



Notice of Meeting of

**PLANNING COMMITTEE - NORTH**

**Tuesday, 14 May 2024 at 2.00 pm**

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

To: The members of the Planning Committee - North

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

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

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services [democraticservicesnorth@somerset.gov.uk](mailto:democraticservicesnorth@somerset.gov.uk).

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) by **12noon on Monday, 13 May 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, 3 May 2024

# **AGENDA**

**Planning Committee - North - 2.00 pm Tuesday, 14 May 2024**

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

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

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

**1 Apologies for Absence**

To receive any apologies for absence and notification of substitutions.

**2 Minutes from the Previous Meeting (Pages 17 - 20)**

To approve the minutes from the previous meeting held on Tuesday 26 March 2024 as a correct record of the meeting.

**3 Declarations of Interest**

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

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

#### **4 Public Question Time**

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

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

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to [democraticservicsteam@somerset.gov.uk](mailto:democraticservicsteam@somerset.gov.uk) by 5pm on Wednesday 8 May 2024.

#### **5 Planning Application 24/23/00016 Land To The North Of, Old Bristol Road, East Brent, Highbridge, Somerset, TA9 (Pages 21 - 60)**

To consider an application for the approval of the details of appearance, landscaping, layout and scale, for the erection of 40no. dwellings – Deferred application from a previous committee.

#### **6 Planning Application 11/23./00101 Beaufort House, 7 Rectory Road, Burnham On Sea, Somerset, TA8 2BY (Pages 61 - 78)**

To consider an application for the Demolition of buildings and the erection of 11no. new residential units in association to existing care home (revised scheme).

#### **7 Planning Application 36/23/00011 Land At, Cricketer Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1LL (Pages 79 - 96)**

To consider a Habitats Regulations Assessment for Application 36/23/00011

#### **8 Planning Application 36/23/00011 Land At, Cricketer Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1LL (Pages 97 - 142)**

To consider an application for the erection of 58 dwellings (40% affordable units) with access, landscaping, parking, public open space and associated works.

**9 Planning Application 06/23/00013 Carefree Amusements, South Road, Brean, Burnham On Sea, Somerset, TA8 2RD (Pages 143 - 154)**

To consider an application for the demolition of existing amusement arcade and first floor flat and the erection of a new building comprising of amusement arcade at ground floor with six holiday lets and a single replacement flat at first floor alongside associated access, pavement and parking provision.

**10 Planning Application 26/22/00003 The Walled Garden, Broadmead Lane, Edington, Bridgwater, Somerset (Pages 155 - 172)**

To consider an application for the erection of 1no. dwelling with works to existing gardener's hut.

**11 Planning Application 26/22/00005 The Walled Garden, Broadmead Lane, Edington, Bridgwater, Somerset (Pages 173 - 182)**

To consider an application for works to listed wall and gardener's hut required in connection with change of use of site to residential.

**12 Planning Appeals (Pages 183 - 186)**

To receive reports detailing Planning Appeals received and decided between 1 March 2024 and 30 April 2024.

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## Public Guidance Notes for Planning Committees

### Can I speak at the Planning Committee?

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

The order of speaking will be:-

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

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

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

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

Although not an exhaustive list, these might include:

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

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

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

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

### **How do I register to speak at Planning Committee?**

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



### **Can I present information to the Committee?**

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

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

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

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

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

### **Presentation of planning applications**

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

### **The role of Officers during the debate of an application**

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

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

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

### **Recording of the Meeting**

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

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



## Councillor reminder for declaring interests

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

### **Non participation in case of Disclosable Pecuniary Interest**

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

### **Disclosure of Other Registerable Interests**

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

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

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

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

Where a matter arises at a meeting which affects –

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

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

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

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

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

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

If your Non-Registrable Interest relates to –

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

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

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

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

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

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

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

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

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

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## Planning North 14 May 2024

Microsoft Teams meeting

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Minutes of a Meeting of the Planning Committee - North held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Tuesday, 26 March 2024 at 2.00 pm

**Present:**

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

Cllr Alan Bradford  
Cllr Ben Ferguson  
Cllr Tony Grimes  
Cllr Mike Murphy  
Cllr Brian Smedley

Cllr Hilary Bruce  
Cllr Bob Filmer  
Cllr Alistair Hendry  
Cllr Gill Slocombe

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

Apologies were received from Councillors Brian Bolt and Pauline Ham – there were no substitutes.

**97 Declarations of Interest - Agenda Item 2**

Councillor Gill Slocombe declared an Other Registrable Interest as she is a member of the Hinkley Monitoring Board but took no part in discussions on this application. Councillor Alan Bradford declared an Other Registrable Interest as he is a member of the Quantock Hills AONB but took no part in any discussions on this application.

**98 Public Question Time - Agenda Item 3**

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

**99 Planning Application 36/22/00024 Inwood Farm, Cannington Road, Nether**

## **Stowey, Bridgwater, TA5 1HY - Agenda Item 4**

The planning officer introduced the application with the aid of a power point presentation, explaining that the application had been reconsulted on and further comments had been received from Fiddington Parish Council.

The planning officer updated the committee on the conditions as the wording had been amended on all the conditions to clarify timescales and temporary permission.

The committee were addressed by a representative of Fiddington Parish Council who explained that the previous conditions had not been adhered to and that there was an adverse impact on neighbouring dwellings from the lighting. He also expressed concerns with the property built within the red line of the site that was unauthorised and also that there would be a visual impact from the proposed site due to the elevated position. They were also concerned that much of the application was retrospective.

The agent for the application then addressed the committee. She stated that the application had been amended and that the building within the redline was subject to a separate application and being dealt with by the owner of the site. There would be a building for welfare purposes and a pump building and a new footpath proposed for the inhabitants of the caravans to link to the nearby village, they also supported the amendments to the wording of the conditions.

In response to the comments made by the Parish Council, the planning officer explained that the building within the red line will be subject to a separate application and was not part of this application. Both the landscaping and lighting plans were subject to triggers for completion and it was noted that the previous landscape scheme agreed on a previous application had now expired, therefore the condition on landscaping now covered the whole of the site (including the areas already authorised) and there were triggers to be met.

In response to comments from a Councillor, it was noted that Condition 4 would need to be amended to remove "Holiday use" and that conditions relating to the landscaping plan and lighting plan would need to meet time scales of six months after approval.

Members also were assured that the reason on lighting would be amended to include impact on neighbouring dwellings and not just for ecological purposes.

At the end of the debate, Councillor Bob Filmer proposed that the application be approved subject to the amended wording on the conditions and Councillor Alistair Hendry seconded the proposal.

Resolved:

That Planning Application 36/22/00024 was approved with conditions as detailed within the agenda report and the updated wording to those conditions as detailed by the Planning Officer in their presentation to the committee, with the additional wording relating to impact from lighting on neighbouring dwellings and businesses.

(Unanimous)

**(The meeting ended at 2.38 pm)**

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**CHAIR**

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# Agenda Item 5

**Committee date 14/05/2024**

**Application No:** 24/23/00016

**Application Type:** Reserved matters

**Case Officer:** Dawn de Vries

**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 \*\***



## **Update following referral from Planning Committee on 12th March 2024**

This application was deferred from Committee in March to allow for confirmation of Affordable Housing comments, consider the location of affordable housing within the site and review the location of the LEAP to a more central position within the site.

Additional information was submitted by the agent following committee resulting in the below amendments:

- Relocation of some of the affordable housing
- Amendment to design of some of the properties to ensure National Space Standards are met, more red brick used in external finishes and inclusion of chimneys
- Amended materials to include a higher proportion of brown roof tiles
- Further information regarding the relocation of the LEAP
- Enclosures layout (boundary treatments)
- Maintenance Schedule for the rhyne and watercourses
- Response to the concerns raised at committee
- Clarification on drainage calculations and climate change uplift
- Clarification on Construction Management Plan and Method Statement
- Additional information to support CEMP regarding approach to wheel washing.

Given the above, a full suite of plans and additional information was provided and the application was re-advertised on 25<sup>th</sup> March for 14 days. This section of the report will consider the additional comments, amendments and outcomes with the original report and conclusion retained for members information below.

### **Consultation Responses**

**East Brent Parish Council: Object**

**‘At our PC meeting held April 8th 2024 - it was agreed unanimously to object to the application**

**COMMENTS AS FOLLOWS:**

**Planning application 24/23/00016 OBR latest information as of 25th March 2024 placed on the portal. East Brent Parish Council Comments.**

**1)Response to Reason for Deferral letter from Walsingham Planning dated 25<sup>th</sup> March 2024**

**a) Comments were received on 14th March 2024 from the Council’s Affordable Housing Development Officer which stated: "The tenure of the affordable housing on the above**

scheme is acceptable and in line with both the 2018 and 2023 Housing Need Assessment. These comments were by an officer and not the Manager, their letter of 15th Nov 2023 stated unacceptable. Comments received on 14th March 2024 from the Council's Affordable Housing Development Officer stated, "I think there is an issue with the size of the affordable housing units, they do look a lot smaller than the market units, We would like to know what size the affordable housing units are, there is nothing on the application to ascertain the sizes. Although the NDSS have not been adopted I am concerned that the affordable units are small, I would suggest that when offered to a Housing Association they would want NDSS standards." (Technical housing standards- nationally described space standard) The Sedgemoor Local Plan was adopted in 2019 and whilst it does refer to the possibility of adopting the NDSS as a standard requirement, Interestingly the so called comments by the Housing officer of 14th march 2024 have not been posted under consultee letters, so we have no evidence of these statements. In addition the housing managers comments have not been retracted or superseded.

b) Applicant states that the LEAP location has also been reviewed by the Council's Parks and Open Space Team and the Designing Out Crime Officer, however the Crime officers earlier letter stated they were not happy with the LEAP location. There is not evidence on the portal to indicate they have retracted their earlier comments. The equipment within these areas has also been agreed with the Council's Parks and Open Space Team as part of the section 106 process. However as we know currently Somerset parks and open spaces have confirmed to the PC that they are unable to undertake any upkeep of parks for the year 2024 or moving forward in forthcoming years and as a result are selling their current parks to the PC. The PC place on record that we will have nothing to do with this developments LEP or LEAP.

## 2) Drainage Statement dated 25th March 2024

a) The attenuation is designed to store 996m<sup>3</sup>, however what storm intensity is that based on, and has a 2 or 3 return storm duration been allowed for as the free board is stated at 653m<sup>3</sup> which may be insufficient. In addition, the Ryhne TWL is stated as a summer level and not the winter, if the winter is used at 5.70 AOD then the pumped SW discharge will be underwater and under surcharge from the rhyne, no mention of this in the applicant's design.

## 3) Consultee response letter dated 25th March 2024

a) This Walsingham planning letter is dated 13th Oct 2023 and was coving items back then, irrelevant to current issues. In addition at the earlier time their letter failed to address the PC comments.

**4) Response to East Brent PC dated 13 Oct 2023.**

**a) This letter did not address the some 70 points that the PC raised regarding the proposed development. And does no more now.**

**5) Response to East Brent PC dated 7th Feb 2024.**

**a) This letter did not address the some 70 points that the PC raised regarding the proposed development. And does no more now.**

**6)Detailed soft landscape plan 02 Drg 2283701-SBC-00-xx-DR-L-102**

**a) No change to the LEAP position.**

**7)Detailed soft landscape plan 01 Drg 2283701-SBC-00-xx-DR-L-101**

**a) No conceivable amendments**

**8) House Type –Wye Plots 24, 25 floor plans and elevations Drg 163 Rev A**

**a)The drawing displayed on the portal under the heading drg 163 Rev A is actually drg 164 no revision.**

**9) House type- Ogmores plots 1,2,6,7,28,29,30 floor plans and elevations Drg 163 Rev A**

**a) The drawing displayed on the portal under the heading drg 163 Rev A is actually drg 163 no revision**

**10-16 and 18) - lists specific revised floor plans and elevations and comments - States relocated to affordable unit, what does that mean. Poor revision description**

**17) Housetype-Frome plots 40 floor plans and elevations Drg 151 Rev C**

**a) The drawing listed on the portal is drg 151 rev C, However the drawing contained in the submission is drg 151 rec D. States relocated to affordable unit, what does that mean. Poor revision description,**

**19) LEAP and LAP location drg No 110**

**a) Corner View and Fairview have no line of sight to the LEAP due to high hedges. View from affordable housing to LEAP obscured by parking.**

**20) Proposed street scenes drg no 108 rev D**

**a) Roof pitches still too steep and out of place with village street scene.**

**21) Site section Drg No 107 rev B**

**a) Roof pitches still too steep and out of place with village street scene.**



**22) Enclosures layout drg no 106 rev D**

**a) Same as before**

**23) Parking Strategy Drg no 105 rev D**

**a) Same as before unrealistic visitors parking, with none shown to the western section of the site. In addition no cars are indicated as parked in the roadways, unrealistic.**

**24) Affordable Housing layout drg no 104 rev E**

**a) Affordable plots 26 and 27, 22 and 23 and 20 and 21 all have shared rear external spaces, which is in contravention of the HNA 2022.**

**b) The spreading of the affordable still has the bulk in the eastern bottom corner. Interestingly the 4 that have been moved are shared ownership, and those now all grouped are the rented.**

**25-27) notes no change to Storey heights layout drg no 103 rev D, materials layout drg no 102 rev D and Planning and roof layout drg no 100 rev D**

**28) Rhyne and watercourse maintenance drg no 116 rev C**

**a) Incorrect statement on the ditch to the western part of the site, the ditch is not outside the site boundary and the applicant owns up to the middle of the western ditch, therefore maintenance schedule required.**

**b) No IDB maintenance strip shown in the south west corner past the new foot path.**

**29) Fire tender and private vehicle tracking drg no 101-2 rev B**

**a) Vehicle entry over bridge from OBR indicates vehicle could clip bridge structure. Also no account taken of any vehicles parked on streets**

**30) Refuse vehicle tracking drg no 101-1 rev H**

**a) Vehicle entry over bridge from OBR indicates vehicle could clip bridge structure, in addition runs over grass in OBR attempting to make turn. Also no account taken of any vehicles parked on streets. Bin strategy on western centre road unrealistic.**

**31) Engineering layout drg no 100 rev V**

**a) Foul drain off site to FW MH11 no route approval across private drives. Remember this is a private sewer not an adopted one, therefore agreements needed with all landowners for route, otherwise undeliverable.**

**b) Proposed SW outfall to BPR at 4.80 AOD, however in Jan and Feb 2024 Rhyne water 5.70 winter level AOD therefore proposed pumps outlets would be under water and have**

to cater with the rhyne static head. No design proof or evidence this has been allowed for.

32-34) Repeats the above in relation to Engineering layout drg no 100-3 rev L, Planning and roof layout drg no 100 rev D, Engineering layout Sheet 1 drg no 100-1 rev L'

**Environmental Health: No comment**

**Designing out Crime Officer:** The only additional comment I would add to those made in my letter dated 17th August and email dated 31st October 2023, is as follows:-

**Play Areas** – the proposed boundary fencing and gates for both the LAP & LEAP is 1.2 metre 'Hit & Miss' wooden palisade type, which is easily vandalised. I recommend this be replaced by round-top metal railings and gates, of the same height, which is more vandal resistant, easier to maintain and aesthetic in appearance.

**OFFICER NOTE:** a further revision to the enclosures plan was provided, amending the boundary of the play area as suggested above.

**Natural England: No comment**

**Somerset Highways: No objection subject to conditions**

**Affordable Housing Officer:** The tenure of the affordable housing on the above scheme is acceptable and in line with both the 2018 and 2023 Housing Need Assessment. In respect of the layout, although the affordable rented units look clustered in the right hand corner they are in fact fed off two separate roads so I am happy with this now. The size of the units are now in line with NDSS.

**OFFICER NOTE:** The property types were amended to ensure the affordable dwellings complied with National Space Standards and some of the dwellings were moved further into the site.

**Third Party comments:**

12 letters have been received following the re-consultation raising the below concerns:

- Safety concerns
- Impact on villagers
- Leap has not been moved – cannot be seen from Old Bristol Road and visibility would be blocked by parked cars
- Properties overlooking would not be family homes

- Maintenance of ditches
- Rubbish collection and potential littering in high winds
- Removal of a surface water pond
- Uncertain drainage information, third party consent needed and concerns regarding flooding
- Blot on the landscape
- Objection from the consultees remain
- East Brent Parish Council objections have not been addressed
- Clustering of affordable housing
- Construction traffic and limited parking for contractors in CEMP
- Access to agricultural land to the rear
- Light pollution
- Maintenance of grass verges
- Concerns that views are not being listened to

**Issues that have been raised that are not material to this approved matters application are listed below:**

- Ability to deliver the footpath consented as part of the outline application
- Details reserved by outline conditions have not been provided as part of this application (9 and 25)
- Concerns regarding level of need 2018 HNA vs 2022 HNA
- Limited public transport
- Wrong location
- Duration of the application
- Access outside of application
- Insufficient services (Drs, schools etc.) and distance from other facilities
- Noise and ecology reports out of date

**Material considerations following referral:**

**Drainage and surface water flooding:**

**During the committee meeting there was a lot of concern and debate regarding the potential for surface water flooding and concerns regarding the drainage proposal for the site. The Lead Local Flood Authority were provided with a drainage statement, engineering layout, micro drainage calculations and an exceedance route plan.**

**The site has been designed with a pumped drainage solution. Further confirmation was sought from the LLFA to justify this approach. The applicant confirmed the mean summer water level in the rhyne is 4.80m AOD and the outfall cannot be lower than this. The**

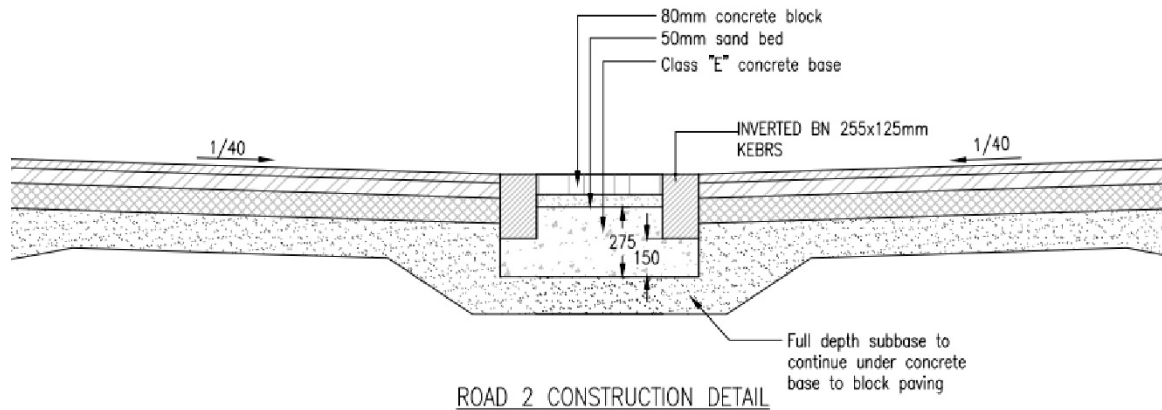
**minimum finished flood level agreed by the Environment Agency is 5.93m AOD. Wessex Water require all surface water pipes offered for adoption to meet the minimum self-cleansing velocity set out in Design Construction Guidance (DCG). Therefore, the surface water network shown on drawing 2244-100-P utilises the minimum acceptable gradients and the minimum acceptable cover. Based on the above the 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) confirmed a minimum FFL of 6.45m AOD, which reflected EA's original response (17/08/2018) to the application. The EA later amended the minimum FFL to 5.93m AOD which was secured as 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.**

**To achieve the levels set out in the original FRA the site would have needed to increase levels by 1.2-2m above existing ground levels. An analysis of the economic and environmental impact of raising site was undertaken. And the number of vehicle trips and hours of machinery required to bring the material to site would far outweigh any carbon associated with a surface water pump operating for 100 years. As such a pumped solution is necessary and is mitigated in the reduction of HGV movements to and from the site and has been accepted by the LLFA.**

**Concern was also raised regarding 68mm of flooding and how the exceedance route would operate. The proposed highway, Road 2, where a maximum of 68mm of flooding could occur has a central channel as shown below. The carriageway is designed with a fall 1 in 40 towards the centre line, the channel level is 55mm higher than the centreline. With the 50mm kerb upstand there would be a 110mm level difference before any exceedance would fall towards dwellings thereby safeguarding residential dwellings from potential flood risk.**



**Location and mix of affordable housing:**

Following Committee, the Affordable Housing Officer confirmed the tenure of the affordable housing on the above scheme is acceptable and in line with both the 2018 and 2023 Housing Need Assessment although queried if the properties complied with National Space Standards. Following this comment revised details were received updating a number of the property types and amending the layout to locate some of the properties further within the site. The supporting information confirmed two of the previous housing types were not NDSS compliant (Ashford and Ashmore) and these have been replaced by ‘Ogmore’ and ‘Wye’. All property types now met NDSS guidance.

The applicant confirmed the proposed integration of the units is reflective of the operational requirements of registered social landlords (RSL) who would be responsible for managing the affordable housing once complete. RSLs prefer to have clusters of affordable housing units in the interests of their ongoing management and operational requirements minimising maintenance costs. The policy position on clustering expects a range between 10-12 and the original layout detailed 16 interspersed with market housing in the eastern area of the development. Following committee’s comments 4 semi detached properties have been relocated to the western area of the site resulting in affordable housing in the west and eastern areas of the site whilst maintaining a degree of clustering to meet the needs of the RSL.

**Location of the LEAP and surveillance:**

The application was deferred from Committee due to concerns members raised in terms of the suitability of the location of the LEAP. The developer responded following committee confirming that the LAP was located in the centre of the site enabling

surveillance for the smaller children and the LEAP could not be relocated more centrally without significant impact to the scheme. The LAP and LEAP were specifically placed in differing areas of the site to ensure appropriate use of equipment with the older children to the south west of the site.

In terms of overlooking, the LEAP is fronted by 8 properties (increase in 2 since the last committee presentation) and following the revision of the affordable housing layout there is also a greater level of first floor residents overlooking the site. Concern was raised in one of the third party letters that as the majority of these properties were not family units (6 x 1 bed and 2 x 3 bed properties) then it would not result in active surveillance. Due to the mix officers accept the additional first floor overlooking and the provision of 8 separate households. Passive views from properties on Old Bristol Road were discussed and discounted during the previous committee due to the scale of existing landscaping which would impede visibility. The Designing out Crime officer was reconsulted and did not provide revised comments but did comment on the detail of the boundary enclosure. This was subsequently amended to align with their comments. The equipment in the play spaces has been agreed through the Section 106 on the outline consent. The Parks and Open Space team and the Crime and Design Officer have confirmed they are satisfied with the location of the LEAP and do not raise any concerns in this respect.

#### **Other Matters:**

The IDB provided a further comment ahead of the last committee meeting advising a 6m clearance for maintenance is usually required and the application would need to confirm how the ditches would be maintained. The site currently has hedgerows and intermittent tree planting along its border with the private drainage ditches to the north and west of the site. As noted in the EA guidance the approach to maintenance of private ditches should seek to protect wildlife including important habitats.

The ecology information for the site identified the existing hedgerows as important and the landscape proposal has been designed to enhance these areas. With the existing boundary features a continuous 6m maintenance strip cannot be provided and it would be unreasonable and contrary to EA guidance to remove existing habitat features to provide a maintenance strip to the north and west drainage ditches.

Therefore, a maintenance schedule has been provided on the Rhyne and Watercourse Maintenance Plan (Dwg Ref.: 2244\_116-Rev C). This identifies a 9m buffer to the ditch at the front of the site and maintenance measures for the watercourse to the north and west of the development such as keeping growth of vegetation (trees, weeds, reeds, grass etc) under control, considering biodiversity when trimming vegetation. Mowing of banks around

ditches minimised during the animal spawning season of March to mid-July. This work should be undertaken with handheld machinery such as trimmers and shears. Within these margins some trees have root protection areas shown on the plan, no excavation will be carried out in these areas.

The applicant does not consider the watercourse to fall within the site ownership although third party letters raise the riparian rights. Notwithstanding this currently the developer and subsequent management company only have limited access to the southern or western banks of the ditches due to existing planting. Under guidance of the IDB, they are proposing cutting up to the top of bank, leaving the fringe of the bank uncut, thereby maintaining some habitat as well as enabling a free flow of water in the ditch.

Following comments made at committee regarding design the amended plans included a reduction in grey roofs to reflect the local context, increase in number of market plots to be constructed of brick to ensure no visual distinction between market and affordable dwellings and chimneys provided on focal points within the site to provide some variation and interest in the streetscene.

In respect of parking provision Somerset Guidance requires the provision of 0.5 of a space. 1 beds require 2 spaces; 2 beds require 2.5 spaces; 3 beds require 3 spaces and 4 beds require 3.5 spaces. Across the site the applicant has round this up or down accordingly. For instance, in respect of the 2 bed properties, some provide 2 spaces and others provide 3 however, across all 2 bed properties the total requirement is still met. The applicant has overprovided on parking for the 3 bed homes and on visitor parking. In the instance where a home is 0.5 of a space short, visitor parking has been located nearby should it be required but in any event all homes have a minimum of 2 spaces.

### **Conclusion**

The revised details have been subject to reconsultation and are seeking to address the concerns raised by members at the previous committee meeting. Officers are satisfied with the revised details and continue to recommend the application for conditional approval.

### **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 infact 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 that 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, of 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 loose 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 of 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](http://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 1<sup>st</sup> April Sedgemoor District Council ceased to exist, becoming part of the new unitary authority for Somerset, Somerset Council. As part of this transition the 2011-2032 Sedgemoor Local Plan was 'saved' and remains the adopted local plan for the part of Somerset formerly covered by Sedgemoor District Council.

