

**Committee date 14/05/2024**

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

**Application Type:** Reserved matters

**Case Officer:** Dawn de Vries

**Registered Date:** 13/07/2023

**Expiry Date:** 11/10/2023

**Parish:** East Brent

**Division:** Brent

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

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

**Applicant:** Edenstone Group

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



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

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

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

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

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

### **Consultation Responses**

**East Brent Parish Council: Object**

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

**COMMENTS AS FOLLOWS:**

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

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

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

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

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

## 2) Drainage Statement dated 25th March 2024

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

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

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

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

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

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

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

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

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

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

**a) No conceivable amendments**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**a) Same as before**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Environmental Health: No comment**

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

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

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

**Natural England: No comment**

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

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

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

**Third Party comments:**

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

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

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

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

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

**Material considerations following referral:**

**Drainage and surface water flooding:**

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

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

**minimum finished flood level agreed by the Environment Agency is 5.93m AOD. Wessex Water require all surface water pipes offered for adoption to meet the minimum self-cleansing velocity set out in Design Construction Guidance (DCG). Therefore, the surface water network shown on drawing 2244-100-P utilises the minimum acceptable gradients and the minimum acceptable cover. Based on the above the outfall into the attenuation basin can be no higher than 3.450m AOD, 1.35m below the outfall level.**

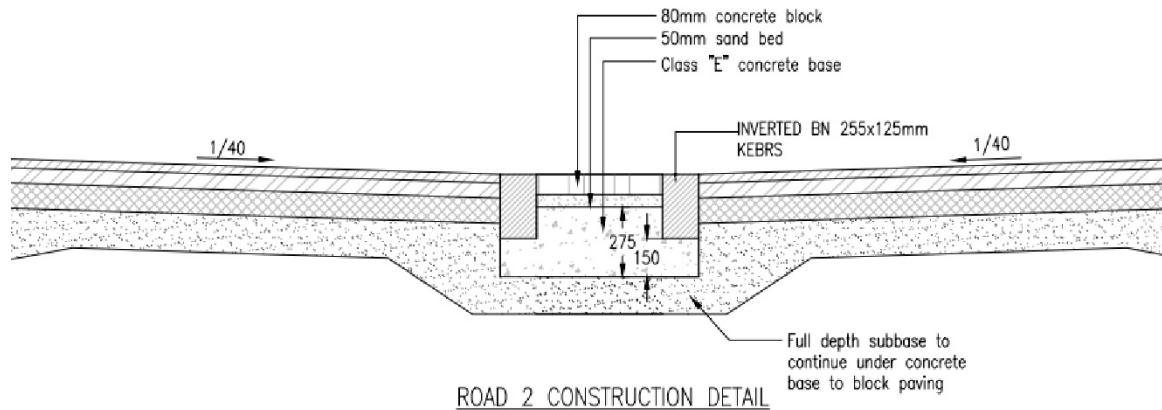
**The 2019 Flood Risk Assessment (FRA) confirmed a minimum FFL of 6.45m AOD, which reflected EA's original response (17/08/2018) to the application. The EA later amended the minimum FFL to 5.93m AOD which was secured as condition 26 of the Appeal decision (9/12/2021).**

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

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

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





**Location and mix of affordable housing:**

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

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

**Location of the LEAP and surveillance:**

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

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

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

#### **Other Matters:**

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

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

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

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

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

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

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

### **Conclusion**

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

### **Committee decision required because**

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

### **Background**

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

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

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

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

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

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

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

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

### **Relevant Planning History**

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

OFFICER NOTE:- this application was necessary because the outline planning permission (and as varied by the section 73 approval) did not include the works necessary to reach the public highway.

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

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

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

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

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

### **Consultation Responses**

**East Brent Parish Council** – object:-

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

not been discussed. No thought appears to have been given to carbon capture, or for that matter to the current topical issues of global warming by loss of the ability to carbon capture. The application has not discharged the reserved matters regarding sustainability or landscape replacement.

4. Drg No. 2283701-SBC-00-XX-DR-L-101 Rev. PL13 Trees indicated along the south boundary adjacent to the rhyne, when grown in say 4 years will overhang and hinder with their canopies on the rhyne clearing strip. The same comment applies to the western boundary where the trees will hinder the drainage ditch clearing and will in years to come overhang the adjoining properties. The application has not discharged the reserved matters regarding sustainability or landscape replacement.

5. Longitudinal Sections Sheet 2 Drg No. 2244-102-2 Rev. D This drawing indicates the sections across the site, changes in GL and drainage falls. As the drainage in parts will be permanently within the water table extreme care has to be guaranteed for joints. The application does not state how trenching below the water table will be undertaken or where the dewatering waste will be discharged.

