

Committee date 16/01/2024

Application No: 09/21/00030

Application Type: Full Planning Permission

Case Officer: Adrian Noon

Registered Date: 28/10/2021

Expiry Date: 26/01/2022

Parish: Bridgwater Without

Division: King's Isle

Proposal: Erection of 90no. dwellings, provision of a Local Area of Play, formation of vehicular connections, engineering works (including ground modelling and demolition), car parking and all associated infrastructure (including cycle and pedestrian connections and services provisions).

Site Location: Land Off A38, Bristol Road And A39, Bath Road And Bounded By M5 Motorway And Railway Line, Bristol Road, Bridgwater, Somerset

Applicant: Hallam Land Management & Persimmon Homes

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



Committee decision required because

This is a major application where the officer recommendation is contrary to the views of the parish council.

Background

This 2.9 hectare site lies within the settlement boundary for Bridgwater comprising substantially a committed employment site, but also a committed residential element, within the mixed use development at North East Bridgwater (NEB). It benefits from an existing outline approval within the large NEB mixed use development site and appearing primarily as a committed employment site in the adopted Local Plan but with the southern part of the site shown as including a committed residential element. It is located approximately 1.5 miles to the north-east of Bridgwater town centre and sits between the residential development known as Kings Down and the M5, and is to the south of the Willow Man play area.

The site includes Little Sydenham Farm comprising a number of modern farm buildings all of which would be or have been demolished. The land within the site was last in equestrian/agricultural use.

This is a full application, originally for 98 dwellings, however following negotiations to address a number of concerns raised during the course of consultation the proposal has been reduced to 90 dwellings (31/ha) and revisions made to the layout. All buildings would be 2 storey, except for 2 at the entrance which would be 2½ storey, with pitched roofs. The materials palette reflects the detail of the houses on the adjoining site including red brick and cream render with grey or red roof tiles. An acoustic barrier to the M5 edge is proposed comprising a fence atop a bund.

Following the submission of additional details and revisions to amend the layout to address concerns the application has been subject to two rounds of consultations

Relevant History

09/14/00003 S73 approval to vary plans condition of 09/08/00017. This is the extant outline permission for the site

09/10/00019 S73 approval to vary conditions of 09/08/00017

09/09/00004 Permission granted for habitat reserve and drainage for area covered by 09/08/00017

09/08/00017 Outline permission granted for residential development of up to 2,000 dwellings; a commercial services centre comprising up to 1200 square metres

retail floorspace (Use Classes A1, A2 & A5), leisure (A3 and A4), community facilities (D1), residential and/or B1 employment development; primary school; up to 110,000 square metres of employment development (B1, B2, B8); sui generis trade units and car showrooms; sports and recreation facilities to include sports pavilion and play areas; strategic landscaping; transport network and access connections; and associated engineering works, infrastructure, drainage, and car parking; and including detailed drawings for 75,000 square metres of B8 uses and Phase 1 residential development (amended description).

Various reserved matters approvals to cover residential phases and employment sites. This scheme would sit next to, and south of, the completed parts on the development on the east side of Kings Drive, most recently:-

09/21/00014 Reserved matters approval granted for 77 dwellings on the adjoining site to the west. This included the demolition of the farmhouse at Sydenham Farm

Additionally, on two other 'employment' sites within the original outline permission area alternative standalone permissions have been granted for residential development :-

09/19/00001 Outline permission granted for erection of up to 80 dwellings

09/19/00004 Outline application permission granted for a mixed-use development to provide up to 57 dwellings, up to 450sqm of retail uses (A1-5), engineering works (including ground modelling), demolition, car parking and all associated infrastructure (including cycle/pedestrian connections and services provision) with appearance, landscaping, layout and scale reserved.

These sites have had reserved matters approval and are under construction.

Supporting information supplied by the applicant

Commercial Availability Assessment
Ecological Appraisal (updated June 2022)
Planning and Design & Access Statement
Noise Assessment (updated June 2022)
Transport Statement
Updated plans

Consultation Responses

Bridgwater-Without Parish Council -object:-

This area was outlined on original plan as green space which is well used currently. Insufficient parking, access to the school not defined.

Planning Policy – no objection:-

In terms of the principle I see no issue here. We had moved away from the idea of office based employment on this site some time ago and to be honest I didn't realise there as still a part left. There is ample provision for office based space close by, Bristol Road, Express Park for example, and a changing market. Additionally, the local plan over provide substantially whilst Gravity was not included within the employment land supply figures at the time.

There would still be a need for any planning statement to set out why the site was no longer suitable for employment use (Policy D16) but the commercial availability assessment statement goes a long way to doing this and we have no reasons to challenge its conclusions.

In terms of residential use, whilst fine in principle the noise attenuation requirements may impact on the layout and deliverability. I suppose it would be a continuation of the bunding that exists elsewhere at NE Bridgwater but it may significantly impact on bringing this land forward. We would also be expecting some landscaping as part of the boundary treatment.

Urban Design Comments – initially raised a concern about the acoustic barrier to the motorway edge:-

A bund won't work because of space and a massive fence probably won't either.

The problem being that NE Bridgwater was designed in a way which meant that acoustic measures were unnecessary because all the residential was set back far enough for one reason or another.

An isolated bund or massive fence on this section will look incongruous I think.

In relation to the first set of amended drawings maintained an objection:-

Having looked at the resubmitted drawings it is disappointing that none of the issues discussed have been addressed. The difficulties are primarily related to the form of layout and noise attenuation. With the site being closely adjacent to the M5 boundary and previously allocated for employment use but now agreed to be released for residential, the constraints presented are challenging.

Because of a previous land parcel release, vehicle access to properties on the site within the proposed layout cannot make use of existing road stubs which form part of unadopted highway and effectively compromise a layout extension which would allow suitable mitigation for landscaping and sound attenuation through the form of a noise bund.

Instead of which we are presented with a noise attenuation solution proposal for a 5m fence next to the motorway and which will clearly be an unacceptable visual intrusion along that section of motorway on a flat landscape as well as significant visual barrier for the residents in the new dwellings.

The proposal makes reference to landscaping which after 15 years it suggests a mitigating effect against the fence but the reality is that this land will not be available to implement the landscape as it is within the stipulated requirements of the IDB maintenance strip.

To enable a wide enough strip of land to be available for suitable landscaping and noise attenuation it is inevitable that the applicant will have to reduce the number of properties proposed to draw the built form back inside away from the motorway. By creating a wider strip of available land for noise attenuation the applicant can then investigate the delivery of a bund with fence on top, suitably landscaped and reflecting the noise attenuation scheme delivered for the special school further south adjacent to the motorway.

Subsequently as a design and layout evolved further comments were provided in relation to the orientation of some of the dwellings, the connectivity to the adjoining development to the West and the general layout. In response to the final revisions it is being confirmed that all identified issues have been addressed:-

It looks like they have taken all the comments on board and made appropriate changes as well as reducing numbers.

Police Architectural Liaison Officer – initially made a number of recommendations with regard achieving to Secure by Design accreditation but did not raise any fundamental concerns for the original layout of 98 dwellings.