### **National Planning Policies**

National Planning Policy Framework: December 2023

National Planning Practice guidance

Sedgemoor Local Plan 2011-2032

S1 Presumption in Favour of Sustainable development  
S2 Spatial Strategy 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 rhine 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 over looking 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. 40 two-storey dwellings and associated open space and parking is within the parameters of the outline permission and is appropriate to this edge of village location. The properties would be a mix of detached and semi detached dwellings. 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 over all 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 that 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 provided 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:-

- materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
  - a) details of the design, materials and external finish for all external doors and windows;
  - b) details of all 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:

c) 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

a 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

Site Survey drg No. Z18226-SX

Storey Heights Drg No. EB-103 Rev. C

Materials Layout Drg No. EB-102 Rev. C  
Construction Management Plan Drg No. 1259\_01\_CEMP Rev. E  
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 B  
Site Sections Drg No. EB-107 Rev. A  
Engineering Layout Sheet 4 Drg No. 2244-100-3 Rev. F  
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  
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  
Kingsholm Plots 8 11, 12, 17 & 18 Drg No. EB-159 Rev. B

Engineering Layout Sheet 1 Drg No. 100-1 Rev L  
Engineering Layout Sheet 2 Drg No. 100-2 Rev N  
Engineering Layout Sheet 3 Drg No. 100-3 Rev L  
Engineering Layout Drg No. 100 Rev V  
Refuse Vehicle Tracking Drg No. 101-1 Rev H  
Fire Tender & Private Vehicle Tracking Drg No. 101-2 Rev B  
Rhyne & Watercourse Maintenance Drg No. 116 Rev C  
Planning & Roof Layout Drg No. 100 Rev D  
Materials Layout Drg No. 102 Rev D  
Storey Heights Layout Drg No. 103 Rev D

Affordable Housing Layout Drg No. 104 Rev E  
Parking Strategy Drg No. 105 Rev D  
Enclosures Layout Drg No. 106 Rev. E  
Site Sections Drg No. 107 Rev B  
Proposed Street Scenes Drg No. 108 Rev D  
LEAP & LAP Location Drg No. 110  
Housetype - Monnow Plots 20,21,22,23,26,27 Floor Plans & Elevations Drg No. 150 Rev C  
Housetype - Frome Plot 40 Floor Plans & Elevations Drg No. 151 Rev C  
Housetype - Chepstow Plots 32,33,34,35 Floor Plans & Elevations Drg No. 154 Rev B  
Housetype - Dartford Plots 8,15,36 Floor Plans & Elevations Drg No. 155 Rev C  
Housetype - Radcot Plot 3 Floor Plans & Elevations Drg No. 156 Rev C  
Housetype - Radcot Brick Plots 37,38,39 Floor Plans & Elevations Drg No. 156-1 Rev A  
Housetype - Monmouth Plots 4,10,11,14,16,17 Floor Plans & Elevations Drg No. 157 Rev C  
Housetype - Monmouth Corner Plots 5, 31 Floor Plans & Elevations Drg No. 158 Rev C  
Housetype - Kingsholm Plots 9,12,13,18,19 Floor Plans & Elevations Drg No. 159 Rev C  
Housetype - Ogmore Plots 1,2,6,7,28,29,30 Floor Plans & Elevations Drg No. 163 Rev A  
Housetype - Wye Plots 24,25 Floor Plans & Elevations Drg No. 163 Rev A  
Detailed Soft Landscape Plan 01 Drg No. 2283701-SBC-00-XX-DR-L-101 Rev PL17  
Detailed Soft Landscape Plan 02 Drg No. 2283701-SBC-00-XX-DR-L-102 Rev PL16

DECISION

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**Committee date 14/05/2024**

**Application No:** 11/23/00101

**Application Type:** Full Planning Permission

**Case Officer:** Liam Evans

**Registered Date:** 27/10/2023

**Expiry Date:** 25/01/2024

**Parish:** Burnham & Highbridge

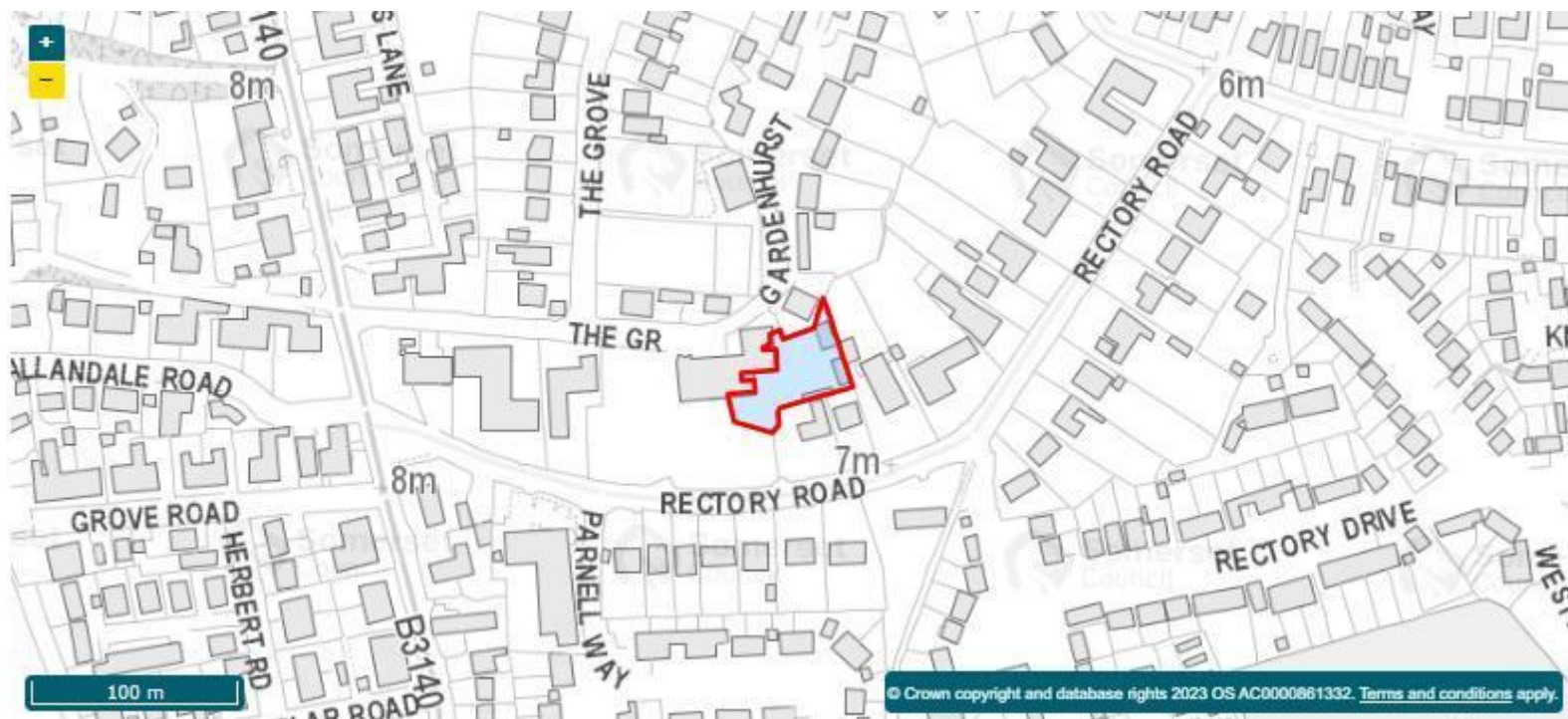
**Division:** Burnham on Sea North

**Proposal:** Demolition of buildings and the erection of 11no. new residential units in association to existing care home (revised scheme).

**Site Location:** Beaufort House, 7 Rectory Road, Burnham On Sea, Somerset, TA8 2BY

**Applicant:** Beaufort Park Ltd

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



## **Committee decision required because**

The views of the Town Council are contrary to the recommendation.

## **Background**

The site is located within the centre of Burnham On Sea and is currently occupied by a large 3 storey care home situated within the centre. The front building has a traditional appearance with double gable frontage and canopied entrance within the centre. To the rear are more modern extensions of 3 storeys with a mansard style roof with two storey extensions to the north. The buildings that make up the main block of the care home facility are finished in red brick and clay tiles.

To the east of the building is a collection of outbuildings and a two storey structure used in an ancillary capacity with the care home. These buildings are arranged in an 'L' shaped layout and include a two storey house, a workshop and attached conservatory, a row of 4 garages and shed. To the south of these buildings are a close boarded fence and brick wall with the east boundary lined by a brick wall.

Permission sought for the removal of the existing ancillary buildings and for the erection of a new accommodation block providing 11 units of accommodation to be used in association with the care home. The building would be sited on the footprints of the existing ancillary buildings and would have an 'L' shaped footprint running along the east and south boundaries of the corner of the site. The building would be partly single storey, part two storey with the higher elements located on the east boundary. The building would be finished in red brick and clay tiles and the design would include pitched roofs to the single storey west wing with two store northern wing having gable principle elevations between flat roofed sections. Two storey bay windows with zinc cladding, recon stone lintels and feature brick coursing would be used throughout.

Additional parking would be provided to the south of the existing building with the land immediately adjacent to the proposal landscaped with paving, trees and a sunken garden.

A similar proposal was refused in 2023 on the basis of the proposed design incorporating two storey elements to the south boundary, which would impact on the amenity of the adjacent properties through visual domination, loss of light and outlook. The lack of an ecological assessment was also the basis of the refusal. The current application seeks to address these issues.

## **Relevant History**

11/23/00023	DC	Demolition of buildings and the erection of 11no. new residential units in association to existing care home.	REF
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## **Supporting information supplied by the applicant**

Design and Access Statement  
Flood Risk Assessment and Surface Water Strategy.

Bat and Bird Assessment.

## **Consultation Responses**

Town Council - Objection.

- *Resolved On the basis that due to the adverse effect on residential amenity of neighbouring properties mainly overlooking and overshadowing, too close to boundary.*
- *Highway issues - car parking provision there is not enough spaces and parking will then overflow on neighbouring streets.*
- *Visual impact of the development - the new build is out of character.*
- *Adverse impact on nature - trees impacted from construction.*
- *Drainage - as they are raising the height could cause an impact on flooding."*

Environmental Health - Recommend conditions.

Lead Local Flood Authority - Recommend additional information be submitted relating to drainage.

Ecologist - No objection, recommend conditions.

Highways - None received.

Environment Agency - Objection.

Wessex Water - No comment.

## **Representations**

11 received raising the following:

- Revised application has larger footprint due to ground floor flat, overdevelopment.
- Overlooking, loss of privacy – dual aspect windows, bathroom windows should be obscurely glazed.
- Welcome removal of 2<sup>nd</sup> storey but still loss of light, impacting outlook and overshadowing trees/vegetables and should be set away from boundary.
- Noise from rain on grey tin roof.

- Inadequate parking and access that will lead to parking on highway, emergency vehicle issues.
- Construction would cause parking issues, delays, obstructions, encroachment onto neighbouring properties.
- No waste provision.
- Out of keeping with other properties, prison style, blank red brick walls – revised application has not addressed design concerns and would deteriorate character of Rectory Road.
- Oversupply of over 55 accommodation locally, no evidence of need.
- Flood risk, water run off and impact on existing drainage.
- Solar panels would cause radiation risk and reflection nuisance.
- Existing buildings could be repurposed.
- Protection/impact of TPOs.
- Parking to front of bedrooms would effect residents lives, hopefully new garden area would be available for residents.
- No mention of replacement staff accommodation or garden sheds.
- Sewerage flooding caused by lack of upgrades to sewer network despite development and adverse impact to residents.
- Maintenance and fire risk have not been considered due to being built right on boundary.
- No consultation with neighbours from applicants.

### **Most Relevant Policies**

#### National Planning Policies

National Planning Policy Framework

#### Local Plan (2011-2032)

S2 Spatial Strategy for Sedgemoor

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D7 Care Homes and Specialist Accommodation

D14 Managing the Transport Impacts of Development



Burnham and Highbridge Area Neighbourhood Plan

**Community Infrastructure Levy (CIL)**

The application is for residential development in Burnham & Highbridge where the Community Infrastructure Levy (CIL) is Urban Residential £55.91sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

**Main Issues**

Principle

The site is located within centre of Burnham On Sea and is currently used as a care home. The proposal would see the removal of existing buildings ancillary to the main accommodation buildings and replaced with a part single storey, part two storey building used for 11 additional self-contained apartments to be used in association with the existing care home facility.

The supporting statement submitted indicates that there is a need in national and local strategies for increased housing and for plans that support older people to live independently in suitably adapted and supported accommodation within their local communities. The Office for National Statistics forecasts that by 2030 there will be more than 15 million people living in the UK over the age of 65. This is 2.4 million more than today. At the start of 2022 the government announced the creation of the Housing with Care taskforce with the aim of improving the number of housing options for people as they get older.

The principle of the development is still considered to be acceptable in that it would be within the grounds of an existing care home, which provides specialist accommodation for the elderly and would be used in conjunction with the existing role of the site within Burnham, which is well connected in terms of public transport and access to existing facilities. The number of bedroom/flats remains as previously proposed, which was not objected to at the time.

It is considered that the proposal complies with Policy S2 and D7 of the Local Plan in that the development would be of an appropriate scale relative to its sustainable location.

Design and Visual Impact

Policy D2 of the Local Plan seeks development to reflect the characteristics of a site and that of the surrounding area. In this case the proposed accommodation building would replace existing

structures of varying age and appearance and would be constructed on their footprint. The proposal would be part single storey, part two storey in scale and based on its height and massing relative to the existing Beaufort House it would be subservient in scale and reflect its ancillary function as providing further accommodation in line with the site's current use. While concerns have been raised regarding the additional footprint this is as a result of the reformatting of the accommodation, reducing the southern wing to single storey and resulting in extra accommodation at ground floor level. The single storey wing of the building would be set away a small distance from the shared boundary (previously proposed on the boundary) and while there would be an element of a wrap around to the west side of the extension (including the housing for mobility scooters) it is considered that these additional elements would not cause any greater impact on their own right compared to the previous scheme.

The extension of the footprint over the existing buildings to be removed would have no impact on the trees within the site as these are located a sufficient distance to the west of the proposed building, outside of any root protection areas and would be confined to the existing areas of hardstanding. During construction protection may be required around the trees, i.e. no storage of building materials, although based on the extent of the hardstanding area where the proposed building would be sited and the existing tarmaced routes within the care home site there would unlikely be a need to impact on the trees at all.

The proposed design would continue to reflect that character of the site and the buildings therein through its use of matching brick, vertical hanging tiles and roof tiles to the external elevations. The design would also incorporate two storey bay window projections to the west elevations facing the proposed shared garden space but within a contemporary finish of zinc cladding. Concerns have been raised regarding the appearance of the development and it being out of keeping with the character of existing site and care home. However, the design, materials and detailing are considered to be appropriate for the site and would present a contemporary reflection on the character of the existing buildings, which vary in terms of their architecture and fenestration design. The historic building has been extended to the rear and side with a mid 20th century extension and while this exhibits a character of its time it is not one that would seek to enhance the overall appearance of the site. The proposal would incorporate features of both periods of building design of the existing care home into the more modern interpretation submitted.

Vantage points and street scenes would offer views of the development but due to the enclosed nature of the development and the reduction in the two storey elements of the scheme, the wider visual impact would be minimised by the presence of existing dwellings and ancillary outbuildings within the vicinity of the site. The existing mature trees to the front of Beaufort House and those trees within plots adjacent to the site, all of which would be unaffected by the development, would help to reduce the prominence of the development outside of the site. The approach to the existing house, which has an historic character would be uninterrupted by the development, which would be viewed in the background as you approach from the main access. As a result the visual amenity of the area would not be harmed to a significant extent.

Each of the units would meet the national space standards for a 1 bedroom, single storey unit of accommodation, each measuring between 45sqm and 60sqm.

The proposal is considered to comply with Policy D2 of the Local Plan.

### Highways

As the development proposals are located within an existing residential care home site and is simply replacing a largely disused car park and a number of miscellaneous buildings (broadly on their existing footprints) there is no objection in principle to the development.

In terms of how the changes to the footprint of the building affect on site parking the plans submitted indicate that 3 additional disabled spaces would be provided adjacent to the existing building with the proposed mobility scooter shelters occupying the space previously set aside for further parking. Notwithstanding these changes the parking provision on site is still considered as acceptable as the existing site is laid with large areas of hardstanding, supplying other informal parking spaces and these would continue to be available within the blue application land, if and when required. The proposed mobility scooter electric charging bays are still proposed on site to aid movement in and around the area reducing reliance on the car further.

In terms of detail the existing vehicular access onto Rectory Road is considered to be acceptable to serve the proposed development in terms of its width and available visibility splays.

The Highway Authority had raised no objection to the previous scheme (although no comments received this time around) and as this aspect of the proposal is similar to previously submitted it is considered that there would be minimal impact on the local highway network as a result. The proposal complies with Policy D14.

### Flood Risk

The proposed development would be located within Flood Zone 3 with the majority of the Beaufort House site also within Flood Zone 2. In accordance with Policy D1 the proposal would pass the Sequential Test as it would be located within the development boundaries of Burnham On Sea while also being directly linked with the existing management of the elderly care home.

With regards to the Exceptions Test the application has been accompanied by a flood risk assessment, which sets out that the development would include finished floor levels 260mm above existing levels while also including flood resilient measures throughout the construction including concrete floors, raised electrics, flood resistant doors as well as be managed by a flood warning and evacuation plan.

While it is noted that the Environment Agency have objected to the scheme to the provision of single storey accommodation within Flood Zone 3 no such objection was received on the previous

application 6 months previously and therefore did not form the basis of a reason to refuse. In this case it would be unreasonable to raise this issue within the scheme now submitted. The EA has asked for 'safe refuge' for all occupants by providing first floor accommodation accessed internally. It should be stressed however, that the development forms part of a care home campus that is manned by professional care staff 24 hours a day, 7 days a week. In the event of a 1 in 200-year tidal breach, the residents would be evacuated in a timely manner into Beaufort House and to a first-floor refuge. In addition, we understand a tidal breach is readily predictable several hours ahead of the event, therefore, adequate warning would be provided by the EA via the EA's flood warning system which the applicant can sign up to. In order to help formalise this arrangement the applicant is willing to have a pre-occupation condition for the provision of a written Management Evacuation Plan that would be kept on site and subject to regular review

The LLFA have stated that further information is required in respect of how surface water would be managed on site. The proposed accommodation block would be sited within an area that is mainly hard surfaced with existing buildings occupying the edges of the site. Based on the current makeup of the site there would be minimal increases in surface water as permeable paving allowing water infiltration and a pond would be included as part of the design.

Based on the advice received it is considered that the details of the drainage strategy could be submitted prior to commencement of the development and therefore the impacts from flooding could be successfully managed in the event that permission would be forthcoming.

The proposal complies with Policy D1 of the Local Plan.

### Residential Amenity

The proposed development would replace a collection of existing outbuildings and associated structures located along the east and southern boundaries of the site. These boundaries are shared with a small number of residential properties whose rear elevations and rear gardens face onto the application site. At present the outbuildings to the south boundary of the site are single storey garages and a shed, which reach a height just above the existing boundary walls and fence. To the south east corner is a pitched roof store building with a workshop and two storey building containing staff accommodation further north along the east boundary.

The amended layout of the proposed accommodation building would see the south elevation now set into the site from the shared boundary walls and fencing with those residential properties while the east aspect would be positioned on the footprint of those buildings to be removed whose east elevations make up the existing boundary. In this respect the proposed single storey section of the building would be positioned to the western end of the block and this would be designed with an eaves level of 2.55m (approximately 600mm above the existing boundary wall), with the pitched roofs above measuring between 4.4m and 5.85m high.

(Previously this section proposed an eaves level of 3.05m and 6m, which would also have been

positioned onto the shared boundary while the pitched roof above would measure between 5.7 and 7.6m high and therefore has been reduced significantly while also being moved to within the site rather than on the boundary).

The new roof pitches are 40 degrees and slope away from the boundary. In perspective the apparent difference in the lower and upper ridge heights of the single storey wing of the building would be less when viewed from ground level. The orientation of the roof, i.e. sloping northwards away from the neighbouring properties, also means the shorter raised sections of ridge have very little impact on direct sunlight entering the adjoining properties.

With regards to the single storey section it is considered that while this part of the building would be higher than the garages and shed that it would replace, based on the eaves and ridge height specific to this section that it would not in its own right cause issues in terms of loss of light or visual domination for the properties directly to the south (Rectory Lodge and 9 Rectory Road).

Likewise, the impact on 11 Rectory Road to the east of the site would also not be significant. While the east elevation of the proposal would be two storeys in height this has been moved further north from its previously proposed design and would sit behind an existing garage (within the curtilage of the neighbouring property and adjacent to the application site). Taking into account the position of the existing garage and the windows of the existing residential property there would be less impact due to the more open and sizeable nature of the garden and the reduction in height of the south east corner of the proposed building. The main living areas within a recently granted extension scheme for no.11 face north towards the garage and garden with one ground floor bedroom window facing onto the shared boundary (that would be partly retained at the existing height) but separated by a driveway. It should also be noted that the proposed two storey element would replace structures of similar height.

Taking into account the limited distance between the neighbouring dwellings to the south and that of the proposed building it was determined that the previous scheme would have impacted significantly on the amenity value of the dwellings and the immediate rear curtilage/private amenity space. In particular the impact caused would be the effect of enclosure, visual dominance and restriction on outlook from the private amenity spaces. While a number of objections have been received regarding the amended proposal it is felt that the revised design and height of the south elevation/west wing, in particular reducing it to a single storey structure, has sought to address these issues. The length of the single storey element has increased and protrudes 3.5m towards the south along the east boundary of the site although given the limited height it is not considered that this would cause harm through overshadowing or visual domination.

The property to the north (1A Gardenhurst) is a single storey bungalow and while this neighbour property would be within proximity of the proposed two storey section of the building, this element of the proposal would replace an existing two storey structure on its footprint and therefore the impact in terms of overshadowing would be similar and not significantly increased to a detrimental extent.

It is noted that no windows would be proposed directly facing east or south (and would remove those already in place on the existing buildings). The design incorporates fenestration design to the west elevation with the three distinct gable elevations each containing bay windows at ground and first floor level. The bay windows would protrude beyond the west elevation although taking into account the presence of existing windows on the building to be replaced it is not considered that the limited direction of view from the bay windows would cause overlooking or loss of privacy above that which could be reasonably expected from the existing. It would be conditioned that the first floor window to the north elevation is obscurely glazed as this would represent the only window to directly face north.

With regards to the proposed shed this would be 2.4m in height and would be of a height that would not cause significant impact.

The solar panels proposed to the south roof slopes of the two storey structure would not cause significant issues regarding reflection or glare given the gradient of the roof and its distance from the rear elevations of those properties to the south. The use of renewable energy features within the design of the building is supported.

The amendments to the previous scheme set out within the current proposal are considered to comply with Policy D25 of the Local Plan.

### Ecology

The proposal includes the removal of a number of existing ancillary outbuildings all located within the grounds of the site. Previously Somerset Council's Ecologist considered that features on site may lend themselves to the presence of bats.

Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The application has been supported by an ecological assessment whereas previously Somerset Council's Ecologist objected previously due to the absence of the relevant surveys. These have now been submitted and a number of conditions are recommended.

As a result of the submitted surveys the development now complies with Policy D20 as the proposal has fully considered the presence of protected species that could be affected by the development.

### Summary

The proposed building would serve as an extension of the existing accommodation within an established care home within the centre of Burnham On Sea. The revisions to the proposed design

and scale of the building are considered to have overcome previous concerns regarding the impact upon neighbouring properties in terms of overshadowing and visual domination. The use of matching materials and a contemporary approach to the character of the development are considered acceptable and would not result in a significant impact on the character of the area.

## **RECOMMENDATION**

### **GRANT PERMISSION**

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

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

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

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

- 3 Before the development hereby permitted is first occupied the first floor bathroom window within the north elevation of the building shall be fitted within obscure glazing and shall be retained as such thereafter.

Reason: In the interests of residential amenity.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re- enacting that Order) (with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: In the interests of residential amenity.

- 5 Prior to the commencement of the development hereby permitted surface water drainage details shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details so approved.

Reason: A pre-commencement condition in the interests of ensuring that surface water run-off is controlled in an acceptable manner in accordance with Policy D1 of the Sedgemoor Local Plan

- 6 The areas allocated for parking on the Site Layout Plan no.4378-320 Rev C shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of providing appropriate levels of on site parking.

- 7 No development shall commence, including site clearance, groundworks or construction, unless a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall, amongst other things, include:-

- a) Measures to regulate the on-site routing of construction traffic;
- b) The importation of spoil and soil on site;
- c) The removal /disposal of materials from site, including soil and vegetation;
- d) The location and covering of stockpiles;
- e) Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
- f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;
- g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works;
- h) A waste disposal policy (to include no burning on site);
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Details of any site construction office, compound and ancillary facility buildings;
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number.
- M) Prevention of nuisance caused by radios, alarms, PA systems.

And shall confirm:

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

- Mon - Fri 08:00-18:00
- Sat 08:00 -13:00



- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

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

Reason: This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity in accordance with Policies D24 and D25 of the Sedgemoor Local Plan and Chapter 15 of the NPPF.

8 Noise generating activities (excluding internal works) - demolition, clearance, removals, deliveries and redevelopment of the site shall not occur outside of the following hours:

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

Reason: To prevent excessive noise and protect the residential amenity of neighbouring occupiers in accordance with Policies D24 and D25 of the Sedgemoor Local Plan

9 The site of the proposed development may be contaminated. Therefore unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

A detailed site investigation and risk assessment must be completed in accordance with current UK guidance to assess the nature, extent and scale of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The investigations, risk

assessments and written reports must be approved in writing by the Local Planning Authority.

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) desk study information, conceptual models, investigation methods, investigation results and interpretation and any other information required by the local planning authority to justify and appraise the report findings.
- (iii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with current UK guidance including that issued by DEFRA and the Environment Agency.

#### B. Submission of Remediation Scheme

In cases where contamination is shown to exist a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, controlled waters, the natural and historical environment and surrounding land must be prepared, and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms, prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the local planning authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

#### E. Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation, is required as part of the approved remediation scheme then the monitoring and maintenance scheme will need to be approved in writing by the local planning authority.

Following completion of the measures identified in that monitoring and maintenance scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for approval.

This must be conducted in accordance with current UK guidance including that issued by DEFRA and the Environment Agency.

Reason: This condition is pre commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors.

- 10 Works to any of the buildings shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
  - b) a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence;
  - or c) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition is in the interests of the strict protection of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 11 All ecological measures and/or works regarding bats and birds shall be carried out in accordance with the details contained in section 4.4 and 4.5 of the Bat and Bird Assessment by First Ecology (October 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. A statement of conformity to these provisions, written by the responsible ecologist will be provided to and reviewed by the Local Planning Authority prior to first use of the development.

Reason: In the interests of the strict protection of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity

- 12 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key &

supporting horseshoe bat features and habitats, and no more than 0.5 lux on features and habitats potentially used by other bat species.

No external lighting shall be installed on site other than the external lighting to be installed in accordance with the specification and locations set out in the approved design, and these shall be maintained thereafter in accordance with the approved design.

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.

