

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - NORTH

Tuesday, 10 December 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 Hilary Bruce
Councillor Bob Filmer
Councillor Pauline Ham
Councillor Mike Murphy
Councillor Brian Smedley

Councillor Alan Bradford
Councillor Ben Ferguson
Councillor Tony Grimes
Councillor Alistair Hendry
Councillor Gill Slocombe

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services – see contact details below.

Requests to speak at the meeting about a planning application must be made to the Democratic Services Team no later than **5pm on Thursday, 5 December 2024** by email to democraticservicesnorth@somerset.gov.uk. Further information on the public speaking arrangements at Planning Committee is provided in the Public Guidance Notes near the front of this agenda pack.

The meeting will be recorded and then uploaded to YouTube following the meeting.

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.

Issued by Alyn Jones (the Proper Officer) on Monday, 2 December 2024.

AGENDA

Planning Committee - North - 2.00 pm Tuesday, 10 December 2024

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

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 9 - 10)

Click here to join the online meeting (Pages 11 - 12)

Click here to join the online meeting.

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 13 - 18)

To approve the minutes from the previous meeting.

3 Declarations of Interest

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

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

4 Public Question Time

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

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

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

Requests to speak at the meeting under Public Question Time must be made to democraticservicesnorth@somerset.gov.uk by 5pm on the Wednesday prior to the meeting. For those wishing to speak on an application, requests must be made by 5pm on the Thursday prior to the meeting.

5 Planning Application 01/24/00022 10A Chapel Hill, Ashcott, Bridgwater, Somerset, TA7 9PY (Pages 19 - 26)

Erection of a single storey extension and installation of dormer to East elevation.

6 Planning Application 37/24/00020 Land to the South of, Bisgood Cottages, Somerset Bridge, Bridgwater, TA6 (Pages 27 - 42)

Erection of 1no. dwelling, including access arrangements, landscaping and associated works.

7 Planning Application 37/24/00029 Land to the East of, Bisgood Cottages, Somerset Bridge, Bridgwater, TA6 (Pages 43 - 58)

Erection of 1no. dwelling including access arrangements, landscaping and associated works.

8 Appeal Reports (Pages 59 - 60)

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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, 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) Page 7 Agenda Annex
- 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 5pm on the Thursday (two clear working days) before the Committee meeting by email to democraticservicesnorth@somerset.gov.uk 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 Chair will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you can only present documents to the Committee Members at the meeting if they are submitted to Democratic Services (using the email address above) by 5pm on the Thursday before the Committee 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 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 by registering to speak by 5pm on the Thursday before the Committee meeting. 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 Legal Advisor 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 Legal Advisor 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.

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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,(SHSHS), 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) anybody 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) anybody 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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Minutes of a Meeting of the Planning Committee - North held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Tuesday, 12 November 2024 at 2.00 pm

Present:

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

Cllr Brian Bolt	Cllr Hilary Bruce
Cllr Ben Ferguson	Cllr Bob Filmer
Cllr Tony Grimes	Cllr Pauline Ham
Cllr Alistair Hendry	Cllr Mike Murphy
Cllr Brian Smedley	

16 Apologies for Absence - Agenda Item 1
9

Apologies were received from Councillor Alan Bradford who was substituted by Councillor Lance Duddridge.

Councillor Gill Slocombe.

17 Minutes from the Previous Meeting - Agenda Item 2
0

It was resolved that the minutes of the Planning Committee – North held on 8 October 2024, being proposed by Councillor Matthew Martin and seconded by Councillor Pauline Ham, to be a true record of the meeting.

17 Declarations of Interest - Agenda Item 3
1

The following Councillors declared an interest in applications on the agenda.

Councillor Bob Filmer declared an Other Registrable Interest as he was a member of the Somerset Drainage Board. However, had not been involved in those discussions.

Councillor Filmer also declared an Other Registrable Interest in Planning Application 15/24/00010 Tavener Court, Front Street, Stone Allerton, Axbridge, Somerset, BS26 2NN as he was a Councillor for Stone Allerton and was present at the Parish Council meeting but took no part in the discussions on that application.

Councillor Tony Grimes declared an Other Registrable Interest in Planning Application 15/24/00010 Tavener Court, Front Street, Stone Allerton, Axbridge, Somerset, BS26 2NN as it was in his division. However, he had taken no part in any discussions.

Councillor Alistair Hendry declared an Other Registrable Interest as he was a member of the Axe Brue Drainage Board.

Councillor Ben Ferguson declared an Other Registrable Interest in Planning Application 17/24/00044 Land North of Axbridge Road, Cheddar, Somerset, BS26 2DP as it was in his division. However, he had taken no part in any discussions.

Councillor Pauline Ham declared an Other Registrable Interest in Planning Application 17/24/00044 Land North of Axbridge Road, Cheddar, Somerset, BS26 2DP as it was in her division. However, she had taken part in some of the discussions and came to the meeting undetermined.

Councillor Brian Smedley declared an Other Registrable Interest in Planning Application 08/23/00379 23 Friam Street, Bridgwater, Somerset, TA6 3LH as he was a Ward Member for Bridgwater Town Council. However, he had taken no part in the application at all but had noted an objection.

Councillor Kathy Pearce declared an Other Registrable Interest in Planning Application 08/23/00379 23 Friam Street, Bridgwater, Somerset, TA6 3LH as she was a Ward Member for Bridgwater Town Council and was registered to speak against the application. She would step down from the Committee for that item and undertook to leave the room after she had spoken.

Councillor Lance Duddridge declared an Other Registrable Interest as a member of the Parrett Drainage Broad.

Councillor Matthew Martin Declared a Non-Registrable Interest in Planning Application 50/23/00069 Chapel Farm, Blakeway, Wedmore, Somerset, BS28 4UE as he had received communication about it as division member. However, he confirmed that he attended this meeting with an open mind and would make a decision after listening to the discussion.

17 Public Question Time - Agenda Item 4

2

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

17 Planning Application 17/24/00044 Land North of Axbridge Road, Cheddar, Somerset, BS26 2DP - Agenda Item 5

3

The Committee were presented with the application with the aid of a PowerPoint presentation. The Planning Officer updated the Committee explaining that the application was for the variation of conditions (to amend the approved plans - condition 3 and the approved wording of conditions 4, 6, 7, 8, 9, 12, 12, 13,14, 15, 16, 18, 19, 20, 24, 27, 31, 32 and 34) of outline planning permission with some matters reserved (17/18/00073), for the demolition of existing buildings and erection of a mixed-use scheme comprising up to 100 residential units (Class C3), up to 60 bedspaces care/retirement facility (Class C2), up to 12 bedspaces extra care facility (Class C2), up to 250sqm nursery use (Class E(f)), up to 750sqm business use (Class E (g)) and up to 5 live/work units (Class C3/E (g)), with ancillary works including landscaping, access, parking and circulation space (Section 73).

The Planning Officer advised that the Parish Council had objected to the application. The recommendation incorporated the endorsement of the shadow Habitat Regulations Assessment (HRA) for the site. The Planning Officer's presentation covered some corrections to the text of the published report and also corrections to conditions 7, 8 and 18.

The Planning Officer further confirmed that the proposals were compliant with the relevant Local Plan and Cheddar Neighbourhood Plan policies.

After discussions that followed Councillor Bob Filmer proposed to grant outline planning permission with conditions as discussed subject to a Deed of Variation to the approved Outline Planning Permission. This was seconded by Councillor Alistair Hendry.

Resolved:

To grant outline planning permission subject to the conditions detailed in the Officer's Report, the corrected wording of conditions 7,8 and 18, and also subject to a s106 Agreement,

(Unanimous)

17 Planning Application 50/23/00069 Chapel Farm, Blakeway, Wedmore,
4 Somerset, BS28 4UE - Agenda Item 6

The Committee were presented with the application with the aid of a PowerPoint presentation. The Planning Officer updated the Committee explaining that the application was for the erection of an agricultural building to be used for the storage of agricultural equipment, equipment, machinery, materials, produce & fodder only (part retrospective).

After discussions surrounding the proximity of the neighbour and the additional landscaping around the edge of the building, Councillor Kathy Pearce proposed to grant planning permission subject to the conditions detailed within the Officer's report, which was duly seconded by Councillor Brian Bolt.