As the layout evolved a concern about the LAP emerged:-

- **Local Area of Play** – *the proposed LAP is centrally located, which is recommended, but has limited natural surveillance from nearby dwellings. The Planning Layout drawing indicates that it is overlooked by one dwelling only and from the gable ends of two others, although the house type plans appear to indicate that both these plots incorporated windows in the gable ends, which should assist in surveillance.*
- **Planting** – *the proposed planting around the LAP, and in all other areas of public open space, should not interfere with surveillance of them or create potential areas of concealment.*

In response to the final amendments observes:-

- **Local Area of Play** – *the repositioning of the LAP to a slightly more central location improves surveillance of it, as it is now overlooked by three dwellings and adjacent to the*

gable ends of a further two and, assuming these dwellings have windows in the gable ends, this further improves surveillance of the LAP.

- **Vehicle Parking** –*the reconfiguring of the vehicle parking in the northern sector of the development to three rear parking courts, as opposed to communal on-street parking spaces to the front of and well overlooked from these dwellings, is not supported as this enables unlawful access to the vulnerable rear elevations of dwellings, where the majority of burglary is perpetrated, and to parked vehicles which are not overlooked from ‘active’ rooms in owners dwellings. In addition, in private developments such areas are often left unlit increasing the fear of crime and ungated courts provide areas of concealment which can encourage ASB. Conversely, the two parking courts in the southern sector of the development, have dwellings located within them overlooking the parking spaces, which is recommended to deter crime and ASB.*

Open Spaces Officer – no objection to amended proposal:-

The LAP location and layout (as previously supplied) remains acceptable within this application.

The southern-end of the development is catered for by an existing LAP.

Landscape Officer – objected to initial proposal:-

- *The proposed acoustic boundary fencing located along the eastern side of the development is to be 5m high and will be a prominent feature when viewed from within the development and from passing vehicles using the M5 motorway.*
- *Although there is existing vegetation located on land adjacent to the motorway this is outside the application site and its retention could not be controlled.*
- *The rhyne located to the east of the site is a constraint which must also be carefully considered. Management of rhyne usually require that a maintenance strip is provided (often 9m) and this prevents any tree or shrubs planted within this area.*
- *The planting proposals, as detailed, along this boundary will not provide sufficient screening of the fencing when viewed from the M5 motorway.*
- *The proposed fencing is 5m in height and, as such, will be extremely difficult to screen with planting. It is evident that there is insufficient depth of land to provide an adequate depth of landscaping along this boundary to enclose and buffer the site.*
- *The current number of dwellings and layout of the development has left little space for landscaping and it is noted that there is no provision for visitor parking and this will inevitably result in parking on the verges which will impact on the soft landscape proposals. The roads will also be full of parked cars which will also impact on the street scenes and there will be further pressure to remove landscaping on the plots to provide additional hard surfaced parking areas due to limited parking provision.*
- *I concur with SCC Ecologist with the lack of greenspace in the design, the amount of number of non-native vegetation proposed and that it has not been demonstrated where biodiversity*

will be enhanced (in accordance with the National Planning Policy Framework and Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity) therefore I suggest the applicant applies the Biodiversity Net Gain metric.

To conclude, the number of dwellings proposed for this site in my view is too great and as a result does not allow sufficient landscaping to be incorporated into the current proposals.

No further comment provided in relation to final amendments.

Highways Officer – initially raised concerns about the technical details, no objection raised in relation to final revisions:-

The Highway Authority commented previously on the internal estate road layout and raised a number of concerns, the latest submission has gone some way to address these concerns and I can confirm therefore there is no objection in principle to this proposal from the Highway Authority.

Highways safeguarding conditions are suggested.

National Highways – no objection subject to safeguarding conditions to ensure that the details of the drainage systems, planting and acoustic bund are agreed with their input to ensure the integrity and continued safe operation of the motorway.

Environmental Health Officer – no objection subject to conditions to agreed technical detail of acoustic fence/bund, secure appropriate noise levels with the proposed houses, address any contaminated land issues and control the construction phase.

Environment Agency – initially objected on the grounds of potential flood risk. Subsequently it is confirmed that:-

We withdraw our objection to the development proposal as Finished Floor Levels on site are now shown to be a minimum of 6.8m AOD.

Safeguarding conditions are recommended.

LLFA – initially requested additional details and clarifications. Subsequently confirm no objection subject securing full technical details by condition to include a detailed design, detailed calculations for the site along with exceedance routing, and relevant information to demonstrate how this parcel fits into the wider site.

Parrett Internal Drainage Board – has raised objections/concerns about the lack of detail and proximity of development to maintained rhyne. Subsequently commented: -

We currently maintain the Motorway rhyme from the Motorway side, however the access we used is less than appropriate. My Brief from our maintenance manager is, where we currently have access on both sides of the rhyme, whether brownfield or greenfield site, to maintain the current access as our maintenance practice needs to be secured for the future.

In the last year, we negotiated a 6 m easement between the top of the rhyme and acoustic bund for the land at Bower Farm, Bridgwater and Isleport development in Highbridge. We have also secured a betterment at Strawberry Farm in Bridgwater, where a former light bund was constructed without consent over 10 years ago. In 2018, we agreed a 9 m easement for the Polden Bower School in Bridgwater.

9 m is our preferred easement this would ensure work on the rhyme can be carried out safely and efficiently for the lifetime of the development. However we would agree to a 6 m easement as agreed for Bower farm and Isleport, providing there is no tree planting and landscaping on the motorway side of the bund and a maintenance company maintains both the access and the bund.

OFFICER NOTE:- The applicants have advised that the details of the arrangements for the maintenance of the Motorway Drain continue to be a matter of ongoing dialogue with the IDB. Land Drainage Consent will be required following the grant of any planning permission.

Wessex Water – no objection

Surface Water Runoff

It is proposed to discharge surface water runoff from the site to local rhynes.

Surface water strategy is subject to the approval of the Lead Local Flood Authority and we defer to Somerset Flood and Water Management (LLFA) to agree surface water strategy & discharge rates.

Wessex Water can adopt sewers as part of a surface water sewer network, they will be required to be compliant with the Sewer Sector Codes and have full S104 technical approval and full planning approval before construction work begins. Please refer to the Design Construction Guidance plus our SUDS policy with regards to design suitability. Please note that we will need vehicle access to adoptable components & flow control chambers.

All drainage design requirements for the site (discharge rates, attenuation, climate change etc.) must be agreed, in consultation with the Local Planning Authority, IDB & Lead Local Flood Authority, prior to the submission of a formal S104 application.

Surface Water connections to the public foul sewer network will not be permitted.

Foul sewerage

Separate systems of drainage are required.

The foul drainage strategy proposes to discharge foul flows to the public foul sewer via foul sewer networks installed under earlier phases to the west.

Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a 'size for size' basis, Developers fund the cost of connecting to our sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements.

Connections and adoption of sewer networks is by agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards.

The developer should contact the local development team to agree proposals for Section 104 adoption of sewers and submit details for technical review prior to construction.

Civil Contingencies Officer – no objection but recommends a condition to complete and maintain a Flood Warning and Evacuation plan for the site.

Affordable Housing Officer – supports:-

I welcome the proposal to use this land for housing. The quantum of affordable homes is policy compliant, albeit the final tenure needs consideration.