### **Schedule A**

Location Plan Drg No. 301

Existing Site Plan Drg No. 302

Existing Elevations & Sections Plan Drg No. 303

Proposed Block & Roof Plan Drg No. 321 Rev A

Proposed Site Layout Drg No. 320 Rev C

Proposed Floor Plans Drg No. 322 Rev C

Proposed West Elevation Drg No. 324 Rev A

Proposed North Elevation Drg No. 325 Rev A

Proposed South & East Elevation Drg No. 326 Rev A

Proposed Sections Drg No 323 Rev A

3D Model View Drg No. 327 Rev A

3D Model View Drg No. 328 Rev A

3D Model View Drg No. 329 Rev B

3D Model View Drg No. 330

### **DECISION**

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**Shadow Habitat  
Regulations Assessment  
Cricketer Farm  
Nether Stowey – Phase 2**

**March 2024**

Ecology | Green Space | Community | GIS  
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**Report Produced for: Strongvox**

**Written by: Sarah Forsyth, Principal Ecologist**

**Checked by: Jim Phillips, Managing Director**

**Issue: Final\_V5**

**Date: 8<sup>th</sup> March 2024**

**Project: Cricketer Farm Nether Stowey – Phase 2**



## Shadow Habitat Regulations Assessment (sHRA)

### Assessment of Likely Significant Effects in accordance with the Conservation of Habitat Species Regulations 2017 (as amended) (“the Habitat Regulations”)

#### **Habitat Regulations Assessment (HRA) Process:**

Consideration of the potential impacts of a development proposal pursuant to Regulation 63 Habitats Regulations is a mandatory stepwise process:

*63 (1) A Competent Authority before deciding to undertake or give any consent, permission or other authorisation for a plan or project which –*

- a) Is likely to have a significant effect on a European Site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b) is not directly connected with or necessary to the management of that site,*

*Must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives*

*63 (5) in the light of the conclusions of the assessment, and subject to regulation 64 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European off shore marine site (as the case may be).*

Assessment pursuant to the Habitats Regulations therefore involves:

- 1) **Screening stage** – to check if the proposal is likely to have a significant effects (LSE) on the site’s conservation objectives (which, since the People over Wind decision must exclude measures intended to avoid or reduce potential harmful effects on a European site);
- 2) **Appropriate Assessment** – to assess the LSEs in more detail and identify way to avoid or minimise any effects.
- 3) **Derogation** – to consider if proposals that would have an adverse effect on a European site (i.e. fail the integrity test) qualify for an exemption.

The Competent Authority has a duty to have regard to any potential impacts that a project may have.

<b>Planning Application Reference:</b>	Full 36/23/00011
<b>Site Address:</b>	Land at Cricketer Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1LL
<b>Proposal:</b>	Erection of 58 dwellings (40% affordable units) with access, landscaping, parking, public open space and associated works.

#### **PLAN/PROJECT INFORMATION:**

The site comprises arable land, modified grassland, urban sealed habitats, a drainage ditch and hedgerows.

The site is within Consultation Band A for Exmoor and Quantocks Oak Woodlands SAC. The Quantocks SSSI is located 1.9km to the south-west.

**INFORMATION ON EUROPEAN SITES WHICH COULD BE AFFECTED:**

**Exmoor and Quantocks Oak Woodlands SAC**

Unitary Authority/County: Devon, Somerset

Designated on 1 April 2005, UK0030148

Grid reference: SS894440

Area (ha): 1895.17

**Component SSSI: Barle Valley SSSI, North Exmoor SSSI, The Quantocks SSSI, Watersmeet SSSI, West Exmoor Coast and Woods SSSI**

**Reasons for Designation:**

**Site description:** This site supports extensive tracts of old sessile oak *Quercus petraea* with transitions to heathland. The oakwoods are rich in bryophytes, ferns (including *Dryopteris aemula*) and epiphytic lichens, the latter often associated with old trees, since parts are former woodpasture rather than the oak coppice that is more common with this type. In the Barle Valley the woods also occur in mosaic with glades and small fields and the combination results in good populations of fritillary butterflies. Valley woodland dominated by alder *Alnus glutinosa* as well as ash *Fraxinus excelsior* which occurs in small areas alongside some of the streams.

A maternity colony of barbastelle bats *Barbastella barbastellus* utilises a range of tree roosts in the oak *Quercus spp.* woodland. The woods also hold Bechstein's bats *Myotis bechstenii*, whilst rivers and streams flowing through the site support otters *Lutra lutra*.

**Qualifying habitats:** The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in **Annex I**:

- H91E0 Alder Woodland on floodplains - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*).
- H91A0 – Western acidic oak woodland - Old sessile oak woods with Ilex and Blechnum in the British Isles.

**Qualifying species:** The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in **Annex II**:

- S1308 - Barbastelle bat
- S1323 - Bechstein's bat
- S1355 - Otter

**Conservation Objectives<sup>1</sup>:**

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

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

<sup>1</sup> Publication date: 27<sup>th</sup> November 2018, V3.

**Site Improvement Plan (SIP):**

Priority & Issue	Pressure or Threat	Feature(s) affected	Measure	Delivery Bodies
Invasive species	Pressure/ Threat	Western acidic oak woodland  Alder woodland on floodplains	Control invasive species – including knotweed, Montbretia, Himalayan balsam, rhododendron.  Strengthen existing Exmoor Knotweed Control Partnership.	Devon County Council, Environment Agency, Exmoor National Park Authority, Forestry Commission, National Trust, Natural England, Quantock Hills AONB, Somerset County Council
Forestry and woodland management	Pressure	Western acidic oak woodland  Alder woodland on floodplains	Enhance woodland management through existing agreements.  Bringing in new woodland owners into new agrienvironment agreements.  Use of SSSI powers to achieve implementation of woodland plans.	Forestry Commission, Natural England
Disease	Threat	Western acidic oak woodland  Alder woodland on floodplains  Barbastelle	Encourage adaptation to possible <i>Chalara</i> impacts by predicting where ash ( <i>Fraxinus excelsior</i> ) is crucial to the SAC features and look at possible management interventions to reduce ash dieback.  Investigate the possible impacts of other pests (e.g.	Exmoor National Park Authority, Forestry Commission, National Trust, Natural England

			oak processionary moth and acute oak decline) and diseases by initiating research.	
Air pollution: risk of atmospheric nitrogen deposition	Threat	Western acidic oak woodland Barbastelle	Investigate potential atmospheric nitrogen impacts on the site.	Natural England
Change in Land Management	Threat	Western acidic oak woodland Alder woodland on floodplains	Improve habitat quality in and adjacent to existing wood pasture for habitat important for lichens by re-introducing grazing and associated canopy management	Exmoor National Park Authority, Forestry Commission, Natural England
Deer	Threat	Western acidic oak woodland	Promote deer control in targeted areas.	Forestry Commission, Natural England, Exmoor & District Deer Management Society

**Key environmental conditions to support site integrity:**

Qualifying features	Key Environmental Conditions
Western acidic oak woodland	<ul style="list-style-type: none"> <li>• Appropriate woodland management</li> <li>• Air pollution</li> </ul>
Alder woodland on floodplains	<ul style="list-style-type: none"> <li>• Appropriate woodland management</li> </ul>
Barbastelle and Bechstein's bats	<ul style="list-style-type: none"> <li>• Undisturbed roosts</li> <li>• Woodland management</li> <li>• Availability of decaying and veteran trees</li> <li>• Maintenance and connectivity of habitats used as flight lines on and off site</li> <li>• Feeding areas</li> </ul>
Otter	<ul style="list-style-type: none"> <li>• Maintenance of river water quality and flow</li> <li>• Fish stocks</li> <li>• Bankside vegetation</li> <li>• Levels of disturbance</li> </ul>

Is the application directly connected with, or necessary to the management of the SAC for Nature Conservation?  <i>Proposals that are clearly necessary for, or of value to, or inevitable as part of, management of the site for its qualifying interests can be scoped out of further assessment.</i>	No.
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**1. SCREENING**  
 Is the project likely to have a significant effect either ‘alone’ OR ‘in-combination’?

**Species Surveys:** (refer to *Ecological Impact Assessment, Cricketers Farm, Nethery Stowey Phase 2, Ethos 2023*, for full details)

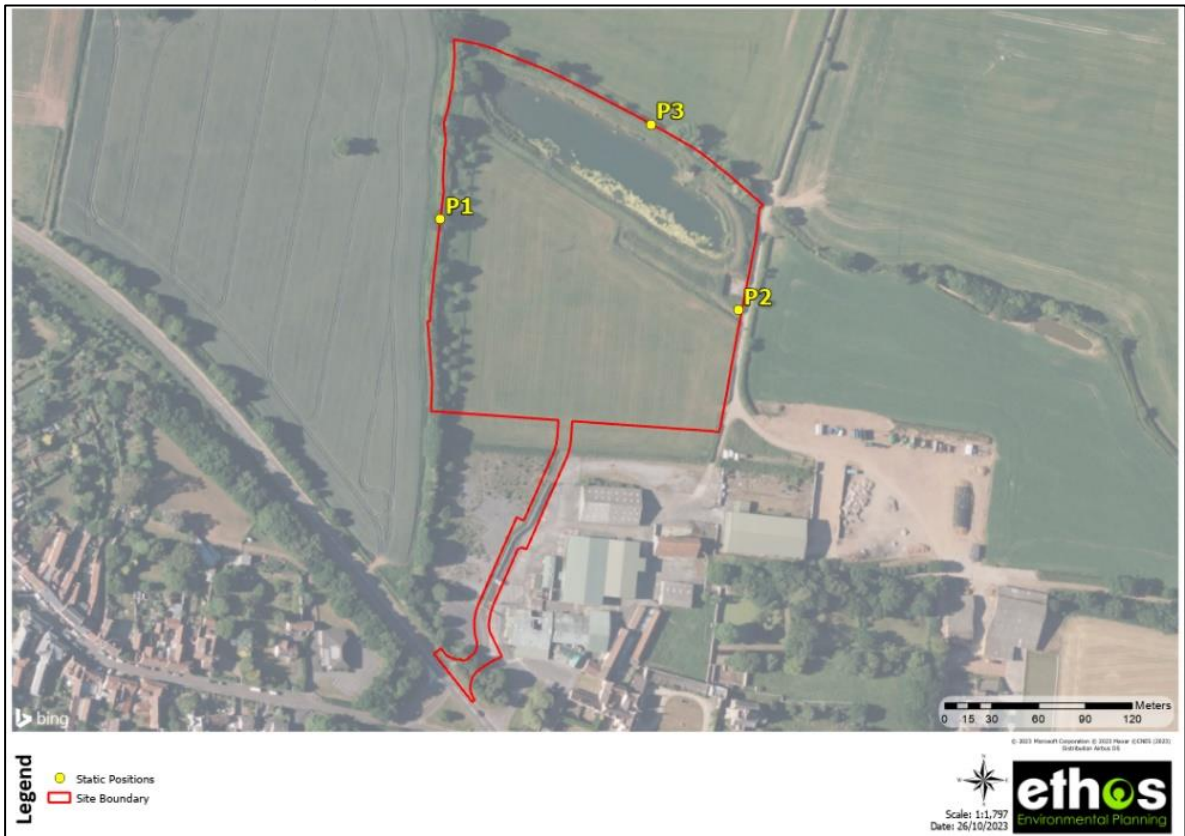


Figure 1 Static locations

Species	Total number of calls (April to October)	% of Total calls recorded
Barbastelle	427	1.12
Bechstein’s bat	11	0.03

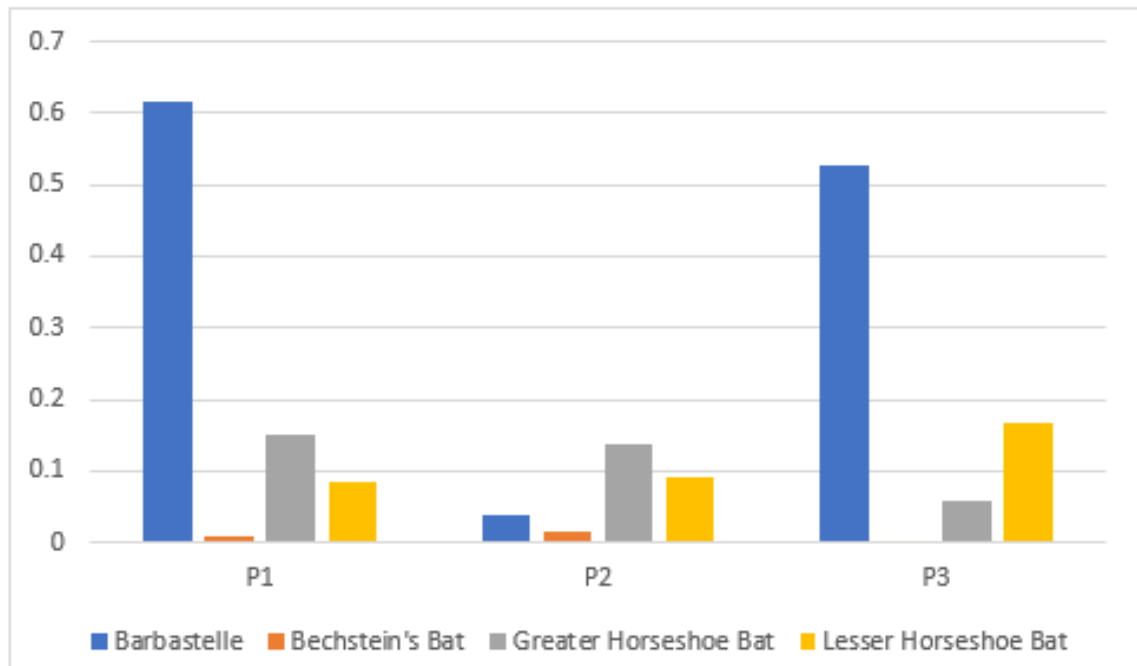


Figure 2 Average calls per hour per night per location

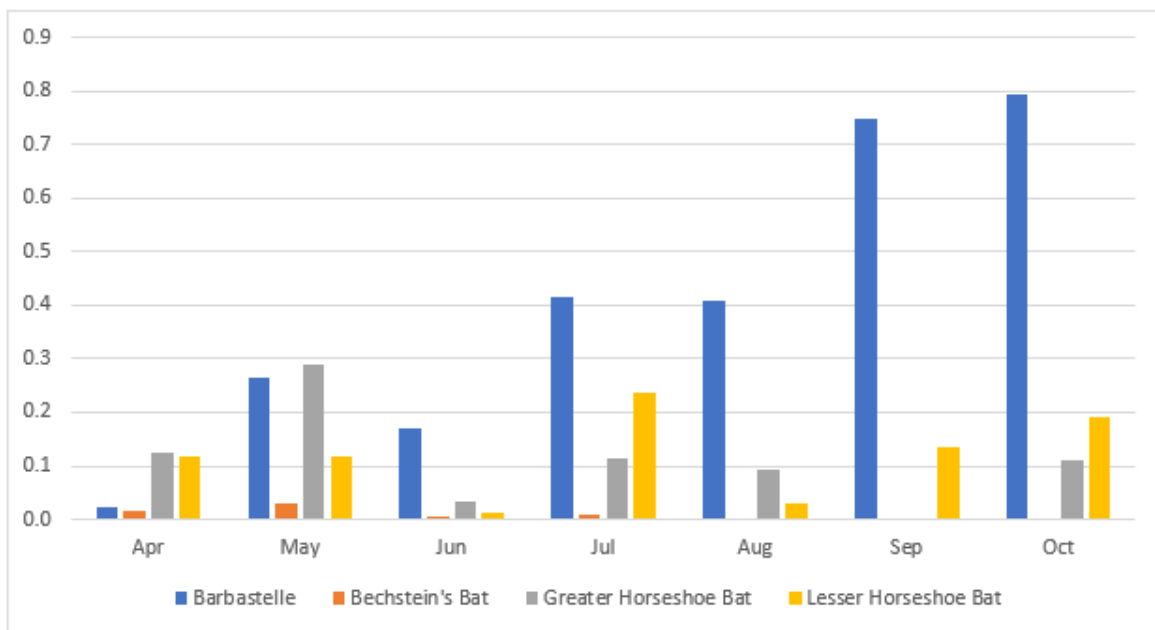


Figure 3 Average calls per hour per night per month (excluding common and soprano pipistrelle)

Barbastelle bats were recorded during each of the monthly survey periods from April to October. There was a significant difference in the average number of barbastelle calls recorded at P1 and P3 which were higher compared to P2 (figure 2). The average number of barbastelle calls recorded across the site increased from July onwards, with peaks in September and October (figure 3). The results provide evidence that the northern and western boundaries of the site (where P1 and P3 were located) provide foraging and commuting opportunities for adult barbastelles which have been roosting in the nearby SAC. It is assessed that the site does not provide opportunities for juvenile barbastelles as it is located outside a Juvenile Sustenance Zone (Somerset County Council, 2019).

Bechstein's bats were sporadically recorded on site between April and July with a total of 11 Bechstein's calls during this period, at locations 1 and 2. No Bechstein's were recorded at location 3 and no Bechstein's bats were recorded at any location August to October. It is assessed that the site does not support foraging habitat or commuting features of importance to Bechstein's bats.

Otter: Given the limited suitability of the riparian habitats on site, the lack of onward connectivity to the west, and the distance between the site and the closest record, it is considered that otter are absent from the site.

**Assessment of effects**

Feature	Relevant Pressure/Threat	Sensitivity	Risk to Conservation objectives	LSE – A	LSE – IC
Western acidic oak woodland	Trampling	Increased use of woodland paths	The habitat is vulnerable to trampling from visitors along rights of way and other paths.	Yes	/
	Air Quality	Increases in nitrogen depositions from road traffic within 100m of A39 within SAC	This habitat is vulnerable to atmospheric deposition from increased vehicle trips arising from development causing loss of flora species that make up the cited habitats. Air pollution has been linked to ill health amongst trees, particularly over mature specimens, and also a failure to regenerate, either from coppice, pollard or seed. Nitrogen deposition can lead to decreases in mycorrhiza, loss of epiphytic lichens and bryophytes, and changes in ground vegetation.	Yes	/
Alder woodland on floodplains	Trampling	Increased use of woodland paths	The habitat is vulnerable to trampling from visitors along rights of way and other paths.	Yes	/
Barbastelle bats in SAC  Barbastelle bats – functional habitat associated with SAC - north and west hedgerow	Disturbance /loss of roosts	Predominately roost in trees. Maternity roosts almost exclusively found in trees, in particular oaks in ancient woodlands.	Direct loss of roost habitat may result from woodland management and removal/maintenance of dead/decaying trees along pathways for the health and safety of visitors.  Increase in visitors may disturb / bats in roosts which in turn can elevate stress levels and lead to disease/starvation. Woodland roosting bats generally more sensitive to disturbance than bats that roost in buildings.	Yes	/
	Disturbance /loss of foraging habitat	Communal hunting in home woodland as well as variety of other habitats	<b>Site</b> The north and west hedgerows on site are used by foraging and commuting.	Yes	/

		including other woodland, riparian habitat, grassland. Faithful to core foraging areas.	<p><b>SAC Habitats (recreation pressures)</b></p> <p>Maternity colonies of Barbastelle bats are located within mature woodland, which is used year after year. Females disperse from the woodland to feed along established flyways to hunting areas which may be several kilometres away. Flyways consist of tracks and paths through woodland, overgrown hedgerows, and paths with hedgerows on both sides. In open country flyways follow watercourses lined with vegetation. To some extent the ability of the female to feed herself and dependent young depends on the condition of these flyways.</p> <p>Introduction of lighting can cause fragmentation of flyways as Barbastelle bats are highly sensitive to light and will actively avoid lit areas and may abandon commuting routes if they are illuminated. This can then impact accessibility to hunting grounds and ultimately impact populations due reduced breeding success.</p> <p>Protection and enhancement of preferred foraging habitats and linear landscape features (tree lines and hedgerows) connecting suitable foraging habitat.</p>		
	Disturbance /loss / fragmentation of commuting habitat	Favour use of linear features as flyways between roost site and foraging areas. Commuting features include woodland edge habitat, hedgerows, paths with hedgerows, watercourses.		Yes	/
Bechstein's bat	Disturbance /loss of roosts	Predominately roost in trees. Maternity and hibernation roosts almost exclusively found in trees.	<p>Direct loss of roosts may result from woodland management and removal/maintenance of dead/decaying trees along pathways for the health and safety of visitors.</p> <p>Increase in visitors may disturb / bats in roosts which in turn can elevate stress levels and lead to disease/starvation. Woodland roosting bats generally more sensitive to disturbance than bats that roost in buildings.</p>	Yes	/
	Disturbance /loss of	Communal hunting in home woodland as well as variety of	Protection and enhancement of preferred foraging habitats and linear landscape features (tree	Yes	/



	foraging habitat	other habitats including other woodland, riparian habitat, grassland. Faithful to core foraging areas.	lines and hedgerows) connecting suitable foraging habitat		
	Disturbance /loss / fragmentation of commuting habitat	Favour use of linear features as flyways between roost site and foraging areas. Commuting features include woodland edge habitat, hedgerows, paths with hedgerows, watercourses.		Yes	/
Otter	Disturbance of foraging, resting or breeding locations	Otters could be sensitive to increased public access close to their holts and river territories, causing a change of behaviour or abandonment of breeding or resting site.	Negligible risk	No	No

A- Alone  
IC – in-combination

**2. APPROPRIATE ASSESSMENT – PART 1, REASONED APPRAISAL OF LIKELY SIGNIFICANT EFFECTS**

**An assessment of the implications for the SAC/Favourable Conservation Status of Qualifying Species, in view of its Conservation Objectives**

**Scope of Appropriate Assessment**

The Sites and Qualifying Features for which significant effects (whether ‘alone’ or ‘in combination’) are likely and cannot be ruled out and are relevant to this appropriate assessment are:

- H91A0 - Western acidic oak woodland
- H91E0 - Alder woodland on floodplains
- S1308 – Barbastelle
- S1323 - Bechstein’s bats

**Environmental Pressure Risk to Conservation Objectives and Relevant Design Features and Mitigation Measures**

<b>Trampling</b>	The proposed development is for 58 new dwellings, which would increase the resident local population by approximately 130 people. A proportion of these are likely to spend some leisure time in accessing woodland in the Quantock component site of the SAC, including some with dogs. This would increase trampling along paths.
Old sessile oak woods and Alluvial Forests	

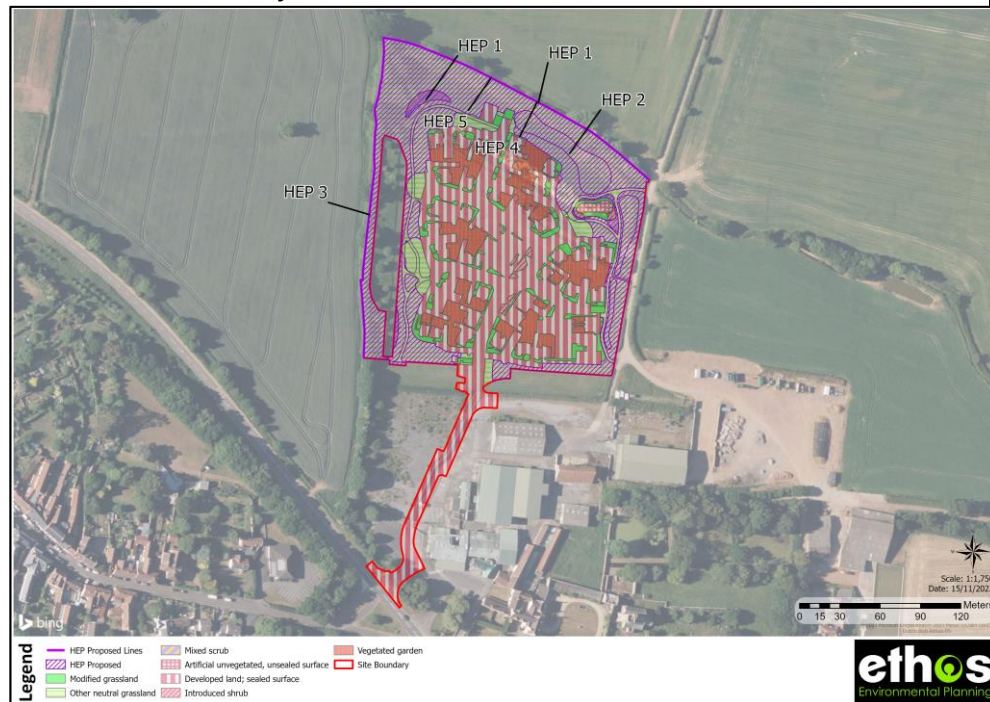
<p>Alder woodland on floodplains</p>	<p><b>Conservation objective:</b> <b>The extent and distribution of qualifying natural habitats and habitats of qualifying species.</b></p> <p>Habitat deterioration and loss from trampling can occur from passages as low as 40 to 50 per year in woodland. Bluebell (<i>Hyacinthoides non-scripta</i>) stands are damaged through first passages and 35 passages results in a path that is still visible one year after. Trampling can eliminate species, particularly those of low productivity and especially ancient woodland flora; lichens and some mosses.</p> <p>Trampling can affect species presence 10 metres or more off paths. Horse riders and mountain bikers increase the effect. Plant species on wet soils are more vulnerable and broad-leaved plants disappear before grasses.</p> <p>It is considered that whilst footpaths are likely to be increasingly used it is also likely that this increase in use would continue to be sporadic and confined to the path itself.</p> <p>The habitats are managed by the Forestry Commission and Natural England who put appropriate measures in place to protect habitats from trampling damage, while allowing continued public usage. These include:</p> <ul style="list-style-type: none"> <li>• Maintenance of footpaths for access;</li> <li>• promoting access opportunities in farmland areas to shift pressures on more sensitive areas of the SAC;</li> <li>• awareness and engagement of people in stewardship of the qualifying habitats; and</li> <li>• implementing positive management by engaging landowners and agreeing and implementing woodland plans.</li> </ul> <p>It is considered that with only a sporadic increase in footfall and the existing mitigation measures in place, that the minor increase in recreational pressure would not result in an appreciable risk and therefore would not cause further habitat deterioration that would significantly impact the extent and distribution of the qualifying natural habitats.</p>
<p><b>Air Quality</b></p> <p>Old sessile oak woods and Alluvial Forests</p>	<p><b>Conservation Objectives:</b> <b>The extent and distribution of qualifying natural habitats and habitats of qualifying species.</b> <b>The structure and function (including typical species) of qualifying natural habitats.</b></p> <p>Air pollution has been linked to ill health amongst trees, particularly over mature specimens, and also a failure to regenerate, either from coppice, pollard or seed. Nitrogen deposition can lead to decreases in mycorrhiza, loss of epiphytic lichens and bryophytes, and changes in ground vegetation.</p> <p>An increase in the amount of traffic on roads including the A39, which runs adjacent to the north boundary of the SAC at Shervage and Alfoxton Woods may result in raised levels over that existing resulting in the loss of vulnerable flora due to deposition of pollutants.</p>