Resolved:

To grant permission subject to conditions detailed within the Officer's Report.

(For: 11. Abstain: 1)

17 Planning Application 08/23/00379 23 Friam Street, Bridgwater, Somerset, TA6
5 3LH - Agenda Item 7

The Committee were presented with the application with the aid of a PowerPoint presentation. The Planning Officer updated the Committee explaining that the application was for the erection of a three storey, 30No. bedroom House in Multiple Occupation (HMO) and associated works. The Planning Officer also informed that Condition 12 required amendment, so as to remove reference to the previous

drainage scheme.

Councillor Kathy Pearce spoke in objection to the application. She highlighted:

- Friarn street was a densely built one way street
- Residents living in the street have said that the street was already under parking pressure.
- That members needed to note the objections from the Environment Agency and Conservation Officers detailed in the report.
- That members be reminded that Avalon nursing home sat directly to the south and was in close proximity to the proposed development and that the heritage officer stated in his report that there would be significant harm due to the loss of setting within this site.

After further discussion and deliberations surround the setting within the site, flooding and the parking permit policy, Councillor Brian Smedley proposed to refuse planning permission based on the traffic generation D14 policy and the historic environment D26 policy. This was seconded by Councillor Lance Duddridge.

(For: 3. Against: 7. Abstain:1)

After consideration that there was no highways objection, the extant permission at the site, and the location of the site in flood zone 1 Councillor Alistair Hendry proposed to grant permission subjected to condition 12 being amended and additional condition 15 regarding the required travel plan to be added, which was duly seconded by Councillor Bob Filmer.

Resolved:

To grant permission subject to conditions detailed within the Officer's Report and condition 12 being amended as well as a new condition 15 to be included regarding the travel plan, and also an advice note regarding the Permit Zone.

(For: 7. Against: 3. Abstain:1)

17 **Planning Application 15/24/00010 Tavener Court, Front Street, Stone Allerton,**
6 **Axbridge, Somerset, BS26 2NN - Agenda Item 8**

The Committee were presented with the application with the aid of a PowerPoint presentation. The Planning Officer updated the Committee explaining that the application was for the variation of Conditions 2, 9, 12, 14 and 16 of Planning Permission Application No. 15/20/00019 (Erection of a dwelling and garage) to retrospectively amend the approved drawings and to provide additional information.

The Planning Officer further highlighted the various conditions which were to be varied, such as the driveway was going to be tarmacked with scalping on the remainder of the parking area, amendments to the design of the approved garage, approval of the installed surface water drainage and confirmation of the installment of biodiversity enhancement features.

Raheel Mahmood, agent for the application then spoke and asked Members to approve the application.

He highlighted:

- That they were working with the case officer on the varied conditions to bring the application to the point where it could be approved.
- They had reached a compromise regarding the driveway emergency scheme and changed the finishing material as stated in the Planning Officer’s report.
- The wall was rendered with unused stone from the demolished building to match the main house and blend in with the character of the area.
- The garage wall was put back which created more turning space for cars.
- They had complied with the Policy D2 and D26 of the local plan.
- They submitted technical notes from an engineer to explain how to install drainage works in order to improve the drainage.
- They had adhered to the ecological enhancement requirements.

After a debate surrounding the issues, and recognition that the breaches that occurred at the site were unfortunate (which this application would regularise), Councillor Alistair Hendry proposed to grant permission subject to the conditions detailed within the Officer’s report. This was duly seconded by Councillor Brian Bolt.

Resolved:

To grant permission subject to the conditions detailed within the Officer’s report.

(Unanimous)

17 **Appeal Reports** - Agenda Item 9
7

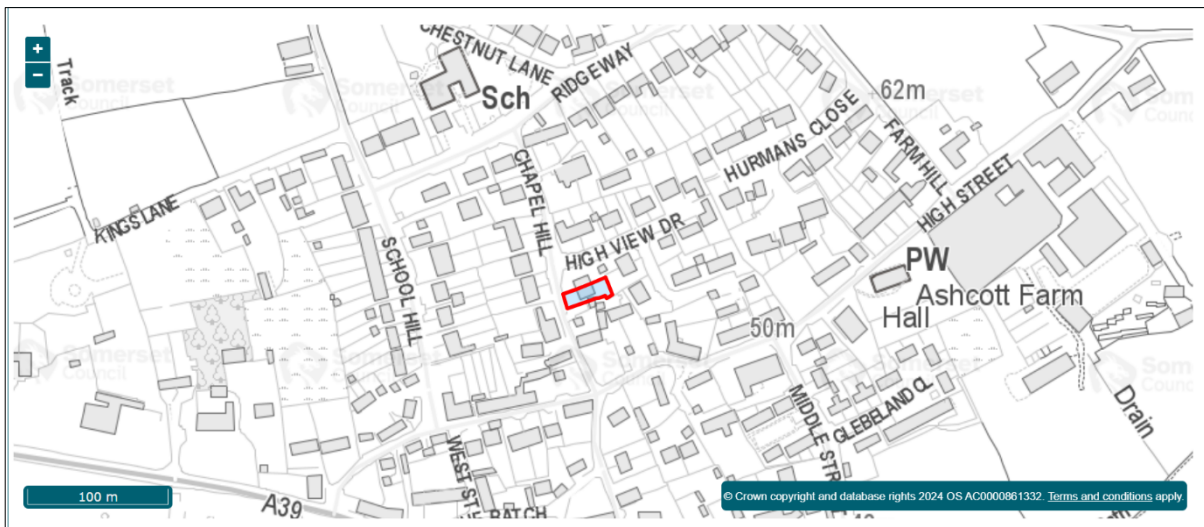
The Committee noted the reports as detailed within the agenda for the Appeals Received and Appeal Decisions for October 2024.

(The meeting ended: 15:42)

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CHAIR

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Application Details	
Application Reference Number:	01/24/00022
Application Types:	FUL
Extension of Time:	17/12/2024- Proposed
Description:	Erection of a single storey extension and installation of dormer to East elevation.
Site Address:	10A Chapel Hill, Ashcott, Bridgwater, Somerset, TA7 9PY
Parish:	Ashcott
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment area:	N/A
National Landscape:	N/A
Case Officer:	Jordan Morris
Agent:	Partner Studios
Applicant:	Mr Gilder
Reason for reporting application to Members:	Officer recommendation contrary to Parish Council and has been referred to committee following Chair/Vice chair referral due to the potential of over development in a congested area



1. Recommendation

1.1 To Grant Permission

2. Executive Summary of key reasons for recommendation

- 2.1 The proposal is of an acceptable design and appearance that would have no adverse impact on the character of the building or the locality, residential amenity or highway safety.

3. Planning Obligations, conditions and informatives

3.1 Obligations

3.1.1 N/A

3.2 Conditions

- 1) Time Condition – 3 years
- 2) Plan condition

3.3 Informatives

- 1) Statement of positive working

4. Proposed development, Site and Surroundings

Details of proposal

4.1 The proposal is for the erection of a single storey extension and installation of dormer to East (rear) elevation. The proposed rear extension will be approximately 3.5m off the rear elevation and will be constructed of Vandersanden Quartis grey brick. The proposed dormer will project approximately 4.5m off the same elevation and will have an external finish of Grey C05 wood effect cladding.

Site and surroundings

- 4.2 The dwelling is accessed off High Street and is situated on Chapel Hill. The dwelling is a semi-detached bungalow constructed of grey stone with uPVC windows and double roman tiled roof.
- 4.3 The dwelling is situated within a street comprising a mixture of single storey and multiple storey detached and semi-detached dwellings.

5. Relevant Planning History

5.1 There is no relevant planning history

6. Consultation and Representations

6.1 Consultees

Consultees	Consultee Comments (and Officer Comment)
Ashcott Parish Council	Object, the Parish Council unanimously objected to the application as it was felt to be overdevelopment. We feel that this application should go to the planning committee for full consideration.

	<i>Discussed in report</i>
King Alfred 1 - Matthew Martin	Comment, please can I request that this one is referred to committee/chair/vice chair due to an objection on a couple of material considerations from the PC? <i>Application discussed at referral and decided to be seen at committee</i>
King Alfred 2 - Harry Munt	No comment received
Environmental Health	No comment received
South West Heritage Trust	No comment received
Historic Environment Service	No comment/ objection

6.2 Local consultation and representation

6.2.1 In accordance with the Council's Adopted Statement of Community Involvement application 01/24/00022 was publicised by letters of notification to neighbouring properties in 01/10/2024. Site notices were displayed as part of the initial consultation.

