

**Committee date 16/01/2024**

**Application No:** 54/22/00005

**Application Type:** Full Planning Permission

**Case Officer:** Dean Titchener

**Registered Date:** 01/06/2022

**Expiry Date:** 30/08/2022

**Parish:** Woolavington

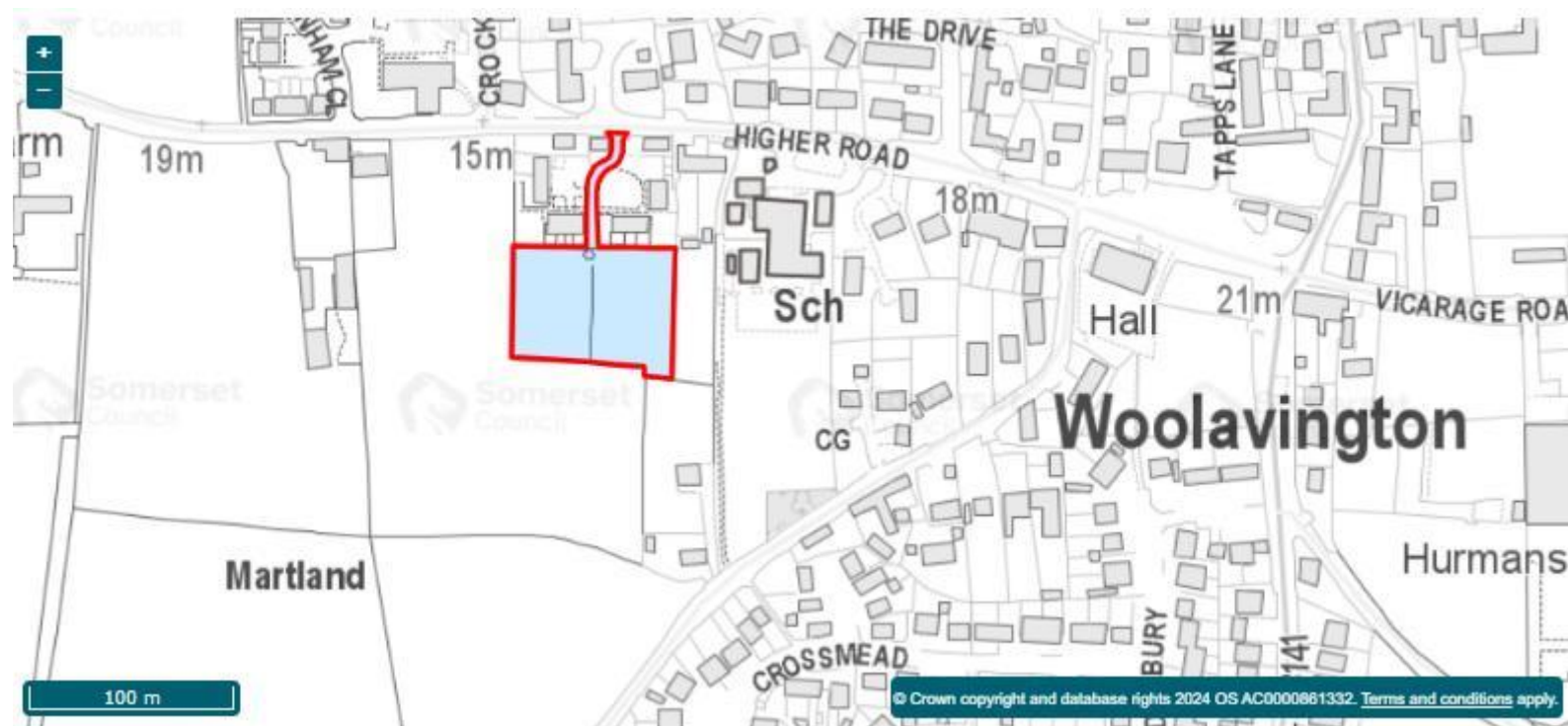
**Division:** Puriton and Woolavington

**Proposal:** Erection of 14no. affordable dwellings (revised scheme).

**Site Location:** Land to the South of, Lavers Close, Woolavington, Bridgwater

**Applicant:** SHAL Housing Ltd

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



**Committee decision required because**

*This application is referred to the area committee as it is a major development and the comments from the Parish Council and/or elected member/s are contrary to the recommendation.*

## **Background**

The application site is outside but adjoining the settlement limit for Woolavington, a Tier 2 village as defined in the Sedgemoor Local Plan. The site comprises an area of 0.43 hectares of pasture land located on the western end of Woolavington, being immediately to the south of Lavers Close, from which it would be accessed. The site slopes gently upwards from north to south. There are a number of features across the site, including a culvert and a number of trees.