	<p>Road transport is the source of a number of airborne pollutants. The impacts of nitrogen and nitrogen oxides deposition on vegetation growth are of particular concern. Transport produces other pollutants including sulphur dioxide, ozone and particulates. Air pollution has been linked to ill health amongst trees, particularly over mature specimens, and also a failure to regenerate, either from coppice, pollard or seed. Nitrogen deposition can lead to decreases in mycorrhiza, loss of epiphytic lichens and bryophytes, and changes in ground vegetation<sup>2</sup>. It is considered that the influence of road traffic is likely to be confined to within 100 metres of the road in woodland habitats.</p> <p>Given employment opportunities in Somerset linked with employment development in Hinkley, Bridgwater and further afield it is unlikely that commuter traffic would increase significantly along this road. Historically the A39 at Holford may have had higher traffic levels following closure of the railway to Minehead and before road improvements to Barnstaple.</p> <p>The A39 runs along the north side Shervage Wood within the SAC. Traffic along the A39 may increase nitrogen deposition within 100 metres of the road. About 6ha would be affected by depositions from road traffic which is 1.5% of the area of woodland in the Quantocks component of the SAC. However sensitive species are found further than 100 metres away from the road and are therefore unlikely to be affected by air pollution. Therefore it is considered that the minor increase in traffic levels would not significantly effect the extent, distribution or structure or function of the qualifying habitats of the SAC.</p>
<p><b>Disturbance / loss of roosts</b></p> <p>Barbastelle &amp; Bechstein's bats</p>	<p><b>Conservation Objectives:</b> <b>The populations of qualifying species.</b> <b>The distribution of qualifying species within the site.</b></p> <p>There is no information on the size of the SAC population or the trend in population numbers. Lacking the information, it is assumed for the purposes of the assessment that the colony numbers approximately 30 to 50 individual adult bats, which is the average population size for the species.</p> <p>There is likely to be increased recreational access generated by new residents for the proposed development. Barbastelle bats are very susceptible to disturbance and will often fly during day light if a roost is approached too closely. Many woodland bats are more sensitive to disturbance than a bat species which dwell in buildings. Felling carried out in an area close to where Barbastelle bats are roosting could result in sufficient disturbance to cause them to flee their roosts. In areas where there are known Barbastelle bat roosts, it is critically important to limit public access, rerouting public paths if necessary, to minimise accidental disturbance. Bechstein's bats may similarly be affected by disturbance at roost sites.</p> <p>A number of known Barbastelle bat roosts in SAC woodland are located close to public rights of way and increase use of these paths resulting in a level of disturbance that is not tolerated by Barbastelle bats. Bennett et al (2009)</p>

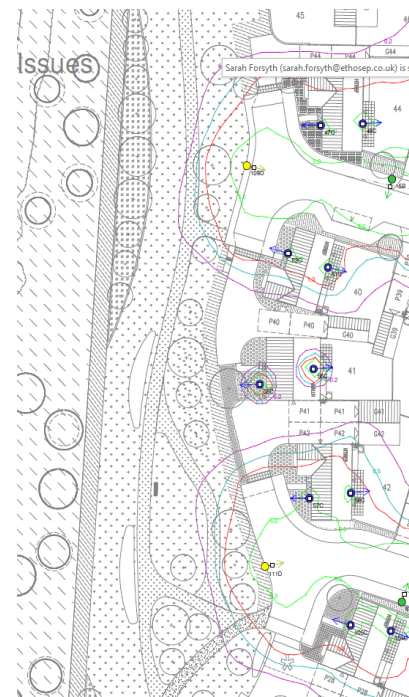
<sup>2</sup> <http://www.apisdev.ceh.ac.uk/src/results?features=H91A0%2CH&submit=Next&sitecode=UK0030148&sitetype=SAC>

	<p>considered Barbastelle bats occupying roosts to be disturbed by human activity within 75 metres within woodland.</p> <p>However, a study of a colony of Barbastelle bats in Bovey Valley Woods in Devon found that in comparison to random point roosts were located on average closer to footpaths than not. Zeale in his study (2009) found that Barbastelle bats ‘were never recorded moving away from roosts when approached by trackers during the day, as has occasionally been recorded elsewhere (Russo et al. 2004). Indeed, some roosts were located directly adjacent to footpaths frequently used by tourists. Despite this, in agreement with Russo et al. (2004) tracks and paths, where created to facilitate logging operations or recreational activities, should avoid likely barbastelle roosting areas and known roost locations to minimise disturbance.’</p> <p>The SAC maternity roost is located 4.7km as the crow flies away in Alfoxton Woods. It is considered that footpaths within Bin Combe and Severage Wood more likely to be used being closer and more accessible than those in Alfoxton Wood. Bechstein’s bats are present in Alfoxton Wood and Hodder Combe, the latter is about 3.9km from the application site ‘as the crow flies’. It is therefore unlikely that the proposed development would result in a significant effect on bat roosts due to the proximity of recreational disturbance.</p>
<p><b>Disturbance / loss of foraging habitats</b></p> <p>Barbastelle &amp; Bechstein’s bats</p>	<p><b>Conservation Objectives:</b></p> <p><b>The structure and function of the habitats of qualifying species.</b></p> <p><b>The populations of qualifying species.</b></p> <p><b>The distribution of qualifying species within the site.</b></p> <p>Within the colony’s home range each has individual core areas of between 2 and 70 hectares (ha). Dietz et al (2009) report foraging areas of 8.8ha with single bats hunting each night in up to 10 separate areas. Although the home wood is shared there is minimal overlap of individual core foraging areas. Given the typical size of a Barbastelle bat colony the loss or degradation of one feeding area can be significant alone.</p> <p>The submitted Landscape Masterplan (Landmark Practice, 3613_TLP_XX_XX-DL_L_1001 Rev 12) shows areas of habitat that are suitable for supporting support prey species for bats including trees, rough grassland, swales and hedgerows.</p> <p>The majority of these habitats will be retained as dark habitat which will be available for foraging bats. An assessment of this habitat has been undertaken using the HEP metric provided in the technical guidance for the Exmoor and Quantocks Oak Woodlands SAC (appendix 1). The calculations exclude an area of habitat that was previously used for HEP habitats for the application to the south of the site. The available suitable bat habitats provide a <b>net gain of 0.49ha</b> of equivalent bat habitat over and above what would be required to ensure no overall loss of suitable foraging habitat.</p>

**HEP habitats available for bats:**



Former Lighting Plan



Updated lighting plan

The updated lighting plans:

- (i) with street lighting only 3216-DFL-ELG-XX-LD-EO-13001, PO7, DLF 08.03.24.
- (ii) in combination, street lighting and external lighting on dwellings 3216-DFL-ELG-XX-LD-EO-13002, PO2, DLF 08.03.24.

	<p>includes adjustment to locations of luminaries on the west boundary, such that there is further reduced, minimal ingress of light over 0.5 lux to the area, thereby slightly increasing the available HEP habitat on the west buffer habitat.</p> <p><b>Summary</b></p> <p>Development proposals have been designed to provide buffers to foraging habitat. The landscape plan provides habitat features suitable for prey species. HEP calculations demonstrate a gain of at least 0.49ha of suitable bat habitat over and above what would be required to ensure no significant effect on the integrity of the conservation objectives of the SAC.</p> <p>By mitigating loss of foraging habitat on the development site for barbastelle bats, this will maintain the features used by barbastelle (and Bechstein’s) and therefore the breeding success (favourable conservation status) for the barbastelle (and Bechstein’s).</p>
<p><b>Disturbance / loss of fragmentation of commuting habitat</b></p> <p>Barbastelle &amp; Bechstein’s bats</p>	<p><b>Conservation Objectives:</b></p> <p><b>The structure and function of the habitats of qualifying species.</b></p> <p><b>The populations of qualifying species.</b></p> <p><b>The distribution of qualifying species within the site.</b></p> <p>Barbastelle bat passes have been recorded along the hedgerows on site with the northern and western hedgerows being assessed of most importance.</p> <p>Introduced lighting could potentially affect the function of hedgerow habitat by increasing illumination above levels likely to cause adverse disturbance to commuting Barbastelle bats and their prey.</p> <p>Displacement could affect the fitness of more than 1% of Barbastelle bat maternity roosts which could be considered significant.</p> <p>The application site is remote from woodland that is used by the SAC Bechstein’s bat population. However, loss of commuting structure used seasonally to access swarming sites may be affected. As the effect on Bechstein’s would be similar to that on Barbastelle bats the risk is assessed further as for that on the latter species.</p> <p>The application site is remote from woodland that is used by the SAC Bechstein’s bat population. If used by Bechstein’s seasonally to access swarming sites to mate, for example, the effect of lighting would be of greater impact as the species is light sensitive.</p> <p>Updated lux contour plans for the proposals have been submitted which demonstrate that the retained and replacement habitats for bats around the western, northern and eastern boundaries are retained as dark habitats below 0.5 lux (refer to ‘Horizontal Illuminance (lux) Plan, Nether Stowey Phase 2, Design for Lighting, refs: (3216-DFL-ELG-XX-LD-EO-13001, PO7, 08.03.24 and 3216-DFL-ELG-XX-LD-EO-13002, PO2, 08.03.24).</p> <p>The luminaries will be used with integral LED’s only and all lighting will distribute light downwards only to reduce light spill onto bat habitat.</p>

	<p>As detailed in the lighting report (PO4, DFL, 2024), the design approach uses the main colour temperature as required by Somerset requirements, however in agreement with Somerset Council Highway Lighting Team and the County Ecologist, the colour temperature is reduced to PC amber lighting, to ensure that any residual light spill into the HEP corridors is in line with guidance.</p> <p>The lux contour plan (worst-case scenario modelling) demonstrates that the north and west bat commuting and foraging features are retained dark (below 0.5 lux) both horizontally and vertically (refer to appendix 2 of Lighting Report, P04, DfL 2024).</p> <p>External lighting on houses, front and rears, will be specified and maintained as down lighters only, with a maximum colour temperature of 2700K. Light spill is mitigated by using an optic with a narrow beam facing towards the ground. This will retain any light to the property area only, and not spill onto surround buffer habitat.</p> <p>The updated lux plan demonstrates that the combined light spill from street lighting and external lighting installed on dwellings, would not exceed 0.5 lux on sensitive bat habitat.</p> <p>The proposed landscape master plan shows that hedgerows being used by Barbastelle bats for commuting are being retained and buffered, it is therefore considered that the proposed development would not result in a significant effect on flyways used by Barbastelle bats. The bat activity surveys recorded a total of 11 records of Bechstein’s bats on site, therefore, the seasonal presence of Bechstein’s bats cannot be ruled out. However, the means of mitigation provide for Barbastelle will also ensure there is no effect on Bechstein’s bats.</p> <p>By mitigating loss /fragmentation of commuting habitat on the development site for barbastelle bats, this will maintain the features used by barbastelle (and Bechstein’s) and therefore the breeding success (favourable conservation status) for the barbastelle (and Bechstein’s).</p>
<p><b>Residual Risks and Cumulative Effects:</b> There are no identified residual risks and appreciable effects likely to arise from this scheme that have the potential to act in-combination with those from other plans or projects.</p>	
<p><b>3. CONCLUSIONS ON SITE INTEGRITY</b> <b>Is the proposal likely to have a significant effect ‘alone’ or ‘in combination’ on a European Site?</b></p>	
<p>In the absence of mitigation, the development has the potential to impact the integrity of the SAC (habitat and qualifying species) through the following LSEs:</p> <ul style="list-style-type: none"> <li>• Habitat degradation (recreational pressures and air pollution effects)</li> <li>• Disturbances to roosts in woodland habitats (recreational pressures)</li> <li>• Loss and degradation of bat foraging habitat (development and recreational pressures)</li> <li>• Loss and fragmentation of flyways (development and lighting)</li> </ul> <p>The risks of recreational pressures and air pollution (nitrogen deposition) on the habitats of the SAC and risks of disturbance to roosts of the qualifying species in the woodland habitats; are assessed to</p>	

be sufficiently mitigated by existing woodland management as the development will not result in an appreciable increase in number of visitors to the SAC.

The mitigation measures provided within the scheme comprising the retention and buffering of commuting features; provision of a net gain in replacement bat habitat; and the design of the external lighting scheme (street and dwellings combined) to retain dark corridors (<0.5lux) on functional habitat associated with the SAC, means that favourable conservation status of the qualifying species of the SAC, Barbastelle and Bechstein's bats, will likely be avoided.

A landscape and Ecology Management Plan (LEMP) will also be required to ensure that replacement habitat is managed for the duration of the development to ensure that the mitigation is sustained and effective in its provision, so that an adverse effect does not occur in the medium and long term.

Therefore, it can be concluded, in view of the site conservation objectives, that the development proposals (taking into account the scheme's mitigation measures including a net gain in suitable replacement bat habitat and dark corridors on functional habitats) will not have an adverse effect on the integrity of the Exmoor and Quantocks Oak Woodlands SAC, either alone or in combination with other plans and projects; provided the mitigation (replacement bat habitat, dark corridors on functional habitat) is secured and delivered through planning obligations.



**Committee date 14/05/2024**

**Application No:** 36/23/00011

**Application Type:** Full Planning Permission

**Case Officer:** Dawn de Vries

**Registered Date:** 15/05/2023

**Expiry Date:** 13/08/2023

**Parish:** Nether Stowey

**Division:** Cannington

**Proposal:** Erection of 58 dwellings (40% affordable units) with access, landscaping, parking, public open space and associated works.

**Site Location:** Land At, Cricketer Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1LL

**Applicant:** Strongvox Ltd

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



## **Committee decision required because**

This application is referred to the area committee as it is a major development and the comments of Nether Stowey Parish Council are contrary to the recommendation

## **Background**

This 4.23 hectare site is located to the north of the A39 to the rear of the approved scheme for 109 houses (36/16/00016) at Cricketer's Farm (a former cheese factory). It is outside the settlement boundary of Nether Stowey, a Tier 2 settlement, but immediately adjacent to the substantial redevelopment at Cricketer's Farm which is under construction. This approved scheme is accessed via to a new junction (36/19/00015) which was completed in 2022 and is fully operational.

The Site comprises an area of 4.23 hectares of grade 3 agricultural land to the north of the Cricketers Farm development. It is bounded by mature vegetation boundaries to the north, east and west, with the southern boundary open to the development to the south. There are large agricultural / commercial units to the east. Both of these areas of built form provide a physical separation between the Site and the nearby Stowey Court. Arable farmland lies to the west of the site. A mature hedgerow and established tree line known as the 'Deer Leap' defines the western boundary of the site. There are no Public Rights of Way across the site, but footpath BW22/11 runs close to the west side of the site, BW22/20 runs c. 170m to the north and BW22/21 runs along the east side of the site. . There are no buildings present on the site which is within Flood Zone 1.

The Quantocks Hills National Landscape (formerly the Quantocks Hills AONB) lies to the west/southwest, the nearest point being c.1km to the southwest on the other side of the village. To the south, adjacent to the first phase development approved by 36/16/00016 are the listed St Mary's Church and Stowey Court and a conservation area. This includes a number of associated listed buildings.

The proposal is for the erection of 58 dwellings with access (including 23 affordable homes), landscaping, parking, public open space and associated works including provision of 40% affordable dwellings. Access would be via the new signalised junction on the A39 and through the approved development to the south. The overall density would be c.13.7 dwelling per hectare, however there would be substantial areas of landscape space around the built development. This 'developed' area is approximately 2ha, giving a net density of 29.5 per hectare.

In detail the scheme comprises:-

- 35 open market units made up of:-
  - 9 three bed houses

29 four bed houses

- 23 affordable homes for rent made up of:-
  - 8 one bed maisonettes for social rent
  - 7 one bed flats for social rent
  - 4 three bed houses for social rent
  - 3 four bed houses for social rent
  - 1 four bed house for shared ownership
- 163 parking spaces, including 17 visitor spaces
- A LAP and a LEAP
- Incidental landscaped open space
- A surface water drainage system

The scheme has been amended to address concerns raised and to ensure that the affordable housing component matches the need identified by the latest housing needs assessment (HNA), the location of the LEAP was amended and a number of consultations carried out. The application is now supported by the consultees and has undertaken a Habitats Regulation Assessment which is acceptable subject to conditions.

### **Relevant Planning History**

No planning history on this site, consents relate to the previous use and the existing development to the south. In relation to the site to the south the following are considered relevant:-

36/19/00016 - Planning permission granted for erection of 109 dwellings with access onto the A39, landscaping, parking, public open space and associated works.

36/19/00015 - Planning permission granted for alterations to and provision of a new signalised (traffic lights) junction onto the A39

36/16/00030 - Hybrid planning permission granted for Hybrid Planning Application for a mixed-use scheme comprising the change of use of storage building (use class B8) to light industrial use (use class B1), change of use and conversion of buildings to form 7 residential units and outline planning application for the erection of up to 50 residential units, new access on to the A39, associated public open space, landscaping and associated infrastructure

36/16/00019 - Screening opinion issued to confirm development need not be subject to an Environmental Impact Assessment.

Immediately to the East of the site there are also a number of recently erected commercial/agricultural buildings:

36/21/00001 - Erection of a multi-purpose building - part agricultural for rearing cattle and part storage and distribution of beef, including installation of fridge and freezer.

36/22/00026 - Erection of replacement livestock building to replace existing fire damaged livestock buildings and change of use of existing B2/B8 building to Class E(d) indoor gymnasium. Retention of two storey extension to west elevation of existing dwelling.

36/23/00009 - Erection of a steel & concrete agricultural building for silage and straw storage.

### **Consultation Responses**

**Nether Stowey Parish Council** (in relation to the final reconsultation) – maintain their objection with further comments as follows:

#### *Housing*

*The Parish has already more than exceeded the "minimum housing to allocate" and "Total Minimum Growth 2011-2032" stated in the Sedgemoor Local Plan Policy T2a with around 115 units already built or committed to rather than the 50/75 specified*

*We also highlight that of the six tier 2 communities, Nether Stowey has delivered 183% of its minimum housing numbers (75 as per Policy T2a of the Sedgemoor Local Plan) whereas four of the other Tier 2 communities have yet to hit so argue that housing be delivered in the other tier 2 communities before even more is planned for Nether Stowey.*

*However, should the development be given consent, the Parish Council are pleased to note the proposed changes in line with the request from the Affordable Housing team and supported by the Parish Council, to fulfil the unmet need as laid out in the most recent Housing Needs Assessment. These are:*

*15 x one-bedroom flats (3 designs proposed) – all social-rented units*

*4 x 3-bedroom houses – all social-rented units*

*3 x 4-bedroom houses – all social-rented units*

*1 x 4-bedroom house – shared ownership*

*If the development is given consent, the Parish Council request a condition that the affordable housing is built at an early stage to avoid a repetition of the situation that occurred on the adjacent site. Policy T2b to meet the outstanding housing need is the only reason why this application can be considered.*

#### *Traffic*

##### *SDC Local Plan*

*Policy D14, bullet 6 states "Ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated;" - This development would increase traffic, on top of that already created by the Cricketer Phase 1 development, along the A39 which is becoming regularly closed due to traffic incidents and has been identified as a dangerous road by the Road Safety Foundation.*

##### *Neighbourhood Plan*

*The proposal is contrary to Objective 6 "To protect the character of our valued landscape" and Policy E4.*

*The proposal is contrary to Objective 9: "Ensure that any new development does not make existing road safety issues worse, and where possible improves road safety for all users" and Policy T 1.*

#### **Landscape Officer – Objects:-**

*Although the proposed development will be well related to the site currently under construction there is no doubt that further development extending into the countryside will have a major adverse impact and be detrimental to the attractive and rural quality of the existing landscape. A balanced judgement will need to be taken when considering the need for a further 58 dwellings (including 40% affordable) and whether this outweighs the detrimental impact further development will have on the rural and scenic quality of the landscape.*

#### **Conservation Officer – Objects:-**

*The impact of the first development has been quite harmful to the setting of the collection of protected structures church, the various listed elements of the Stowey Court complex and to the setting of the local character.*

*The new proposal asks to enlarge the development onto an area that was previously excluded from the initial site and did actually offer an idyllic backdrop to the development site. Containing a redundant slurry lagoon and an abundance of wildlife. Filled with water ad surrounded by lush*

*vegetation. This area has now been removed to further impact the rural setting that previously surrounded the listed elements together with the conservation area.*

*The previous harm being balanced against the public benefit of affordable housing and a major road improvement to accommodate the increased population. This new proposal cannot be balanced in the same way and is considered to be substantially harmful to the setting of the conservation area and to the collection of designated and non designated heritage assets.*

*The previous scheme had been consented to preserve elements of the original use and the conversion of a non designated heritage asset was agreed. This action carried some considerable weight when conditional support was first offered. This new proposal does not enjoy such an opportunity to be levied against the obvious harm of an increased development within the setting of protected structures and irreplaceable heritage assets which does include the rural backdrop to this important part of Somerset.*

*203. In determining applications, local planning authorities should take account of:*

*(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*(c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

*207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*(a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

*(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

*(d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*On heritage grounds and in respect to the direction of national policy as written within the above excerpts of the NPPF, this proposal should be refused or withdrawn as the scale of harm and increased ambition of the site into the surrounding countryside cannot be justified to be of any public benefit.*

**Planning Policy** – initial comments raised no objection, subject to confirmation from the Council's Landscape Officer that the proposal does not have a significant adverse impact on the landscape, the Council's Conservation Officer confirms that there is no significant harm to designated heritage assets and that any necessary conditions to avoid or mitigate any potential negative impact on bat species are secured.

In light of the objections raised by the Landscape and Conservation Officers the following clarifications are provided:-

*With reference to the above application, planning policy comments were originally provided dated 20/06/2023. These confirmed that there remained an unmet local housing need confirmed through the Affordable Housing Needs Assessment dated February 2023 and that the provisions of Policy T2b would therefore apply. The principal of development was accepted given that the proposal will provide 40% affordable housing to meet the confirmed local need.*

*At the time of the original policy comments, the views of both the Councils landscape officer and Conservation officer were still awaited and therefore the conclusion to raise no objection to the proposal was caveated on the confirmation that there were no significant adverse impact on the landscape and that there was no significant harm to designated heritage assets.*

*Landscape – The comments of the landscape officer identified that the proposal would extend the built form northwards into the landscape and inevitably have a significant impact on the landscape. It was agreed that the impact from the protected Quantock Hills would not be significant adverse. It was also accepted that the proposed development would be well related to the existing recent development and concluded that the proposal would have a major adverse impact that would need to be balanced against the need for the additional dwellings, particularly the affordable housing.*

*Policy D19 Landscape refers to proposals ensuring there is no significant adverse impact on local landscape character. It also states that where development is necessary that could result in significant adverse effects appropriate mitigation measures should be provided. The overall conclusions are that there would be a major adverse impact and this can be partially mitigated through the proposed landscaping. Given this and the need to balance against the delivery of affordable housing to meet identified local need, it is considered that the landscape impacts do not alter the original conclusion to raise no objection to the proposal.*

*Heritage – The comments of the Conservation Officer conclude with an objection on the basis that the increased development into the surrounding countryside cannot be justified to be of any public benefit. The original “first” phase of development, whilst having some impact on the wider setting of the heritage assets, was balanced against the public benefit of affordable housing. Comments also refer to the harm of increased development within the setting of protected structures.*

*Whilst there can be little doubt that the proposal will further erode the wider setting of the listed buildings and conservation area, it is north of the consented residential development and does not therefore adjoin the boundary of these assets directly. Views from the church will be impacted looking northwards but looking towards the heritage assets from the north or north west would be compromised by the existing dwellings and not directly harmed by this proposal. The undeveloped setting to the north east, east and south is not impacted by the proposal.*

*As per the first phase of development, the additional impacts on setting should be considered against the wider public benefit, in this case the provision of 40 % affordable housing specifically to meet local housing needs. The comments do not conclude that the harm is substantial and as set out under Policy D26, where harm is less than substantial this will be weighed against the public benefits of the proposal. It is considered that , as with the first phase (that does immediately adjoin the conservation area and listed buildings), the wider benefit of providing affordable housing can be balanced against the potential harm. Notwithstanding the conclusions of the conservation officer, it is considered that the wider public benefit on balance tilts in favour of confirming that on policy grounds, the previous conclusion to raise no objection to the proposal is confirmed.*



*Conclusion - as previously set out the proposal broadly meets the requirements of Policy T2b and there is no in principle objection. The concerns on both landscape and heritage grounds are noted but both fall short of concluding substantial harm. The concerns/objections need to be balanced against the wider benefit of providing local affordable housing. The adverse impacts are noted but are not greater than the already consented scheme, impacts can also be partially mitigated through the proposed landscaping and layout. The previous conclusion to raise no objection is therefore still applicable.*

**Highway Officer** – recommends approval subject to safeguarding conditions and securing a travel plan within the s106 agreement.

**National Highways** – No objection:-

*....based on the proximity of the site from our network, namely M5 Junctions 23 and 24, we are satisfied the development is unlikely to result in an adverse impact on the safe operation of the SRN.*

**Rights of Way Officer** – no objection subject to a condition to ensure that the crossing point of BW22/19 over the proposed access road, is safe for the public to use and constructed appropriately through the technical approval process as part of a relevant legal agreement.

OFFICER NOTE: This is within phase 1 of the development to the south and is being detailed as part the various highways agreements that will be necessary but has been conditioned as the access into the site would break through the currently diverted route.