Education Officer – no objection, noting:-

The new Willowdown Primary Academy should have the capacity to accommodate the pupils from this development if it is approved. The supporting Willowdown pre-school and other local providers will provide capacity for early years. The Bridgwater Academy for secondary school also has sufficient capacity, but we may need to require some CIL funding for SEND school capacity increases. We will discuss this with the Policy team when it is required.

Therefore, we as education authority will not require education funding through a S106 on this occasion for this development in this location.

Ecologist – initially recommended refusal on the grounds of insufficient ecological supporting information; subsequently indicated that the supporting information is out of date. In response to further information provided confirm no objection:-

FPCR Environment and Design Ltd have provided a response to ecological comments (Nov 2023) received on the above application.

I have considered the additional comments made and I am satisfied that the concerns previously raised have been considered.

Ecological safeguarding conditions recommended.

Natural England – advise that this site would not have an impact on phosphate levels in the Ramsar site and suggest that:-

We advise you to follow the mitigation hierarchy as set out in the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. In accordance with the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development.

Archaeologist – no objection on archaeological grounds, noting that there are limited or no archaeological implications to this proposal

Economic Development Officer – no objection, suggests that:-

Should this scheme be consented, a local labour agreement between this Council and the developer be required as a condition. This is because the Council has an Employment and Skills Charter, which seeks to ensure such developments lead, where possible, to an agreed proportion of local jobs, training opportunities and procurement to ensure their wider benefit to the District. An agreement would need to be reached before a start is made on site.

Representations

6 letters received raising concerns summarised as follows:

- Loss of remaining green space and dog walking area;
- people will have to drive to alternative spaces
- impact wildlife and ecology;
- impact on highway network which is already congested;
- increased risk of speeding – 20mph speed limit needs to be introduced to safeguard the public and children walking to school;
- impact on morale and mental well-being;
- lack of infrastructure and services;
- parking space is not of an adequate size which will lead to increased parking on roads and pavements;
- insufficient parking spaces and narrow access road will make it challenging for emergency services to reach the dwellings
- if more houses are built the estate rent charge should be reduced accordingly

Additionally, Somerset Wildlife Trust have objected:-

We have noted ... the supporting Ecological Appraisal provided by Hallam Land Management. We accept the findings of that Appraisal and recognise that this site is bounded by the M5 Motorway and other residential development. Nevertheless, it appears to us that this development is likely to have a significant negative impact on a range of wildlife - although, as part of the Assessment is redacted - it is not possible to fully assess that. We welcome the proposal to create a Green Infrastructure Corridor as part of the development but still feel, on balance, that this Application should be refused.

Most Relevant Policies

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

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

National Planning Policies

National Planning Policy Framework (December 2023)

National Planning Practice Guidance

Sedgemoor Local Plan (2011-2032)

S1 Presumption in Favour of Sustainable Development

S2 Spatial Strategy for Sedgemoor

S3 Infrastructure Delivery

S4 Sustainable Development Principles

S5 Mitigating the Causes and Adapting to the Effects of Climate Change

B15 Flood Defence

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D3 Sustainability and Energy in Development

D5 Housing Mix

D6 Affordable Housing

D13 Sustainable transport

D14 Managing the Transport Impacts of Development

D15 Economic Prosperity

D16 Safeguarding Existing Employment Land and Buildings
D19 Landscape
D20 Biodiversity and Geodiversity
D24 Pollution Impacts of Development
D25 Protecting Residential Amenity
D28 Health and Social Care
D30 Green Infrastructure Requirements in New Developments
D34 Outdoor Public Recreational Space and New Residential Areas

Other Material Considerations

North East Bridgwater Design Principles

Community Infrastructure Levy (CIL)

The application is for residential development in Bridgwater Without where the Community Infrastructure Levy (CIL) is Urban Residential £55.91sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development, as initially submitted, would be in the region of £398,813.39. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

Main Issues

Principle

The site is in the Employment Zone for NE Bridgwater. Within the approved Strategic Design Code, this zone alongside the M5 is identified as providing a positive 'shop window' for Bridgwater and a key aspiration is to create an attractive frontage of high quality contemporary buildings that relate strongly to the landscape framework and in particular the Willow Man.

Having the benefit of outline approval, the principle of the 'loss' of this green space has been accepted and the site is shown as a committed employment development site (with some residential in the southern half) in the adopted Local Plan. This is not the same as land allocated for Industrial, Warehouse and Business use in the Local Plan where an alternative housing use would likely involve a Departure from the plan. Accordingly, as effectively 'existing employment land' where permission has been granted, Policy D16, with regard to Safeguarding Existing Employment Land and Buildings, states:

Proposals to change the use, redevelop or convert existing employment sites and buildings to non-employment uses will be supported where:

- *It can be demonstrated that there is no likelihood of a viable employment use (including redevelopment for employment use); or*

- *It would be preferable for the existing activity, as a result of adverse environmental impact, to be relocated to a more suitable site and its reuse for employment is not feasible or appropriate.*

The same principle applies to sites with planning permission for employment uses that have not been implemented.

Applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different uses to support sustainable local communities.

The preamble to the Policy explains the Council will seek to safeguard existing sites and buildings for employment uses where they continue to be sustainable for employment development, continue to meet the needs of the market and are required to maintain a local balance between housing and employment. It is suggested marketing should include:

- Promotion through two or more local agents;
- An independent valuation of price;
- For a reasonable period of time (about 18 months).

It has been accepted (in relation to applications 09/19/00001 and 09/19/00004) that the provision of office based employment on this part of the NE Bridgwater site is no longer justified. It is considered that there is ample provision for office based space close by at Bristol Road and Express Park and that the market for office space has changed fundamentally in recent years with shifting work patterns in the post-covid workforce. Additionally, the local plan substantially over provides, whilst Gravity was not included within the employment land supply figures at the time.

Nevertheless, there remains the need for this proposal to justify the further loss of employment land. In this respect the commercial availability assessment statement sets out that there is “currently a wealth of commercial availability within the [former] District, in terms of quantum available, range of unit sizes, cost, tenure and condition. It is clear from this that the commercial availability within the District is healthy and the opportunity to develop an offer not currently available on the open market is very limited.”

These are identified as including large-scale commercial opportunities available at junctions 23 and 24 of the M5 and a number of new commercial units available for let and land opportunities available for commercial development along Bristol Road (A38) and within the wider North East Bridgwater development.

It is noted that when the original 2010 outline planning application was determined it was envisaged that the commercial parcel, the subject of this application, development, would be developed as a gateway office location to offer an alternative to the office boom in central Bristol at the time. However, due to the site’s location, proximity to residential dwellings and

the now small-scale the market for this type of office space the expected demand has not materialised and the broader market for peripheral locations has declined.

Additionally longer term changes to the way people work, that were accelerated by the Covid-19 pandemic, have further compounded matters and resulted in many working from home thereby reducing demand for peripheral office locations further. Indicators point towards a continued reduction in demand for office space with a hybrid working pattern of office based and working from home predicted for many.

