

**Committee date 14/05/2024**

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

**Application Type:** Full Planning Permission

**Case Officer:** Liam Evans

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

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

**Parish:** Burnham & Highbridge

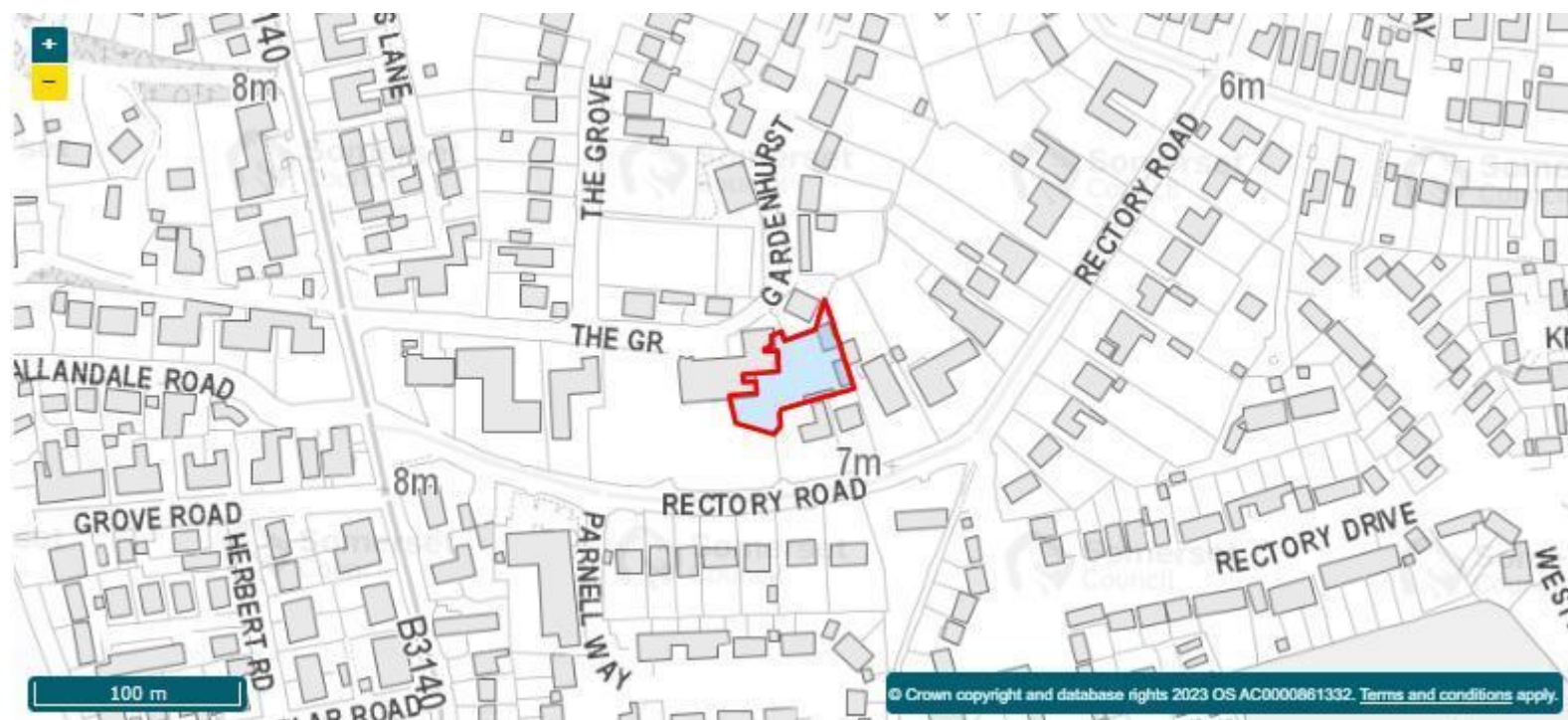
**Division:** Burnham on Sea North

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

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

**Applicant:** Beaufort Park Ltd

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



**Committee decision required because**

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

## **Background**

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

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

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

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

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

## **Relevant History**

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

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

Bat and Bird Assessment.

## **Consultation Responses**

Town Council - Objection.

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

Environmental Health - Recommend conditions.

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

Ecologist - No objection, recommend conditions.

Highways - None received.

Environment Agency - Objection.

Wessex Water - No comment.

## **Representations**

11 received raising the following:

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

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

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Local Plan (2011-2032)

S2 Spatial Strategy for Sedgemoor

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D7 Care Homes and Specialist Accommodation

D14 Managing the Transport Impacts of Development

Burnham and Highbridge Area Neighbourhood Plan

**Community Infrastructure Levy (CIL)**

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

**Main Issues**

Principle

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

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

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

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

Design and Visual Impact

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

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

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

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

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

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

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

### Highways

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

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

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

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

### Flood Risk

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

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

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

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

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

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

The proposal complies with Policy D1 of the Local Plan.

### Residential Amenity

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

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

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



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

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

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

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

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

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

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

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

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

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

### Ecology

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

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

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

### Summary

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

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

## **RECOMMENDATION**

### **GRANT PERMISSION**

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

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

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

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

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

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

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

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

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

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

And shall confirm:

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

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

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

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

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

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

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

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

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

A. Site Characterisation

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

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

The report of the findings must include:

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

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

## B. Submission of Remediation Scheme

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

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

## C. Implementation of Approved Remediation Scheme

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

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

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

#### D. Reporting of Unexpected Contamination

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

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

#### E. Long Term Monitoring and Maintenance

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

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

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

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

unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

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

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



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

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

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

### **Schedule A**

Location Plan Drg No. 301

Existing Site Plan Drg No. 302

Existing Elevations & Sections Plan Drg No. 303

Proposed Block & Roof Plan Drg No. 321 Rev A

Proposed Site Layout Drg No. 320 Rev C

Proposed Floor Plans Drg No. 322 Rev C

Proposed West Elevation Drg No. 324 Rev A

Proposed North Elevation Drg No. 325 Rev A

Proposed South & East Elevation Drg No. 326 Rev A

Proposed Sections Drg No 323 Rev A

3D Model View Drg No. 327 Rev A

3D Model View Drg No. 328 Rev A

3D Model View Drg No. 329 Rev B

3D Model View Drg No. 330

### **DECISION**

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