It is proposed that 14 affordable dwellings are to be constructed on the site; they are to be affordable rent tenure. These are all to be two storey and are arranged in short rows or as semi-detached properties around the boundaries of the site. The units are to be finished with a mix of buff brick and off-white render, red concrete tiles for roof and grey PVU windows. Thirty five parking spaces are proposed throughout the site, to the front of the units. The dwellings are proposed to be served by solar photovoltaic panels on the roofs and air source heat pumps at the rear.

Vehicular access is proposed via the adjoining Lavers Close. Surface water will be discharged via creation of a new drainage channel around the periphery of the site. Foul waste will discharge to mains sewer.

## **Relevant History**

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
54/21/00007	ACN	WDN	Erection of 14no. affordable dwellings.

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

Design and Access Statement

Flood Risk Assessment

SUDs Maintenance Guide

Energy Statement

Ecological Impact Assessment

Transport Statement

Badger Report

Community Consultation

Ground Investigation Report

Plant Schedule

Landscape Maintenance Specification

Arboricultural Report

## **Consultation Responses**

Woolavington Parish Council (when originally consulted) – Objects:

*'Woolavington Parish Council recommend that the above application be refused.*

*There will be a large number of new affordable homes constructed in South Woolavington following approval of application 54/19/00008. The Parish Council therefore have no evidence that there is a need for additional affordable housing in the village and consider that this application fails to meet the criteria of Policy T(2b) of the Local Plan.'*

Woolavington Parish Council (when reconsulted In August 2023) – Objects:

*'The key substantiation of this application is compliance to Local Plan Policy T2b. However, the applicant has not provided any justification for any identified outstanding need as evidenced by the Housing Needs Survey of 2022 for affordable housing in Woolavington which is not already met by the proposed development off Woolavington Hill (ref 54/19/00008) for which planning permission has been granted.*

*The applicants have not entered into any discussions with the Parish Council regarding this revised scheme to comply with the provisions of Local Plan Policy T2b and as such there have been no meaningful exchanges on how this application could fit in with the other application and the overall needs of the village.*

*It is noted that a local letting policy is proposed. However there have been no discussions with the Parish Council on the content and how it would operate particularly within the context of other tenants of the applicants moving into the new development which would then release properties which would then not be potentially covered by any local lettings policy. This practice was evidenced where a similar policy by the applicants was in place for the initial development at Lavers*

*Close but this was circumvented by the occupants of homes in Southern Woolavington being moved into Lavers Close and the resultant vacant properties then being occupied by people from elsewhere, many of whom were not suited to village life giving rise to an increase in anti-social behaviour and crime. At least one exchange has also taken place which has also resulted in people with no connection to Woolavington living in Lavers Close.*

*Therefore as the applicants have not made any attempt to engage meaningfully with the Parish Council and discuss areas of concern regarding this revised application (as detailed above), a recommendation of refusal must be made on the grounds that the proposal fails to fully comply with Local Plan Policy T2b.'*

Affordable Housing Manager (when originally consulted in July 2022) – The Council has granted approval for 175 dwellings at Woolavington Hill. That scheme is expected to provide up to 53 new

affordable dwellings. This application should be tested against policy T2b, which requires proposals to full an identified local house need. Latest Woolavington HNA of March 2022 indicates an unmet affordable housing need of circa 4 homes. The HNA does not justify provision of 14 affordable homes.

Affordable Housing Manager (when reconsulted in August 2023) – My team published a parish council sponsored housing need research paper in March 2023. The paper provided an update to the 2022 HNA. The development has been amended to respond to the unmet housing need reported in the 2023 HNA, specifically to the provision of 2x 1 bed homes. Policy t2b requires on 40% of the housing to be an affordable housing tenure. This would require a minimum of 6 housing units. The justification for the provision of the 2x 1 bed homes and 4x 2 bed homes is supported by the 2023 HNA. The s106a agreement must ensure that local people in housing need (with a strong connection to the parish) have priority for these new affordable homes.