Based on this analysis the assessment concludes that:-

“the commercial offer the application site has permission for is readily available in the District at a time when the demand for such commercial development has cooled. Given this, there is no likelihood that the commercial parcel will come forward as originally envisaged.

In conclusion, there is currently a healthy supply commercial availability in the District which limits the opportunities to develop an offer not already available on the open market. Therefore, it has been demonstrated that there is no likelihood of a viable employment use coming forward on the application site.”

It is not considered that there are any reasons, or evidence to the contrary, that would justify disputing this and on this basis the principle of moving away from employment uses on this site is considered acceptable under the provisions of policy D16.

In terms of the proposed residential development of the site it is to be noted that the site is adjacent to the existing residential development approved under the original grant of outline planning permission (and was part itself identified for residential uses in its southern half) and as such it is not considered that further residential development is objectionable in principle or incompatible with the adjoining land uses. Additionally, it is to be noted that the area is close to large employers and employment areas and well connected to Bridgwater, already supporting a residential community, with access to employment opportunities. With no realistic likely delivery of employment, the choice is to keep the land in the hope of future employment or allow residential development and the associated benefits it brings to come forward now.

On this basis subject to the consideration of the detail of the impacts of the development and its relationship with the surrounding area the principle of the proposed residential development is accepted.

Design and Visual Impact

The North East Bridgwater Design Principles sets out high level design principles for the

development, intended to guide proposals to deliver the comprehensive mixed-use development envisaged by the allocation. In terms of the design approach, it was anticipated within the Strategic Design Code that development in the commercial areas would include:

- a high quality contemporary and distinctive edge to the M5 Corridor with the use of quality materials and building details;
- the built form will be predominantly two or 3 storey, in height, although taller buildings will be supported; and
- robust pedestrian connections between the employment and residential areas.

Such principles remain relevant to an alternative residential development.

Design Code

It is considered that it would be reasonable to apply the principles of the NE Bridgwater Design Code to this development. This sets out a number of general principles which have been applied to the adjoining residential development and the on-going guidance of these would ensure that the residential development of this site would sit well alongside the existing residential development.

The design code suggests a number of themes which are considered as follows:-

- **Street Hierarchy** – The proposal develops the theme whereby the further into the development, the quieter and more intimate the roads and overall the street hierarchy works well and accords with the Code.
- **Car Parking** – A range of car parking is proposed, primarily with all properties having off street as set out in the Design Code. Highways have not objected and it is considered that the proposed parking spaces are safe and easily accessed. There is opportunity for on-street overflow parking and there are no unsightly large groups of parked cars in parking courts.
- **Street Planting** – The landscaping proposals show a mix of a reasonable amount of in-street planting and on-plot planting including trees, ornamental hedges, shrubs, specimen plants and climbers (with framework). Front lawns will be generally turfed. Street-frontage parking areas have been broken up a small degree from initial proposals to allow a bit more green-space. Whilst additional landscaping would be welcome it is not considered that in this instance it would be reasonable to pursue this given the context and the nature of development in the immediately surrounding area. It is noted that an area of open space has been provided and that this would be well planted.
- **Density** - The Design Code specifies a guide of 40 dwellings per hectare. At c. 31 dwellings per hectare the proposal is considered reasonable.

- Perimeter Blocks – The Design Code states a preference for perimeter block design, which is broadly adopted in the design with blocks of houses creating perimeter blocks backing on to quieter garden areas.
- Scale – The Design Code states that the predominant height will be 2 storeys with some 2.5 or 3-storey blocks in key locations to provide variety and focus points. This is reflected in the mainly 2 storey houses proposed and is considered to be generally in accordance with the Design Code in this respect. The two 2 ½ storey houses would be at the entrance to the site from the adjoining development and as such would appear to be well within the overall development in views of the site’
- Layout – the layout has been amended to better relate to the adjoining development to the west, with the opportunity for footpath connection between the sites. A central Local Area of Play (LAP) would be provided in the northern part of the site and the southern part of the site would have good access to the LAP on the adjoining development. The Police Architectural Liaison Officer has confirmed that support for the repositioned LAP.
- Boundary Treatments - 1.8m close board fencing is proposed and is considered acceptable from an aesthetic point of view. There these would adjoin the public realm space has been provided to allow some planting to soften the visual impact and a landscaping condition is suggested to agree ensure that climbing plants are used where appropriate.
- Appearance – The overall the design theme is for simple 'standard' homes, of traditional dimensions, a few with strong design relief around the windows and doors. There is a mix of brick, with some render, red and grey concrete tiles roofs and occasional features such as porch canopies. This provides a coherent and simple form that gives a sense of character to the area. The 2 taller dwellings subject of this application are at the entrance to the site and would not be unduly prominent. The finishes will fit in with the other parts of the estate already approved.

As a whole, the proposed layout is considered to be in keeping with the existing housing in the area and the guidelines in the Design Code. The layout is not cramped, provides adequate parking and the streets are safe and controlled. The police liaison officer has confirmed he is broadly content with the design in terms of public safety, subject to fencing choices, and all round this will provide a suburban neighbourhood that will be both attractive to residents and visitors.

The concern about the parking areas on the northern part of the site are noted, however these of three relatively small areas that would all be overlooked from the rear and sides of the surrounding properties. All three sites are relatively open with clear views into and through the parking areas from both the proposed development and the existing development to the West. On this basis it is not considered that the police architectural liaison officers concerns in this

respect are such that planning permission could reasonably be withheld in this instance.

The proposal which has been amended and reduced would provide a strong northern frontage towards the former Wicker man site that would be provided with a well landscaped acoustic barrier along the eastern edge to mitigate noise from the M5. It is considered that this would create an appropriate new north facing edge.

Within the development the layout and house design would reflect the adjoining residential development. It would be provided with good links for pedestrians and cyclists such that the scheme would knit well with the previously approved and now occupied development. The proposed houses are predominantly two storey and are of a design and that it matches that approved on the adjoining part of the North East Bridgwater development.

Within the site there is scope for limited public realm planting on a scale that matches the adjoining development and areas of open space are provided to soften the development.

Living Conditions

It is considered that the proposed houses would be sufficiently well separated from the previously approved and now occupied houses on the adjoining part of the north east Bridgwater development and as such there would be no undue impact on the amenity or living conditions of any existing residential occupier. It is accepted that the outlook of the nearest existing residential properties would be changed from that of an area of open space with farm buildings to an urban form of development, however this is not in itself considered objectionable given that the majority of the dwellings on the North East Bridgwater development have similar outlooks. Given that the design and detailing of the proposed houses are considered acceptable it would not be reasonable to argue that this new outlook is unacceptable.

The cessation of agricultural activities within the buildings to be demolished is considered a potential benefit as is the cessation of the previously approved wedding venue which had a history of complaints and enforcement issues. Additionally, it is noted that the proposed dwellings would in themselves create an acoustic barrier between the existing houses and the M5. Taken together it is considered that the proposed development would result in an overall reduction in noise and disturbance for existing residents and that this should be regarded as a benefit of the development.

With regard to the living conditions of future occupiers it is considered that the layout would provide for a reasonable standard of amenity with all properties having their own gardens and access to the shared public open spaces. All properties would also have their own off street parking which meets the council's parking standards.

