek to appropriately mitigate noise from construction activities. Thereafter it is not considered that the occupation also proposed dwellings would give rise to any undue noise to existing residents. In terms of noise from the A38/M5 it is not considered that given the proposed separation it has been accepted that this would be a source of unacceptable noise to future occupiers of the development. On this basis it is considered that the proposal complies with the amenity objectives of policies D24 and D25.

Other Outstanding Local Concerns

Regard to the remaining local concerns the following comments are offered:-

- the provision of electricity and broadband is a matter for the relevant provider and is not a planning consideration;
- the lack of public transport is noted however this would have been a factor in determining East Brent's status as a tier 3 settlement as part of the production of the current local plan.
- The increased reliance on deliveries is noted however this is largely a matter of personal choice outside of the control of the planning system. It is reflected in highway assessments of the impact of residential development when the average number of movements generated by each dwelling is a factor in their consideration. So to this extent this has been assessed at the outline stage with the highway impact of up to 40 dwellings on this site was a consideration;
- The onus is on the developer to discharge all relevant conditions at the appropriate time.
- The changes to the footpath along Old Bristol Rd were subject to the section 73 application which was subject to consultations
- This application does not include the provision of barriers to the new temporary access from the A38. They are however a feature of the application for that access and any removal of these barriers whilst that entrance is in use would be in breach of that permission and would be dealt with accordingly.
- Vehicle speeding is a matter for the police
- The use of the existing access for initial construction work is understood to be simply for site setup purposes only thereafter all constructed traffic could use the temporary access from the A38.
- There is no evidence that the doctor's surgery is over subscribed and in any event any necessary contribution would need to have been sought (and justified) at the outline stage.

- Lighting has been condition on the outline permission. Whilst there may be a tension between highways and ecology requirements this is a matter to be resolved at the discharge of condition stage.

Conclusion

Notwithstanding local concerns the proposal is considered to be a well designed and laid out scheme but is often appropriate scale for the locality that would be well landscaped so as to reasonably mitigate any visual impact. As such this application to approve the reserved matters of the outline approval is considered to accord with the relevant policies of the local plan and would not have any undue impact on highway safety, flood risk, amenity of residents, visual impact or ecology.

RECOMMENDATION

GRANT APPROVAL OF RESERVED MATTERS

- 1 With the exception of ground works, no works to construct the dwelling(s) hereby approved shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:-
 - a) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
 - b) details of the design, materials and external finish for all external doors and windows;
 - c) details of all hard surfacing and boundary treatments.

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

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

- 2 No dwelling hereby approved shall be occupied unless it has been provided with bin and cycle storage facilities in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of the amenities of future occupiers in accordance with policies D14 and D25 of the Sedgemoor Local Plan 2011 to 2032.

- 3 Works to the watercourse or within a buffer of 10m will not commence unless the Local Planning Authority has been provided with either:

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

Reason: To Safeguard protected species in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

- 4 Unless agreed otherwise in writing, the landscaping scheme shown in drawing numbers 2283701 - SBC - 00 - XX - DR - L - 101 PL16 and 2283701 - SBC - 00 - XX - DR - L - 102 PL15 and set out in Soft Landscape Specification ref: 2283701-SBC-00-XX-SP-L-001 PL01 shall be fully carried out within 18 months from the date of commencement of the development. The trees/shrubs shall be protected and maintained, and any dead or dying trees/shrubs shall be replaced to the satisfaction of the local planning authority for a period of five years following the completion of the planting.

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

- 5 Unless agreed otherwise in writing, the tree protection measures as set out in the Arboricultural Impact Assessment and Arboricultural Method Statement dated 25/09/23 shall be fully implemented for the duration of the construction phase.

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

- 6 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

Site Location Plan Drg No. EB-101 Rev. A

Planning Layout Drg No. EB-100 Rev. C

Site Survey drg No. Z18226-SX

Storey Heights Drg No. EB-103 Rev. C

Enclosures Layout Drg No. EB-106 Rev. C

Materials Layout Drg No. EB-102 Rev. C

Construction Management Plan Drg No. 1259_01_CEMP Rev. E
Parking Strategy Drg No. EB-105 Rev. C
Refuse Vehicle Tracking Drg No. 101-1 Rev G
Exceedance Route Drg No. 2244-117 Rev B
Fire Tender and Private Vehicle Tracking Drg No. 2244-101-2 Rev A
Pumping Station Tracing Drg No. 2244-115 Rev. A
Refuse - Cycle Strategy Drg No. EB-109 Rev A
Site Sections Drg No. EB-107 Rev. A
Street Scenes Drg No. EB-108 Rev. C
Engineering Layout Sheet 1 Drg No. 2244-100 Rev. P
Engineering Layout Sheet 2 Drg No. 2244 100 -1 Rev. F
Engineering Layout Sheet 3 Drg No. 2244-100-2 Rev. F
Engineering Layout Sheet 4 Drg No. 2244-100-3 Rev. F
Soft Landscape Plan 01 Drg No. 2283701-SBC-00-XX-DR-L-101 Rev. PL16
Soft Landscape Plan 02 Drg No. 2283701-SBC-00-XX-DR-L-102 Rev. PL15
Soft Landscape Specification Drg No. 2283701-SBC-00-XX-SP-L-001 Rev. PL01
Bird & Bat Box and Bee Brick Plan (Date: 28/06/2023)
Tree Pit Section Detail Drg No. 2283701-SBC-00-XX-DR-L-201 Rev. PL01
Tree Protection Plan Old Bristol Road East Brent – Registered Date: 17/10/2023
Rhyne Maintenance and Easement Drg No. 2244-116 Rev A
LEAP Location Plan Drg No. LEAP
Playspace Layout Drg No. IDV-PD 1627.01 Rev. D
Playspace Layout Drg No. IDV-PD 1627.02 Rev. D