6. Longitudinal Sections Sheet 1 Drg No. 2244-102-1 Rev. E This drawing indicates the sections across the site, changes in GL and drainage falls. As the drainage in parts will be permanently within the water table extreme care has to be guaranteed for water tight joints. The application does not state how trenching below the water table will be undertaken or where the dewatering waste will be discharged.

7. Engineering Layout Sheet 4 Drg No. 2244-100-3 Rev. C The ground level from the earlier submissions has been put back to close to existing, however that places all the foul drainage pipework in the water table and extreme care must be guaranteed for water tight joints. The application does not state how trenching below the water table will be undertaken or where the dewatering waste will be discharged. In addition, the SW detention pond shows a base level 2.85 which will be below the current water level therefore this pond will have constant standing ground water, thus reducing its capacity. Also, the indicated outfall to BPR is at 4.80, which is below the winter rhyne recorded water level of 5.6, therefore the swale will not empty. In addition, the original planning requirement was for a discharge rate not to exceed 2 lits /sec, the current proposal is now 4 lits/sec, double the agreed rate.

8. Engineering Layout Sheet 3 Drg No. 2244-100-2 Rev. C Comments as 7 above. In addition, why in this day and age has the scheme proposed collection of all surface water from properties, and not local soakaways, thus reducing the load on the local rhyne.

9. Engineering Layout Sheet 2 Drg No. 2244 100 -1 Rev. C The south west area swale appears to drain into the Wessex sw drain and not direct into BPR why?

10. Engineering Layout Sheet 1 Drg No. 2244-100 Rev. H Comments as 7, 8 and 9 above.

11. Construction Management Plan Drg No. 1259\_01\_CEMP Rev. D This drawing states that the existing field gate to be used for initial site works. However, Application No:

24/22/00034 STP, Sedgemoor District Council hereby GRANT PERMISSION in respect of the application PROPOSAL: Formation of temporary access from A38 Bristol Road, with no

construction access from OBR, this drawing contravenes this approval. No construction access will be allowed from Old Bristol Road. The PC will insist this is adhered to. This drawing fails to indicate the bollards to seal off OBR from the new temp access, in addition it fails to indicate the OBR turning head of dog waste bin, to be retained on OBR side. The A38 Construction access must be sealed off from OBR to prevent a rat run developing. This drawing fails to detail the site vehicle wheel washing facility or discharge containment.

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

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

14. Refuse - Cycle Strategy Drg No. EB-109 This proposed layout fails to show the tracking route of the refuse collection vehicles, or that there is sufficient space to turn the vehicle, this is demonstrated as the proposal is for some properties to have a central stacking area, which residents must place their waste in, this will lead to unnecessary waste spillage and unsightly areas. This also places a health and safety risk on elderly residents having to move their recycling down the street to these collection points and is a form of discrimination. It must also therefore follow if you cannot turn a refuse vehicle around in some parts of this estate, how can you turn a removal lorry, of fire tender. The overall layout does not conform to the requirements of highways standards for estate road layouts. The proposed highway layout is unworkable if cars choose to park along its route.

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

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

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

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

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

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

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

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

19. Kingsholm Plots 8 11, 12, 17 & 18 Drg No. EB-159 Rev. A Roof tiles not in keeping with local environment, as comment 17.

20. Frome 2 Plot 40 Drg No. EB-151 Rev. B Roof tiles and brickwork not in keeping with local environment, as comment 17.

21. Monmouth Plots 1, 9, 10, 13, 15 & 16 Drg No. EB-157 Rev. A Roof tiles and stonework not in keeping with local environment, as comment 17.

22. Street Scenes Drg No. EB-108 Rev. B The materials utilised on the proposed dwellings bears no relationship to the surrounding existing street scape or village, as comment 17.

23. Site Sections Drg No. EB-107 Rev. A Section now indicates that the site dwellings ridge heights will be no higher than the adjacent Grange,