6.2.2 No representations received

7. **Relevant planning policies and Guidance**

7.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 Relevant policies of the development plan in the assessment of this application are listed below.

Policies of the Sedgemoor Local Plan 2011-2032

D2 Promoting High Quality and Inclusive Design

D25 Protecting Residential Amenity

Other Relevant Documents

Placemaking Principles for Somerset (August 2024)

Neighbourhood Plans

Ashcott Neighbourhood Development Plan 2015 to 2027

- Policy 1 Influencing Design

Supplementary Planning Documents

N/A

The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last updated December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

- 12. Achieving well-designed and beautiful places

The planning practice guidance to support the NPPF is published online.

8. Commentary on Development Plan

- 8.1 On 1st April 2023 Sedgemoor District Council became part of the new Somerset Council Unitary Authority. As set out in Local Government (Structural Changes) (General) (Amendment) Regulations 2018, if a Local Authority is going through Local Government Reorganisation, existing development plans will remain in place for the areas set out in the plan.
- 8.2 Accordingly, the pre-existing development plans of the former LPA areas remain the adopted local plans for their respective geographical areas within Somerset Council. In the Planning North area of Somerset Council the adopted local plan is therefore the Sedgemoor Local Plan 2011-2023, as adopted by Sedgemoor DC on 20th February 2019.

9. Local Finance Considerations

Community Infrastructure Levy

N/A

10. Material Planning Considerations

- 10.1 The main planning issues relevant in the assessment of this application are as follows:
- Principle of Development
 - Design and Visual Amenity
 - Residential Amenity

Principle of Development

- 10.2 This application relates to a householder development. As it located within Ashcott it is considered to be within in appropriate location. Therefore, the principle of development is acceptable.

Design and Visual Amenity

- 10.3 The proposed rear extension and dormer, along with the associated alterations are considered to be of an appropriate, design and detailing that would respect the form and character of the existing building and identity of the locality. There are examples of rear dormers within the surrounding built form which supports the proposal for the rear dormer. Following negotiations with officers, revisions have been made to the colour scheme of both elements from black coloured materials to a light grey exterior with the proposed rear extension being constructed with matching materials of the main dwelling. The proposals are considered to be of an acceptable design and cause no harm to visual amenity.
- 10.4 As such the proposal complies with D2 of the Local Plan 2011-2032 and Policy 1 of the Ashcott Neighbourhood Plan.

Residential Amenity - Impacts on Existing and Future Residents

- 10.5 The proposed alterations would not prejudice the amenities of occupiers of the property and, in terms of its bulk, window arrangement and proximity to the neighbouring properties, would not adversely affect the amenities of the occupiers of the neighbouring properties (2 High View Drive directly to the north, 6 High View Drive 24m to the east and 21 High Street 14m to the south). The dormer and rear facing windows proposed would be of an acceptable separation distance from neighbouring properties to be acceptable in terms of overbearing and overlooking impacts.
- 10.6 In this respect the proposal complies with policies D2 and D25 of the Local Plan 2011-2032.

Other Considerations

10.7 Ashcott Parish Council have objected to the proposal on the basis that this is overdevelopment of the site.

10.8 Permitted development rights must be taken into account as a material consideration in assessing this application. It is considered that the dormer could be installed under permitted development rights under Class B of the General Permitted Development Order 2015 (England) (as amended).

Dormer fallback

10.9 Development is not permitted by Class B if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Complies

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Complies

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Complies, rear dormer

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

Complies, property is semi-detached and will increase roof space by approximately 43 cubic metres

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

Complies

(f) the dwellinghouse is on article 2(3) land.; or

Complies

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;

Complies

or

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Complies

- 10.10 In relation to the single storey rear extension it is noted that whilst this cannot be built under permitted development rights due to the proposal being considered a wrap-around extension, if a prior approval application was submitted for a standard rear extension this would allow a rear projection up to 6m in depth (proposal projects approximately 3.5m) and would be permitted to a height of 4m (proposal height is approximately 3.6m). The wrap-around element incorporates the footprint of the existing detached garage so it is considered that the additional footprint could be provided under permitted development criteria if it were not connected to the garage. As such the comments from the Parish Council are noted but it is considered that most of the proposed development could be completed under the dwelling's permitted development rights.
- 10.11 Notwithstanding the permitted development rights considerations, the design of the proposed development is considered to be in keeping and to not cause any significant detrimental visual impact to the existing property or the wider area. In this respect the proposal complies with policy D2 of the Local Plan 2011-2032 and Policy 1 of the Ashcott Neighbourhood Plan.

11. Planning Balance and Conclusion

- 11.1 Whilst the comments from the Parish Council are noted relating to overdevelopment, material consideration must be given to the General Permitted Development Order 2015 (England) (As amended). A proportion of the development can be undertaken through the dwellings permitted development rights and would not require the submission of an application for planning permission.
- 11.2 The proposal is of an acceptable design and appearance that would have no adverse impact of the character of the existing building or the locality, residential amenity or highways safety. As such the proposal complies with policies D2 and D25 of the Sedgemoor Local Plan 2011-2032 and Policy 1 of the Ashcott Neighbourhood Plan.

RECOMMENDATIONS

Recommendation:

Approve application 01/24/00022 subject to the following conditions:

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.

Note(s) to Applicants:

Statement of Proactive Working

This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, the Local Planning Authority has endeavoured to work proactively in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

Schedule A

Location Plan Drg No. 0001

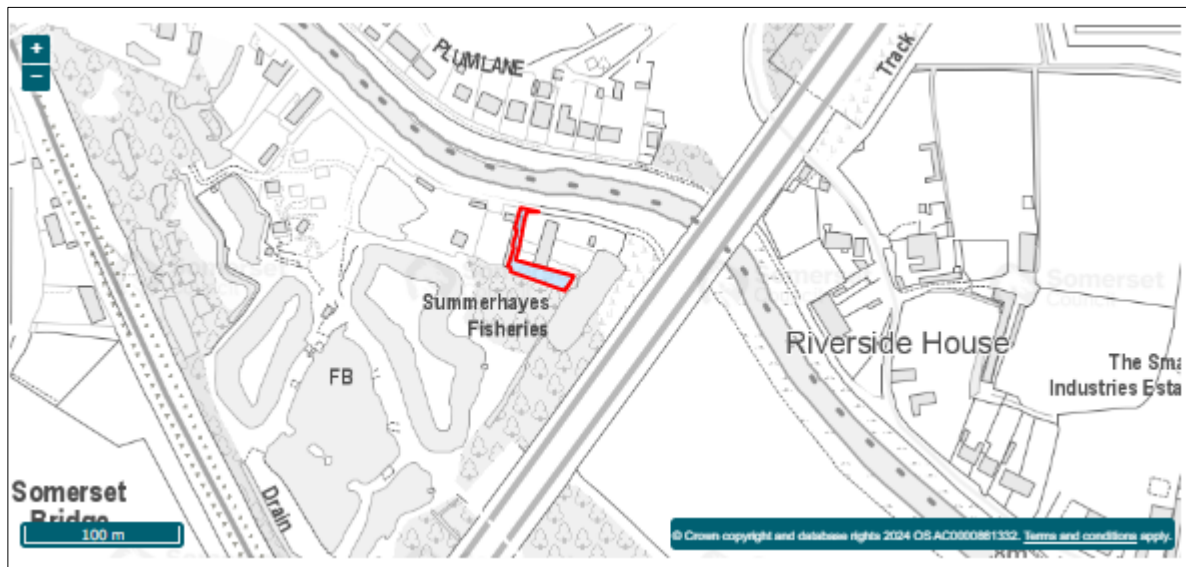
Existing and Proposed Block Plan Drg No. 2023-17 1000

Existing & Proposed North Elevation Drg No. 2023-17-2009 Rev P01

Existing Floorplans and Elevations Drg No. 2023-17- 1001

Proposed Floorplans and Elevations Drg No. 2023-17 2004 Rev P01

Application Details	
Application Reference Number:	37/24/00020
Application Types:	Full application
Extension of Time:	13 th December 2024
Description:	Erection of 1no. dwelling, including access arrangements, landscaping and associated works
Site Address:	South of Bisgood Cottages, Somerset Bridge, Bridgwater
Parish:	North Petherton
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment area:	N/A
National Landscape:	N/A
Case Officer:	Liam Evans
Agent:	Polden Planning
Applicant:	Mr R Cowd
Reason for reporting application to Members:	The views of the Ward Member are contrary to the officer's recommendation and the application was referred to Committee from Chair / Vice Chair due to concern regarding highways and access matters.