**Quantock Hills National Landscape Service (formerly AONB Service)** – objects and reminds the LPA of their duty to “seek to further the purpose” of the National Landscape. They consider that:-

*If this application is approved, the area north of the A39 would eventually become urbanised, further impacting the character of this ‘Gateway to the Quantocks’, which has already been adversely impacted by previous planning approvals. The cumulative effect of this development will have a significant impact on Nether Stowey and therefore the setting of the Quantock Hills.....*

*..... the introduction of 58 new houses with associated road infrastructure, lighting and domestic paraphernalia will have a cumulative, urbanising and significant impact on the character of this rural landscape within the setting of the AONB and should therefore be refused.*

**Ecologist** – no objection, confirms that:-

*Subject to a formal consultation response from Natural England concluding that they consider that the proposals will result in no Likely Significant Effect on the Exmoor and Quantocks Oakwoods*

*Special Area of Conservation (SAC) based on the Shadow Habitats Regulations Assessment by Ethos Environmental Planning (Issue Final\_V5, 8th March 2024), SES consider that the submitted information is satisfactory to ensure no Likely Significant Effect on the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC) subject to conditions being secured.*

**Natural England** – No Objection subject to Mitigation

**LLFA** – initially raised concerns regarding the technical detail of the proposed strategy. In relation to additional details maintain a concern that there remains insufficient detail:-

*We understand that the drainage strategy has been revised to reflect the changes in the red line boundary, however, there have been no changes to reflect our previous comments made 27/09/2023. This is excluding the drainage calculations which have now been submitted with 45% climate change. We further note that there has been an alteration in the discharge rate from the site has altered from 7.9l/s to 7.7l/s, but no justification has been provided for this.*

*We would expect these issues above and our previous comments made to be addressed before an appropriate planning condition can be set.*

In response to further details:-

*We are satisfied that the pond in the Northwest has not been functionally used for surface water storage or hydraulically connected to a watercourse and therefore have no further comments regarding this.*

*For a pumped system an additional 125m<sup>3</sup> per impermeable area needs to be provided within the attenuation system. The applicant has not clarified whether this is the case, however we have taken our own initial assessment. When comparing the volume available shown on the drainage drawings (assuming these total volume numbers do not include the 300mm freeboard or permanent water level) to the calculations, there would be a measure of additional attenuation volume available (approx.122m<sup>3</sup>). Whilst this would not meet the requirement, assuming that the above does not include freeboard, it would seem reasonable that a measure of the freeboard would also be available for this use, and after undertaking a rough estimate, this would exceed the volume requirement for the site. As such, should the applicant be able to clarify this point, whilst we are disappointed to see the pumped system this would be acceptable subject to conditions.*

The applicant has confirmed that the storage volumes for the attenuation features stated on the Drainage Strategy Plan do not include the freeboard or the permanent water level and on this basis the LLFA have confirmed that they do not object subject to conditions to secure the technical detail and future maintenance of the surface water drainage system.

**Open Spaces Officer – initially:-**

*The LEAP appears to be in an acceptable location, however please can you clarify on if there is also a LAP on the western boundary.*

*The details of play equipment will need to be secured either by condition or as part of a S106 agreement, should consent be granted.*

*The reference to ‘natural style play equipment’ in the applicant’s planning statement suggests timber play equipment, if this is the case then the council would not be able to adopt the site after completion*

In light of clarification that a LAP would be provided raise a concern that the original specification for a ‘natural play space’ would be an impractical and a short-term proposal as fallen branches and boulders become slippery and split and they won't offer long-term play provision.

OFFICER NOTE: The applicant accepts this and agrees that more appropriate equipment will be provided with the details being agreed through the s106 agreement.

**Police Design Advisor** – originally objected to position of LEAP due to the location on the edge of the site and limited surveillance opportunities. Revised details were provided confirming the alternative locations considered and amendments to the layout and landscaping to ensure improved visibility of the site. Following these the Police Design Advisor confirmed that site A (the location of the LEAP) was the preferred location and provided the landscaping amendments were provided this would assist in passing surveillance, 1.2m fencing and relocation of the trees would allow support for this location. Round top railings and a gate was suggested as opposed to timber fencing for aesthetic and longevity purposes. Some provision of fencing around the Attenuation Basins was also supported.

**Fire & Rescue Service – no objection subject to the relevant regulations:-**

*The proposal must comply with the functional requirements of Approved Document B of the Building Regulations. This includes access requirements for Fire Service Vehicles (B5). These include vehicle access, including minimum road widths, turning facilities for fire service vehicles and maximum reversing distances of 20 metres.*

*In addition, the provision of appropriate water supplies for fire fighting (Street Hydrants) including appropriate flow rates will need to be achieved. Information on this should be sourced from the National guidance document on the provision of water for fire fighting.*

**Economic Development Officer** – no object subject to a condition to ensure a local labour agreement is agreed.

**Education Officer** – requests a contribution of £127,128 towards the expansion of early years provision to meet the needs arising from this development. It is noted that there is sufficient capacity in the local primary school and that any expansion of secondary provision needs as a result of this development would need to bid for CIL funding.

**Environmental Health Officer** – no objection subject to conditions to address construction management and any possible land contamination.

**NHS Somerset LPA Engagement** – requests a contribution of £23,036 towards the expansion of GP services at the Quantock Medical Centre to cater for the additional demand that would arise as a result of this development.

**Affordable Housing Officer** – initially noted the case for 23 affordable homes and advised:-

*The proposed development is on land outside the Nether Stowey settlement boundary (“SB”). For clarity, residential development proposals on land outside the SB would not ordinarily be permitted. For the purposes of my response, I have assumed this application will be assessed against Local Plan policy T2b. A review of the homefindersomerset system (HFS) (most people would refer to the HFS as the housing waiting list) indicates that there is a total of 109 households who have expressed a wish to be rehoused in the village. Of these, 59 claim to have some form of strong local connection with the parish of Nether Stowey (36 require a 1 bed home, 14 a 2 bed home, 7 a 3 bed home and a further 2 a 4 bed home). There are a further six new affordable homes under construction on phase-one of the Strongvox Cricketers housing scheme. Even if these were allocated to one of the 59 households mentioned above, there would still a significant number of households (with a connection with the parish) still waiting to be rehoused. In terms of justifying housing development under local planning policy T2b, the LP policy requires evidence of unmet housing need in the form of an up to date parish housing need assessment (HNA). The latest Nether Stowey HNA was published in February 2023 and offers a snapshot in time insight into the possible unmet local housing need. The HNA suggested a need of 23 additional affordable homes over and above that already consented and under construction. On face value, the HNA provides justification for 23 affordable housing units. Again, on face value, there seems to be a disconnect between the affordable housing units (types and bedroom sizes) proposed with that reported in the latest HNA report. So, is there a case to be made for the detailed affordable housing associated with this application? The HNA would suggest not. However, the provision of 15 one-bed homes (out of 23) does not provide a balanced and varied unit type and mix for the village over the long term. I would not wish to see so many 1 bed homes built. The HFS provides evidence to support the developers affordable mix, which if allocated with a flexible and sensitive local allocation*

agreement will help rehouse local people in the greatest housing need. This allocation policy could include flexible arrangements which would see a local household wanting a 1 bed home, offered a 2 bed property. These flexible arrangements could be enshrined in the s106 to ensure local people have access to these affordable homes. So, there is a case for 23 new affordable homes. I am delighted the applicant is proposing to provide the minimum policy compliant 40% affordable housing package. It is important to remember that underpinning principle associated with a proposal of this nature is that the construction of open market homes (such activity would not ordinarily be granted) on land outside the SB must be seen as a means to an end to address a defined community requirement (typically affordable housing). The market homes will provide financial resources to build the affordable homes. Without this cross-subsidy, the affordable homes could not be built. The s106 agreement should capture a commitment to deliver the following affordable housing requirements: 1. The Council will require the applicant to agree (in writing) a detailed affordable housing plan prior to construction getting underway. 2. I feel the provision of 6 shared ownership affordable homes is a little too many. I feel the number of shared ownership should be limited to three. The majority of the affordable homes must be rented to ensure that those local people in greatest need have access to a home. Therefore, rented homes must form the backbone of any affordable proposal. This tenure is affordable to all, whatever their income. 3. The affordable homes should be provided on site. 4. 40% of the overall number of homes must be affordable housing. 5. The affordable-units provided free from public sector investment. 6. The associated car parking provisions for the affordable units should be clearly identified and in accordance with current car parking policy. 7. The affordable-housing units will be indistinguishable in appearance from the open market units on the site. 8. Whilst I not critical at this point-in-time, I would ideally wish to gain a better understanding into who will be responsible for the long term management of the affordable units. Ideally, I would expect the applicant to try and transfer the affordable units to one of the Council's Main Development Housing Association Partners where possible. Early discussions to identify this partner is encouraged. 9. The affordable-homes should be integrated and well related well to the proposed private-sale homes, the proposed clustering needs a rethink. Ideally, clusters of affordable housing should not exceed 8 to 10 units. 10. As discussed above, the TCPA s106 agreement will include a local letting (sale) plan for the allocation (sale) of the affordable housing units, offering priority for the new homes will be given to local people seeking an affordable home. In concluding, it is important to remember that the proposed affordable homes are aimed at local people who cannot afford the cost of a suitable home on the open market to get a home at a price they can afford where they were possibly born / grew-up or have support, social networks or work in. It is important to remember that the housing need exists now, and the affordable homes should be built as soon as possible to address this need.

Whilst the concern about 15 one bedroom units is noted this reflects the need identified in the HNA. The applicant has therefore been asked to amend the scheme to bring it into line with the identified need. This has been done and the affordable housing officer has commented:-

*The mix and tenure is in line with the Housing Need Assessment and as such I am happy to agree.*

*The layout of the homes across the site is also acceptable in terms of integration.*

## **Representations**

30 letters received raising the following issues:

- The affordable houses will not be delivered;
- Further 58 houses not needed
- Too many houses for the village
- Loss of green field, agricultural site
- Visual impact
- A brownfield site should be used
- Block of flats not in keeping
- Increased traffic on A39
- Residents would have commute to work
- Hinkley Point jobs will eventually diminish
- Lack of public transport and reliance on cars
- Noise
- Impact of Quantocks
- Impact on services and infrastructure
- Impact on wildlife
- Delivery drivers arriving at wrong addresses
- Overlooking from delivery drivers passing
- Increased risk of flooding
- In sufficient parking – all properties should be provided with 4 spaces and large garages
- PV and EC charging points and extra insulation should be provided
- Other tier 2 settlements should deliver their housing quotas before more houses are built

Nether Stowey

- Light pollution

One writer has no objection as the houses would only impact on Phase 1 but is concerned that the developer might renege on the affordable housing undertakings.

## **Most Relevant Policies**

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

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

## **Sedgemoor Local Plan 2011-203**

- S1 Presumption in Favour of Sustainable Development
- S2 Spatial Strategy for Sedgemoor
- T2a Settlements – Housing
- T2b Settlements – Unmet Local Housing Need
- CO1 Countryside
- D1 Flood Risk and Surface Water Management
- D2 Promoting High Quality and Inclusive Design
- D5 Housing Mix
- D6 Affordable Housing
- D13 Sustainable Transport and Movement
- D14 Managing the Transport Impacts of Development
- D15 Employment
- D19 Landscape and Trees
- D20 Biodiversity and Geodiversity
- D21 Ecological Networks
- D22 Trees and Woodland
- D23 Bat Consultation Zones
- D24 Pollution Impacts of Development
- D25 Protecting Residential Amenity
- D26 Historic Environment
- D30 Green Infrastructure Requirements in New Developments
- D34 Outdoor Public Recreational Space and New Residential Areas

## **Nether Stowey Local Plan 2021**

- H2: Affordable Housing
- H3: Housing Type and Size

H4: Sustainable Development

E1: Design and Character of Local Development

E2: Heritage Assets and Character

E3: Development Proposals

E4: Protecting the Local Landscape

E5: Protecting Wildlife and Habitats

T1: Safe and Easy Access to Nether Stowey Village

T2: Development North of the A39

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

### **National Planning Policies**

National Planning Policy Framework: December 2023

National Planning Practice guidance

### **Other Material Considerations**

Nether Stowey Housing Needs Assessment February 2023

This identifies a need for the 23 affordable homes to meet the need in the village made up of:-

- 15 one-bedroom units for rent
- 4 three-bedroom units for rent
- 4 four-bedroom units, 3 for rent
- 1 four-bedroom unit for intermediate ownership

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

The application is for residential development in Nether Stowey where the Community Infrastructure Levy (CIL) is £120/sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £798,918.83. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.



## **Main Issues**

### **Principle**

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

Policy S2 (Spatial Strategy for Sedgemoor) designates Nether Stowey as a Tier 2 settlement and as such it is deemed suitable as a focus for housing and employment growth appropriate to its scale and character. Policy T2a sets out minimum levels of growth for the Tier 2 settlements, with Nether Stowey being allocated 75 a minimum growth over the plan period of 75 dwellings. As of April 2015, allowing for completions, existing commitments and opportunities within the settlement boundary, there was a minimum of 50 left to allocate. With the approval of 109 houses on the site to the south the minimum level of development set out by policy T2a has been met.

Beyond this T2b allows consideration of further, greenfield sites outside but well related to the settlement boundaries where there remains an unmet local affordable housing need subject to the development demonstrating that it meets all of the following criteria:

- *It fulfils an identified local housing need for affordable housing as evidenced by an up to date assessment of local housing needs agreed with the District Council;*
- *The affordable housing provision (notwithstanding the requirements of Policy D6: Affordable Housing) will normally be a minimum of 40% of the total number of housing units provided on the site unless provision of alternative local infrastructure priorities is agreed;*
- *The scale of development should be appropriate to the size, accessibility, character and physical identity of the settlement;*
- *The proposal is well related to and complements the existing built form of the settlement, providing opportunities for walking and cycling to local services and facilities;*
- *The affordable housing should form part of the overall development and be well integrated with any market housing;*
- *Supports where appropriate access to local job opportunities, including opportunities for on-site provision;*
- *The development appropriately contributes to local infrastructure priorities identified, for example, in Neighbourhood plans or in agreement with Town/Parish Councils; and*
- *Maintains and where appropriate incorporates enhancements to the local environment, landscape, and historic environment, including where appropriate habitat creation and community woodland planting.*

In respect of these criteria the following comments are offered:-

- The 2023 Housing Needs assessment (HNA) confirms a need for 23 affordable homes in Nether Stowey made up of:-
  - 15 1-bed units
  - 4 3-bed units
  - 4 4-bed units
- This application for 58 would provide 23 units (41%) tailored to meet this need. This need, for local affordable housing is supported by policy H2 of the neighbourhood plan, could not be delivered elsewhere, including at other tier 2 settlements or brownfield sites elsewhere
- Given the character and nature of Nether Stowey it is not considered that the development of 58 dwelling would be incompatible with the settlement's size, accessibility, character and physical identity. The provision of affordable homes would meet the identified need and the market homes would contribute to the council wide need to deliver housing. Concerns about the lack of public transport are noted however such levels are not uncommon in rural areas and policies T2a/T2b which set the level of development for Nether Stowey are not dependant on the provision of additional public transport.
- In approving the first phase it was considered that site was well related to Nether Stowey due to the location adjoining the settlement although the A39 is a barrier between the site and village. As a result the traffic light junction proposed as part of that application included a safe pedestrian crossing which would allow a functional link from the site to Nether Stowey. The provision of that arrangement was considered necessary to integrate the development into the wider Village. This connection now enables safe crossing from the site into the Village and from the Village to the Church. The development now proposed would be immediately adjacent to, and well related to, the development of the first phase at Cricketer's Farm and would benefit from links through that development to the controlled crossing over the A38 and from there to the services and facilities available in the village.
- The affordable housing forms part of the development and is shown to be well integrated with the market housing, supported by the affordable housing officer.
- The proposal is not required to be a mixed use and as such no on site employment is required. As noted above the site would be well connected to the village and it is not considered that future residents would be unacceptably disadvantaged with respect to local job opportunities. Whilst they might have to commute this is a fact of life for both existing and future residents of the village and is not considered to amount to an object to development in this Tier 2 settlement. It is however to be noted that changes such as more agile patterns of work mean more people are able to work from home and traditional patterns of commuting to work are changing.

- No specific local infrastructure requirements have been identified that should be delivered as part of any housing scheme coming forward in Nether Stowey
- The impacts on the local environment, landscape, and historic environment are considered in the following sections.

The proposed 23 units of affordable housing (41%) would comply with the requirements of policy T2b and would reflect the need identified by the 2023 HNA. It is noted that policy H3 of the Nether Stowey NP suggests that the mix should be:-

	1-bed	2-bed	3-bed	4-bed
Social/Affordable Rented	30-35%	30-35%	25-30%	5-10%
Intermediate	15-20%	50-55%	25-30%	0-5%

However the policy goes on to say that:-

*where feasible and viable, an increase in the number of smaller dwellings to meet locally identified needs would be welcomed. When determining the housing mix for a site this should therefore take into account relevant and up-to-date local housing needs assessments to ensure the needs of the community are met.*

As noted previously the latest HNA identified a need for more 1-bed units, and reflecting this need 15 1-bed units would be provided (65%). Whilst local concern about this was originally raised by the Parish Council it is noted that the mix is necessary to comply with the requirements of policy T2b. If the units were changed the proposal would not reflect the identified need and could not be supported. It is not considered that there is any justification to over-ride this fundamental policy requirement, nor is it considered that the provision of this many one bedroom units within a scheme of 58 units is objectionable in principle or that it would result in any harm that might justify withholding permission.

The local fear that the affordable units would not be delivered is noted, however as this is a policy requirement instance as an exceptional release site (unlike on the earlier scheme) the removal of the affordable units would be objectionable under policy T2b. Even in the event that the viability of the scheme became doubtful the removal of the affordable element would be resisted.

On this basis it is considered that the proposal is justified by policy T2b of the local plan and meets the requirements of policies H2 and H3 of the neighbourhood plan

## **Education**

Policy S5 expects development to address its impact on infrastructure where there is evidence that the existing infrastructure would be incapable of meeting the additional need arising from the development. Policy D27 expects development that creates a need for additional education facilities including preschool that cannot be met through existing facilities to meet any identified shortfall. Elsewhere the provision of additional spaces to cater for demand arising from planned development would need to seek CIL funding and as this demand for housing meets and identified affordable need for Nether Stowey it is reasonable to require this to be provided through CIL contributions.

## **Landscape and Visual Impact**

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

Policy T2b requires the scale of development to be well related and appropriate to the size, accessibility character and physical identity of the settlement and maintain, and where appropriate, incorporate enhancements to the local environment, landscape, and historic environment, including where appropriate habitat creation and community woodland planting.

Policy D19 states that development within the setting of an AONB that has the potential to harm the character and visual amenity of the protected landscape will only be supported if that potential harm can be negated through appropriate and acceptable mitigation measures. It further advises that where development is necessary and could result in significant adverse effects on the landscape and on visual amenity, appropriate mitigation measures should be provided. Where a significant adverse effect cannot be avoided or markedly reduced through mitigation, then opportunities to offset, remedy or compensate for unavoidable effects will be a requirement.

Policy E4 of the neighbourhood plan seeks to protect the local landscape and suggests that proposals will only be supported where they are in accordance with policy D19 of the local plan.

Inevitably the proposal would change the character of the site from undeveloped to developed and this would represent a 'harm'. This needs to be considered and balanced in terms of the extent of the harm in the immediate and wider locality, the ability of the suggested mitigation to reduce the harm and the benefits afforded by the scheme in terms of the delivery of much needed affordable and market housing.

The landscape officer and the Quantock Hills National Landscape officer raise concerns. It is sought to address those concerns through a Landscape and Visual Impact Assessment which accepts that:-

*There are likely to be some Moderate adverse landscape effects of the immediate site itself and Major adverse effects on views from short sections of the PRow network close to the site due to the proximity of site to the footpath network. Away from the boundaries of the site the visual effects are limited due to the nature of topography, intervening built form and vegetation, this is true for the higher sensitivity views to the south of the site. The proposed development incorporates a considered and strategic mitigation strategy that takes account of existing views and the local landscape character and its associated GI in order to mitigate effects and deliver long-term landscape enhancement.*

The appraisal concludes that, subject to appropriate mitigation, the site is capable of accommodating the proposed development without unacceptable landscape or visual harm.

As noted above it is considered that, as a effectively the extension of to earlier scheme at Cricketer's Farm, and benefiting from the links that scheme created, the proposal would be well related to that scheme, regarded "*as a natural extension to the village*".

The submitted Visual Appraisal has assessed the landscape sensitivity of the site and immediate surroundings as "Medium". The immediate rural surroundings to the north and west are attractive fields with mature hedged boundaries and large mature trees at field junctions. To the south and east the surroundings have lower scenic value due to recent development on the site's southern and eastern boundaries. The proposal would extend this built form northwards into the landscape and will inevitably have a significant effect on landscape character of the wider area.

To mitigate this the boundary vegetation, a network of hedgerows, ditches and trees, to the north and south-west corner is to be retained. These existing areas are relatively intact, providing wildlife habitat, a strong green infrastructure and contribute significantly to the landscape character of the area. Additional structural landscaping is proposed to buffer and enclose the site.

There is potential for major adverse effects when viewed from the footpaths in the immediate vicinity, from which the site is clearly visible and from within the landscape to the north and west. It is accepted that these views will experience the greatest degree of change. However to a certain extent, when viewed from footpaths to the east and west, it is not considered that the situation would be materially different to the views already experienced by users of those footpaths in relation to phase 1. It is to be expected that the proposed development would be experienced in the same views, not as an additional new view, but as a continuation of an already established experience. From the north and west the development would be seen as extension of the existing built form into the countryside.

Views from the east would be in combination with the existing commercial/agricultural buildings and the development would not project beyond the rear boundary of this.

To address these concerns substantial mitigation is proposed comprising:-

- A wide landscape buffer along the western, northern and eastern edges of the site which includes native hedge planting on the boundary together with scattered trees and scrub. These features combine to create a Green Infrastructure (GI) corridor linking to the existing GI assets to the north and south.
- Retention, protection and enhancement of the existing vegetation site boundaries;
- Integration of a considered sustainable drainage system (SuDS) with basins and swales in the eastern and northern portions of the site, and a series of rain gardens central to the site;
- Strategic tree and scrub planting close to the development edge to soften any views of built form from the surrounding landscape to the north of the site. Positions of key trees also frame views north-east towards Pinnacle Hill from within the development.
- A tree and planting strategy throughout the site using a mixture of species which would help define the character of the site, create gateways into the site and encourage and support wildlife.
- Links to the wider PRow network in the form of path connections to the north-east and south-west of the site;
- Integration with the landscape buffer delivered as part of Phase 1 to ensure continuity of soft landscape treatments and approach;
- Inclusion of formal and informal play spaces to encourage use and exploration of the immediate site as well as the surrounding landscape.

In light of this extensive mitigation it is considered that, in respect of the immediate context, the visual and landscape impact of the proposal would be acceptably mitigated.

In medium views the site can be viewed from existing dwellings located to the west of the site on Stogursey Lane. In terms of wider impacts from the edge of the Quantock Hills the National Landscape officer identifies that Nether Stowey is a Quantock village, deeply associated with the Quantock Hills. The proposed development has the potential to impact on the village's character, its rural setting and its links to the AONB.

It is accepted that the application site is within the setting of the Protected Landscape and therefore the impact of this proposal must be considered in both visual and landscape character terms. It is noted that the proposed development would be on the other side of the village to the National Landscape and as such views of the development would be at a considerable distance of over 2km and the site would be seen with the main body of the village in the foreground. It is also noted that there is considerable the landscaping and undulating topography between the National Landscape and the site.

It is accepted that the development would be visible within the setting of the National Landscape. However it is considered that the impact on the setting of the National Landscape would be lessened by the intervening topography and landscaping, the main body of the village in the foreground and further mitigated by the landscape planting that is proposed within the site. On this basis it is considered that the conclusions of the LVIA in this respect are supportable, namely that:-

*Visual effects on the Quantock Hills [National Landscape] are anticipated to be negligible and very limited to some glimpsed views of the site experienced at a limited number of elevated positions on the northern extents of the AONB.*

Policy D19 advises that:-

*Development within the setting of an AONB that has the potential to harm the character and visual amenity of the protected landscape will only be supported if that potential harm can be negated through appropriate and acceptable mitigation measures.*

On this basis while the concerns about the setting of the National Landscape are noted it is not considered that the 'negligible' impact would be such that planning permission should be withheld in this instance. Conditions are suggested to ensure that the recommendations of the LVIA are fully implemented as part of the development and as such the negligible impact would be negated as required by policy D19 and the purposes of the national Landscape would be furthered by securing development appropriate development in its setting that has no adverse impact.

The harms in relation to closer views are acknowledged, however as noted by the landscape officer, a *"....balanced judgement will need to be taken when considering the need for a further 58 dwellings (including 40% affordable) and whether this outweighs the detrimental impact....."*

In this respect the benefits of delivering affordable housing to meet the need identified in the latest HNA and market housing to meet the councils wider need are considered to attract significant weight in the planning balance. Set against this are the 'moderate to major adverse effects that would arise in the close and middle distances views of the site from the inevitable change in character of the site from undeveloped to developed.

In this respect it is accepted that the proposed development would not be highly visible in the wider landscape as the site is reasonably well contained by the surrounding built form on the village edge together with the local vegetation pattern which is characterised by well vegetated boundaries which contain mature trees and hedgerows. Views into the site are limited to a number of locations on the immediate boundaries of the site and the landscape to the north of the site which contains a network of public footpaths from where the greatest level of effect would be experienced. It is acknowledged

that from here the visual effects could be 'major adverse', however this would be reduced to 'moderate adverse' once mitigation planting matures.

In slightly wider views, for the majority of properties with views of the site, it is considered that the visual effects would be limited due to intervening built form, mature vegetation and topography. It is agreed that there might be some adverse visual effects during construction and the early years of occupation, however the proposed mitigation would reduce the longer term visual effects to a minor level.

These minor to moderate adverse visual effects need to be weighed in the balance against the significant benefits arising from the delivery of affordable housing. Policy D19 suggests that steps should be taken to avoid/mitigate 'significant adverse impact'. The identified harms are limited to minor to moderate adverse visual effects. It is considered these are at a level that is inevitable in any proposal that develops previously undeveloped land and need to be considered in the overall planning balance.

The planning policy comments conclude that:-

*The concerns on both landscape and heritage grounds are noted but both fall short of concluding substantial harm. The concerns/objections need to be balanced against the wider benefit of providing local affordable housing. The adverse impacts are noted but are not greater than the already consented scheme, impacts can also be partially mitigated through the proposed landscaping and layout. The previous conclusion to raise no objection is therefore still applicable.*

On this basis it is considered that the proposal is broadly in compliance with policy D19 of the local plan and policy E4 of the neighbourhood plan.

## **Design and Layout**

Policy D2 of the local plan seeks to achieve high quality, sustainable and inclusive design for all new developments. Policy E1 of the neighbourhood plan supports development proposals where they have demonstrated that they are of high quality design, complementing the local vernacular, will enhance visual amenity and minimise any adverse impacts on the built environment.