It is accepted that building homes this close to the motorway has potential to create noise

issues for future occupiers. The proposal includes an acoustic fence set on top of a bund that would create a 5m high noise barrier along the eastern edge of the development next to the motorway. This has been refined throughout the location to meet the requirements of the council's environmental health officer in terms of noise performance, the requirements of the council's design and landscape advisers in terms of official impact and the requirements of National Highways who have been concerned about the relationship with their strategic assess along the motorway.

It has been confirmed that subject to agreement of the technical detail the proposed noise mitigation would deliver homes with acceptable noise levels. In this respect conditions are suggested to agree firstly the design and technical specification and secondly to secure confirmation of compliance and effectiveness of the agreed measures prior to occupation. It is considered that this would reasonably safeguard the living conditions of future occupiers as required by policies D24 and D25.

Conditions have been suggested by National Highways who are anxious to ensure that the landscaping and drainage of the bund and this part of site the site are carried out in such a way that will safeguard their assets. This is considered reasonable and would also meet the requirements of the IDB who have similar concerns with regard to the maintenance of their rhyne which would lie between the bund and the motorway.

Highways Impacts

It is proposed to access the new dwellings via the existing estate road network between the site and the main road along Kings Drive, sharing the access arrangement currently enjoyed by the existing houses. No highways concerns have been raised about this in terms of the additional traffic movements that will be created by the proposed 90 additional houses. Within the site adequate parking and vehicle manoeuvring space will be provided and no objection is raised in this respect by the highways officers.

Accordingly subject to highway safeguarding conditions as recommended by the highways officer, the proposal is considered to comply with the requirements of policy D14.

In terms of sustainable transport, the provision of electric vehicle charging points falls within the remit of building control and a condition has been suggested to agree an appropriate travel plan. Subject to this the proposal would meet the requirements of policy D13.

Flood Risk and Drainage

The site lies within Flood Zone 3 and is at the highest risk of flooding but is within an area benefiting from flood defences. CIL contributions may be used towards the further planned defence improvements for Bridgwater. Application 09/09/00004 approved a drainage network to serve the wider North East Bridgwater development and it was always intended that this

site would drain into this approved network and it is noted that drainage works have been carried out in accordance with this approval. Consequently, in respect of flood risk the EA raise no objection subject to appropriate conditions to secure the necessary floor levels.

With regard to the detailed drainage the LFA have accepted the proposed on site drainage with its ultimate discharge to the local green network. Conditions are recommended to secure the technical detail of the drainage and its ongoing maintenance.

On this basis it is considered that with regard to flood risk and drainage the proposal complies with requirements of policy D1.

Ecology

Forming part of the planned NE Bridgwater expansion, the site has been accepted as not being ecologically sensitive itself, comprising former agricultural land (ALC Grade 3A), largely improved grassland and scrub, and does not currently make a high value contribution to ecology or biodiversity. That said the hedgerow borders and rhynes offer habitat for breeding and feeding.

The application is supported by an ecology appraisal and updated details have been provided. In detail the Council's ecologist has commented:-

General

As the most up to date surveys were undertaken in 2021, in line with CIEEMs advice note on the lifespan of ecological reports, a professional ecologist will need to undertake a site visit and may also need to update desk study information and review the validity of the report(s). Please also see my species and habitat specific comments below which detail any aspects that should also be considered.

Badgers

The last survey for badgers appears to have taken place approx. 26 months ago. As the site comprises suitable habitats for badgers, and badgers have been recorded in nearby fields historically (see Environmental Statement by FPCR, 2008), an up-to-date badger survey is requested.

Amphibians

The 2022 Ecological Appraisal states that ditches 2 and 3, as well as P11 are scheduled to be lost (section 7.25) - although I think this was intended to read P10 instead of P11 (as P11 is outside of the redline boundary whereas P10 is within the site?). The most recent surveys undertaken for GCN appear to have been in the form of eDNA sampling undertaken in 2021, however the survey report has not been included in the application. It is also noted that HIS assessments were undertaken in 2021 but the results of these are also unavailable.

Although previous surveys have shown GCN absence in some of the waterbodies within

500m of the development, the most recent surveys for GCN were undertaken over 2 years ago. GCN has historically been recorded in close proximity to the site, and translocation has been undertaken to receptor ponds approx. 1km north. The translocation scheme retained linear breeding, sheltering, commuting, and foraging habitats that remain well connected to the site, and the site itself is also functionally connected to other areas that have historic presence of GCN within 250m (e.g. P1). The scheme will likely lead to the removal of breeding habitat and/or fragmentation of commuting and foraging habitat if GCN are present within 500m of the site boundaries. Due to the amount of time since the last survey was undertaken, the potential habitats for GCN on site and within 500m of the development, and the historic use of habitats within/in close proximity to the site, updated GCN surveys are deemed necessary to determine whether licencing is necessary (unless DLL is instead used).

Priority Habitat

According to mapping, the site lies directly on habitat defined as Coastal and Floodplain Grazing Marsh Priority Habitat. The definition of CFGM is based around the aspects of modified floodplain grasslands, where habitats such as fen, reed swamp and saltmarsh have been historically drained. Unlike other JNCC habitats, CFGM is defined through a combination of landscape and biological characteristics ('wet grassland for birds', 'floodplain grassland of botanical interest', and 'ditches with botanical or invertebrate interest') and can be considered as a land use type with varying proportions of individual habitat components that can differ substantially in quality. It is noted that an Invertebrate Survey was undertaken on the ditches that comprised the outline application 09/08/00017 for which the site is included. It concluded that the ditches surveyed indicated invertebrate importance. Although the M5 drain was highlighted as particularly important, ditches associated with this development showed presence of species of conservation importance, or specifically associated with CFGM (*Hydrophilus piceus*, *Odontomyia ornate*). Bird surveys were also undertaken for 09/08/00017 that found breeding and non-breeding presence of species associated with the Somerset Levels & Moors SPA / Ramsar site such as Curlew, Gadwall, Shoveler and Lapwing. Although it was deemed that the development (of 09/08/00017) would be unlikely to result in a significant effect on the bird species using the designated site, consideration to the presence of CFGM and species for which it is associated should be given. As far as I'm aware, I cannot find reference to any of the above in the documents submitted to support this application, and plans have not considered impacts of the removal of this habitat or proposed any mitigation for relevant features (e.g. removal of D1, D3 and P10).

Invertebrates

Invertebrates constitute a material consideration within the process of assessment and evaluation, but surveys do not appear to have considered this species group. Although discerning the actual presence of invertebrates (or the presence of a particular species of invertebrate) is often difficult and restricted to particularities in season, weather,

time of day etc., considering habitat complexity, floral species and local data is important when determining a sites potential for invertebrates.

Although this does not constitute a detailed data search, I can see from internal mapping that species of conservation of concern have been recorded locally, such as the small heath butterfly, wall butterfly, scarce chaser dragonfly, cinnabar moth, jersey tiger moth.

Water vole

As stated in the 2022 Ecological Appraisal, a licence will be required for water voles. This appears to have been informed by recordings during the Phase 1 Survey in 2021, but I am unable to find reference to secondary surveys since then so assume that these have not been undertaken.