1. Recommendation

1.1 Grant Permission

2. Executive Summary of key reasons for recommendation

- 2.1 The proposed dwelling would be located within the development boundary of Bridgwater and would not have a detrimental impact on the visual amenity of the area, the amenity of nearby properties or highway safety. The proposal provides ecological enhancement measures as well as addressing flood risk.

3. Planning Obligations, conditions and informatives

3.1 Obligations

- 3.1 N/A.

3.2 Conditions

- 1) Development to commence within 3 years.
- 2) Development carried out in accordance with the approved plans.
- 3) Development carried out in accordance with flood risk assessment.
- 4) Submission of surface water drainage scheme.
- 5) Work to be carried out in accordance with aboricultural impact assessment.
- 6) Measures for pollution prevention to be carried out in accordance with approved details.
- 7) Lighting design details to be submitted.
- 8) Invasive species protocol to be submitted and approved.
- 9) Biodiversity enhancement, mitigation and monitoring plan to be submitted and approved.
- 10) Noise mitigation measures to be implemented in accordance with details submitted.
- 11) Parking kept clear of obstruction.

3.3 Informatives

- 1) Statement of positive working.
- 2) Land drainage consent.
- 3) Trees to be removed shall be identified by ecologist.
- 4) Vegetation removal.
- 5) Public right of way.

4. Proposed development, Site and Surroundings

- 4.1 The application site is located within the development boundaries of Bridgwater and accessed from Squibbers Way via Somerset Bridge, a narrow access road which traverses under the railway bridge and serves 14 residential dwellings and Summerhayes Fisheries. The site is the existing curtilage of no.4 Bisgood Cottages, an end terrace property and the garden is currently occupied by outbuildings/structures, trees and boundary fencing.

- 4.2 It is proposed to erect a dwelling to the south of No.4 which would be two stories in height with a two storey gabled projection to the west elevation. The dwelling would have a pitched roof of double roman roof tiles over rendered walls.
- 4.3 Access to the site would be to the west side of the existing terrace, which is shared by the other properties. Two parking spaces would be provided to the front of the proposed dwelling. A boundary fence would be erected to provide a garden space for the proposed dwelling while the existing dwelling would retain parking and garden to the front and rear respectively.

5. Relevant Planning History

- 5.1 None

6. Habitat Regulations Assessment

- 6.1 N/A

7. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

7.1 Consultees

Consultee Name	Summary of Response
Councillor for North Petherton - Alan Bradford	Support.
North Petherton 2 - Bill Revans	<p>Objection.</p> <p>"It is an ongoing situation that the road to Somerset Bridge is an unadopted highway with no knowledge as to who is responsible for its upkeep. Access to this property would be via a narrow underpass under the Network rail bridge and this is only accessible by vehicles below a certain size.</p> <p>Until responsibility for the upkeep of this road is established, I am unable to support residential development in Somerset Bridge.</p>

	I would recommend that should this reach committee stage, members should visit the location or have an accurate understanding of the condition of the track used to access these properties."
North Petherton Town Council	Support. "RESOLVED to support the applications subject to appropriate measures being taken to prevent deterioration and damage of the highway surface and to offer suitable surface improvements."
Parrett Drainage Board	Surface water drainage details to be submitted/conditioned.
Somerset Council - Ecologist	Recommend conditions.
Rights of Way	Comments. "We have concerns about an increase in vehicle movements in terms of the health and safety of the public using path BW 23/37, as well as an increased rate in surface deterioration. Therefore, we have no objection subject to the applicant being able to demonstrate that there will be no net increase in vehicular movements over the footpath arising from the development. Please also see our response for 37/24/00020. The local planning authority needs to be confident that the applicant can Demonstrate that they have an all-purpose vehicular right to the property along the path BW 23/37. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity

	through permitting driving on a public path without lawful authority."
Somerset Highways	Standing advice.
Environmental Health	Recommend conditioning of submitted noise survey and mitigation measures.
National Highways	No objection.
Environment Agency (drainage/water)	No objection, recommend condition.
Historic Environment Service	No objection.

7.2 Local consultation and representation

In accordance with the Council's Adopted Statement of Community Involvement application 37/24/00020 was publicised by letters of notification to neighbouring properties 3 April 2024. Site notices were displayed and a press advert placed as part of the initial consultation.

7.3 2 no. representation were received and this is summarised in the table below:

Material Planning Considerations	
Objections	Officer Comment
Should be read in conjunction with application 37/24/00020	Two applications, each for a single dwelling, would be assessed on their own merits.
Increased deterioration of existing access track during construction by heavy vehicles and must not be obstructed	Temporary construction traffic can be mitigated through condition survey/remediation work.
Application submitted with inadequate ecological appraisal	Further information submitted and agreed with Somerset Ecology Service.
Possible diversion/extinguishing of right of way	Application site adjacent to right of way but would remain available.
Lack of details arrangements for sewerage/drainage	Can be submitted under condition.
Nos.1 to 4 share a septic tank.	Noted.
May affect provision of Bridgwater Eastern Circulatory Route which was approved in Bridgwater Area Local Plan	Bridgwater Area Local Plan and policies superseded by numerous local plans.

8. Relevant planning policies and Guidance

- 8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Relevant policies of the development plan in the assessment of this application are listed below.

Policies of the Sedgemoor Local Plan 2011-2032

S2 Spatial Strategy for Sedgemoor
D1 Flood Risk and Surface Water Management
D2 Promoting High Quality and Inclusive Design
D14 Managing the Transport Impacts of Development
D20 Biodiversity and Geodiversity
D24 Pollution Impacts of Development
D25 Protecting Residential Amenity
D31 Countryside around Settlements

The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last updated December 2023 sets the Government's planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-design and beautiful places
- 14 Meeting the challenge of climate change, flooding and coastal change

The planning practice guidance to support the NPPF is published online.

9. Commentary on Development Plan

- 9.1 On 1st April 2023 Sedgemoor District Council became part of the new Somerset Council Unitary Authority. As set out in Local Government (Structural Changes) (General) (Amendment) Regulations 2018, if a Local Authority is going through Local Government Reorganisation, existing development plans will remain in place for the areas set out in the plan.
- 9.2 Accordingly, the pre-existing development plans of the former LPA areas remain the adopted local plans for their respective geographical areas within Somerset Council. In the Planning North area of Somerset Council the adopted

local plan is therefore the Sedgemoor Local Plan 2011-2023, as adopted by Sedgemoor DC on 20th February 2019.

10. Local Finance Considerations

Community Infrastructure Levy

- 10.1 The application is for residential development in North Petherton where the Community Infrastructure Levy (CIL) is Non-urban Residential £120sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £13,968.00. 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.

11. Material Planning Considerations

- 11.1 The main planning issues relevant in the assessment of this application are as follows:
- Principle of Development
 - Design and Visual Impact
 - Residential Amenity
 - Flood Risk
 - Ecology
 - Access and Right of Way

Principle of Development

- 11.2 The proposed dwelling would be within a mixed use area that is made up of residential properties to the north and south of the River Parrett with a fisheries further to the south and west of the site. As the site is located within the development boundaries of Bridgwater it is considered to be appropriate for a suitably scaled infill development that is compliant with Policy S2 of the Local Plan.

Design and Visual Impact

- 11.3 The proposed detached dwelling would be located to the south of the existing terrace and as a result its visual impact on the surrounding area would be minimal. While it would project beyond the front elevation of the terrace through the construction of a two-storey gable front, it would not significantly impact the street scene as it would be set back from the road and right of way. Views of the site from the wider area are screened by existing landscaping, which would be mainly unaffected, although one willow tree suffering from dieback would be removed. However, it is considered that the impact would be minimal as many of the existing trees would be retained and protected during the course of the work.