County Highways – No objection in principle. With regard to estate roads states preferable to have horizontal deflection in road design, need for vehicle tracking drawings, provision of electric car charging and motorcycle parking.

National Highways – No objection having considered trip generation states that the development in isolation is unlikely to result in a severe impact on the safe and efficient operation of M5 junction 23. Recommends district and county councils to seek contributions from all development which results in an impact at M5 junction 23 and A38 Dunball.

Economic Development – Requests imposition of local labour agreement condition.

Crime Prevention Officer – Has concern about 1 metre stock proof fencing around the entire perimeter of the site, which enables easy access to the side and rear of dwellings. Fencing should be higher and reinforced with hedging. Rear access paths to plots 4 & 5 and 8 & 9 should be fenced and gated in order to prevent unlawful access to the rear of these dwellings.

Lead Local Flood Authority – Following a number of clarifications on various points now satisfied in principle and recommends imposition of condition to secure details of surface water drainage scheme and its management and maintenance arrangements.

County Ecologist – Following submission of additional information does not object and recommends conditions regarding badger protections, licences, submission of a Construction and Environmental Management Plan, a Hedgerow Translocation Method Statement, lighting strategy, and a biodiversity enhancement plan.

Environmental Health – Recommends conditions on contaminated land, construction operating times, construction environmental management plan and an informative regarding air source heat pumps.

Parks and Open Spaces (when originally consulted in July 2022) – Concerned that no on-site LAP is being provided. Should consist of at least 100m<sup>2</sup> of dedicated playing space for toddler age group.

Parks and Open Spaces (when reconsulted in August 2023) – The revised proposal for a LAP is accepted and an exact specification of this area can be secured in the s106 agreement.

Landscape and Tree Officer – Arboricultural Impact Assessment has identified 4 ash and 1 elm to be retained, though these will likely succumb to disease and their longevity is limited. The plans also indicate a16 trees to be removed, 9 elm and 7 ash, but these are in poor condition. Replacement hedgerow planting and trees are proposed. Recommends birch on southern boundary is replaced with species which requires less pruning. Planting should be managed and maintained. Controls should be in place regarding bird nesting season.

Somerset Education – A proposal of this size would generate 2 early years pupils, 5 primary and 2 secondary. Our data indicates we are short of places for the primary and nursery facility in Woolavington and cumulatively with other housing development in the area we will not be able to accommodate children from this development. In addition, there is a Bridgwater wide project to expand secondary provision to ensure capacity for future housing. Education contributions will be required from CIL to enable this to be carried out.

## **Representations**

1 comment from an organisation:

Somerset Wildlife Trust – Supports findings of ecology assessment but has significant concerns about removal of hedgerow. Essential that mitigation and enhancement are secured by conditions.

5 objections from individuals (when originally consulted):

- No need for further housing – 30 affordable on 100 home scheme
- More loss of greenfield sites
- Inadequate parking provision
- Road already busy
- Ecological impact
- Impact on trees
- Overlooking / loss of privacy for existing dwellings
- Impact on local schools / doctors

3 representations received (when reconsulted), of which 2 in objection, 1 comments.

Objections:

- No damage to trees been site and land belonging to 15 Higher Road
- Consider water run off
- Road already busy
- Local services cannot support more people

Comments;

- Queries need for more affordable dwellings
- Insufficient capacity of services
- Loss of habitat and trees
- Traffic impact – local traffic calming not yet delivered

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Sedgemoor Local Plan (2011-2032)

T2b Tier 2 Settlements – Unmet Local Housing Need

D1 Flood risk and surface water management

D2 Promoting high quality and inclusive design

D5 Housing Mix

D6 Affordable housing

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D15 Economic Prosperity

D19 Landscape

D20 Biodiversity and geodiversity

D24 Pollution Impacts of Development

D25 Protecting residential amenity

D34 Outdoor public recreational space and new residential areas

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

The application is for residential development in Woolavington where the Community Infrastructure Levy (CIL) is Non-urban Residential £104.57sqm of additional gross internal floor area created.

Based on current rates, the CIL receipt for this development would be in the region of £122,789.81.