Ashford Plots 30 & 31 Drg No. EB-153 Rev. A
Ashmore Plots 22, 23, 32 & 33 Drg No. EB-152 Rev. A
Chepstow Plots 3, 4, 27 & 28 Drg No. EB-154 Rev. A
Dartford Plots 7, 14 & 34 Drg No. EB-155 Rev. B
Monmouth Corner Plots 5 & 29 Drg No. EB-158 Rev B
Monnow - Ashmore Plots 19, 20, 21, 24, 25, 26, 37, 38 & 39 Drg No. 150 Rev B
Radcot Plots 35 & 36 Drg No. EB-156 Rev. B
Radcot Brick Plots 2 & 6 Drg No. EB-156-1
Double Garage Plots 8, 11, 12, 17 & 18 Drg No. EB-162
Single Garage Drg No. 1, 2, 10, 13, 16, 27 & 36 Drg No. EB-160
Twin Garage Plots 2, 3, 4, 5, 6, 7, 14, 15, 28, 29, 34 & 35 Drg No. EB-161 Rev. A
Monmouth Plots 1, 9, 10, 13, 15 & 16 Drg No. EB-157 Rev. B
Frome 2 Plot 40 Drg No. EB-151 Rev. C
Kingsholm Plots 8 11, 12, 17 & 18 Drg No. EB-159 Rev. B

DECISION

Committee date 12/03/2024

Application No: 21/23/00013

Application Type: Full Planning Permission

Case Officer: Amelia Elvé

Registered Date: 08/11/2023

Expiry Date: 02/01/2024

Parish: Compton Bishop

Division: Brent

Proposal: Retention of change of use to domestic land and proposed erection of a double fronted garage with parking area and associated works.

Site Location: 26 Church Lane, Compton Bishop, Axbridge, Somerset, BS26 2HB

Applicant: Mrs L Mead



Referral decision required because

This application is referred to the Chair and Vice Chair as the officer's view is contrary to the view of the Parish Council.

Background

No. 26 Church Lane is a semi-detached property sited to the north-east of an unclassified road. The site is within the Mendip Hills AONB. To the south of the property there are other residential dwellings with agricultural fields located to the east and north.

The application seeks retrospective consent for the change of use of land in the adjacent agricultural field to the east, to be used for domestic purposes. The application also includes the erection of a detached carport with first floor accommodation, constructed with timber cladding and clay roof tiles. The proposed building will measure approx. 5.5m in height, with a footprint of approx. 7.0m x 6.0m.

Relevant History

21/13/00007 – Erection of two storey extension to rear (North) elevation - **Granted**

Supporting information supplied by the applicant

Location Plan Drg No. p2e/uk/985263/1327854

Block Plan Drg No. b90e//985263/1327872

Proposed Floor Plans & Elevations Drg No. 803468

Consultation Responses

Compton Bishop Parish Council – Object

The proposed building is positioned within a historic village/hamlet setting, farmland and also within the AONB of the Mendip hills.

The application is unfortunately presented with insufficient information in terms of scale and positioning of the building within the site. It is observed that access to the highway (Church Lane) has already been created, (without an official application) this is presumed to allow for current off-street parking. Again, with general observation the site needs substantial excavation to achieve access to this plot of land and meet the road levels and FFL of the building. There is no indication of the distance between the existing treatment plant and the proposed footprint of the development.

These are the highlighted concerns of the CBPC:

- 1. Access off the highway and the newly created opening within the existing retaining wall.*
- 2. The scale of the building in terms of position and how it is sited within the site.*
- 3. How the excavation and presumed ground levels will work with existing treatment plant and its current water discharge, (presumed soakway?). This raises the question is the treatment plant's location dominating the development in terms of the desired scale and positioning? Also, how access is achieved off the highway in terms of turning in the highway in each direction keeping the lane clear of parked obstructions.*
- 4. How is the surface water run-off managed from the newly proposed building and the existing/proposed hardstanding. There is concern that surface and ground water from the surrounding open farmland is and will further create additional surface water build-up on Church lane, which is already a current issue.*
- 5. With concerns to the proposed building being within the AONB we feel it has a dramatic effect on the visual impact and current street scene of the land and its widening open views of the Mendip Hill and southernly views towards the levels. Also, it is strongly recommended that any newly proposed building of reasonable scale should consider how its roofline is seen with existing surrounding properties and the AONB outward views, for example working in symmetry with neighbouring rooflines to soften the proposed building.*
- 6. With all of the above in mind the Council is of the opinion that the application does not comply with Local Plan policies D1, 19, 23 and 24 and needs to be fully investigated and resolved whether or not approval is given.*

Highways – Standing Advice

SW Heritage – No objection

There are limited or no archaeological implications to this proposal.