- 11.4 The design would be of a simple form and would match the character and appearance of the existing dwellings nearby through the use of render and double roman roof tiles. The locality has little in the way of an overarching vernacular although the majority are finished in similar materials. It is considered that the plans submitted would ensure the dwelling reflects the character of the area and would not result in an incompatible form of development.
- 11.5 The proposal complies with Policy D2 of the Local Plan.

Residential Amenity

- 11.6 The proposed dwelling would be positioned adjacent to the south of the existing terrace and the amenity of the adjacent properties would need to be considered. Based on the location of the proposed windows there would be no impact through overlooking as these would be restricted to the elevations facing onto property's own curtilage and parking area. Overshadowing and visual domination would also be minimal taking into account the position and scale of the dwelling, which would be in line with the existing terrace and similar in height.
- 11.7 The site is within proximity of the motorway and therefore the impact on future occupants from existing sources of noise and disturbance would need to be considered. In this case a noise survey has been undertaken to ascertain any potential impact and advise on measures to mitigate this. Based on the plans submitted the internal layouts proposed have the bathrooms and ancillary areas on the east side, facing the M5. All bedroom and living area windows are on the west side as advised within the acoustic report while the projection to the front would provide acoustic screening both to the front elevation windows of the proposed dwelling and the existing terrace.
- 11.8 Environmental Health have raised no concerns with regards to noise impacts on the development proposed and recommend the inclusion of conditions relating to the implementation of the noise mitigation measures set out within the submitted survey.
- 11.9 Taking into account the above the proposal complies with Policy D24 and D25 of the Local Plan.

Flood Risk

- 11.10 Policy D1 of the Local Plan requires development to pass both a Sequential Test and Exception Test. To create the most sustainable pattern of development the Spatial Strategy seeks to maximise development within

sustainable settlements (Policy S2). Therefore the Sequential Test will be considered to be passed for proposals located within identified settlement boundaries, as defined on the Policies Map.

- 11.11 Where the Sequential Test is considered to be passed the vulnerability of the development must still be compatible with the Flood Zone, including application of the Exception Test (as required). In this case the proposal would provide a minor contribution to housing delivery in the area and therefore addresses the first part of the Exception Test.
- 11.12 Flood resilience would be provided by setting finished floor levels over 400mm above adjoining ground levels and design flood levels. Within the design of the dwelling a first floor refuge would be provided and this would be 300mm above the 0.5% AEP tidal event for the year 2125. The acceptability of upper floor safe refuge in addressing climate change and residual risk is consistent with both the EA's Local Standing Advice (specific to the Bridgwater area) and also the approach that has been taken to strategic allocations. Therefore, accounting for the raised ground floor level and the safe refuge on the first floor, the development is considered to have satisfied the second part of the Exception Test in that the development would remain safe for its occupants.
- 11.13 Following the submission for further information the Environment Agency have no objection to the proposal and based on the above it complies with policy D1 of the Local Plan.

Ecology

- 11.14 Due to the application being received prior to 2 April 2024 the development is exempt from the statutory 10% biodiversity net gain requirements.
- 11.15 The Arboricultural Impact Assessment provided states that 1no. mature walnut tree will be lost as a result of 37/24/00029 and 1no. willow tree with severe dieback will be lost as a result of 37/24/00020. However, the site plans indicate that a significant amount of replacement tree and hedgerow planting is proposed, providing mitigation for these and other losses (as highlighted in the Ecological Appraisal). The submitted information also confirms that there is a likely absence of great crested newts within the pond adjacent to the site alongside the investigations into the presence of other protected species such as bats, birds and other mammals also showing low probability of impacts being caused.
- 11.16 On review the ecologist's comments confirms that the ecological impact of the development would be satisfactorily addressed and it is recommended a number of conditions be included to ensure this occurs and that the development is compliant with Policy D20 of the Local Plan.

Access and Right of Way

- 11.17 The application site is situated on the south side of and accessed via Somerset Bridge, which is designated as a Public Right of Way (public footpath number: BW23/37) and while it is used as a vehicular access for a number of properties (including those adjacent to the application site) it is not adopted or finished to an adoptable standard. As such, the PROW Team has been consulted on the proposals and has raised concerns regarding an increase in vehicle movements along the road and subject to the local planning authority being confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path BW 23/37.
- 11.18 Having raised these concerns with the applicant, they have provided a Declaration of Access Arrangements along the road which demonstrates that they have an all-purpose vehicular right to access the site along Somerset Bridge. These factors alongside the minor nature of the proposals which are to be carried out within the application site curtilage means that the proposals are unlikely to have any adverse impacts on the nearby designated PROW.
- 11.19 Taking into account the comments of the local ward member the provision of a dwelling in its own right would not result in an increase in vehicle movements along the road that this would be to such an extent that would prejudice the safety of users (pedestrians, drivers, etc) and warrant refusal. The overall width and alignment leading to the site would result in vehicles travelling slowly along its length with multiple passing places available. Forward visibility is good and it is considered that the road can accommodate the small increase in activity. The overall responsibility of the road is unknown and it is the understanding of the existing residents of both the site and nearby all have a right of access over the road and have not been challenged of this during their time residing there. Taking into account the number of existing properties already using the road for access purposes it is not considered that the development would result in a disproportionately increased impact on both the condition of the road and its users safety.
- 11.20 Access to the site itself would be the existing access point off Somerset Bridge that serves the existing cottages with the existing curtilage adapted to provide a driveway and parking space for the future occupants to the front of the dwelling.
- 11.21 The Highways Team have raised no objection to the application, referring to standing advice and it is considered when taking this into account that the development is acceptable in respect of access, parking and overall highway safety.
- 11.22 The proposal complies with Policy D14 of the Sedgemoor Local Plan.

12. Planning Balance and Conclusion

- 12.1. The proposed dwelling would be located within the development boundaries of Bridgwater and would not have a detrimental impact on the visual amenity of the area, the amenity of nearby properties or highway safety. The proposal provides ecological enhancement measures as well as addressing flood risk

RECOMMENDATIONS

Recommendation:

Approve application 37/24/00020 subject to the stated planning 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 The development shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: RMA-RC2619, Issue Number 2, dated 31st May 2024) and the following mitigation measures it details:

- First Floor Levels to reside above the 0.5% (1-200-year plus the additional cumulative sea level rise to 2125) level and set no lower than 9.6mAOD
- Ground Floor Levels to reside no lower than 7.0mAOD
- The Floodplain Compensation Storage in section 3.33 - 3.37 should be adhered to
- Ground Floor Electrical Sockets to be raised a minimum of 600mm above Finished Floor Levels

The mitigation measures shall be fully implemented prior to occupation and subsequently maintained for the lifetime of development, unless otherwise agreed in writing, by the local planning authority in consultation with the Environment Agency.

Reason: To reduce the risk of flooding to the proposed development and future occupants

- 4 No development shall take place above DPC level until details of the surface water drainage scheme, based on sustainable drainage principles have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage in accordance with Policy D1 of the Sedgemoor Local Plan.

- 5 All works shall be carried out in accordance with the Arboricultural Impact Assessment (Clark Landscape Design, July 2024) as already submitted with the planning application and agreed in principle with the Local Planning Authority. Hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows, and other sensitive habitats. A letter confirming these operations, and any findings will be submitted to the Local Planning Authority by the Arboriculturist responsible for overseeing the works. The measures shall be maintained throughout the construction period.

Reason: To protect the existing trees to be retained and in the interests of maintaining biodiversity in accordance with Policy D20 of the Sedgemoor Local Plan.

- 6 Measures for pollution prevention and precautionary avoidance measures for mammals, reptiles, and amphibians will be undertaken as described in Section 4.0 of the Ecological Appraisal (Quantock Ecology, 26/07/2024) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

- 7 Prior to the installation of any external lighting is to be installed, a lighting design for bats and other light sensitive species, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key & supporting features or habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

- 8 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority. This shall detail the containment, control and removal of *Crocospia* ×

crocosmiiflora, and the safe disposal of soil and plant matter. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Controlled/special waste needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 9 A Biodiversity Enhancement, Mitigation and Monitoring Plan (BEMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the development. This shall comprise a landscape planting scheme which includes a detailed scaled drawing that identifies the proposed green infrastructure and includes a plant schedule and planting specification (proposed species, quantities, stock sizes, planting densities and spacings).