This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

## **Main Issues**

### Principle of development

The application site is located on the edge of Woolavington, a Tier 2 settlement as designated in the Sedgemoor Local Plan. As Woolavington has met fulfilled its minimum levels of housing growth as required under policy T2a, the proposal falls to be considered against T2b where there remains unmet local housing need. T2b states that mixed tenure affordable and market housing proposal on sites specifically released for that purpose will be supported outside but well related to settlement boundaries only where it meets specific criteria. The following tests the proposal against the other criteria of the policy:

*It fulfils and identified local housing need for affordable housing as evidenced by an up to date assessment of local housing needs agreed with the District Council:*

The Council's Affordable Housing Team published a Parish Council sponsored housing need research paper in March 2023. This paper provided an update and refresh of the 2022 Housing Need Assessment. The survey identified an outstanding need for 46 affordable rented properties in the parish. It then acknowledged that the consented Woolavington Hill scheme for 175 dwellings (in full and outline) will at least in part meet some of the need. However, the tenure mix being provided on that scheme is for a mix of affordable rent and intermediate options (e.g. shared ownership). The research paper notes that there is a need for affordable rented units which will not be met in full by that scheme, and that there will be a shortfall of 20 units.

The Council's Affordable Housing Team are therefore of the view that the development will respond to and help to meet the unmet housing need identified in the 2023 HNA research paper. They are of the view that the latest HNA paper justifies the type and tenure of affordable units proposed in this scheme.

*The affordable housing provision (notwithstanding the requirements of Policy D6: Affordable Housing) will normally be a minimum of 40% of the total number of housing units provided on the site unless provision of alternative local infrastructure priorities is agreed;*

This scheme is 100% affordable housing, and as such complies with this criterion.

*The scale of development should be appropriate to the size, accessibility, character and physical identity of the settlement;*

The scheme is for 14 units. It is similar in size and density to the first Lavers Close scheme located immediately to the north. The proposal can be accommodated without any detriment to the character of the area. It is considered this criterion is met.

*The proposal is well related to and complements the existing built form of the settlement, providing opportunities for walking and cycling to local services and facilities;*

The application site lies adjacent to the settlement boundary so is considered to be well related

physically, and also in regard to access to the village's services and facilities, which can be accessed by walking and cycling.

*The affordable housing should form part of the overall development and be well integrated with any market housing;*

This scheme is for 100% affordable housing so this criterion does not apply in this case.

*Supports where appropriate access to local job opportunities, including opportunities for on-site provision;*

A condition is proposed to be attached to the permission such that:

*The development appropriately contributes to local infrastructure priorities identified, for example, in Neighbourhood plans or in agreement with Town/Parish Councils; and*

The scheme provides a policy compliant level of affordable housing, so there is no requirement for infrastructure in lieu of affordable housing.

*Maintains and where appropriate incorporates enhancements to the local environment, landscape, and historic environment, including where appropriate habitat creation and community woodland planting.*

The county ecologist is satisfied subject to the imposition of conditions that the scheme includes appropriate ecological mitigation and enhancement measures.

*Meaningful and robust engagement and consultation with the Town/Parish Council, local community and other local stakeholders will be encouraged to ensure the planning impacts identified by the local community have been appropriately addressed as far as possible.*

This is the second application on the site for this proposal after an earlier proposal was withdrawn in 2021. The applicant acknowledges that there has been limited engagement during course of determination of this second application (after some earlier engagement with the Parish Council on the first). However, the planning impacts raised by the Parish and other stakeholders have been worked through over a long period by the applicant and overall it is not considered that the absence of recent engagement when balanced against the other aspects of the proposal is a matter that would justify refusal of the application.

Overall, it is considered that the proposal meets an identified unmet affordable housing need and the related criteria of policy T2b and as such the principle of development is considered acceptable.

Design and layout



Policy D2 states that proposals should be of high quality design that positively responds to the character and identity of the area.

The scheme provides for 14 dwellings arranged around a simple T-shaped internal road layout. The dwellings are grouped into short terraces or provided as semi-detached. Their height, form, design and appearance follows local vernacular, taking many of their design cues from the existing Lavers Close development on its northern boundary. Materials of buff brick and off-white render with red concrete tiles ensure the scheme can be readily assimilated into its context.