The houses types and detailing closely follow that approved on the earlier phase at Cricketer's Farm and subject to a condition to agree the materials are considered acceptable and a logical continuation of the now established context. Similarly the layout follows the pattern and layout of phase 1 and it would not be reasonable to now object to its continuation which would read as a logical extension. A condition is suggested to agree the details of the materials. The street scenes and house type details confirm a mix of red brick, render, window detailing and a mix of red and grey concrete



tiles. There are a mix of porch detailed, gable features and bay windows at ground and over 2 storeys to provide variety in the street scene.

All dwellings would be two storey with the exception of a 3 storey building, containing 7 one bed flats in the southeast corner of the site, intended as a feature building. This would sit centrally within the overall development and would be seen in views with the large modern agricultural buildings to the north east. It is not considered inappropriate to have such a feature building in an overall development of 167 dwellings. Its simple design is not intended to compete with the more architecturally interesting listed buildings to the south, rather it would be defined by its bulk and as such is, in design terms more in keeping with the big box architecture of the large agricultural buildings to the east.

Accordingly in this respect it is not considered the proposal is contrary to either policy D2 of the local plan or policy E1 one of the neighbourhood plan.

The proposal is supported by a detailed landscaping plan that would served to soften the development and to mitigate it's impact in external views. A condition is suggested to ensure it is carried out, this is necessary to secure compliance with policies D2 and D19 of the local plan and policies E1 and E4 of the neighbourhood plan.

## **Ecology**

Policy D20 of the local plan requires proposals to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity, taking into account climate change and the need for habitats and species to adapt to it. Policy D23 advises that development on sites within the Bat Consultation Zone could require a '*test of likely significant effect*' under the Habitats Regulations to be carried out, including consultation with Natural England. Policy E5 of the neighbourhood plan requires proposals to protect and enhance wildlife habitats and biodiversity.

The site is located within a Bat Consultation Zone (Zone A, Exmoor and Quantocks Oak Woodlands Special Area of Conservation) where development proposals may require a '*test of likely significant effect*' under the Habitats Regulations to be carried out, including consultation with Natural England. Where required, applicants must provide with the application all necessary information to enable such a test to be conducted, including any necessary survey work, reports and avoidance and mitigation measures as advised in the Technical Guidance for the Special Areas of Conservation supporting bat species (Local Plan Policy D23 'Bat Consultation Zones').

A Preliminary Ecological Appraisal Report has been prepared for the Site by Ethos Environmental Planning (*Preliminary Ecological Appraisal Report: Cricketers Farm, Nether Stowey, Phase 2 (Ethos Environmental Planning, March 2023)*). This has been written as an initial guidance note to the

applicant and makes recommendations for further surveys for habitats and species, including bats. In addition, it makes recommendation for the completion of a Biodiversity Net Gain Assessment and HEP calculations, given the proximity of the Site to the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC), which includes Annex II species barbastelle *Barbastella barbastellus* and Bechstein's *Myotis bechsteinii* bat

Additional details have been provided and a shadow Habitats Regulations Assessment (sHRA) has been carried out, this concludes that subject to the imposition of a safeguarding conditions the proposal would safeguard the special conservation status of the protected bat species. The councils ecologist considers that the submitted sHRA by Ethos Environmental Planning (Issue Final\_V5, 8th March 2024) demonstrates that there would be 'Likely Significant Effect' on the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC) subject to the suggested conditions being imposed.

Natural England agree with the findings and recommendations of the sHRA and accept that the proposals will result in no Likely Significant Effect on the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC). On this basis the proposal complies with policy D23 of the local plan.

In terms of other ecological impacts it is not considered that the proposed development of this grassed site would have any unacceptable impacts. The application was submitted prior to the introduction of the requirement for BNG and its is not therefore a requirement of this development. A condition is suggested to secure a biodiversity enhancement plan and this is considered reasonable and necessary to ensure compliance with policy D20 of the local plan and policy E5 of the neighbourhood plan.

## **Highways Impacts**

The proposal would be served by the existing signalised access of the A39. This junction is considered appropriate to deal with the additional traffic that would be generated by the proposal and no concerns have been raised about the capacity of the local highway network to cope. This arrangement also provides safe pedestrian access to the village.

The route through phase one to the proposed site has been designed with this development in mind and no objections to its use to access the additional 58 houses now proposed has been raised by the highways officer. Within the site the road layout and parking provision (a total of 180 spaces for 58 houses) are considered acceptable.

In terms of pedestrian accessibility the layout of the development incorporates pedestrian paths enabling connectivity north to south, east to west and onward connections to the surrounding rights of way.

On this basis the proposal is considered to comply with the requirements of policy D14 of the local plan and policies T1 and T2 of the neighbourhood plan.

The comments of the rights of way officer are noted however the diversion of path BW 22/19 is necessary as part of phase 1 although the access into this site would disturb the route. As such a condition as been added.

## **Living Conditions**

Given the relationship and separation between the proposed houses and the nearest existing dwellings on phase one it is not considered that proposal would result in any undue impact on the living conditions of any existing resident and as such the proposal complies with policy D25. Internally the layout and density of development is such that each property would be provided with sufficient amenity space and access to shared communal space such that the proposal would create acceptable living conditions for future occupiers as required by policy D2.

The site would be provided with ample open space including a LAP and a LEAP as required by policy D34. Given concerns raised by the Crime and Design officer the applicant has revisited the detail of the LEAP and has provided further plans which address the concerns raised in terms of visibility and the safety of the site. A condition is suggested to agree appropriate fencing to the basins and their future management should be agreed as part a planning obligation in the s106. This would include a management plan informed by a suitable risk assessment.

As with the first phase, a construction management plan to be agreed by condition would be reasonable to address the local concerns about the impact of noise from construction.

## **Historic Assets**

The NPPF advises that:-

*205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

*208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

The proposed development has the potential to impact on the setting of designated heritage assets with the conservation area to the southeast. These have been identified as:-

- Stowey Court Conservation Area;
- Grade II Listed Stowey Court;
- Grade II\* Listed Gazebo and Attached Walling Bounding Grounds of Stowey Court;
- Grade II Listed Forecourt Walls and Garden Room to Stowey Court;
- Grade II\* Listed Church of St Mary the Virgin; and
- Scheduled and Grade II Listed churchyard cross in St Mary's churchyard.

These are all at least 170m from the edge of the site and are separated by the intervening development approved at Cricketer's Farm (36/19/00016). The submitted Heritage Assessment considers that :-

*The only built heritage asset identified as having the potential to be sensitive to the proposed development is the Grade 2\* Listed Church of St Mary.*

And concludes that:-

*...it is not anticipated that the development would 'block' existing views of the Church tower or be an intrusive element in the overall composition of the views. No harm is considered to arise as a result of the change.*

It is accepted that from the north/northwest, the church tower would be seen over a new roof scape, including the 3 storey building in the southeast corner of the site, however this would not be a new element in existing views as the church tower is already seen from the north and west with the extensive roof scape of phase 1 in the foreground. The introduction of the proposed scheme as a second phase of development is not considered objectionable in this context.

In views from the south and east the church tower is already seen with development of phase 1 in close proximity in the back ground. The current proposal would add further development in the background and again would not introduce a new element into views of the church tower.

With regard to the setting of the heritage assets, phase 1 has been approved immediately adjacent to the listed buildings and conservation area. This site would sit further from the Conservation Area and the Listed Buildings. In determining the previous application it was considered that:

*Viewing the development site from Nether Stowey and further afield it is considered that the development would appear as a natural extension to the village.*

*As such, subject to the above conditions the development is considered to be acceptable relative to the setting of the surrounding heritage assets and would enable a clearer interpretation and understanding of the assets remaining on and within the site for the greater public benefit in accordance with National Guidance, Local Policy and Listed Building and Conservation Area Act 1990.*

Given that development was not considered to be unacceptably harmful the setting of the listed buildings and conservation area it is not considered that the current proposal would result in substantial harm to the setting of heritage assets. It is however accepted that it would result in less than substantial harm and that this needs to be considered in the planning balance.

The applicant has sought to address the conservation officer's comments and maintain that:-

*the 'Phase 2' development would not result in harm to the overall heritage significance of nearby built heritage assets (concentrated at Stowey Court), via a change in 'setting'. Specifically, as detailed in Section 7 of the Heritage Statement, it is our opinion that the only heritage asset at Stowey Court that had the potential to be sensitive to the 'Phase 2' development was the Grade II\* Listed Church of St Mary the Virgin. The detailed assessment of this asset, as presented at Paragraphs 7.14 7.42 of the Heritage Statement, concluded that the change resulting from the proposals would not alter the overall understanding, experience or appreciation of the Church, and would not result in a change in 'setting' that would impact upon the overall heritage significance of the asset.*

*Thus, it is our opinion that the 'Phase 2' development is in accordance with Section 66(1) of the 1990 Act, Section 16 of the NPPF and relevant local policy.*

Notwithstanding the conservation officer's comments, the planning policy comments conclude that:-

*The concerns on both landscape and heritage grounds are noted but both fall short of concluding substantial harm. The concerns/objections need to be balanced against the wider benefit of providing local affordable housing. The adverse impacts are noted but are not greater than the*

*already consented scheme, impacts can also be partially mitigated through the proposed landscaping and layout. The previous conclusion to raise no objection is therefore still applicable.*

On this basis it is considered that any harm would be much reduced by the intervening development and that whilst there would be an element of cumulative harm such harm would be at a minor level and would be balanced against the wider benefits of the scheme in terms of provision of the required affordable housing and market housing to meet the Councils 5 year land supply. Accordingly it is not considered that the proposal would result in such harm to the setting of heritage assets that planning permission should be withheld on the grounds of a conflict with policies D26 of the local plan and policy E2 of the neighbourhood plan.

### **Drainage and Flood Risk**

The site is in flood zone 1 (low risk) and is not therefore considered at risk of flooding. In terms of the current surface water drainage, the site generally slopes in a north-easterly direction. However, the northern and southern parts of the site slopes in an easterly direction. The highest level of approximately 68.41 metres Above Ordnance Datum (AOD) is in the south-western corner of the site, falling to approximately 60.22m AOD along the northern boundary of the site. An existing watercourse, known as 'Deer Brook', is located on or beyond the western and northern boundaries of the site.

An area of localised ponding with up to low surface water flood risk has been identified along the western boundary. This area of surface water flood risk is located where the Deer Brook runs on OS mapping and is likely to flow into this watercourse. Historically an area of high surface water flood risk in the northern part of the site was located in the footprint of the pond shown on OS mapping. This was originally approved as a lagoon in connection with historic activities at Cricketer's Farm. Given that the pond no longer exists, the surface water flood extent is not accurate in this part of the site, as the model shows flooding as a result of the topography of the pond. The runoff from Cricketers Farm to the south is managed in a separate drainage system which rendered the pond redundant and it was subsequently filled. This was undertaken by the land owner at the time and not the applicant of this application. No other significant sources of flooding at the site (e.g. from groundwater, sewers or reservoirs) have been identified.

It is proposed to discharge surface water runoff from the site to the existing watercourse to the north of the site. Due to the topography of the site, it will be necessary to use a pumped system. The rate of discharge from the site will be restricted to a rate of 7.7 litres per second. The pumping station would be located in the north of the site accessed off the main road. Storage would be provided in 2 attenuation basins located within the public open space.

To manage any risk of flooding risk downstream run-off will be attenuated for all events up to and including the 1 in 100 year plus a 45% allowance for climate change. This 45% allowance for climate change has been included in the attenuation assessment to take in to account the predicted increase in rainfall intensity over the lifetime of the development. Additional measures are proposed in the form of permeable paving and rain gardens/bio retention areas.

Flood routes would be provided for exceedance events, or for local failure of the drainage system, and will ensure that flood flows are directed safely through the development to the downstream drainage system. The proposed drainage system for the public areas within the development would be managed and maintained to ensure that it will operate effectively for its lifetime. This would include offering the system, consisting of manholes, sewers, pumping station, proposed attenuation basins, swale and outfall for adoption by Wessex Water under a Section 104 Agreement. This is considered to be an appropriate option.

Surface water run-off from all private roof, driveway and parking areas will be collected in private drainage networks that would become the responsibility of the property owner. Private drainage networks serving more than one dwelling would be managed and maintained by a Management Company.

In principle this is acceptable and would comply with policy D1 of the Local Plan. In the course of the application the LLFA have sought clarification of a number of technical matters which the applicant has now addressed. Accordingly, it is considered that the development would be served by a suitable sustainable drainage system as required by policy D1 with the final technical and management details being secured by condition as recommended by the LLFA.

## **Planning Obligations**

### Affordable Housing

The provision of 40% affordable housing to meet the need identified by the HNA is necessary to meet the requirements of policy T2b and is therefore justified. The proposal for 23 affordable homes would comprise just over 40% and the affordable housing officer has confirmed that the proposal meets the need identified by the HNA.

### Open Space

Policy D34 sets standards for outdoor play space and requires the provision and subsequent management of on site equipped and informal open space. As such it is justified that the details of the provision and the management arrangements are secured within a s106 to ensure that policy D34 is complied with.

## LEMP

It is suggested that the LEMP requested by the ecologist is also secured through the S106 as it will largely be connected with the management of public open space and therefore to avoid duplication and possible contradiction it is best dealt with in one place. The provision of the LEMP is necessary and justified in light of the requirements of policy D20.

## Health Care

Policy S5 expects development to address its impact on infrastructure where there is evidence that the existing infrastructure would be incapable of meeting the additional need arising from the development. This is echoed by policy D28 with regard to healthcare provision.

It is anticipated that the majority of the new residents would register with the Quantock Medical Centre which is up to their capacity and would not be able to absorb the increased patients arising from the proposed development. The ICB states that the only way to mitigate the impact is to increase the physical capacity of the existing surgery. The ICB has calculated the space needed to mitigate the impact, in line with the "Health Contributions Technical Note" which was jointly prepared with NHS England and a contribution of £23,036 is sought based on the additional demand for GP services that would arise from the 35 open market dwellings. The assumption is that, with the affordable homes being intended for those with a local connection future occupiers are already likely to be registered with local medical centres.

Given this position it is considered that the request of the NHS for a contribution of £23,036 towards GP provision at the Quantock Medical Centre is reasonable and necessary to comply with policies D28 and S5.

## Highways

Travels plans, as required by policy D14, are agreed as a planning obligation to ensure that there are incentives and penalties that can only be delivered by way of a legal agreement. The proposal would maintain travel planning as requested by highways officers.

## Other Services

Whilst local concerns about impacts on fire and dental services are noted no concerns have been raised by the providers of those services.



## **Other Matters**

There are not considered to be any technical matters that could not be addressed by conditions as suggested by consultees. Conditions to ensure that any land contamination issues are addressed as suggested by environmental health officer are considered reasonable and necessary to ensure compliance with policies D24 and D25.

As the site is in flood zone 1 it is not considered that any risks of flooding that would arise however conditions as suggested by the LLFA to ensure that the detail and subsequent management of the drainage scheme to be agreed are considered reasonable and necessary to ensure that the development is adequately drained and does not give rise to an increased risk of flooding elsewhere. Such conditions are justified to ensure compliance with policy D1.

The concerns about possible light pollution is noted, however given the need to control external lighting very tightly to prevent adverse impacts on bats it is not considered that any undue light pollution would arise and no conflict with policy D24 is anticipated in this respect. Highways have noted that street lighting would be subject to technical approval.

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

- The loss of this modest area of grade 3 agricultural land is not considered objectionable given the benefits of the delivery of the proposed affordable homes.
- The applicant has confirmed that the site will include EV charging connections to every dwelling, photovoltaics and Air Source Heat Pumps to all properties
- Erroneous deliveries and the behaviour of delivery drivers are not planning matters;

## **Conclusion**

It is accepted that the proposal would bring significant benefits in terms of the delivery of affordable housing that would meet the need identified in the HNA. Against this is set the minor to moderate adverse visual effects arising in from the development of this undeveloped site and the increased harm to the setting of the listed buildings.

As noted there are no other harms in terms of highways safety, design, impact of residential amenity and it has been demonstrated that, subject to appropriate safeguarding conditions, the proposal would safeguard the special conservation status of protected species. In this respect conditions are suggested as recommended by consultees to ensure that the impacts of the development would be acceptably mitigated.

In the absence of any other harms it is considered that the minor to moderate adverse visual effects and the slightly increased harm to the setting of listed buildings would be outweighed by the significant benefits in terms of the delivery of affordable housing to meet the need identified in the HNA and as such the proposal is recommended for approval subject to the applicant entering into a s106 to secure the necessary planning obligations.

## **RECOMMENDATION**

### **GRANT PERMISSION**

Subject to:-

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

23 affordable housing units to address the need set out in the Nether Stowey Housing Needs Assessment to the satisfaction of the Service Manager (Development Management) in consultation with affordable housing officers

The provision of, equipment of and subsequent management of a LAP and a LEAP and incidental on site open space to the satisfaction of the Service Manager (Development Management) in consultation with open spaces officers

a management plan for the attenuation basins. which shall incorporate the recommendations of a risk assessment to be provided as part of the plan

A landscaping environment management plan (LEMP) to the satisfaction of the Service Manager (Development Management) in consultation with the ecologist

A contribution of £23,036 towards the expansion of GP services provision at the Quantock Medical Centre to meet the needs arising from this development to the satisfaction of the Service Manager (Development Management) in consultation with the NHS Somerset LPA Engagement team;

A travel plan to the satisfaction of the Service Manager (Development Management) in consultation with highways officers

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

B. the following conditions

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

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

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

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

3 **Materials**

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.
- d) details of all fencing to the attenuation basins

Once approved such details shall be implemented as part of the development.

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

- 4 The development hereby approved shall be implemented in strict accordance with the recommendations of the Shadow Habitat Regulations Assessment by Ethos Environmental Planning (Issue Final\_V5, 8<sup>th</sup> March 2024) and the HEP Calculations by Ethos Environmental Planning (November 2023)

Reason: To safeguard the 'Favourable Conservation Status' of populations of European protected species in accordance with policy D20 of the Sedgemoor Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 5 No external lighting shall be installed unless it is in accordance with the details set out in the NETHER STOWEY, PHASE 2 LIGHTING STRATEGY - Designs for Lighting (Fourth Issue, 05/03/2024) and shown on drawings:-

- a) Lighting Drawing Drg No. 3216-DFL-ELG-XX-LD-EO-13001-S3 (Revision P07 05/03/2024) and
- b) Horizontal Illuminance (lux) - Designs for Lighting (Revision P02, 05/03/2024: No: 3216-DFL-ELG-XX-LD-EO-13002).

Reason: To safeguard the 'Favourable Conservation Status' of populations of European protected species in accordance with policy D20 of the Sedgemoor Local Plan: Policy D20 - Biodiversity and Geodiversity.

6 No dwelling hereby approved shall be occupied until measures for the enhancement and protection of biodiversity have been installed in accordance with a Biodiversity Enhancement Plan (BEP) that has been submitted to and approved in writing by the Local Planning Authority. Such measures shall include:-

- Installation of ten integrated bird boxes suitable for species such as house sparrow, starling and swift. Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart.
- Installation of fifteen integrated bat boxes suitable for crevice-dwelling species such as pipistrelle bats and some Myotis species. These should be mounted at least high above ground on either the south or west facing elevations, and boxes aimed at different species should be spaced at least 2m apart.
- Installation of three bug hotels within the ecological buffers on the northern and western boundaries
- Installation of two hedgehog houses along the western boundary adjacent to the retained scattered scrub
- Installation/construction of 4x deadwood log refugia piles situated in the northern and western buffers as a shelter for reptiles, invertebrates, amphibians and small mammals.
- All new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs throughout the site.
- 10x buildings should include at least 1x integrated bee brick built into an appropriate external wall space. The bricks should be placed 1m above ground level and vegetation must not block the entrance holes. Please note, solitary bees are harmless and do not sting

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

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

## 7 **Landscaping**

Unless agreed otherwise in writing, the planting scheme set out on Drawing 3613\_TLP\_XX\_XX\_DR\_L\_10001 P14 Landscape Masterplan shall be fully implemented within 24 months of 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 their planting.

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

## 8 **Drainage**

No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

Reason: To ensure the development is properly drained in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

9 No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. This will include a formal maintenance plan for the pumped solution. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

## 10 Highways

No development on the elements listed below shall commence until the following information has been submitted to and agreed in writing by the Local Planning Authority:-

- estate roads
- footways
- tactile paving
- sewers
- retaining walls
- service routes
- vehicle overhang margins
- embankments
- visibility splays
- carriageway gradients
- drive gradients
- pedestrian and cycle routes and associated vehicular accesses and crossings
- street lighting and street furniture
- proposed levels
- highway drainage
- swept path analysis for a vehicle of 10.4m (3-axle) length
- central pedestrian reserves, bollards and lighting
- service corridors

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority and once approved the construction of the development shall be carried out in accordance with the agreed details prior to first occupation of each relevant phase.

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

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

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

## 12 **Construction Phase**

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to habitats and species.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

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

- 13 No development shall interfere with or compromise the use of footpath BW22/19 until a diversion order has been made and confirmed, and the

diverted route made available to the satisfaction of the Local Planning Authority.

Reason: In the interests of accessibility and in accordance with Policy D13 of the Local Plan.

- 14 No development shall take place, including any demolition works, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Such plan shall include details of:-
- 24 hour emergency contact number;
  - Hours of construction and deliveries;
  - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Routes for construction traffic;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud being carried onto the highway;
  - Measures to protect vulnerable road users (cyclists and pedestrians)
  - Any necessary temporary traffic management measures;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
  - Any importation of spoil and soil on site;
  - The removal /disposal of materials from site, including soil and vegetation;
  - The location and covering of stockpiles;
  - Control of fugitive dust from earthworks and construction activities; dust suppression measures;
  - Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works;
  - A waste disposal policy (to include no burning on site);
  - Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - Details of any site construction office, compound and ancillary facility buildings;



- Specified on-site parking for vehicles associated with the construction works

Once approved the construction of the development shall be constructed out in accordance with the agreed plan.

Reason: In the interests of highways safety and residential amenity and to prevent pollution in accordance with policies D14, D24 and D25 of the Sedgemoor Local Plan 2011-2032. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and residential amenity.

15 No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)'. The assessment and written submission shall include:

- a survey of the nature, extent and significance of any contamination;
- an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal and justification for the preferred option(s).

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

This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details

need to be agreed by submission of an assessment report before work commences.

- 16 Unless the findings of the investigation and risk assessment to be approved under condition 15 concludes that a remediation scheme is not required, no development shall commence (other than agreed works required to carry out investigations) until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and shall include details of:
- i. all works to be undertaken;
  - ii. proposed remediation objectives and remediation criteria;
  - iii. a timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures;
  - iv. where required, a monitoring and maintenance programme to monitor the long term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
  - v. where required, additional contingency measures designed to safeguard future users and receptors.

Once approved the development shall be implemented in accordance with the approved remediation scheme and approved timetable of works.

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

- 17 In the event that remediation is needed no dwelling hereby approved shall be occupied until a verification report has been submitted to and approved in writing by the Local Planning Authority. Such verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out in accordance with condition 16.

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

- 18 In the event that contamination which was not previously identified is found when carrying out the approved development all further development works shall immediately cease and details of the contamination shall be reported in writing immediately to the Local Planning Authority. Development shall not recommence unless it is in accordance with a remediation and verification scheme that has been submitted to and approved in writing by the Local Planning Authority in accordance with condition 15.

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

- 19 Prior to the commencement of development a written commitment to the sourcing of local labour shall be submitted to and approved in writing by the local planning authority. The written commitment, as a minimum, shall set out the following matters:
- i. The proportion of construction workers to be sourced from the local labour pool;
  - ii. Work experience/ apprenticeship opportunities;
  - iii. The proportion of local procurement and sourcing;
  - iv. On-going skills development and training opportunities;
  - v. The steps that will be taken to ensure that the above is implemented;

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

Reason: The condition is pre commencement to promote opportunities for the local population in accordance with policy D15 of the Sedgemoor Local Plan 2011-2032.

## **Schedule A**

### **Schedule A**

Location Plan Drg No. 0675-PH2-101 Rev. B

Aerial Location Plan Drg No. 0675-PH2-101-1 Rev. B

Planning Layout Drg No. 0675-PH2-102 Rev. E

Planning Layout Drg No. 0675-PH2-102 Rev. E (COL)

Topographical Survey Drg No. 0675-PH2-100

Street Scenes Drg No. 0675-PH2-103 Rev. E  
External Works Layout Drg No. 0675-PH2-104-1 Rev. E  
External Works Layout Drg No. 0675-PH2-104-2 Rev. E  
Vehicle Tracking Layout Drg No. 0675-PH2-105 Rev. D

External Detailing Drg No. 0675-PH2-106  
Materials Layout Drg No. 0675-PH2-108 Rev. E  
Garages, Carports, Bin and Cycle Store Drg No. 0675-PH2-109 Rev. A  
EVCP Drg No. 0675-PH2-110 Rev. E  
Refuse Strategy Drg No. 0675-PH2-111 Rev. E  
Fire Access Strategy Plan Drg No. 0675-PH2-112 Rev. D  
Affordable Housing Layout Drg No. 0675-PH2-116 Rev. A

Proposed Site Levels Sheet 1 Drg No. NSTWY2-C-100\_100 Rev. P4  
Proposed Site Levels Sheet 2 Drg No. NSTWY2-C-100\_101 Rev. P5  
Construction Stage SW Management Plan Drg No. NSTWY2-C-1900 Rev. P2  
Road & Sewer Long Sections Drg No. NSTWY2-C-200-010 Rev. P4  
Impermeable Area Plan Drg No. NSTWY2-C-300-030 Rev. P5  
Flood Exceedance Plan Drg No. NSTWY2-C-300-040 Rev. P5  
Drainage Strategy Plan Drg No. NSTWY2-C-300-1000 Rev. P5

Tree Protection Plan Drg No. 05944 TPP 24.01.24

Lighting Drawing Drg No. 3216-DFL-ELG-XX-LD-EO-13001 Rev. P07  
Light Spill Drg No. 3216-DFL-ELG-XX-LD-EO-13002 Rev. P02

Landscape Masterplan Drg No. 3613\_TLP\_XX\_XX\_DR\_L\_10001 Rev. P16

Development Considerations (Constraints) Plan Drg No. 0675-PH2-1000  
Opportunities & Concept Plan Drg No. 0675-PH2-1001

#### **0675-PH2-HTB-Issue 4 Housetype Booklet**

Housetype - Devoran Plans & Elevations Plots 13, 22 & 43 Drg No. 0675-600  
Housetype - Devoran Plans & Elevations Plots 55 & 56 Drg No. 0675-601  
Housetype - Helford Plans & Elevations Plots 18 & 29 Drg No. 0675-602  
Housetype - Helford Plans & Elevations Plots 23 & 52 Drg No. 0675-603  
Housetype - Camden Plans & Elevations Plots 17 Drg No. 0675-604  
Housetype - Camden Plans & Elevations Plots 47 Drg No. 0675-605  
Housetype - Camden Plans & Elevations Plots 11,19,25,38,39 & 41 Drg No. 0675-606  
Housetype - Knowle Elevations Plots 8,12,27,42,44 & 57 Drg No. 0675-607

Housetype - Knowle Elevations Plots 9,20,24,28,40,46 & 58 Drg No. 0675-608  
Housetype - Knowle Floorplans Plots 8,9,12,20,24,27,28,40,42,44,46,57 & 58 Drg No. 0675-609  
Housetype - Dartmouth Elevations Plots 10,16,21,26 & 45 Drg No. 0675-610  
Housetype - Dartmouth Plans Plots 10,12,16,21,26 & 45 Drg No. 0675-611  
Housetype - 1BM Elevations Plots 30-33 Drg No. 0675-612  
Housetype - 1BM Plans Plots 30-33 Drg No. 0675-613  
Housetype - 1BM Elevations Plots 34-37 Drg No. 0675-614  
Housetype - 1BM Plans Plots 34-37 Drg No. 0675-615  
Housetype - Block A South Elevation Plots 1-7 Drg No. 0675-616  
Housetype - Block A East Elevation Plots 1-7 Drg No. 0675-617  
Housetype - Block A North Elevation Plots 1-7 Drg No. 0675-618  
Housetype - Block A West Elevation Plots 1-7 Drg No. 0675-619 Rev. A  
Housetype - Block A Ground Floor Plan Plots 1-7 Drg No. 0675-620 Rev. B  
Housetype - Block A First Floor Plan Plots 1-7 Drg No. 0675-621 Rev. A  
Housetype - Block A Second Floor Plan Plots 1-7 Drg No. 0675-622 Rev. A  
Housetype - 3BH Plans & Elevations Plots 50,51,53&54 Drg No. 0675-623 Rev. A  
Housetype - 4BH Plans & Elevations Plots 14,15,48&49 Drg No. 0675-624 Rev. A

DECISION

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**Committee date** 14/05/2024

**Application No:** 06/23/00013

**Application Type:** Full Planning Permission

**Case Officer:** Amelia Elvé

**Registered Date:** 05/12/2023

**Expiry Date:** 29/01/2024

**Parish:** Brean

**Division:** Brent

**Proposal:** Demolition of existing amusement arcade and first floor flat and the erection of a new building comprising of amusement arcade at ground floor with six holiday lets and a single replacement flat at first floor alongside associated access, pavement and parking provision.