The following will be provided:

- a Tree and hedgerow planting as indicated (or similar) on the Site Plans as submitted with the application. Any hedgerows and trees to be planted shall be native and should include nectar, nut and fruit producing species. Hedgerows should be managed to promote a range of age classes and native species through appropriate planting and management of hedgerow species and understorey.
- b 3x bird nest boxes positioned directly under the eaves and away from windows on the north elevations (or similarly specified by manufacturer's instructions such as within a mature tree on site). Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart. Woodcrete or WoodStone boxes should be used where possible due to increased durability and thermal stability. Different nest box sizes should be installed to appeal to species with varying nesting habits.
- c A provision suitable for crevice roosting bats will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation (or similarly specified by manufacturer's instructions such as within a mature tree on site). Boxes aimed at different species should be spaced at least 2m apart. Woodcrete or WoodStone boxes should be used where possible due to increased durability and thermal stability.

All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species. All other biodiversity enhancement features will be retained following installation and appropriately maintained.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 180(d) of the National Planning Policy Framework

- 10 The noise mitigation scheme shall be incorporated into the construction of the dwelling hereby permitted and include building orientation and layout, structural requirements, glazing and ventilation and provision for external amenity areas in accordance with sections 7,8 and 9 of the Blue Acoustics Report NS478 dated 13 June 2023. No occupation of the dwelling shall commence until a Verification Report to demonstrate that the noise mitigation scheme has been implemented in full accordance with the report has been submitted to and approved in writing by the Planning Authority. The measures shall be thereafter be retained.

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

- 11 The area allocated for parking on the submitted plan no.794.24.001 Rev B 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 highway safety in accordance with Policy D14 of the Sedgemoor Local Plan.

Note(s) to Applicants:

Statement of Proactive Working

This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, the Local Planning Authority has endeavoured to work proactively in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

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

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. Any trees to be removed which have been identified as having potential for roosting bats will be inspected by a suitably qualified ecologist immediately prior to being felled.

If it is further considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is confirmed, then felling will need to be delayed and an EPS licence sought from Natural England. No vegetation removal shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. In no circumstances should netting be used to exclude nesting birds

Any proposed works must not encroach on to the current available width of the footpath.

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset Council (SC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for the public use. SC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from the Somerset County Council Rights of Way Group.

Schedule A

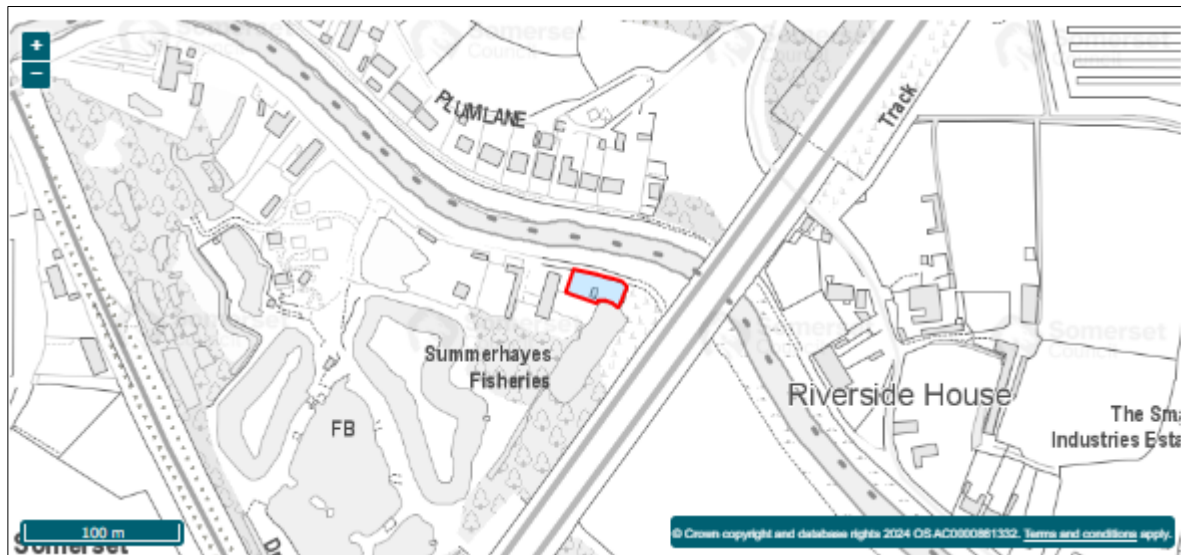
Location & Block Plans Drg No. 794.24.003 Rev. C

Site Layout Plan Drg No. 794.24.001 Rev. B

Proposed Plans & Elevations Drg No. 794.24.002 Rev A

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Application Details	
Application Reference Number:	37/24/00029
Application Types:	Full application
Extension of Time:	13 th December 2024
Description:	Erection of 1no. dwelling, including access arrangements, landscaping and associated works
Site Address:	East of Bisgood Cottages, Somerset Bridge, Bridgwater
Parish:	North Petherton
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment area:	N/A
National Landscape:	N/A
Case Officer:	Liam Evans
Agent:	Polden Planning
Applicant:	Mr R Cowd
Reason for reporting application to Members:	The views of the Ward Member are contrary to the officer's recommendation and the application was referred to Committee from Chair / Vice Chair due to concern regarding highways and access matters.



- 1. Recommendation**
 - 1.1 Grant Permission

- 2. Executive Summary of key reasons for recommendation**

- 2.1 The proposed dwelling would be located within the development boundaries of Bridgwater and would not have a detrimental impact on the visual amenity of the area, the amenity of nearby properties or highway safety. The proposal provides ecological enhancement measures as well as addressing flood risk.

3. Planning Obligations, conditions and informatives

3.1 Obligations

- 3.1 N/A.

3.2 Conditions

- 1) Development to commence within 3 years.
- 2) Development carried out in accordance with the approved plans.
- 3) Development carried out in accordance with flood risk assessment.
- 4) Submission of surface water drainage scheme.
- 5) Work to be carried out in accordance with aboricultural impact assessment.
- 6) Measures for pollution prevention to be carried out in accordance with approved details.
- 7) Lighting design details to be submitted.
- 8) Invasive species protocol to be submitted and approved.
- 9) Biodiversity enhancement, mitigation and monitoring plan to be submitted and approved.
- 10) Noise mitigation measures to be implemented in accordance with details submitted.
- 11) Parking kept clear of obstruction.

3.3 Informatives

- 1) Statement of positive working.
- 2) Land drainage consent.
- 3) Trees to be removed shall be identified by ecologist.
- 4) Vegetation removal.
- 5) Public right of way.

4. Proposed development, Site and Surroundings

- 4.1 The application site is located within the development boundaries of Bridgwater and accessed from Squibbers Way via Somerset Bridge, a narrow access road which traverses under the railway bridge and serves 14 residential dwellings and Summerhayes Fisheries. The site is the existing curtilage of no.1 Bisgood Cottages, an end terrace property and the garden is currently occupied by outbuildings/structures, trees and boundary fencing.
- 4.2 It is proposed to erect a dwelling to the east of No.1 which would be two stories in height with a two storey gabled projection to the west elevation. The dwelling would have a pitched roof of double roman roof tiles over rendered walls.

4.3 Access to the site would be to the north side of No.1 where two parking spaces would be provided adjacent to the existing dwelling off the existing shared access. A boundary fence would be erected to provide a garden space for the proposed dwelling while the existing dwelling would retain parking and garden to the front and rear respectively

5. Relevant Planning History

5.1 None

6. Habitat Regulations Assessment

6.1 N/A

7. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

7.1 Consultees

Consultee Name	Summary of Response
Councillor for North Petherton - Alan Bradford	Support.
North Petherton 2 - Bill Revans	<p>Objection.</p> <p>"It is an ongoing situation that the road to Somerset Bridge is an unadopted highway with no knowledge as to who is responsible for its upkeep. Access to this property would be via a narrow underpass under the Network rail bridge and this is only accessible by vehicles below a certain size.</p> <p>Until responsibility for the upkeep of this road is established, I am unable to support residential development in Somerset Bridge.</p> <p>I would recommend that should this reach committee stage, members should visit the location or have an accurate understanding of the condition of the track used to access these properties."</p>

North Petherton Town Council	Support. "RESOLVED to support the applications subject to appropriate measures being taken to prevent deterioration and damage of the highway surface and to offer suitable surface improvements."
Parrett Drainage Board	Surface water drainage details to be submitted/conditioned.
Somerset Council - Ecologist	Recommend conditions.
Rights of Way	Comments. "We have concerns about an increase in vehicle movements in terms of the health and safety of the public using path BW 23/37, as well as an increased rate in surface deterioration. Therefore, we have no objection subject to the applicant being able to demonstrate that there will be no net increase in vehicular movements over the footpath arising from the development. Please also see our response for 37/24/00029. The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along the path BW 23/37. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority."
Somerset Highways	Standing advice.
Environmental Health	Recommend conditioning of submitted noise survey and mitigation measures.
National Highways	No objection.
Environment Agency (drainage/water)	No objection, recommend condition.
Historic Environment Service	No objection.