The scheme now also includes public open space provision in the form of a Local Area of Play. This ensures the proposal is policy compliant in providing appropriate on-site play provision for the benefit of future residents. Changes had also been made following comments of the crime prevention officer to ensure the rear of properties were secured with close boarded rather than stock-proofed fencing.

Overall, the scheme is considered to be of acceptable design, appearance and layout.

#### Amenity impacts

Policy D25 states that proposals which unacceptably impact on the residential amenity of existing residents will not be supported. Policy D24 states that result in levels of air, noise, light or water pollution, vibration or soil contamination that would be unacceptably harmful to other land uses, human health, tranquillity, or the built and natural environment will not be supported.

The proposal includes new residential dwellings on the south side of an existing but relatively recently constructed residential cul-de-sac (Lavers Close). Achieving an acceptable relationship with the existing properties and maintaining appropriate levels of residential amenity (for existing residents and future occupants) is therefore important. Such concerns had been raised by some existing residents immediately to the north.

Closest to those units to the north are plots 11-14 in the north eastern part of the site, and plots 1 and 2 in the north west part. Plots 11-14 have a separation distance of 19.5m from the rear elevations of the properties to the north. This is considered to be in general accordance with standard acceptable separation distances. Plot 14 when originally submitted had a shorter separation than this but the dwelling design was altered to achieve greater setback similar to the other plots in the row.

Plots 1 and 2 (two flats) have a separation distance of only 17.2m to the dwellings to the north. However, these units have no north facing windows at first floor level. As such no loss of privacy or overlooking arises.

Internally the proposed dwellings are adequately sized and benefit from rear gardens of varying

size. These all provide adequate amenity for future occupants.

Environmental Health has requested controls in the form of a contaminated land watching brief, limitations over the hours of operation, and submission of a construction management plan to limit impacts during the build out period. Subject to their imposition they raise no further concerns.

Overall, the proposal is considered to provide adequate levels of amenity for future occupants whilst maintaining acceptable levels of amenity for existing residents. The scheme is considered to be in compliance with policies D24 and D25.

### Highways and parking

The application site is accessed via the existing Lavers Close development immediately to the north. The scheme comes off a small turning head within the adjoining estate and then connects to the main highway network a short distance to the north. Internally the site is laid out with a simple estate road layout. A total of 37 parking spaces are provided for use by residents of the scheme.

The highway authority has commented in detail upon the scheme. They note the proposal is an extension of the adjoining development. They provide detailed comments regarding estate road design. These are matters for the attention of the applicant which will be scrutinised in detail at the post-planning s38 process. They raise no objection in principle to the proposal. No concerns are raised with the quantum of parking provision proposed which is considered to be in accordance with the requirements of the Somerset Parking Strategy. Provision for electric vehicle charging is now secured under building regulations and does not need to be conditioned.

It is proposed that a condition should be imposed requiring the parking areas to be kept for their intended purpose. Subject to its imposition, the proposal is considered acceptable on highways grounds in compliance with policies D13 and D14.

### Ecology and Trees

The submitted ecology report makes a number of recommendations regarding replacement tree/species rich hedgerow, works during off season, lighting strategy, non licensed method of clearing, enhancements. There is also a badger sett on the western edge of the site. There is a linked sett on the southern boundary. The proposals involve the retention of the main sett but the closure of the linked sett. Conditions are proposed for the creation of an artificial sett to offset the loss. These matters are all controlled by conditions.

5 elm trees, 7 ash trees and a small group of Elm and elm hedgerow are to be removed. All are displaying symptoms of ash dieback or Dutch Elm Disease and as such their loss is not resisted. Replacement tree planting is proposed making use of species recommended by the Council's tree officer.

Overall, subject to conditions, the proposal is considered acceptable with regard matters of ecology and trees.

### Flood risk and drainage

The applicant has held ongoing discussions with the Lead Local Flood Authority throughout the process. This has been an iterative process which has resulted in some minor amendments to the proposed surface water drainage arrangements (which involve the re-routing of an existing ditch within the site. Following these discussions the LLFA has confirmed they have no objection subject to conditions to secure the detailed drainage scheme and its management arrangements.

### Other Matters

The Economic Development team has requested imposition of a local labour agreement condition. Such a condition will ensure a percentage of local labour is secured throughout the build out of the scheme in accordance with Sedgemoor Local Plan policy D15.