As a licence will be required, secondary surveys should be undertaken to design suitable mitigation, compensation and assess the significance of impacts to water voles in line with The Water Vole Mitigation Handbook (2016).

As discussed in the 2022 report, it is likely that a class licence would be used (WML – CL31). This licence can only be relied upon where there is a no net loss for water voles. This means that suitable habitat must be created, or existing habitat enhanced, within the range of the affected population. The result of this must be the reasonable expectation that there will be the same or a greater extent of good quality water vole habitat. Although this was discussed in the 2022 report, I am unable to find any reference to proposed mitigation in any site plans. However, as this will depend on the results of the further surveys, it should be noted that proposals for such enhancements are submitted and included within site plans following the survey.

Bats

The bat activity surveys were undertaken over 08/2021 and as such, due to the potential presence of roosting bats on site and amount of time since these surveys were undertaken, updated surveys should be undertaken.

Notwithstanding the above comments it is noted that the updated ecological information has been provided and that the ecology of the site is well understood, the site having been the subject of formal EIA process associated with the wider NE Bridgwater proposals and benefits from a fully designed Green Infrastructure strategy which provides extensive new habitat creation including for Great Crested Newts and water vole – which will also provide for the present proposals. The proposals therefore benefit from front loaded habitat provision as approved at outline stage and under application 09/09/00004.

The applicant has sought to address the above comments in a letter from their ecology consultant who provided the appraisals, this notes that:-

Areas of grassland, hedgerows identified within the Phase 1 Habitat survey plan submitted with the updated Ecological Appraisal (FPCR, 2022) remain the same as when previously

assessed but overall represent only a very small proportion of the Site's area with the majority comprising hardstanding (concrete, gravel, footprint of agricultural buildings and sand / rubber chip equestrian schooling).

Given a large proportion of the Site comprised hardstanding (concrete, gravel, footprint of agricultural buildings and sand / rubber chip equestrian schooling)' substantial portions have been surfaced with appropriate substrate and used for materials storage, positioning of site offices and parking associated with the adjacent consented residential development. Demolition of agricultural buildings assessed as having low or negligible bat potential has also been undertaken by the former landowner prior to completion of sale transferring land to our client and occupation of the site for ancillary uses by Persimmon Homes Ltd. Demolition was undertaken following internal / external (and nocturnal assessment as necessary) in July 2021 to leave only the main farmhouse (B1) and adjacent stable buildings (B2 & B3 moderate and low potential, respectively) remaining. A low conservation status bat roost having been identified at the Farmhouse (B1). The former Farmhouse (B1) retained wholly within this application boundary and the stable buildings (B2 & B3) only partially within the application site boundary.

*Above-mentioned activities have taken place to the west of the original tarmacadamed driveway and entrance to Little Sydenham Farm with no encroachment onto the M5 Rhyne and associated riparian corridor which are the habitat features identified as being of greatest value on Site. Activities undertaken since submission can be considered wholly legitimate and consistent with Outline Consent that includes for "associated engineering works, infrastructure, drainage and car parking"
i.e. all are ancillary works for which no Reserved Matters approval would be required.*

In general, the application site forms part of a wider scheme for which outline approval was previously granted (2009 Application number: 09/09/00004, 2010 Application Number: 09/08/00017). Impacts and mitigation have been assessed through a formal EIA and designed in relation to this, with the GI implemented earlier in the scheme, including significant water vole and GCN habitat creation together with significant Green Infrastructure provision (including the creation of new rhynes, waterbodies and a substantial GCN reserve under an EPSL north of the Morrisons Depot).

The letter provides updates with regard to various protected species:-

- Badgers - given the temporary use of much of the existing footprint of the Site for purposes ancillary to outline consent, it is considered that much of the Site remains sub-optimal if not unsuitable for badger albeit some foraging resource may still be provided by the few retained hedgerow bases, the riparian corridor (including bankside vegetation) associated with the M5 rhyne. It is unlikely that a high-status sett will have been created since the previous survey.

- Amphibians – it is noted that the mitigation and compensation measures already implemented for the Northeast Bridgwater scheme since consented in 2009 have already delivered a greater long-term benefit to the local population of great crested newts (GCN). The historical and recent GCN data provided in support of this application suggests that there is a very low level of risk to GCN through the development of the Site and that GCN are consistently absent from waterbodies south of the Horsey Rhyne and the Wicker Man pond. This risk is further reduced given the only on-site waterbody is a concrete tank fed by runoff from the agricultural buildings, which no longer functions as a waterbody and therefore no longer provides potential aquatic breeding habitat for the species.
- Reptiles - low populations of both grass snake and slow worm have been recorded at the site. A precautionary approach to the construction phase is suggested and could be secured by an appropriate CEMP.
- Priority Habitat - the site falls within an area identified as 'Coastal and Floodplain Grazing Marsh' priority habitat, a definition which primarily relates to the historic state of the site. The site is considered to be of a relatively poor ecological value, comprising farm buildings, hardstanding and improved grassland fields. This has been further reduced with buildings demolished and hardstanding maintained and used for materials storage, parking and uses ancillary to consented outline development.

The adjoining M5 rhyne and wider riparian corridor is considered a more valuable habitat. The M5 rhyne would be retained and buffered with native hedgerows and grassland. Given the restricted scale of watercourse impact, the integrity of the M5 rhyne and the faunal species it supports is not considered to be significantly affected by the proposal.

- Invertebrates – any areas of high value invertebrate habitat are restricted on site to small parcels of wetland, scrub and semi-improved grassland habitats. These are common habitats in the surrounding landscape, and the small-scale losses resulting from the proposal is not expected to have a significant impact on the local population status for any invertebrate species.
- Water Voles – the existing M5 rhyne corridor has the potential to provide vole habitat and is retained. The supporting information confirms that this appears to have been unaffected by site clearance and/or materials storage. It is to be noted that significant, tailored, water vole habitat compensation has already been provided at the outline stage, which consisted of new rhyne habitat designed to mitigate/compensate for lost habitat and surface water drainage infrastructure.
- Bats - All buildings within the site were subject to assessment and surveys in 2021 by a suitably experienced, licenced bat ecologist with no bat roosts recorded. Those

buildings not supporting bat roost potential (mostly clear-span steel agricultural buildings) were demolished in 2021/22 with the only remaining buildings being the original Farmhouse and stables (moderate and low bat roost potential, respectively). The farmhouse is not within this current application site, its demolition being agreed as part of application 09/21/00014. The stable buildings B2 and B3 overlap the current application.

Only the farmhouse was previously identified as supporting low conservation bat roosts and the stable buildings were considered of negligible/low bat roost potential with no roost confirmed following nocturnal surveys. Whilst it is acknowledged that the supporting bat survey data is no longer valid, all remaining buildings remain in a similar state to previously. The farmhouse is wholly outside this application but considering buildings together, it is considered that sufficient information has been provided to allow an accurate assessment of likely potential impacts of the proposed development and for a decision to be made.

These additional clarifications have been accepted by the council's ecologist who has withdrawn their previous concerns and objections and subject to the suggested safeguarding conditions the proposal is now considered to comply with the requirements of policy D20.