7.2 Local consultation and representation

In accordance with the Council's Adopted Statement of Community Involvement application 37/24/00029 was publicised by letters of notification to neighbouring properties 3 April 2024. Site notices were displayed and a press advert placed as part of the initial consultation.

7.3 1 representations was received and this is summarised in the table below:

Material Planning Considerations	
Objections	Officer Comment
Should be read in conjunction with application 37/24/00020	Two applications, each for a single dwelling, would be assessed on their own merits.
Increased deterioration of existing access track during construction by heavy vehicles and must not be obstructed	Temporary construction traffic can be mitigated through condition survey/remediation work.
Application submitted with inadequate ecological appraisal	Further information submitted and agreed with Somerset Ecology Service.
Possible diversion/extinguishing of right of way	Application site adjacent to right of way but would remain available.
Lack of details arrangements for sewerage/drainage	Can be submitted under condition.
May affect provision of Bridgwater Eastern Circulatory Route which was approved in Bridgwater Area Local Plan	Bridgwater Area Local Plan and policies superseded by numerous local plans.

8. **Relevant planning policies and Guidance**

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 Relevant policies of the development plan in the assessment of this application are listed below.

Policies of the Sedgemoor Local Plan 2011-2032

S2 Spatial Strategy for Sedgemoor
D1 Flood Risk and Surface Water Management
D2 Promoting High Quality and Inclusive Design

D14 Managing the Transport Impacts of Development
D20 Biodiversity and Geodiversity
D24 Pollution Impacts of Development
D25 Protecting Residential Amenity
D31 Countryside around Settlements

The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last updated December 2023 sets the Government's planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-design and beautiful places
- 14 Meeting the challenge of climate change, flooding and coastal change

The planning practice guidance to support the NPPF is published online.

9. Commentary on Development Plan

- 9.1 On 1st April 2023 Sedgemoor District Council became part of the new Somerset Council Unitary Authority. As set out in Local Government (Structural Changes) (General) (Amendment) Regulations 2018, if a Local Authority is going through Local Government Reorganisation, existing development plans will remain in place for the areas set out in the plan.
- 9.2 Accordingly, the pre-existing development plans of the former LPA areas remain the adopted local plans for their respective geographical areas within Somerset Council. In the Planning North area of Somerset Council the adopted local plan is therefore the Sedgemoor Local Plan 2011-2023, as adopted by Sedgemoor DC on 20th February 2019.

10. Local Finance Considerations

Community Infrastructure Levy

- 10.1 The application is for residential development in North Petherton where the Community Infrastructure Levy (CIL) is Non-urban Residential £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 £13,968.00. 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.

11. Material Planning Considerations

11.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Flood Risk
- Ecology
- Access and Right of Way

Principle of Development

11.2 The proposed dwelling would be within a mixed use area that is made up of residential properties to the north and south of the River Parrett with a fisheries further to the south and west of the site. As the site is located within the development boundaries of Bridgwater it is considered to be appropriate for a suitably scaled infill development that is compliant with Policy S2 of the Local Plan.

Design and Visual Impact

11.3 The proposed detached dwelling would be located to the east of the existing terrace and while it would be visible from the adjacent road and right of way it's visual impact on the surrounding area would not be detrimental to its character. The proposed dwelling would be of a similar orientation to the existing dwellings nearby and would face west onto the proposed parking area. While it would be positioned beyond the rear elevation of the terrace this would not impact significantly on the surroundings as the existing boundary treatment and much of the tree planting would be retained. Due to amendments to the access arrangements there would be the creation of an access off the existing shared driveway (not from the north) and as a result there would be minimal changes to the existing boundaries and layout of the site, with the existing outbuilding removed to make way for the dwelling. Therefore, views of the site from the wider area would be screened by existing hard and soft landscaping, the latter of which would be retained and protected during the course of the work.

11.4 The design would be of a simple form and would match the character and appearance of the existing properties nearby through the use of render and double roman roof tiles. The locality has little in the way of an overarching vernacular although the majority are finished in similar materials. It is considered that the plans submitted would ensure the dwelling reflects the

character of the area and would not result in an incompatible form of development.

11.5 The proposal complies with Policy D2 of the Local Plan.

Residential Amenity

11.6 The proposed dwelling would be positioned to the east of the existing terrace and the amenity of the adjacent properties would need to be considered. Based on the location of the proposed windows there would be no impact through overlooking as these would be at least 20m away from the rear elevation of no.1 and would mainly face onto the property's own curtilage and parking area. Overshadowing and visual domination would also be minimal taking into account the position and scale of the dwelling, which would be a sufficient distance so as not to cause any issues in this respect.

11.7 The site is within proximity of the motorway and therefore the impact on future occupants from existing sources of noise and disturbance would need to be considered. In this case a noise survey has been undertaken to ascertain any potential impact and advise on measures to mitigate this. Based on the plans submitted the internal layouts proposed have the bathrooms and ancillary areas on the east side, facing the M5. All bedroom and living area windows are on the west side as advised within the acoustic report while the projection to the front would provide acoustic screening to the front elevation windows of the proposed dwelling.

11.8 Environmental Health have raised no concerns with regards to noise impacts on the development proposed and recommend the inclusion of conditions relating to the implementation of the noise mitigation measures set out within the submitted survey.

11.9 Taking into account the above the proposal complies with Policy D24 and D25 of the Local Plan.

Flood Risk

11.10 Policy D1 of the Local Plan requires development to pass both a Sequential Test and Exception Test. To create the most sustainable pattern of development the Spatial Strategy seeks to maximise development within sustainable settlements (Policy S2). Therefore the Sequential Test will be considered to be passed for proposals located within identified settlement boundaries, as defined on the Policies Map.

- 11.11 Where the Sequential Test is considered to be passed the vulnerability of the development must still be compatible with the Flood Zone, including application of the Exception Test (as required). In this case the proposal would provide a minor contribution to housing delivery in the area and therefore addresses the first part of the Exception Test.
- 11.12 Flood resilience would be provided by setting finished floor levels over 400mm above adjoining ground levels and design flood levels. Within the design of the dwelling a first floor refuge would be provided and this would be 300mm above the 0.5% AEP tidal event for the year 2125. The acceptability of upper floor safe refuge in addressing climate change and residual risk is consistent with both the EA's Local Standing Advice (specific to the Bridgwater area) and also the approach that has been taken to strategic allocations. Therefore, accounting for the raised ground floor level and the safe refuge on the first floor, the development is considered to have satisfied the second part of the Exception Test in that the development would remain safe for its occupants.
- 11.13 Following the submission for further information the Environment Agency have no objection to the proposal and based on the above it complies with policy D1 of the Local Plan.

Ecology

- 11.14 Due to the application being received prior to 2 April 2024 the development is exempt from the statutory 10% biodiversity net gain requirements.
- 11.15 The Arboricultural Impact Assessment provided states that 1no. mature walnut tree will be lost as a result of 37/24/00029 and 1no. willow tree with severe dieback will be lost as a result of 37/24/00020. However, the site plans indicate that a significant amount of replacement tree and hedgerow planting is proposed, providing mitigation for these and other losses (as highlighted in the Ecological Appraisal). The submitted information also confirms that there is a likely absence of great crested newts within the pond adjacent to the site alongside the investigations into the presence of other protected species such as bats, birds and other mammals also showing low probability of impacts being caused.
- 11.16 On review the ecologist's comments confirms that the ecological impact of the development would be satisfactorily addressed and it is recommended a number of conditions be included to ensure this occurs and that the development is compliant with Policy D20 of the Local Plan.