## **RECOMMENDATION**

### **GRANT PERMISSION**

#### Summary and Recommendation

Overall it is considered that the scheme provides a level of affordable housing to meet local need arising. There are no other matters which cannot be adequately addressed via conditions. It is recommended that permission is granted subject to preparation of a s106 legal agreement to secure:

Provision of 100% affordable dwellings, subject to a local lettings agreement

Provision of a Local Area of Play

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

and subject to the following condition(s):

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

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

- 2 The development hereby permitted shall be carried out in accordance with

the approved plans listed in schedule A.

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

3 With the exception of works required to access and construct the artificial badger sett, 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 during construction to species and habitats (may be provided as a set of method statements).
- 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.
- j. A scheme for the protection of retained trees and hedgerows during works.

The development shall be carried out in accordance with the approved CEMP.

Reason: This is a pre-commencement condition in the interests of European and UK protected species. UK priority species and habitats listed on s41 of

the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 4 With the exception of works required to access and construct the artificial badger sett, no works, including groundworks and vegetative clearance, shall in any circumstances commence unless the Local Planning Authority has been provided with either:
- a. A copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
  - b. A statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: This is a pre-commencement condition to ensure the protection of badgers in compliance with the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

- 5 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, amongst other things, include:-
- a) Measures to regulate the routing of construction traffic;
  - b) The importation of spoil and soil on site;
  - c) The removal /disposal of materials from site, including soil and vegetation;
  - d) The location and covering of stockpiles;
  - e) Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
  - f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;

- g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works;
- h) A waste disposal policy (to include no burning on site);
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Details of any site construction office, compound and ancillary facility buildings;
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number;
- m) Hours of operation, construction and deliveries.

The details so approved shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: This is a pre-commencement condition to protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway in accordance with Sedgemoor Local Plan 2011-2032 policies D24 and D25.

- 6 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. 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 (July 2018) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

Reason: This is a pre-commencement condition to ensure the development is properly drained in accordance with the NPPF and in accordance with Sedgemoor Local Plan 2011-2032 policy D1.

- 7 Prior to the commencement of the development hereby approved, 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;
  - vi) 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: This is a pre-commencement condition in accordance with policy D15 of the Sedgemoor Local Plan 2011-2032 and the Economic Development Supplementary Planning Document. This matter needs to be agreed prior to commencement in order to ensure that local labour is used in the project from the start.

- 8 No works to existing hedgerows shall commence until a detailed Hedgerow Translocation Method Statement shall be submitted to and be approved in writing by, the Local Planning Authority. To ensure successful translocation, the content of the method statement must include the following:
- a. Baseline surveys of the existing hedges (during the spring/early summer) prior to translocation to assess both woody and herbaceous species allowing for meaningful post translocation monitoring.
  - b. Preparation of a work schedule.

- c. A scheme of preparatory works.
- d. Methodology for translocation, including the equipment to be used.
- e. Measures to safeguard Protected Species (may be evidenced within the CEMP).
- f. Monitoring, aftercare, and maintenance.
- g. How contingencies and/or remedial action will be identified and how remedial measures will be delivered.
- h. Details of the body or organisation responsible for implementation of the plan.
- i. Details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/is responsible for its delivery

The development shall be carried out in accordance with the agreed statement.

Reason: In the interests of European and UK protected species and biodiversity generally and in accordance with policy accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 9 Works must be undertaken in line with the recommendations and timings specified in the submitted and approved Update Survey of Badger Activity (Julian Brown Consultancy Ltd, 20/11/2023).

Reason: To ensure the protection of badgers in compliance with the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

- 10 If, during the works contamination is encountered which has not previously been identified, then the contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with Sedgemoor Local Plan 2011-



2032 policy D24.

- 11 Prior to construction above damp-proof course level a Lighting Strategy for Biodiversity must be submitted to and approved in writing by the Local Planning Authority. The strategy shall comply with the following:
- (a) Identify species that are vulnerable to light disturbance and the potential breeding sites, resting places and routes used to access key and supporting areas of their territory.
  - (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications)
  - (c) The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux (and below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on any key & supporting horseshoe bat features and habitats). Shields and other methods of reducing light spill as outlined in Step 4 of Guidance Note 08/23 will be used where necessary to achieve the required light levels.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without the prior express permission of the local planning authority through submission of a planning application for that purpose.