**Site Location:** Carefree Amusements, South Road, Brean, Burnham On Sea, Somerset, TA8 2RD

**Applicant:** J. Holland & Sons Ltd



## **Committee decision required because**

The application is referred to the Chair and Vice-Chair of Planning North as the view of the parish council is contrary to the officer's recommendation.

## **Background**

*Carefree Amusements* is an established arcade located to the west of a Class C road and to the south of an unclassified road. The existing building is served by a parking area to the front (east). A parade of shops is located to the north, with a detached building providing a shop also to the south. To the west and

south-west of the site there are residential properties. The existing building has an L-shaped form, is part single, part two storey and finished with a part flat, part pitched roof. The building also accommodates a flat at first floor.

The application seeks consent for the erection of a two storey building, on site of the existing, to provide an amusement arcade at ground floor, and six holiday units and a replacement flat at first floor. The building is proposed to be finished with brick at ground floor and aluminum panel cladding in blue shades.

### **Relevant History**

**06/76/00013** – Change of use of shop to betting office - **Granted**

**06/76/00049** – Conversion and extension of toilet block to form two holiday chalets -

**Granted 06/80/00002** – Change of use from supermarket to amusement arcade -

**Granted**

**06/80/00028** – Use of amusement arcade between the hours of 9am-12 midnight daily -

**Refused 06/81/00001** – Erection of store building - **Granted**

**06/81/00002** – Extension to existing shop - **Granted**

**06/81/00024** – Change of use from laundry and gift shop to an extension to existing amusement arcade -

**Granted**

**06/82/00030** – Change of use of bungalow to form additional shop area and extension to existing shop -

**Granted**

**06/83/00007** – Extension to existing amusement arcade - **Granted**

**06/90/00008** – Use of land as a site for a mobile store selling hot take-away food -

**Granted 06/90/00014** – Use of land as a site for a caravan to accommodate a manager - **Granted**

**06/90/00030** – Erection of first floor extension over existing shop to provide toilet, kitchen, staff area and store - **Granted**

**06/90/00031** – Sub-division of shop into two, extension to amusement arcade and replacement of existing garage at the rear by two storey building comprising garage, office and toilet with flat over -

**Granted 06/91/00018** – Continued use of land as a site for a mobile burger bar - **Refused**

**06/91/00025** – Use of permitted shops as “hot food takeaway” shop and revision of forecourt car parking area at part of premises - **Granted**

**06/19/00014** – Erection of single storey extension to east elevation and extension of pitched roof and flat roof over void area - **Granted**

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

Location Plan Drg No. PL4968/1A

Existing Block Plan Drg No.

PL4968/3A Proposed Block Plan Drg

No. PL4968/4B

Existing Site Survey Plan Drg No. PL4968/2

Existing Plans & Elevations Drg No.

PL4968/5 Proposed Floor Plans Drg No. **Page 144**

PL4968/6 Proposed Elevations Drg No.



## **Consultation Responses**

### **Brean Parish Council –**

#### **Object**

*Under delegated authority to the clerk, Brean Parish Council submits the following comments objecting to this planning application and asks that the planning authority refuse permission:*

- Increase in Traffic Congestion: The proposed development is likely to increase traffic in the area, exacerbating congestion issues. The narrow access point to Knoll Park and lack of sufficient infrastructure to accommodate increased vehicular movement pose a threat to road safety and accessibility.*
- Visual Dominance and Lack of Consistency with Street Scene: The scale and design of the proposed development are out of keeping with the existing street scene and architectural character of the neighbourhood. Its visual dominance would adversely affect the aesthetics of the area.*
- Insufficient Parking Provision: The proposed development fails to adequately address the parking demands it would generate. Insufficient parking facilities are likely to result in overspill onto already limited on-street parking spaces, causing inconvenience and congestion for residents and visitors alike.*
- Lack of Electric Vehicle (EV) Chargers: In an era where the transition to electric vehicles is paramount, the absence of provisions for EV charging infrastructure within the development is concerning. This overlooks the necessity to facilitate ecofriendly transport solutions and discourages the adoption of electric vehicles.*
- Overlooking and Privacy Concerns: The design of the proposed development may compromise the privacy of neighbouring properties at Ash House in Knoll Park due to overlooking issues. This could result in a loss of amenity for existing residents, impacting their quality of life.*

**Environmental Health** – Comment recommending conditions in respect of noise insulation, lighting scheme and CEMP and an informative to remind the applicant of the possible requirement to apply to amend the current premises licence.

**Highways** – No objection and recommendation of conditions in respect of the parking area, access, a CTMP and disposal of surface water.

**Ecology** – No objection and provision of an informative to remind the applicant of the legal protection afforded to certain species.

### **Representations**

6 letters of objection from 6 addresses, raising the following planning considerations:

- Inadequate parking provision that will have an impact on highways safety
- Visually out of keeping and an over dominant design.
- Increase in traffic generation by introduce holiday lets to the site
- Unacceptable access from the proposed car park that is in close proximity to the junction with South Road
- Noise generation from the proposed holiday lets and the impact on neighbouring residents.

### **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 6 – Building a strong, competitive economy

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

#### Sedgemoor Local Plan (2011 2032)

CO1: Countryside

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D17: Tourism

D20: Biodiversity & Geodiversity

D25: Protecting Residential  
Amenity

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

The application is for residential development in Brean where the Community Infrastructure Levy (CIL) is

£120 per sqm of additional gross internal floor area created. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

### **Main Issues**

#### Principle of Development

The application site is outside of any Settlement Boundary however is within the designated Brean Tourism Boundary as set out in policy D17. This policy of the Local Plan sets out that proposals for tourism related initiatives that improve the quality of the tourism offer, and are supported where they are appropriate to the size and role of the settlement.

The site currently accommodates an arcade, that was initially created in the 1980s, with a number of small extensions added during the intervening years. The proposal seeks to enhance the image of the arcade and will also introduce holiday accommodation that is considered to further diversify the offer at Brean.

In respect of the proposed residential unit of accommodation, as this seeks to replace the existing dwelling, it is considered that this is compliant with policy CO1.

It is therefore considered that the principle of the development is compliant with policies CO1 and D17 of the Local Plan.

### Visual Amenity

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.

The proposed building is set forward of the existing building, however it is still set back an adequate distance from the road to retain the wide pavement area that is characteristic of the street scene.

It is noted that the design of the proposed building is more contemporary than that is proposed, however given the mixed character of the street scene, it is not considered to be an unacceptable addition. In respect of the bricks to be used, to ensure that there is an acceptable choice, details will be secured by condition.

Overall, the size, scale and massing of the proposed building is considered to be proportionate and would not result in a detrimental impact on the visual amenity of the character of the site or the wider area, and would be an improvement from the existing building in respect of design. It is therefore considered that in this respect, the application is compliant with policy D2 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 proposal seeks to introduce first floor holiday accommodation, and there are residential

properties located to the west and south-west of the application site. It is considered that due to the distance of the proposed building in respect of the dwellings, that this would not result in an unacceptable level of overlooking.

The proposed building will be sited at a further distance than the existing building from the neighbouring dwellings and it is therefore not considered to result in unacceptable impacts in respect of overdominance or overshadowing.

In respect of amenities of future occupiers, the proposed holiday units do not meet National Space Standards, however as these are not to be permanent abodes, it is not considered to be unacceptable.

In respect of the proposed flat, this is compliant with National Space Standards and it is considered that all habitable rooms have access to adequate natural light levels. It is noted that no private external amenity space is provided, however this is the case for the existing flat that is to be replaced.

To protect residential amenity further, Environmental Health have recommended conditions to secure noise attenuation measures and a lighting scheme.

It is therefore considered that in this respect, the application complies 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 have reviewed the proposal and have raised no objection, providing conditions to ensure that the parking area access is of an acceptable standard along with securing a CTMP. In respect of the parking provision that is proposed, this is considered to be suitable for the holiday accommodation and dwelling, with visitors of the arcade typically arriving on foot from the other holiday accommodation sites in the vicinity. There are also a number of public car parks within walking distance of the site.

The Parish Council have raised a concern regarding lack of EV charging spaces, however the block plan has since been amended demonstrating that two of the spaces would have EV provision. Details of such matters would be addressed at Building Control stage.

It is therefore considered that in this respect, the application complies with policy D14 of the Local Plan.

### Ecology

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

The ecologist has reviewed the application and due to the high levels of lighting from the existing use and proximity to street lighting, it is considered that it is unlikely that bats are using the premises for roosting. An informative has been provided to remind the applicant of the legal protection afforded to certain species. As such, in this respect, the application is compliant with policy D20 of the Local Plan.

### 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, ecology, or highways safety. As such the proposal complies with policies CO1, D2, D14, D17, D20 and D25 of the Sedgemoor Local Plan 2011-2032.

## **RECOMMENDATION**

### **GRANT**

### **PERMISSION**

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

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

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

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

- 3 With the exception of ground works, no works to construct the development 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) bricks (including the provision of samples where appropriate) to be used for all external walls

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.

- 4 Prior to the first occupation of the development hereby approved, the acoustic design and sound attenuation measures as detailed in the submitted and hereby approved Environmental Noise Impact Assessment ref IMP7425-1 dated November 2023, shall be installed. Once installed the measures shall be retained and maintained thereafter in perpetuity.

Reason: In the interest of protecting residential amenity as in accordance with policy D25 of the Sedgemoor Local Plan 2011-2032.

- 5 Prior to the first use of the development hereby approved, a lighting scheme, specifying the provisions to be made for the level of illumination of the site and to control light pollution, has been submitted to and agreed in writing by the Local Planning Authority. 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 approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority via submission of a planning application.

Reason: To prevent excessive lighting and protect the residential amenity of occupiers in accordance with Policies D24 and D25 of the Sedgemoor Local Plan

- 6 No development shall commence, including site clearance, groundworks or construction, unless a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall, amongst other things, include:-

- a) Measures to regulate the on-site routing of construction traffic and details of routes for construction traffic;
- b) The importation of spoil and soil on site;
- c) The removal /disposal of materials from site, including soil and vegetation;
- d) The location and covering of stockpiles;
- e) Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
- f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;
- g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works;
- h) A waste disposal policy (to include no burning on site);
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Details of any site construction office, compound and ancillary facility buildings;
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number and a 24 hour emergency contact number
- M) Prevention of nuisance caused by radios, alarms, PA systems or raised voices
- n) Hours of operation
- o) Locations for unloading/loading and storage of plant, waste and construction materials
- p) Details of measures to protect vulnerable road users (cyclists and pedestrians)
- q) Any necessary temporary traffic management measures
- r) Arrangements for turning vehicles and to receive abnormal loads or unusually large vehicles
- s) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses

And shall confirm:

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

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

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

construction of the development.

Reason: A pre-commencement condition to ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with policies D14, D24 and D25 of the Sedgemoor Local Plan and Chapter 15 of the NPPF.

- 7 The areas allocated for vehicle and cycle parking as shown on the submitted and hereby approved "Proposed Block Plan Drg No. PL4968/4A" shall be kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

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

- 8 Prior to the first occupation of the development hereby approved, a 2m wide footway shall be constructed over the entire frontage of the site in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority.

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

- 9 There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge.

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

- 10 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway and shall be installed prior to development above DCP level and thereafter maintained in perpetuity.

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

- 11 The holiday accommodation hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main residence. The site operators and owners shall maintain an up to date register of the names of all guests, and evidence of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The proposal is located within the area designated as countryside in



CO1 of the Local Plan 2011-2032 where new residential development is strictly controlled and in accordance with Local Plan 2011-2032 Policy D17.

**Schedule A**

Location Plan Drg No. PL4968/1A

Existing Block Plan Drg No.

PL4968/3A Proposed Block Plan Drg

No. PL4968/4B

Existing Site Survey Plan Drg No. PL4968/2

Existing Plans & Elevations Drg No.

PL4968/5 Proposed Floor Plans Drg No.

PL4968/6 Proposed Elevations Drg No.

PL4968/7A Existing/Proposed Sections Drg

No. PL4968/8

**DECISION**

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**Committee date 14/05/2024**

**Application No:** 26/22/00003

**Application Type:** Full Planning Permission

**Case Officer:** Dean Titchener

**Registered Date:** 22/03/2022

**Expiry Date:** 16/05/2022

**Parish:** Edington

**Division:** West Polden

**Proposal:** Erection of 1no. dwelling with works to existing gardener's hut.

**Site Location:** The Walled Garden, Broadmead Lane, Edington, Bridgwater, Somerset

**Applicant:** Mr A Ulgut



## **Committee decision required because**

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

## **Background**

The application site is located in the village of Edington on land at the junction of Broadway and Broadmead Lane. The site comprises a grade II listed walled garden that was previously associated with the grade II\* Edington House (to the south) but which now is in separate ownership. The site is bounded by high stone walls and has a single pedestrian gate in the east boundary on to Broadmead Lane. The site is currently very overgrown.

Planning permission has been sought for a dwelling within the confines of the walled garden on a number of occasions. A number of these schemes have either been withdrawn or refused on the basis of the design of the dwellings resulting in unacceptable harm to significance and setting of the listed garden. Concern had also previously been expressed about the absence of dedicated parking provision and the absence of ecological surveying.

Following a significant period of discussions and negotiations with heritage consultees, an application of revised design has been submitted. The proposal is now for the erection of a single storey dwelling. It is to be positioned off the inside of the eastern boundary wall. It is to be a linear building comprising kitchen and living room with two bedrooms. It will have a mono pitch roof. The building is to be constructed of random rubble natural stone walling with lime mortar. The roof is to be zinc and windows and doors will be oak framed double glazed units with sliding doors or side hung casements. A wooden pergola is to be constructed immediately north of the dwelling.

A gardener's room (sometimes referred to as bothy) exists set into the west wall of the garden. It is proposed this will be internally and externally renovated to provide a small area of ancillary space.

Amendments have also been made to the proposed parking provision. Initially this was proposed as on-street parking on Broadmead Lane. A new vehicular access is now instead proposed on to the parcel of land immediately to the south of the walled garden with access from Broadway. This leads to a parking and turning area. A pedestrian access door is proposed to be inserted into the wall near the parking area.

A separate listed building consent application for the works has been submitted under application reference 26/22/00003.

### **Relevant History**

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
26/20/00003	DT	REF	Erection of dwelling with swimming pool and refurbishment of gardeners hut.
26/20/00002	DT	REF	Erection of dwelling with swimming pool and refurbishment of gardeners hut.
26/19/00002	CM	WDN	Erection of dwelling and swimming pool building including, new doorway to the opening in the south wall and formation of parking area. Refurbish gardeners hut.

26/19/00001	CM	WDN	Erection of dwelling and swimming pool building, new doorway to the opening in the south wall and formation of parking area. Refurbish gardeners hut.
26/09/00014	CJA	REF	Formation of access and demolition of part of walls to the walled garden
26/09/00013	CJA	REF	Erection of dwelling and formation of access
26/08/00004	KP	REF	Demolition of natural stone wall
26/08/00003	KP	REF	Erection of two dwellings and formation of access

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

Heritage Statement

Tree Survey

Viability Report

Construction Management Plan

### **Consultation Responses**

Edington Parish Council (when commenting on the original scheme with on-street parking) –

Objects:

*‘Edington Parish Council objects to these applications on the following grounds.*

1. *The historic walls surrounding the garden are Grade II listed and should be preserved intact. It should be noted that the top of the wall hides architrave which should be preserved on the listed wall. We fail to understand how the wall can be satisfactorily safeguarded during construction with both materials and machinery needed on site as there is no satisfactory access for this and demolition, even if only temporary, of the wall is strongly objected to as some aspects of its character could not be preserved.*
2. *There is no vehicular access to the site and the pedestrian access is via a gate in the wall bordering Broadmead Lane which is a busy road for its width and unsuitable for on road parking of cars let alone any larger vehicles. It should be noted that nowhere else in the village has on road parking as a part of the development and it is considered unsuitable at this point in Broadmead Lane.*
3. *The verges are also an important feature of the village. There are no surfaced footways and verges tend to be wide enough to facilitate walking. The wide verges are mentioned in the VDS and on road parking would effectively block this in Broadmead Lane.*

4. *With various plans showing the hut in three different places it is difficult to accept any reliability can be placed on the plans and these need to be carefully checked if planning permission is considered acceptable.*
  5. *There is strong concern regarding various protected species of wildlife, particularly bats and dormice and it is essential that full and specific ecological surveys are carried out by qualified people/organisations at the appropriate time of year when their presence or absence can be accurately ascertained.*
  6. *The wall and its surroundings are mentioned in the Edington Village Design Statement as an important part of the village. The VDS has been adopted by SDC as supplementary planning guidance.*
  7. *Edington House, historically associated with the walled garden, is a Grade II\* listed building and its surroundings need to be respected and maintained as far as possible.*
  8. *Another problem arising from on road parking would be the danger to traffic and pedestrians if this is allowed to take place. There is also a problem for vehicles turning to the right when exiting Broadmead Lane at the Broadway junction as visibility in that direction is extremely limited.*
  9. *As the current owners of the site have so far failed to make any attempt at upkeep of the wall it is felt that they would hardly be likely to properly and adequately restore it should permission for its temporary destruction be granted to allow building to take place.*
  10. *If permission is given we request that along with the full and satisfactory restoration of the wall that a detailed and satisfactory tree planting scheme be required.*
- For the above reasons Edington Parish Council earnestly desire that permission is refused and trust that any letters from knowledgeable villagers be taken seriously into consideration.'*

Edington Parish Council – additional comments:

*'Edington Parish Council has just met and asked me to request that the following be added to our comments on the above applications. Edington Parish Council requests that, if permission is given, some conditions be put on the proceedings: Should the wall sustain any damage, including being breached, this would need to be fully rectified before any further building work took place and any gap should not be used for access or egress and should be closed at once to prevent further damage; In addition to the applied for building works the whole length of the wall should be brought up to a proper state of restoration and repair and this should be enforced and perhaps carried out prior to the other works commencing to ensure it takes place.; Timing of building work should be restricted to sensibly acceptable hours particularly with regard to any machinery and road blocking; Some form of control over on road parking should take place, particularly as the road is quite narrow; Parking and time restraints should also be included covering cranes, lorries, cars, vans, skips, etc belonging to builders and subcontractors and suitable arrangements made to minimise inconvenience to road users and local residents; Given the lack of space between existing gates and entrances and the distance from the corner for vehicles entering and exiting Broadmead Lane all the foregoing could pose quite a hazard particularly for commercial, refuse*

*collection and emergency vehicles servicing the other properties. We ask that serious consideration is given to setting and applying suitable conditions in the event that permission is granted.'*

Edington Parish Council – Further comment:

*'Considerable work has been, and still is, going on at this site which is causing concern.*

*There is a worry that the ecology of the site is being damaged by this work.'*

Edington Parish Council (commenting on the amended scheme with on-site parking provision):

*'Full application and listed building application - erection of dwelling with works to existing gardener's hut at the Walled Garden, Broadmead Lane - an alert had been raised by a member of the public that an amendment had been received regarding parking. It is now proposed that vehicles park on Broadway just to the west of the junction with Broadmead Lane or that parking be at the South end of Broadmead Lane. This first option has previously been rejected on the grounds of safety as visibility exiting Broadmead Lane at this point is already extremely limited and therefore dangerous. Parking at the top end (South) of Broadmead Lane would also bring serious problems regarding highway safety linked to the restricted visibility and the plans shown do not clearly show this. If permission is considered we believe it is essential that a site visit is made so that the problems already experienced by motorists when exiting Broadmead Lane on to the Broadway can be experienced.'*

The Parish Council also subsequently provided a photos of visibility when emerging from Broadmead Lane which they requested be added to their above response.

South West Heritage Trust – No objection.

County Ecologist – As a mains connection is proposed to the foul sewer, a likely significant effect on the Ramsar site can be screened out. Following submission of ecological assessment, recommends conditions regarding licensing, lighting, controls over working practices, roosting provision, badger surveying, protection of hedgerows and trees, clearance, and submission and requirement to submit a scheme of biodiversity enhancements.

Historic England – Recognises that scheme has significantly reduced the scale and mass to create a more contextual response to the garden setting through the design. However, introduction of residential use will result in irreversible harm and Council need to be confident in their decision making that the scheme has been clearly and convincingly justified and that any harm is outweighed by the public benefits, including securing the optimal viable use.

Conservation Officer – Does not object and recommends conditions.

Somerset Highways (commenting originally on the scheme with on street parking) – Initially provided standing advice. Subsequently provided detailed comments to say that could not support proposals as submitted, due to absence of dedicated parking provision.

Somerset Highways (commenting on the amended scheme with dedicated parking area) – Highway authority can recommend approval subject to conditions regarding construction of the access, visibility splays, and cycle parking, submission of a construction management plan, and removal of permitted development rights re the construction of garages.

Environmental Health – No comment/observation.

Wessex Water – No objection and recommends imposition of foul drainage condition.

CPRE – Does not consider proposal complies with NPPF guidance on heritage matters. LPA must give considerable importance to harm when reaching its decision. Notes that Historic England letter concludes that residential use will result in irreversible harm.

### **Representations**

Responses from 19 individuals received, 3 commenting, 16 in objection (some have commented more than once as further consultation has taken place).

The following were received on the scheme proposing on street parking:

#### Comments:

- Concern about on street parking / highway safety implications
- Concern about inconsistencies in the submission
- Queries regarding dwelling roof height

#### Objections:

- On street parking has highway safety implications / may cause damage to infrastructure
- Lack of parking provision
- Broadmead Lane is narrow, unlit country lane with no pavements
- Road sometimes liable to flooding
- Previous developments on site refused – so should this be
- Smaller property will mean fewer vehicles but situation still unsatisfactory
- Parking may preclude access to property opposite
- Difficulty of gaining machinery access via pedestrian only gate and implications for listed wall
- Disruption during build period



- Danger to cyclists and dog walkers
- Lack of access by fire appliances
- Queries design elements
- Impacts on trees and wildlife
- Inaccuracies on plans
- Noise impact on neighbours
- Edington Parish is in SSSI, Brue Valley living landscape and Area of High Archaeological Potential is known Romano-British settlement
- Loss of property value
- Queries wording on site notice
- Whilst objecting hopes solution found as site is a visual disgrace
- Village Design Statement refers to importance of roadside verges
- Wall needs repointing and repair
- Neighbour has right of surface water drainage across site, requests condition these should not be interfered with
- Concern regarding ongoing works at site
- Resiting of dwelling to eastern wall is more acceptable (parking concerns remain)
- Historic well on site
- No detail over restoration of garden
- Application should be accompanied by Construction Method Statement
- Neighbour will not permit access for works

The following were received on the amended scheme with dedicated off-street parking:

Objection:

- Previous comments continue to stand
- Listed wall, which forms part of setting of grade II\* listed building, should be preserved and protected
- Proposal would cause substantial harm to significance of Edington House
- Access previously refused permission due to lack of visibility
- Adequate visibility cannot be achieved
- Speed survey should be undertaken to determine splay length
- Swept paths should be provided
- Should be refused if temporary or visitor parking occurs on Broadmead Lane
- Highway safety impacts when using proposed access
- In-combination effect with other nearby accesses
- Volume of traffic on Broadway can be considerable
- Vehicles exceed speed limit
- Turning within site would be difficult
- No historic entrance in wall in this location

- Height of dwelling exceeds wall
- Amenity impacts from proximity of Gardener's Hut to neighbouring property
- Queries amendments on plans
- Cars using access may damage neighbouring property
- Impacts of construction period

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Sedgemoor Local Plan (2011-2032)

T3a Tier 3 Settlements - Housing

D2 Promoting high quality and inclusive design

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D20 Biodiversity and geodiversity

D25 Protecting residential amenity

D26 Historic Environment

### Other

Edington Village Design Statement

## **Main Issues**

### Design and heritage impact

The application site falls within the settlement boundary for Edington, a tier 3 settlement as designated in the Local Plan. Policy T3a states housing proposals for redevelopment or infill within the boundary will be supported where it does not involve the loss of, or unacceptable harm to spaces or facilities (public or private) that contribute to the character and role of the settlement, that are appropriate to the scale, design and character of the settlement and do not unacceptably harm the character or amenity of any nearby property.