Access and Right of Way

- 11.17 The application site is situated on the south side of and accessed via Somerset Bridge, which is designated as a Public Right of Way (public

footpath number: BW23/37) and while it is used as a vehicular access for a number of properties (including those adjacent to the application site) it is not adopted or finished to an adoptable standard. As such, the PROW Team has been consulted on the proposals and has raised concerns regarding an increase in vehicle movements along the road and subject to the local planning authority being confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path BW 23/37.

- 11.18 Having raised these concerns with the applicant, they have provided a Declaration of Access Arrangements along the road which demonstrates that they have an all-purpose vehicular right to access the site along Somerset Bridge. These factors alongside the minor nature of the proposals which are to be carried out within the application site curtilage means that the proposals are unlikely to have any adverse impacts on the nearby designated PROW.
- 11.19 Taking into account the comments of the local ward member the provision of a dwelling in its own right would not result in an increase in vehicle movements along the road that this would be to such an extent that would prejudice the safety of users (pedestrians, drivers, etc) and warrant refusal. The overall width and alignment leading to the site would result in vehicles travelling slowly along its length with multiple passing places available. Forward visibility is good and it is considered that the road can accommodate the small increase in activity. The overall responsibility of the road is unknown and it is the understanding of the existing residents of both the site and nearby all have a right of access over the road and have not been challenged of this during their time residing there. Taking into account the number of existing properties already using the road for access purposes it is not considered that the development would result in a disproportionately increased impact on both the condition of the road and its users safety.
- 11.20 Access to the site itself would be the existing access point off Somerset Bridge that serves the existing cottages with the existing curtilage adapted to provide a driveway and parking space for the future occupants to the front of the dwelling.
- 11.21 The Highways Team have raised no objection to the application, referring to standing advice and it is considered when taking this into account that the development is acceptable in respect of access, parking and overall highway safety.
- 11.22 The proposal complies with Policy D14 of the Sedgemoor Local Plan.

12. Planning Balance and Conclusion

- 12.1. The proposed dwelling would be located within the development boundaries of Bridgwater and would not have a detrimental impact on the visual amenity of the area, the amenity of nearby properties or highway safety. The proposal provides ecological enhancement measures as well as addressing flood risk.

RECOMMENDATIONS

Recommendation:

Approve application 37/24/00029 subject to the stated planning 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 The development shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: RMA-RC2619, Issue Number 2, dated 31st May 2024) and the following mitigation measures it details:

- First Floor Levels to reside above the 0.5% (1-200-year plus the additional cumulative sea level rise to 2125) level and set no lower than 9.6mAOD
- Ground Floor Levels to reside no lower than 7.0mAOD
- The Floodplain Compensation Storage in section 3.33 - 3.37 should be adhered to
- Ground Floor Electrical Sockets to be raised a minimum of 600mm above Finished Floor Levels

The mitigation measures shall be fully implemented prior to occupation and subsequently maintained for the lifetime of development, unless otherwise agreed in writing, by the local planning authority in consultation with the Environment Agency.

Reason: To reduce the risk of flooding to the proposed development and future occupants

- 4 No development shall take place above DPC level until details of the surface water drainage scheme, based on sustainable drainage principles have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage in accordance with Policy D1 of the Sedgemoor Local Plan.

- 5 All works shall be carried out in accordance with the Arboricultural Impact Assessment (Clark Landscape Design, July 2024) as already submitted with the planning application and agreed in principle with the Local Planning Authority. Hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows, and other sensitive habitats. A letter confirming these operations, and any findings will be submitted to the Local Planning Authority by the Arboriculturist responsible for overseeing the works. The measures shall be maintained throughout the construction period.

Reason: To protect the existing trees to be retained and in the interests of maintaining biodiversity in accordance with Policy D20 of the Sedgemoor Local Plan.

- 6 Measures for pollution prevention and precautionary avoidance measures for mammals, reptiles, and amphibians will be undertaken as described in Section 4.0 of the Ecological Appraisal (Quantock Ecology, 26/07/2024) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

- 7 Prior to the installation of any external lighting is to be installed, a lighting design for bats and other light sensitive species, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key & supporting features or habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

- 8 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority. This shall detail the containment, control and removal of *Crococsmia × crocosmiiflora*, and the safe disposal of soil and plant matter. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Controlled/special waste needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 9 A Biodiversity Enhancement, Mitigation and Monitoring Plan (BEMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the development. This shall comprise a landscape planting scheme which includes a detailed scaled drawing that identifies the proposed green infrastructure and includes a plant schedule and planting specification (proposed species, quantities, stock sizes, planting densities and spacings).

The following will be provided:

a Tree and hedgerow planting as indicated (or similar) on the Site Plans as submitted with the application. Any hedgerows and trees to be planted shall be native and should include nectar, nut and fruit producing species. Hedgerows should be managed to promote a range of age classes and native species through appropriate planting and management of hedgerow species and understorey.

b 3x bird nest boxes positioned directly under the eaves and away from windows on the north elevations (or similarly specified by manufacturer's instructions such as within a mature tree on site). Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart. Woodcrete or WoodStone boxes should be used where possible due to increased durability and thermal stability. Different nest box sizes should be installed to appeal to species with varying nesting habits.

c A provision suitable for crevice roosting bats will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation (or similarly specified by manufacturer's instructions such as within a mature tree on site). Boxes aimed at different species should be spaced at least 2m apart. Woodcrete or WoodStone boxes should be used where possible due to increased durability and thermal stability.

All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species. All other biodiversity enhancement features will be retained following installation and appropriately maintained.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 180(d) of the National Planning Policy Framework

- 10 The noise mitigation scheme shall be incorporated into the construction of the dwelling hereby permitted and include building orientation and layout, structural requirements, glazing and ventilation and provision for external amenity areas in accordance with sections 7,8 and 9 of the Blue Acoustics Report NS478 dated 13 June 2023. No occupation of the dwelling shall commence until a Verification Report to demonstrate that the noise mitigation scheme has been implemented in full accordance with the report has been submitted to and approved in writing by the Planning Authority. The measures shall be thereafter be retained.

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

- 11 The area allocated for parking on the submitted plan no.794.24.001 Rev B 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 highway safety in accordance with Policy D14 of the Sedgemoor Local Plan.

Note(s) to Applicants:

Statement of Proactive Working

This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, the Local Planning Authority has endeavoured to work proactively in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

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

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. Any trees to be removed which have been identified as having potential for roosting bats will be inspected by a suitably qualified ecologist immediately prior to being felled. If it is further considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is confirmed, then felling will need to be delayed and an EPS licence sought from Natural England.

No vegetation removal shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. In no circumstances should netting be used to exclude nesting birds

Any proposed works must not encroach on to the current available width of the footpath.

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset Council (SC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for the public use. SC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from the Somerset County Council Rights of Way Group.

Schedule A

Location & Block Plan Drg No. 764.21.006 Rev G

Site Layout Plan Drg No. 764.21.004 Rev H

Proposed Floorplans & Elevations Drg No. 764.21.005 Rev B

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Application No: 09/24/00014

Proposal: Erection of a D6 digital internally illuminated small format advertisement display sign, and a D48 digital internally illuminated advertisement display sign.

Appeal Received: 04-Nov-2024

Appeal Procedure: Written Representations

Location: Land At Corner Plot, Bristol Road, Bridgwater, Somerset, TA6 4RR

Final decision level: Delegated

Applicant: Wildstone Estates Limited

Application No: 45/24/00012

Proposal: Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to 1No. Dwellinghouse (Class C3), and associated building operations.

Appeal Received: 06-Nov-2024

Appeal Procedure: Written Representations

Location: Land to the North of, Bush Lane, Spaxton, Bridgwater, Somerset, TA5

Final decision level: Delegated

Applicant: Mr & Mrs Burland

Application No: 51/24/00011

Proposal: Erection of a two storey extension to rear North elevation.

Appeal Received: 06-Nov-2024

Appeal Procedure: Written Representations

Location: 138 Wembdon Hill, Wembdon, Bridgwater, Somerset, TA6 7QB

Final decision level: Delegated

Applicant: Mrs & Mrs Clapp

No. of Appeals received: 3

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