Planning Obligations

Affordable Housing

Policy D6 requires 30 % of the dwellings to be affordable homes, secured through a S106 agreement. The affordable housing officer advised that this should comprise:-

- 27 homes.
- a mix of 2,3 and 4 bed affordable homes.
- well distributed across the development site.
- 25% as First Homes, with the development providing 7 x First Homes, with the remaining 20 affordable homes provided as rental units. The 4-bed affordable homes must be rented.

It is advised that the affordable homes appear to look the same as the open market homes and should be provided on a subsidy free basis, transferred to a registered provider where appropriate. Affordable housing will need to be secured through the S106 to ensure compliance with policy D6.

Public Open Space

The proposed LAP and acoustic bund, together with any public realm planting will need to be maintained at the developer's expense. Although the detail of these can be secured by condition, a suitable maintenance arrangement will need to be secured by a section 106 agreement to ensure ongoing compliance with policies D34 and D25.

Education

The education authority accept that and education contributions are to be secured via CIL should the need for any additional education space arise as a result of this development.

Other Issues

Sedgemoor District Council had adopted an Employment and Skills Charter (Local Labour Agreement [LLA]) as policy to be set within Planning Obligations or secured by condition. The reason is that the Council is committed to helping ensure that local people benefit from new job and training opportunities created during major developments in the District such as the one proposed. The use of local labour and local suppliers is also encouraged because it reduces the impact of travel and transport from such projects. A condition seeking a LLA is considered appropriate to ensure that the local work force are afforded opportunities in the construction phase and is necessary to meet the requirements of policy D15.

SC Highways require travel plan contributions. It is considered that Travel Plan requirements for a residential development of this scale can be secured by condition, this would ensure compliance with policy D13.

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

- The fear that future residents might exceed the speed limit is not a planning consideration and such matters are dealt with by the police under other legislation;
- the matter of service charges is for the management company and cannot be controlled through planning;

Conclusion

Having the benefit of outline approval, the principle of the site's development, albeit primarily for employment uses, has been accepted in line with the Council's planning policies. Whilst it is regrettable that the anticipated commercial use has not come forward, it is considered that the changing commercial landscape reflects a lack of current demand for such sites. Furthermore, there are considered to be ample alternative options for such development. As such it is not considered that it would be reasonable to insist that this element of the previous permission be retained at all costs. Adequate information has been provided to demonstrate that the loss of this employment site would not be objectionable in line with the requirements of policy D16 and the alternative residential use of the site now proposed would not be incompatible with the location.

Housing is not only suitable but the design and layout would not prejudice the amenities of existing occupiers and would provide a good standard of living for future occupiers without detriment to highway safety, visual amenity or the limited ecological interest of the site.

Technical matters in relation to flood risk and drainage have been addressed and appropriate detail could be secured by condition.

Accordingly subject to appropriate safeguarding conditions, the application is recommended for approval subject to a S106 to deliver affordable housing and the maintenance of the on site open space and acoustic barrier.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report and it is not considered that the residential redevelopment of this site, to which there is not currently any public access, would prejudice the interests of anyone with a protected characteristic.

RECOMMENDATION

GRANT PERMISSION subject to

A) a S106 Agreement to provide:-

- A least 30% affordable housing of a tenure and mix to the satisfaction of the chief planning officer in consultation with housing officers
- Management and maintenance of onsite LAP, and public realm planting and the acoustic fence/bund to the satisfaction of the chief planning officer in consultation with open space officers

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

B) The following conditions

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

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

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

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

Drainage & Flood Risk

- 3 With the exception of demolition, site clearance and preparation, no development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority in consultation with National Highways. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (December 2023 and the Flood and Water Management Act (2010)). Once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained and in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset in accordance with policies D1 and D14 of the Sedgemoor Local Plan 2011-2023.

- 4 With the exception of demolition, site clearance and preparation, no development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system and to ensure development is properly drained in accordance with policy D1 of the Sedgemoor Local Plan 2011-2023.

- 5 No dwelling hereby approved should be occupied unless a flood warning and evacuation plan for the site has been submitted to and approved in writing by the local planning authority. Thereafter all first time occupiers shall be made aware of the approved plan.

Reason: To safeguard future residents from risk of flooding in accordance with policy D1 of the Sedgemoor Local Plan 2011 to 2032.

- 6 The development hereby permitted shall be constructed with the finished floor levels of all dwellings set at a minimum of 6.8 metres above ordnance datum.

Reason: To safeguard future residents from risk of flooding in accordance

with policy D1 of the Sedgemoor Local Plan 2011 to 2032.

- 7 With the exception of demolition, site clearance and preparation, no development approved by this planning permission shall commence until such time as a scheme to detailing flood resilience measures to be utilised in the construction of the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented prior to first occupation and subsequently maintained there after throughout the lifetime of development, unless otherwise agreed in writing, by the local planning authority.

Reason: To safeguard future residents from risk of flooding in accordance with policy D1 of the Sedgemoor Local Plan 2011 to 2032.

Highways

- 8 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, EV Charging cable runs, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interest of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011 to 2032.

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

Reason: In the interest of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011 to 2032.

- 10 The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011 to 2032.

- 11 No part of the development shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter all elements of the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable transport in accordance with policy D13 of the Sedgemoor Local Plan 2011 to 2032.

Noise

- 12 Prior to the commencement of the construction of the bund and acoustic fence hereby permitted details of their construction and acoustic performance shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways and the Council's environmental health officers). The details shall demonstrate the technical and acoustic feasibility of the structure and have regard to the requirements of DfT Circular 02/2013 in relation to future maintenance. Thereafter no dwelling shall be occupied unless the bund and fence have been fully implemented in accordance with the approved details and the approved bund and fence shall be maintained in accordance with the approved details for so long as the dwellings hereby approved are occupied.

Reason: To safeguard the operation of the strategic road network and the long term integrity of its assets and in the interests of residential amenity in accordance with policies D24, D25 and D14 of the Sedgemoor Local Plan 2011-2032.

- 13 No dwelling hereby permitted shall be occupied unless it has been constructed in accordance with the recommendations of a scheme to mitigate against road traffic noise that has been submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall demonstrate how the internal and external living spaces will not exceed the following maximum noise criteria:

Location	07.00 – 23.00	23.00 – 07.00
	Upper Limit	
Living Room	35 dB $L_{Aeq,16hr}$	
Dining Room/Area	40 dB $L_{Aeq,16hr}$	
Bedroom	35 dB $L_{Aeq,16hr}$	30 dB $L_{Aeq,8hr}$ < 10 events >45 dB $L_{Amax,F}$
Private Amenity Areas and Gardens	55 dB $L_{Aeq,16hr}$	

The scheme shall detail all necessary elements of the mitigation, in addition to the acoustic bund and fence, including building envelope construction, glazing and ventilation and shall include calculations to demonstrate that these noise levels in the relevant internal and external spaces will be achieved.

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

- 14 No dwelling hereby approved shall be occupied unless a verification report has been submitted to and approved in writing by the local planning authority that demonstrates that the noise levels set out in the previous condition have been achieved.