The application proposes the erection of a dwelling within a grade II listed walled garden. This garden has been in separate ownership for many years but historically was associated with the adjoining grade II\* Edington House. The proposal involves the erection of a dwelling to be positioned on the inside of the eastern wall of the site.

The proposal site is currently overgrown and aerial photography indicates it has not been actively managed as a formal garden for many years. No alternative uses other than for use as a dwelling

has come forward in that period and as such the use as a dwelling is the only concrete proposal to secure the use of the site in the near future.

Historic England had commented in detail on the earlier iterations of the design. They previously expressed reservation regarding the principle of subdivision of the historic house and garden, but set out more fundamental concerns about the footprint, form and design of the then proposed house. Previous designs put forward included a more ostentatious dwelling, more akin to a formal orangery in appearance and of much greater footprint. A subsequent design included a two storey dwelling located at the southern extent of the plot.

The current scheme has been subject to a number of iterations and amendments in response to discussions which have taken place over the last year with the Council's conservation officer. The proposed dwelling is a now more modest single storey building to be positioned alongside the eastern wall. It is to be linear structure with mono-pitch roof. Changes were secured such that the roof of the structure was not visible beyond the top of the listed wall surrounding the site. The conservation officer considers that its position alongside the boundary provides a means of limiting the footprint and extent of site coverage of the new dwelling. The conservation officer states that the new building has been sympathetically screened with the careful positioning of the pergola, which acts as a soft or green partition between the actual garden of Edington Manor and the subdivided walled garden.

Locally submitted views raise concern about the harm to the heritage asset that arise from the proposal. Detailed comments have been received expressing views that the harm arising has not been justified, and by some is considered to be substantial.

Historic England are of the view that the introduction of a new dwelling would erode the garden setting of Edington House and alter its relationship and the significance it derives from its surroundings. They state that it would adversely affect the significance of the asset. They state that the current scheme had taken steps to minimise the proposed harm in terms of scale, mass and design in order to reduce the impact on Edington House. They requested some minor changes to the roof (which have now been secured) but conclude that harm will still be caused. It is their view that the Council needs to consider whether the scheme has been justified and to weigh the harm against the public benefits, including whether the proposal forms the optimum viable use for the site.

In terms of identifying the optimum use, it is understood from third party submissions that the walled garden was separated off from Edington House in around 1991. Since that time planning applications were unsuccessfully submitted in 2008 / 2009 for residential development on the site, the submissions for which note that the wall then needed maintenance but the viability of a project with its use as garden was hard to achieve. The site changed hands again in 2017, going to auction

and selling for an understood £42,000 to the current owner and applicant. There has been no new use found for the garden and wall. The proposed works would provide a means for securing the future of the asset, by providing a viable use for the site which enables it to be maintained in support of its long term conservation. This would secure its optimum viable use and be considered a public benefit which could be weighed in the balance against any harm. Changes which have been made following ongoing discussions with Historic England and the conservation officer to address various areas of concern. Whilst some harm remains, it is considered to be less than substantial.

The conservation officer is of the view that the proposal has been improved to the extent that permission should now be granted. They have reviewed the submission and have requested conditions be imposed regarding window and door details, materials, details of boundary treatments, and protection of the listed fabric including walling, gate entrance and threshold bridge.

As such it is now considered that the harm resulting from the scheme has been minimised to an acceptable degree, and is outweighed by the benefits of securing its ongoing use and conservation. The proposal is now considered to be in accordance with policy D26.

#### Amenity impacts

Policy D25 states proposals which unacceptably impact on neighbouring residential amenity should not be supported.

The proposal delivers a single storey dwelling and as such any windows on the scheme are at ground floor level only. There are no overlooking impacts as a result. Any windows on the gardener's room/bothy face inwards towards the site and do not result in amenity impacts. The proposal is considered compliant with policy D25.

#### Highways

The scheme as originally submitted included no dedicated parking provision to serve the dwelling, instead seeking to rely on on street parking on Broadmead Lane down the east side of the site. The applicant had put forward a proposal to widen part of the carriageway on the adjoining Broadmead Lane so as to carve out greater space for the provision of two parking spaces (the requirement under the county's parking strategy). This option generated local objection, with issues of road width, vehicle passing, highway obstruction being raised. The Highway Authority also stated they would not support car free development in a rural location such as this.

In response to a request from the Highway Authority, the applicant has worked up an alternative parking and access option on the southern boundary of the site. This is an area outside and on the south side of the stone walls of the garden, being an area which is enclosed by fencing abutting the

public highway. The area is currently enclosed by timber fencing, and is heavily vegetated, such that the stone wall boundary is largely hidden.

It is proposed that a vehicular access and parking area will be formed within this parcel of land, with space for two vehicles and turning provision. A pedestrian door will be formed within the existing wall, providing access to the site for future occupants, to which the conservation officer does not raise any objection.

The Highways Authority has undertaken a site visit, having reviewed the proposals in detail. They note that visibility to the west is only 33m when measured from 2.4m back from the highway edge. However, they state that given the width, alignment and status of the road, and given the dwellings fronting, that the splay is acceptable for the location. They have also noted that the parking and turning provisions are of acceptable. They note that the proposals are a betterment to the scheme to park on Broadmead Lane.

Therefore, subject to conditions to secure provision of the access, its visibility and consolidation, and a Construction Management Plan, the proposal is considered acceptable in highway terms, and in compliance with policies D13 and D14.

#### Other Matters

The County Ecologist had commented upon the scheme and requested a preliminary ecological appraisal. This has been provided and made a number of recommendations which have been incorporated into conditions which are proposed to be attached to any permission.

The proposal also falls within the catchment for the Somerset Levels and Moors Ramsar site. The county ecologist has confirmed that no likely significant effect would arise given that the proposal will connect to foul mains which discharges outside the catchment. Therefore subject to a condition to secure the connection to the foul mains, the proposal is considered acceptable on ecological grounds.

#### Summary

The proposal would secure the long-term conservation of the site, which when weighed against the less than substantial harm to the heritage asset, tips the proposal in favour of granting permission. There are no other matters which cannot be addressed through appropriate conditions. Planning permission is recommended to be granted.

### **RECOMMENDATION**

#### **GRANT PERMISSION**

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

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

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

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

- 3 Works shall not in any circumstances commence unless the Local Planning Authority has been provided with either: a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre commencement condition is in the interests of the strict protection of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity.

- 4 Separate suitable roosting provisions for horseshoe bats and long eared bats will be provided in the design of the development, as recommended in the Bat Emergence and Activity Surveys (Quantock Ecology, 07/07/23). The Location of roost entrances and internal details will be set out in the design. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals. A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme prior to first occupation of the dwelling hereby approved and maintained for the exclusive use of bats thereafter.

Reason: A pre commencement condition 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.

- 5 All hedgerows and trees with potential to be impacted by works shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. The measures shall be maintained throughout the construction period.

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

- 6 Prior to any vegetative clearance or groundworks, any vegetation to be impacted in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as rubble, wood, or brush piles which potentially afford resting places for reptiles will be dismantled by hand by a competent ecologist in April or August to October.

Reason: In the interests of UK protected and priority species and in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity.

- 7 Works will not in any circumstances commence until:

a) Construction and demolition operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats.

b) An improved cavity bat box or similar, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter.

c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: This is a pre-commencement condition to ensure the strict protection of European protected species and in accordance with policy D20 of the Sedgemoor Local Plan 2011 2032.

8 No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;



- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

- 9 Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to Local Planning Authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required, a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity.

- 10 All foul water from the development hereby approved shall discharge via connection into the Wessex Water mains foul sewer. No other means of disposal of foul water shall be permitted.

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

- 11 The proposed access shall be constructed in accordance with details shown on the submitted and approved Block Plan Drg No. 22124/01 rev D, and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Notwithstanding the details on the submitted and approved plan, no approval is hereby given for the formation of parking spaces or culvert works on Broadmead Lane.

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

- 12 Prior to first occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the

edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition in perpetuity.

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

- 13 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided prior to first occupation of the development hereby permitted and shall thereafter be maintained in perpetuity.

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

- 14 A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The enhancements within the approved BEMP shall be carried out prior to the first occupation of the dwelling hereby approved and maintained thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework and in the interests of European and UK protected species and biodiversity generally and in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity.

- 15 Prior to installation of any external lighting, a lighting design for biodiversity, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority, prior to construction. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on potential bat commuting routes (hedgerows). All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no

circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modifications), there shall be no enlargement or extension of the dwelling hereby permitted, including any additions or alterations to the roof, or insertion of new or enlargement of existing window or door openings, or erection of any new building or means of enclosure, within the application site without the prior written approval of the local planning authority by submission of a planning application.

Reason: In the interests of preserving the character and appearance of the listed walled garden in accordance with Sedgemoor Local Plan 2011-2032 Policies D2 and D26.

### **Schedule A**

Location Plan Drg No. 01

Existing & Proposed Plans Drg No. 22124/01 Rev D

Existing & Proposed Gardener's Hut Plans Drg No. 22124/02

### **DECISION**

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**Committee date 14/05/2024**

**Application No:** 26/22/00005

**Application Type:** Listed Building Consent - alterations

**Case Officer:** Dean Titchener

**Registered Date:** 22/03/2022

**Expiry Date:** 16/05/2022

**Parish:** Edington

**Division:** West Polden

**Proposal:** Works to listed wall and gardener's hut required in connection with change of use of site to residential.

**Site Location:** The Walled Garden, Broadmead Lane, Edington, Bridgwater, Somerset

**Applicant:** Mr A Ulgut



## **Committee decision required because**

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

## **Background**

The application site is located in the village of Edington on land at the junction of Broadway and Broadmead Lane. The site comprises a grade II listed walled garden that was previously associated with the grade II\* Edington House (to the south) but which now is in separate ownership. The site is bounded by high stone walls and has a single pedestrian gate in the east boundary on to Broadmead Lane. The site is currently very overgrown.

Planning permission has been sought for a dwelling within the confines of the walled garden on a number of occasions. A number of these schemes have either been withdrawn or refused on the basis of the design of the dwellings resulting in unacceptable harm to significance and setting of the listed garden. Concern had also previously been expressed about the absence of dedicated parking provision and the absence of ecological surveying.

Following a significant period of discussions and negotiations with heritage consultees, an application of revised design has been submitted. The proposal is now for the erection of a single storey dwelling. It is to be positioned off the inside of the eastern boundary wall. It is to be a linear building comprising kitchen and living room with two bedrooms. It will have a mono pitch roof. The building is to be constructed of random rubble natural stone walling with lime mortar. The roof is to be zinc and windows and doors will be oak framed double glazed units with sliding doors or side hung casements. A wooden pergola is to be constructed immediately north of the dwelling.

A gardener's room (sometimes referred to as bothy) exists set into the west wall of the garden. It is proposed this will be internally and externally renovated to provide a small area of ancillary space.

Amendments have also been made to the proposed parking provision. Initially this was proposed as on-street parking on Broadmead Lane. A new vehicular access is now instead proposed on to the parcel of land immediately to the south of the walled garden with access from Broadway. This leads to a parking and turning area. A pedestrian access door is proposed to be inserted into the wall near the parking area.

A separate planning application for the proposal has been submitted under application reference 26/22/00003.

## **Relevant History**

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
26/20/00003	DT	REF	Erection of dwelling with swimming pool and refurbishment of gardeners hut.

26/20/00002	DT	REF	Erection of dwelling with swimming pool and refurbishment of gardeners hut.
26/19/00002	CM	WDN	Erection of dwelling and swimming pool building including, new doorway to the opening in the south wall and formation of parking area. Refurbish gardeners hut.
26/19/00001	CM	WDN	Erection of dwelling and swimming pool building, new doorway to the opening in the south wall and formation of parking area. Refurbish gardeners hut.
26/09/00014	CJA	REF	Formation of access and demolition of part of walls to the walled garden
26/09/00013	CJA	REF	Erection of dwelling and formation of access
26/08/00004	KP	REF	Demolition of natural stone wall
26/08/00003	KP	REF	Erection of two dwellings and formation of access

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

Heritage Statement

Tree Survey

Viability Report

Construction Management Plan

### **Consultation Responses**

Edington Parish Council – Objects:

*'Edington Parish Council objects to these applications on the following grounds.*

1. *The historic walls surrounding the garden are Grade II listed and should be preserved intact. It should be noted that the top of the wall hides architrave which should be preserved on the listed wall. We fail to understand how the wall can be satisfactorily safeguarded during construction with both materials and machinery needed on site as there is no satisfactory access for this and demolition, even if only temporary, of the wall is strongly objected to as some aspects of its character could not be preserved.*

2. *There is no vehicular access to the site and the pedestrian access is via a gate in the wall bordering Broadmead Lane which is a busy road for its width and unsuitable for on road parking of cars let alone any larger vehicles. It should be noted that nowhere else in the village has on road parking as a part of the development and it is considered unsuitable at this point in Broadmead Lane.*

3. *The verges are also an important feature of the village. There are no surfaced footways and verges tend to be wide enough to facilitate walking. The wide verges are mentioned in the VDS and on road parking would effectively block this in Broadmead Lane.*
  4. *With various plans showing the hut in three different places it is difficult to accept any reliability can be placed on the plans and these need to be carefully checked if planning permission is considered acceptable.*
  5. *There is strong concern regarding various protected species of wildlife, particularly bats and dormice and it is essential that full and specific ecological surveys are carried out by qualified people/organisations at the appropriate time of year when their presence or absence can be accurately ascertained.*
  6. *The wall and its surroundings are mentioned in the Edington Village Design Statement as an important part of the village. The VDS has been adopted by SDC as supplementary planning guidance.*
  7. *Edington House, historically associated with the walled garden, is a Grade II\* listed building and its surroundings need to be respected and maintained as far as possible.*
  8. *Another problem arising from on road parking would be the danger to traffic and pedestrians if this is allowed to take place. There is also a problem for vehicles turning to the right when exiting Broadmead Lane at the Broadway junction as visibility in that direction is extremely limited.*
  9. *As the current owners of the site have so far failed to make any attempt at upkeep of the wall it is felt that they would hardly be likely to properly and adequately restore it should permission for its temporary destruction be granted to allow building to take place.*
  10. *If permission is given we request that along with the full and satisfactory restoration of the wall that a detailed and satisfactory tree planting scheme be required.*
- For the above reasons Edington Parish Council earnestly desire that permission is refused and trust that any letters from knowledgeable villagers be taken seriously into consideration.'*

Edington Parish Council – additional comments:

*'Edington Parish Council has just met and asked me to request that the following be added to our comments on the above applications. Edington Parish Council requests that, if permission is given, some conditions be put on the proceedings: Should the wall sustain any damage, including being breached, this would need to be fully rectified before any further building work took place and any gap should not be used for access or egress and should be closed at once to prevent further damage; In addition to the applied for building works the whole length of the wall should be brought up to a proper state of restoration and repair and this should be enforced and perhaps carried out prior to the other works commencing to ensure it takes place.; Timing of building work should be restricted to sensibly acceptable hours particularly with regard to any machinery and road blocking; Some form of control over on road parking should take place, particularly as the road is quite narrow; Parking and time restraints should also be included covering cranes, lorries, cars, vans, skips, etc belonging to builders and subcontractors and suitable arrangements made to*



*minimise inconvenience to road users and local residents; Given the lack of space between existing gates and entrances and the distance from the corner for vehicles entering and exiting Broadmead Lane all the foregoing could pose quite a hazard particularly for commercial, refuse collection and emergency vehicles servicing the other properties. We ask that serious consideration is given to setting and applying suitable conditions in the event that permission is granted.'*

Edington Parish Council – Further comment:

*'Considerable work has been, and still is, going on at this site which is causing concern.*

*There is a worry that the ecology of the site is being damaged by this work.'*

Historic England – Recognises that scheme has significantly reduced the scale and mass to create a more contextual response to the garden setting through the design. However, introduction of residential use will result in irreversible harm and Council need to be confident in their decision making that the scheme has been clearly and convincingly justified and that any harm is outweighed by the public benefits, including securing the optimal viable use.

Conservation Officer – Does not object and recommends conditions.

CPRE – Does not consider proposal complies with NPPF guidance on heritage matters. LPA must give considerable importance to harm when reaching its decision. Notes that Historic England letter concludes that residential use will result in irreversible harm.

## **Representations**

7 received, 1 commenting, 6 in objection.

Comments:

- Wall and setting or important part of character of the village
- Development would be harmful to setting
- Concern about on street parking / highway safety implications
- Wildlife implications
- Concern about inconsistencies in the submission

Objections:

- On street parking has highway safety implications / may cause damage to infrastructure
- Impacts on trees and wildlife
- Edington Parish is in SSSI, Brue Valley living landscape and Area of High Archaeological Potential is known Romano-British settlement
- Loss of property value

- Resiting of dwelling to eastern wall is more acceptable (parking concerns remain)
- Historic well on site
- No detail over restoration of garden
- Application should be accompanied by Construction Method Statement
- Neighbour will not permit access for works

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Listed Buildings and Conservation Areas Act 1990

### Other

Edington Village Design Statement

## **Main Issues**

### Design and heritage impact

The application site falls within the settlement boundary for Edington, a tier 3 settlement as designated in the Local Plan. Policy T3a states housing proposals for redevelopment or infill within the boundary will be supported where it does not involve the loss of, or unacceptable harm to spaces or facilities (public or private) that contribute to the character and role of the settlement, that are appropriate to the scale, design and character of the settlement and do not unacceptably harm the character or amenity of any nearby property.

The application proposes the erection of a dwelling within a grade II listed walled garden. This garden has been in separate ownership for many years but historically was associated with the adjoining grade II\* Edington House. The proposal involves the erection of a dwelling to be positioned on the inside of the eastern wall of the site.

The proposal site is currently overgrown and aerial photography indicates it has not been actively managed as a formal garden for many years. No alternative uses other than for use as a dwelling has come forward in that period and as such the use as a dwelling is the only concrete proposal to secure the use of the site in the near future.

Historic England had commented in detail on the earlier iterations of the design. They previously expressed reservation regarding the principle of subdivision of the historic house and garden, but set out more fundamental concerns about the footprint, form and design of the then proposed house. Previous designs put forward included a more ostentatious dwelling, more akin to a formal

orangery in appearance and of much greater footprint. A subsequent design included a two storey dwelling located at the southern extent of the plot.

The current scheme has been subject to a number of iterations and amendments in response to discussions which have taken place over the last year with the Council's conservation officer. The proposed dwelling is a now more modest single storey building to be positioned alongside the eastern wall. It is to be linear structure with mono-pitch roof. Changes were secured such that the roof of the structure was not visible beyond the top of the listed wall surrounding the site. The conservation officer considers that its position alongside the boundary provides a means of limiting the footprint and extent of site coverage of the new dwelling. The conservation officer states that the new building has been sympathetically screened with the careful positioning of the pergola, which acts as a soft or green partition between the actual garden of Edington Manor and the subdivided walled garden.

Locally submitted views raise concern about the harm to the heritage asset that arise from the proposal. Detailed comments have been received expressing views that the harm arising has not been justified, and by some is considered to be substantial.

Historic England are of the view that the introduction of a new dwelling would erode the garden setting of Edington House and alter its relationship and the significance it derives from its surroundings. They state that it would adversely affect the significance of the asset. They state that the current scheme had taken steps to minimise the proposed harm in terms of scale, mass and design in order to reduce the impact on Edington House. They requested some minor changes to the roof (which have now been secured) but conclude that harm will still be caused. It is their view that the Council needs to consider whether the scheme has been justified and to weigh the harm against the public benefits, including whether the proposal forms the optimum viable use for the site.

In terms of identifying the optimum use, it is understood from third party submissions that the walled garden was separated off from Edington House in around 1991. Since that time planning applications were unsuccessfully submitted in 2008 / 2009 for residential development on the site, the submissions for which note that the wall then needed maintenance but the viability of a project with its use as garden was hard to achieve. The site changed hands again in 2017, going to auction and selling for an understood £42,000 to the current owner and applicant. There has been no new use found for the garden and wall. The proposed works would provide a means for securing the future of the asset, by providing a viable use for the site which enables it to be maintained in support of its long term conservation. This would secure its optimum viable use and be considered a public benefit which could be weighed in the balance against any harm. Changes which have been made following ongoing discussions with Historic England and the conservation officer to

address various areas of concern. Whilst some harm remains, it is considered to be less than substantial.

The conservation officer is of the view that the proposal has been improved to the extent that permission should now be granted. They have reviewed the submission and have requested conditions be imposed regarding window and door details, materials, details of boundary treatments, and protection of the listed fabric including walling, gate entrance and threshold bridge.

As such it is now considered that the harm resulting from the scheme has been minimised to an acceptable degree, and is outweighed by the benefits of securing its ongoing use and conservation. The proposal is now considered to be in accordance with policy D26.

### Summary

The proposal would secure the long-term conservation of the site, which when weighed against the less than substantial harm to the heritage asset, tips the proposal in favour of granting permission. There are no other matters which cannot be addressed through appropriate conditions. Listed building consent is recommended to be granted.

## **RECOMMENDATION**

### **GRANT LISTED BUILDING CONSENT**

- 1 The development hereby permitted shall be begun not later than expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 18 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

- 3 Before development commences, full details and specifications of all new boundary treatments (including any alterations to existing boundary treatments) shall be submitted to and agreed in writing by the Local Planning Authority. The information submitted shall include details of all

wall/gate/fence materials, designs, brick sample(s), coping sample(s), brick bond(s) and finishes. The completed boundary treatments shall only be in accordance with the agreed details.

Reason: This is a pre-commencement condition to ensure the completed boundary treatments help to preserve the character and appearance of the nearby listed building.

- 4 No works shall be carried out on the site until details of the protection of the listed fabric that includes walling, gate entrance and threshold bridge have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed protection measures.

Reason: This is a pre-commencement condition to preserve the special architectural and historic interest of the listed building.

- 5 Before any bricks or stones are laid or roof is installed, samples or detailed specifications of all external materials to be used on the works hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the listed building.

- 6 Before the windows and doors hereby approved are installed (inclusive of the proposed pedestrian door in the southern wall), details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed window and door details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

**Schedule A**

Location Plan Drg No. 01

Existing & Proposed Plans Drg No. 22124/01 Rev D

Existing & Proposed Gardener's Hut Plans Drg No. 22124/02

**DECISION**

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**PLANNING APPEALS RECEIVED**

Between **01/03/2024** and **30/04/2024**

# Agenda Item 12

**Application No:** 01/23/00026

**Proposal:** Erection of two storey extension to North Elevation and garage.

**Appeal Received:** 09-Apr-2024

**Appeal Procedure:** Written Representations

**Location:** 13 Chapel Hill, Ashcott, Bridgwater, Somerset, TA7 9PY

**Final decision level:** Delegated

**Applicant:** Mrs J Chidgey

~~**Application No:** 08/23/00372~~

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**Proposal:** Erection of D-Poster slimline digital advertising display.

**Appeal Received:** 13-Mar-2024

**Appeal Procedure:**

**Location:** MERCURE BRIDGWATER HOTEL, 56-66 Eastover, Bridgwater, Somerset, TA6 5AR

**Final decision level:** Delegated

**Applicant:** Wildstone Group Limited

~~**Application No:** 19/23/00014~~

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**Proposal:** Erection of 1no. dwelling.

**Appeal Received:** 24-Apr-2024

**Appeal Procedure:**

**Location:** 92 Broadway, Chilton Polden, Bridgwater, Somerset, TA7 9EQ

**Final decision level:** Delegated

**Applicant:** Mr and Mrs Oram

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## **PLANNING APPEALS RECEIVED**

Between **01/03/2024** and **30/04/2024**

**Application No:** 45/23/00023

**Proposal:** Installation of 4 dormer windows.

**Appeal Received:** 17-Apr-2024

**Appeal Procedure:**

**Location:** Guards Hill Barn, Merridge Hill, Spaxton, Bridgwater, Somerset, TA5

**Final decision level:** Delegated

**Applicant:** Mr S Franks

**No. of Appeals received:** 4

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**PLANNING APPEALS DECIDED**

Between **01/03/2024** and **30/04/2024**

**Application No:** 08/22/00226

**Delegated or Committee:** Delegated

**Proposal:** Retrospective application for the replacement boundary wall to the South elevation in the rear garden.

**Committee date (if applicable):**

**Officers recommendation:** Refuse Planning Permission

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

**Location:** 1 Northfield, Bridgwater, Somerset, TA6 7EZ

**Applicant:** Mr S Henderson

**Appeal Procedure:** Written Representations

**Appeal decision date:** 03-Apr-2024

**Appeal decision:** Appeal Dismissed

**Application No:** 13/22/00027

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**Delegated or Committee:** Delegated

**Proposal:** Application to determine if prior approval is required for the siting of otherwise permitted excavation works within the agricultural unit.

**Committee date (if applicable):**

**Officers recommendation:** Refuse Planning Permission

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

**Location:** Cannington Enterprises Ltd, Cannington, Bridgwater, TA5 2NJ

**Applicant:** Cannington Enterprises Ltd

**Appeal Procedure:** Written Representations

**Appeal decision date:** 07-Mar-2024

**Appeal decision:** Appeal Dismissed

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**PLANNING APPEALS DECIDED**

Between **01/03/2024** and **30/04/2024**

**Application No:** 46/23/00002

**Delegated or Committee:** Delegated

**Proposal:** Retention of caravan as a rural workers dwelling.

**Committee date (if applicable):**

**Officers recommendation:** Refuse Planning Permission

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

**Location:** Stable Block And Horse Riding Arena, Wood Lane, Stawell, Bridgwater, Somerset, TA7 9AB

**Applicant:** Ms Easter

**Appeal Procedure:** Informal Hearing

**Appeal decision date:** 04-Mar-2024

**Appeal decision:** Appeal Allowed

**Application No:** 51/22/00035

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**Delegated or Committee:** Committee

**Proposal:** Change of use of agricultural land to dog training, including the erection of training shed, equipment store, fencing, parking provisions and landscaping.

**Committee date (if applicable):** 09-May-2023

**Officers recommendation:** Recommend to Grant Permission

**Committee or Officers decision (if delegated):** Granted Permission

**Location:** Land to the North West of, Waldrons Lane, Wembdon, Bridgwater

**Applicant:** Mr M Watkins

**Appeal Procedure:** Written Representations

**Appeal decision date:** 15-Apr-2024

**Appeal decision:** Appeal Allowed

**No. of Appeals Decided:** 4

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