24. Twin Garage Plots 2, 3, 4, 5, 6, 7, 14, 15, 28, 29, 34 & 35 Drg No. EB-161 Rev. A Materials as comment 17.

25. Single Garage Drg No. 1, 2, 10, 13, 16, 27 & 36 Drg No. EB-160 Materials as comment 17.

26. Double Garage Plots 8, 11, 12, 17 & 18 Drg No. EB-162 Materials as comment 17.

27. Radcot Plots 2, 6, 35 & 36 Drg No. EB-156 Rev. A Materials as comment 17.

28. Monnow - Ashmore Plots 19, 20, 21, 24, 25, 26, 37, 38 & 39 Drg No. A Materials as comment 17.

29. Monmouth Corner Plots 5 & 29 Drg No. EB-158 Materials as comment 17.

30. Dartford Plots 7, 14 & 34 Drg No. EB-155 Rev. A Materials as comment 17

31. Chepstow Plots 3, 4, 27 & 28 Drg No. EB-154 Rev. A Materials as comment 17.

32. Ashmore Plots 22, 23, 32 & 33 Drg No. EB-152 Rev. A Materials as comment 17.

33. Ashford Plots 30 & 31 Drg No. EB-153 Rev. A Materials as comment 17.

34. Site Location Plan Drg No. EB-101 Rev. A The area to the south east of the development which is part of the existing field, is shown as outside the developer's ownership, and has no access from the development or any other area. How is this accessed in the future, and maintained, as it is currently grassland that needs periodic cutting. The PC will not allow the area to be unmaintained and become a future eyesore.



35. *East Brent Design and Access Statement A. Point 1.6.2 States, Provision of much-needed new homes, This is not a factual statement, East Brent currently has numerous unsold homes for sale, 4 of which are 4-year-old properties located in OBR, and currently are unsaleable due to poor building control policing.*

*Point 1.6.3 States, Create new community infrastructure in the form of: EV charging point, this is not indicated on the drawings, and from the statement implies it's a charging point available to all.*

*Point 2.4.1 States, The scale of the development is informed by the surrounding residential context, by the need to create successful streets and create a sense of place. All the houses across the site are 2-storey to reflect the character of the surrounding built. This is an untrue statement, the existing surrounding street scape is a linear design that has evolved over 2 centuries, and with each and every dwelling different. This development is an estate with all dwelling hands of each other and the same pallet of unsympathetic material. Point 2.5.1 States, The development has been designed to be low density, again an untrue statement it is not low density compared to the surrounding existing part of the village, this development has double the amount of dwelling that the whole of the existing OBR. Its also outside the village boundary where generally the density would drop off, this places an over density estate in open countryside.*

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

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

38. *Other related matters*

*a)No drawings to indicate bat boxes.*

*b)No street lighting plans.*

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

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

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

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

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

**Affordable Housing Officer:** initially commented:-

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

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

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

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

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

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

Finally it is observed that:\_

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

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

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

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

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

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

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

**Highway Authority:** Recommend approval subject to safeguarding conditions

**Landscape Officer:** no objection:-

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

**Police Design Officer:** comments as follows:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Open Spaces Officer** – Comment:-

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

*We do however, have some recommendations the site layout:*

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

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

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

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

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

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

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

**Environmental Health Officer:** no comment/observation

**Somerset Heritage Centre:** no objection:-

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

**Ecologist:** no objection subject to safeguarding conditions

**Natural England:** No comments to make

## **Representations**

24 letters of objection raising the following issues:

- Increased risk of flooding
- Inappropriate surface water drainage, including pumped system, attenuation ponds too small, won't work with proposed levels
- Exceedance plan shows surface water flooding
- Wildlife and noise surveys out of date
- No access to land to east
- No access to attenuation ponds
- Impact of construction and construction traffic especially in Old Bristol Road;
- issues with road layout for larger vehicles;

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

### **Most Relevant Policies**

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

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

### **National Planning Policies**

National Planning Policy Framework: December 2023

National Planning Practice guidance

Sedgemoor Local Plan 2011-2032

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

#### Other Material Considerations

East Brent Housing Needs Assessment 2021

#### **Main Issues**

##### **Principle of Development**

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

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



## Layout

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

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

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

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

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

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

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

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

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

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

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

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

All properties would be provided with private amenity areas in the forms of gardens for the dwellings and shared spaces for 3 buildings accommodating the six one bedroom flats. The gardens are considered to be well sized in relation to the property they serve.

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

## **Appearance**

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

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

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

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

Whilst this material palette has been challenged as not being locally appropriate, it is noted that there is a wide variety of materials at this end of Old Bristol Rd including a slate roof on the property adjacent to the site and another property opposite. Reflecting this occasional use of grey roofing material in the locality, the development includes six properties out of the 40 with grey

roof tiles. A number of properties in the immediate vicinity of the site have a variety of profiled roof tiles and the variety of colours and not all are red double Roman tiles as contended. On this basis the 'rustic brown duoplain' tile proposed is not considered objectionable. The proposed red brick and render is considered to reflect the variety of materials used locally and there is no objection to the Bradstone detailing shown on a number of the rendered properties.

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

### **Scale**

It is considered the scale of the development, i.e. 40 two-storey dwellings and associated open space and parking is within the parameters of the outline permission and is appropriate to this edge of village location. The properties would be a mix of detached and semi detached dwellings. In this respect it is considered that the proposal complies with the placemaking elements of policy T3a and the more detailed design and character requirements of policy D2.