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

Construction

- 15 Prior to the commencement of development a written commitment to the sourcing of local labour shall be submitted to and approved in writing by the local planning authority. The written commitment, as a minimum, shall set out the following matters:

- i. The proportion of construction workers to be sourced from the local labour pool;
- ii. Work experience/ apprenticeship opportunities;

- iii. The proportion of local procurement and sourcing;
- iv. On-going skills development and training opportunities;
- v. The steps that will be taken to ensure that the above is implemented;

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

Reason: To promote opportunities for the local population in accordance with policy D15 of the Sedgemoor Local Plan 2011-2032.

16 Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Management Plan (CMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CMP shall include details of:-

1. Measures to regulate the routing of construction traffic;
 1. The importation and of spoil and soil on site;
 2. The removal /disposal of materials from site, including soil and vegetation;
 3. The location and covering of stockpiles;
 4. Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
 5. Control of fugitive dust from earthworks and construction activities; dust suppression
 6. Noise control plan (which includes control methods)
 7. A waste disposal policy (stating no burning on site)
 8. Details of any site construction office, compound and ancillary facility buildings;
 9. Construction and delivery hours
 10. Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto
 11. A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number.

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

Reason: In the interests of highways safety and to safeguard residential amenity in accordance with policies D14, D24 and D25 of the Sedgemoor Local Plan 2011-2032.

17 No development hereby approved shall be carried out unless a scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include:-

12. an investigation and assessment to identify the extent of contamination;
- a remediation plan to address any contamination found
- measures to be taken to avoid any risk to the public and environment when the site is developed.
- Steps to be taken in the event that any unexpected contamination is found during the course of the development
- Any monitoring necessary to assess effectiveness of the proposed remediation
- Provision of reports as necessary to confirm the outcome of the remediation strategy

Unless agreed otherwise by the local planning authority the development be carried out in accordance with the approved measures.

Reason: To ensure that any risks from land contamination to are minimised in accordance with policy D24 of the Sedgemoor Local Plan 2011-2032.

Ecology

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to habitats and species.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

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

- 19 No external lighting, including street lighting, shall be installed in the public realm areas unless it is in accordance with a lighting design for bats and other biodiversity that has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key & supporting horseshoe bat features and habitats, and no more than 0.5 lux on features and habitats potentially used by other bat species. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed in this area 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 policy D20 of the Sedgemoor Local Plan 2011-2032.

- 20 The dwellings hereby approved shall not be occupied until measures for the enhancement and protection of biodiversity have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such enhancement measures shall include:-

- At least 10 Bat boxes to benefit differing roosting preferences of bat

species, either integrated within dwellings, installed in appropriate positions on buildings, and/or within suitable trees on site. These should be at least 4m above ground on either the south or west facing elevations, 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

- At least 15 Bird boxes to benefit differing nesting preferences of bird species, either integrated within dwellings, installed in appropriate positions on buildings, and/or within suitable trees 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.
- deadwood log refugia piles as a shelter for reptiles, invertebrates, amphibians and small mammals for foraging, hibernation, and refuge in suitable positions on site
- Hedgehog friendly fencing to incorporate accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

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

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

21 Works to any watercourse shall not commence unless the Local Planning Authority has been provided with either:

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

Reason: A pre-commencement condition is necessary to safeguard UK protected species in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

22 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

Landscaping and POS

- 23 No dwelling hereby approved shall be occupied unless details of the layout and equipment of the local areas of play has been submitted to and agreed in writing. Such details shall include a timetable for the provision of the local areas of play. Once approved the occupation of the development shall be in accordance with the approved details.

Reason: To ensure the development is provided with adequate on site open space in accordance with policy D34 of the Sedgemoor Local Plan 2011 to 2032.

- 24 No works to construct the houses hereby approved shall occur unless a landscape planting scheme has been submitted to and approved in writing by the local planning authority. Such scheme shall include:-
- Additional enhancements provided such as species-specific planting for invertebrates of conservation importance that have been recorded locally.

- a) Additional enhancements/management provided to ensure the rhyne remains favourable to species associated with Coastal and Floodplain Grazing Marsh.
- b) Screening planting for the acoustic fence and bund

Unless agreed otherwise in writing, the approved scheme shall be fully carried out within 18 months from the date of commencement of the construction of the houses. The trees/shrubs shall be protected and maintained, and any dead or dying trees/shrubs shall be replaced to the satisfaction of the local planning authority for a period of five years following the completion of the development.

Reason: In the interests of visual amenity and to safeguard biodiversity in accordance with policies D2, D19 and D20 of the Sedgemoor Local Plan 2011-2032.

Materials

25 With the exception of ground works, no works to construct the dwelling(s) hereby approved shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:-

- c) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
- a) details of the design, materials and external finish for all external doors and windows;
- b) details of all guttering, down pipes and other rainwater goods;
- c) details of all hard surfacing and boundary treatments.

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

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

Schedule A

Planning Layout Drg No. 100-9 Rev R

Location Plan Drg No. 101-5 Rev A

Materials Key Plan Drg No. 102-5 Rev C

Storey Heights Key Plan Drg No. 103-5 Rev D

Refuse & Cycle Key Plan Drg No. 104-5 Rev C

Affordable Key Plan Drg No. 105-5 Rev C

Noise Fence Key Plan Drg No. 105-6 Rev A
Arden Floor Plans & Elevations Drg No. 120.1 Rev C
Danbury Floor Plans & Elevations Drg No. 121.1 Rev C
Danbury Front Gable Floor Plans & Elevations Drg No. 121.2
Sherwood Floor Plans & Elevations Drg No. 123.1 Rev A
Charnwood-Corner Floor Plans & Elevations Drg No. 124.3 Rev B
Charnwood Floor Plans & Elevations Drg No. 124.4
Whinell Floor Plans & Elevations Drg No. 126.1 Rev A
Whiteleaf Floor Plans & Elevations Drg No. 127.3
WP2420A Floor Plans & Elevations Drg No. 130.1 Rev B
WP3520A Floor Plans & Elevations Drg No. 131.1 Rev B
WP4620A Floor Plans & Elevations Drg No. 132.1 Rev A
Garage Floor Plan & Elevations Drg No. 140.1
Fence & Enclosures Details Drg No. 115-1
General Arrangement Plan Drg No. 03116-FPCR-ZZ-XX-DR-L-0001 Rev P06
Planting Plan - Sheet 1 Drg No. 03116-FPCR-ZZ-XX-DR-L-0002 Rev P06
Planting Plan - Sheet 2 Drg No. 03116-FPCR-ZZ-XX-DR-L-0003 Rev P06
Planting Plan - Sheet 3 Drg No. 03116-FPCR-ZZ-XX-DR-L-0004 Rev P06
Planting Plan - Sheet 4 Drg No. 03116-FPCR-ZZ-XX-DR-L-0005 Rev P06
Planting Plan - Sheet 5 Drg No. 03116-FPCR-ZZ-XX-DR-L-0006 Rev P06
LAP Plan Drg No. 2205.33945
Illustrative Landscape Section Drg No. 3116-L-07 Rev B
Concept Plan Drg No. 920 Rev D
Concept Engineering Plan Drg No. 910 Rev F
Refuse Vehicle & Swept Path Analysis Drg No. 670 Rev A

DECISION