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2023, ODPM Circular 06/2005 and Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 12 A Landscape, Ecology and Arboricultural Management and Monitoring Plan (LEAMMP) and details of the timing of its implementation shall be submitted to and be approved in writing by, the Local Planning Authority prior to the commencement of the works beyond damp proof course level. The content of the LEAMMP shall include the following information:
- a. Description and evaluation of features to be managed, including

- location(s) shown on a site map.
- b. Landscape, ecological, and Arboricultural 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 (including an annual work plan capable of being rolled forward over a 5-10-year period).
  - g. Details of the body or organisation responsible for implementation of the plan.
  - h. A Biodiversity Monitoring Strategy, including details of the appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various biodiversity mitigation, compensation and enhancement measures being monitored can be judged; frequency, timings and Locations for data gathering; methods for data gathering and analysis; mode, method, frequency of updates and reporting to the Local Planning Authority, including how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented.
  - i. Timeframe for reviewing the plan.
  - j. Details of how the aims and objectives of the LEAMMP will be communicated to the occupiers of the development.
  - k. The LEAMMP 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/is responsible for its delivery.

The LEAMMP shall be implemented in full in accordance with the approved details.

Reason: In the interests of 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 in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 13 A Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented no later than the end of the first planting season following first occupation of any dwelling hereby approved and retained thereafter.

Reason: To ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained and that planting schemes are established and managed into the future in accordance with policy D19 Sedgemoor Local Plan 2011-2032.

- 14 No dwelling hereby approved shall be first occupied 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 to ensure development is properly drained in accordance with the NPPF and policy D1 of the Sedgemoor Local Plan 2011-2032.

- 15 The area allocated for parking on the submitted and approved Proposed Site Layout Plan Drg No. 19058/04 Rev F, 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 interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 16 The landscape details shown on drawing number 006 shall be implemented in the first planting season following the occupation of the development. Thereafter 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.

Reason: To ensure that development sites are appropriately landscaped to

provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained and that planting schemes are established and managed into the future in accordance with Sedgemoor Local Plan 2011-2032 policies D20 and D22.

## **Schedule A**

Location Plan Drg No. 19058/01 Rev C  
Existing Site Layout Drg No. 19058/03 Rev A  
Proposed Block Plan Drg No. 19058/02 Rev D  
Proposed Site Layout Drg No. 19058/04 Rev F  
Site Layout - Boundaries and Materials Drg No. 19058/05 Rev E  
Plots 1-2 Layouts Drg No. 19058/10 Rev C  
Plots 3-4 Layouts Drg No. 19058/11 Rev A  
Plots 5-6 Layouts Drg No. 19058/12 Rev A  
Plots 7-8 Layouts Drg No. 19058/13 Rev A  
Plots 9-10 Layouts Drg No. 19058/14 Rev A  
Plots 11-14 Layouts Drg No. 19058/15 Rev C  
Plots 1-2 Elevations Drg No. 19058/20 Rev C  
Plots 3-4 Elevations Drg No. 19058/21 Rev A  
Plots 5-6 Elevations Drg No. 19058/22 Rev A  
Plots 7-8 Elevations Drg No. 19058/23 Rev A  
Plots 9-10 Elevations Drg No. 19058/24 Rev A  
Plots 11-14 Elevations Drg No. 19058/25 Rev C  
Proposed Site Sections Drg No. 19058/06 Rev B  
Street Scene 1 Drg No. 19058/30 Rev B  
Street Scene 2 Drg No. 19058/31 Rev A  
Street Scene 3 Drg No. 19058/32 Rev B  
Landscape Plan Drg No. 001 Rev C  
Planting Plan 1 of 2 Drg No. 002 Rev C  
Planting Plan 2 of 2 Drg No. 003 Rev C  
Topsoil Plan Drg No. 004 Rev C  
Landscape Management Plan Drg No. 005 Rev C  
Landscape Details Drg No. 006  
Levels Design Drg No. 0100 Rev P06  
Drainage Design Drg No. 0200 Rev P10  
Surface Finishes Drg No. 0300 Rev P02

## **DECISION**

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