Representations

None received

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 December 2023

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

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D19: Landscape

D20: Biodiversity & Geodiversity

D23: Bat Consultation Zones

D25: Protecting Residential Amenity

D26: Historic Environment

Compton Bishop Village Design Statement

Main Issues

Principle of Development

The application site is outside of any settlement boundary and as such is considered to be in the countryside where development is strictly controlled and is only supported when there is a specific locational requirement, as set out in policy CO1.

The application site is outside of any Development Boundary however it relates to the existing dwelling. The scale of the land that is changed from agricultural use is not considered to be significant and is well sited in respect of the existing property. As such, the principle of the

development is considered to be compliant with policy CO1.

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 AONB where the natural beauty or character of the landscape is conserved and enhanced.

The proposed building is considered to be of a size and scale that is proportionate to the proposed use and existing built environment and is not of a significant magnitude that would detrimentally impact the visual appearance of the wider area. The proposal is to be finished in traditional materials that are considered to be acceptable for the rural location and is sited in close proximity to the existing built form, that it is not considered would be visually detrimental to the character of the protected landscape or the vicinity.

As such, the application is considered to comply with policies D2 and D19 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 proposed building is considered to be adequately distanced from neighbouring properties to not

result in an unacceptable impact in respect of overlooking, overshadowing or overdominance and therefore is considered 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 application. In respect of this application, this requires the resultant development to not impede on highways safety in respect of surface water run off, parking arrangements and access onto the highway network.

The proposal would provide parking at ground floor and the site, prior to the commencement of the parking area, had limited off-road parking available.

The site is accessed via an unclassified road that has a 30mph speed limit. The access that has been created is considered adequate in respect of visibility. To ensure that the scheme complies with *Standing Advice*, a condition will be used to ensure that there is a method for surface water run off to not discharge onto the highway and the surface treatment for the

It is therefore considered that as the development is compliant with *Standing Advice* and can be conditioned appropriately, the application therefore complies with policy D14 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.

SW Heritage have reviewed the proposal and have raised no objection. It is therefore considered

that the application is compliant with policy D26 of the Local Plan.

Ecology

The application site is in a rural location and therefore it is considered appropriate to include conditions in respect of an external lighting plan and biodiversity enhancements. As such, the application is considered to comply with policies D20 and D23 of the Local Plan.

Other Issues

The Parish Council have raised concerns regarding potential impact on the existing treatment plant. This would be a matter that would fall under Building Regulations.

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, historic environment, protected landscape or highways safety. As such the proposal complies with policies CO1, D2, D14, D19, D25 and D26 of the Sedgemoor Local Plan 2011-2032.

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 Prior to the first occupation of the development hereby approved, provision shall be made within the site for the disposal of surface water so as to prevent its discharge on to the highway and the access shall be finished with a consolidated surface. Once installed, the drainage and surface shall be maintained and retained thereafter in perpetuity.

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

- 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. 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 Prior to the first occupation of the development hereby approved, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the LPA. The approved features shall be installed prior to the first occupation of the development hereby approved and maintained and retained thereafter in perpetuity.

Reason: To ensure biodiversity enhancement as in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

Schedule A

Location Plan Drg No. p2e/uk/985263/1327854

Block Plan Drg No. b90e//985263/1327872

Proposed Floor Plans & Elevations Drg No. 803468

DECISION

PLANNING APPEALS DECIDED

Between 01/02/2024 and 29/02/2024

Agenda Item 7

Application No: 18/22/00007

Delegated or Committee: Delegated

Proposal: Certificate of lawfulness for the existing use of storage yard for business purposes (Use Class B8).

Committee date (if applicable):

Officers recommendation: Refuse Planning Permission

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

Location: Land To The South Of, Parchey View, Ward Lane, Chedzoy, Bridgwater, Somerset, TA7

Applicant: Mr H Meadows

Appeal Procedure: Written Representations

Appeal decision date: 20-Feb-2024

Appeal decision: Appeal Dismissed

Application No: 24/23/00005

Delegated or Committee: Delegated

Proposal: Erection of fence wrapping around the Western, Northern and Eastern boundary with access gate, to replace existing fencing.

Committee date (if applicable):

Officers recommendation: Refuse Planning Permission

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

Location: Acelies, Bristol Road, Rooksbridge, Axbridge, Somerset, BS26 2TA

Applicant: Mr Bodziarczyk

Appeal Procedure: Written Representations

Appeal decision date: 02-Feb-2024

Appeal decision: Appeal Dismissed

No. of Appeals Decided: 2

This page is intentionally left blank