### **Landscaping**

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

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

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

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

## **Other Issues**

### Affordable Housing

The provision of 40% affordable housing as required by policy T3a was agreed by section 106 agreement entered into at the time of the original outline permission. This obligation applies equally to the subsequent section 73 variation. The terms of the affordable housing provision is set out in the section 106 agreement with the further requirement that the detail be agreed in writing as a discharge of the obligation. As such the detail of the affordable housing element is not a matter to be agreed through this application for the approval of reserved matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Flood Risk

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

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

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

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

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

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

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

*The mean summer water level in the rhyne is 4.80m AOD and our outfall cannot be lower than this. The minimum finished flood level agreed by the Environment Agency is 5.93m AOD. Wessex Water have asked that all surface water pipes offered for adoption meet the minimum self-cleansing velocity set out in Design Construction Guidance (DCG). Therefore,*



*the surface water network shown on drawing 2244-100-P utilises the minimum acceptable gradients and the minimum acceptable cover. Based on the above our outfall into the attenuation basin can be no higher than 3.450m AOD, 1.35m below the outfall level.*

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

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

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

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

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

With regard to foul drainage Wessex Water have confirmed that they will accommodate domestic type foul flows in the public foul sewer with connections made at the developer's cost to the nearest appropriate sewer. They note that the proposed 'gravity foul drainage network', as shown

on the submitted Engineering Layout, to accord with the foul drainage strategy agreed at outline stage. This would connect to the public foul sewer at MH ref ST35512907 and discharge to East Brent Orchard Close Pumping Station. This is considered acceptable and the detail of the connection and technical specification would be agreed through the appropriate adoption mechanism.

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

## **Ecology**

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

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

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

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

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

connect the drainage system to Brooks Pill Rhyne and therefore the suggested condition is necessary to cover these works.

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

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

### Construction Management

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

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

### Offsite Footpath Improvements

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

### Noise

A construction management plan would seek to appropriately mitigate noise from construction activities. Thereafter it is not considered that the occupation also proposed dwellings would give rise to any undue noise to existing residents. In terms of noise from the A38/M5 it is not considered that given the proposed separation it has been accepted that this would be a source

of unacceptable noise to future occupiers of the development. On this basis it is considered that the proposal complies with the amenity objectives of policies D24 and D25.

### Other Outstanding Local Concerns

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

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

### Conclusion

Notwithstanding local concerns the proposal is considered to be a well designed and laid out scheme but is often appropriate scale for the locality that would be well landscaped so as to

reasonably mitigate any visual impact. As such this application to approve the reserved matters of the outline approval is considered to accord with the relevant policies of the local plan and would not have any undue impact on highway safety, flood risk, amenity of residents, visual impact or ecology.

## **RECOMMENDATION**

### **GRANT APPROVAL OF RESERVED MATTERS**

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

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

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

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

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

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

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

c) a) A copy of the licence issued by Natural England pursuant to the Wildlife and Countryside Act 1981 (as amended) authorising the development to go ahead; or

a b) A statement in writing from an experienced water vole ecologist to the effect that he/she does not consider that the specified development will require a licence.

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

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

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

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

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

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

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

### **Schedule A**

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

Site Survey drg No. Z18226-SX

Storey Heights Drg No. EB-103 Rev. C

Materials Layout Drg No. EB-102 Rev. C  
Construction Management Plan Drg No. 1259\_01\_CEMP Rev. E  
Exceedance Route Drg No. 2244-117 Rev B  
Fire Tender and Private Vehicle Tracking Drg No. 2244-101-2 Rev A  
Pumping Station Tracing Drg No. 2244-115 Rev. A  
Refuse - Cycle Strategy Drg No. EB-109 Rev B  
Site Sections Drg No. EB-107 Rev. A  
Engineering Layout Sheet 4 Drg No. 2244-100-3 Rev. F  
Soft Landscape Specification Drg No. 2283701-SBC-00-XX-SP-L-001 Rev. PL01  
Bird & Bat Box and Bee Brick Plan (Date: 28/06/2023)  
Tree Pit Section Detail Drg No. 2283701-SBC-00-XX-DR-L-201 Rev. PL01  
Tree Protection Plan Old Bristol Road East Brent - Registered Date: 17/10/2023  
LEAP Location Plan Drg No. LEAP  
Playspace Layout Drg No. IDV-PD 1627.01 Rev. D  
Playspace Layout Drg No. IDV-PD 1627.02 Rev. D

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

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

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

## DECISION

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