

Committee date 14/05/2024

Application No: 26/22/00003

Application Type: Full Planning Permission

Case Officer: Dean Titchener

Registered Date: 22/03/2022

Expiry Date: 16/05/2022

Parish: Edington

Division: West Polden

Proposal: Erection of 1no. dwelling with works to existing gardener's hut.

Site Location: The Walled Garden, Broadmead Lane, Edington, Bridgwater, Somerset

Applicant: Mr A Ulgut



Committee decision required because

This application is referred to the area committee at the request of the Chair and/or Vice Chair to enable the issues raised by the Parish Council to be debated.

Background

The application site is located in the village of Edington on land at the junction of Broadway and Broadmead Lane. The site comprises a grade II listed walled garden that was previously associated with the grade II* Edington House (to the south) but which now is in separate ownership. The site is bounded by high stone walls and has a single pedestrian gate in the east boundary on to Broadmead Lane. The site is currently very overgrown.

Planning permission has been sought for a dwelling within the confines of the walled garden on a number of occasions. A number of these schemes have either been withdrawn or refused on the basis of the design of the dwellings resulting in unacceptable harm to significance and setting of the listed garden. Concern had also previously been expressed about the absence of dedicated parking provision and the absence of ecological surveying.

Following a significant period of discussions and negotiations with heritage consultees, an application of revised design has been submitted. The proposal is now for the erection of a single storey dwelling. It is to be positioned off the inside of the eastern boundary wall. It is to be a linear building comprising kitchen and living room with two bedrooms. It will have a mono pitch roof. The building is to be constructed of random rubble natural stone walling with lime mortar. The roof is to be zinc and windows and doors will be oak framed double glazed units with sliding doors or side hung casements. A wooden pergola is to be constructed immediately north of the dwelling.

A gardener's room (sometimes referred to as bothy) exists set into the west wall of the garden. It is proposed this will be internally and externally renovated to provide a small area of ancillary space.

Amendments have also been made to the proposed parking provision. Initially this was proposed as on-street parking on Broadmead Lane. A new vehicular access is now instead proposed on to the parcel of land immediately to the south of the walled garden with access from Broadway. This leads to a parking and turning area. A pedestrian access door is proposed to be inserted into the wall near the parking area.

A separate listed building consent application for the works has been submitted under application reference 26/22/00003.

Relevant History

Reference	Case Officer	Decision	Proposal
26/20/00003	DT	REF	Erection of dwelling with swimming pool and refurbishment of gardeners hut.
26/20/00002	DT	REF	Erection of dwelling with swimming pool and refurbishment of gardeners hut.
26/19/00002	CM	WDN	Erection of dwelling and swimming pool building including, new doorway to the opening in the south wall and formation of parking area. Refurbish gardeners hut.

26/19/00001	CM	WDN	Erection of dwelling and swimming pool building, new doorway to the opening in the south wall and formation of parking area. Refurbish gardeners hut.
26/09/00014	CJA	REF	Formation of access and demolition of part of walls to the walled garden
26/09/00013	CJA	REF	Erection of dwelling and formation of access
26/08/00004	KP	REF	Demolition of natural stone wall
26/08/00003	KP	REF	Erection of two dwellings and formation of access

Supporting information supplied by the applicant

Heritage Statement

Tree Survey

Viability Report

Construction Management Plan

Consultation Responses

Edington Parish Council (when commenting on the original scheme with on-street parking) –

Objects:

'Edington Parish Council objects to these applications on the following grounds.

1. *The historic walls surrounding the garden are Grade II listed and should be preserved intact. It should be noted that the top of the wall hides architrave which should be preserved on the listed wall. We fail to understand how the wall can be satisfactorily safeguarded during construction with both materials and machinery needed on site as there is no satisfactory access for this and demolition, even if only temporary, of the wall is strongly objected to as some aspects of its character could not be preserved.*
2. *There is no vehicular access to the site and the pedestrian access is via a gate in the wall bordering Broadmead Lane which is a busy road for its width and unsuitable for on road parking of cars let alone any larger vehicles. It should be noted that nowhere else in the village has on road parking as a part of the development and it is considered unsuitable at this point in Broadmead Lane.*
3. *The verges are also an important feature of the village. There are no surfaced footways and verges tend to be wide enough to facilitate walking. The wide verges are mentioned in the VDS and on road parking would effectively block this in Broadmead Lane.*

4. *With various plans showing the hut in three different places it is difficult to accept any reliability can be placed on the plans and these need to be carefully checked if planning permission is considered acceptable.*
 5. *There is strong concern regarding various protected species of wildlife, particularly bats and dormice and it is essential that full and specific ecological surveys are carried out by qualified people/organisations at the appropriate time of year when their presence or absence can be accurately ascertained.*
 6. *The wall and its surroundings are mentioned in the Edington Village Design Statement as an important part of the village. The VDS has been adopted by SDC as supplementary planning guidance.*
 7. *Edington House, historically associated with the walled garden, is a Grade II* listed building and its surroundings need to be respected and maintained as far as possible.*
 8. *Another problem arising from on road parking would be the danger to traffic and pedestrians if this is allowed to take place. There is also a problem for vehicles turning to the right when exiting Broadmead Lane at the Broadway junction as visibility in that direction is extremely limited.*
 9. *As the current owners of the site have so far failed to make any attempt at upkeep of the wall it is felt that they would hardly be likely to properly and adequately restore it should permission for its temporary destruction be granted to allow building to take place.*
 10. *If permission is given we request that along with the full and satisfactory restoration of the wall that a detailed and satisfactory tree planting scheme be required.*
- For the above reasons Edington Parish Council earnestly desire that permission is refused and trust that any letters from knowledgeable villagers be taken seriously into consideration.'*

Edington Parish Council – additional comments:

'Edington Parish Council has just met and asked me to request that the following be added to our comments on the above applications. Edington Parish Council requests that, if permission is given, some conditions be put on the proceedings: Should the wall sustain any damage, including being breached, this would need to be fully rectified before any further building work took place and any gap should not be used for access or egress and should be closed at once to prevent further damage; In addition to the applied for building works the whole length of the wall should be brought up to a proper state of restoration and repair and this should be enforced and perhaps carried out prior to the other works commencing to ensure it takes place.; Timing of building work should be restricted to sensibly acceptable hours particularly with regard to any machinery and road blocking; Some form of control over on road parking should take place, particularly as the road is quite narrow; Parking and time restraints should also be included covering cranes, lorries, cars, vans, skips, etc belonging to builders and subcontractors and suitable arrangements made to minimise inconvenience to road users and local residents; Given the lack of space between existing gates and entrances and the distance from the corner for vehicles entering and exiting Broadmead Lane all the foregoing could pose quite a hazard particularly for commercial, refuse

collection and emergency vehicles servicing the other properties. We ask that serious consideration is given to setting and applying suitable conditions in the event that permission is granted.'

Edington Parish Council – Further comment:

'Considerable work has been, and still is, going on at this site which is causing concern.

There is a worry that the ecology of the site is being damaged by this work.'

Edington Parish Council (commenting on the amended scheme with on-site parking provision):

'Full application and listed building application - erection of dwelling with works to existing gardener's hut at the Walled Garden, Broadmead Lane - an alert had been raised by a member of the public that an amendment had been received regarding parking. It is now proposed that vehicles park on Broadway just to the west of the junction with Broadmead Lane or that parking be at the South end of Broadmead Lane. This first option has previously been rejected on the grounds of safety as visibility exiting Broadmead Lane at this point is already extremely limited and therefore dangerous. Parking at the top end (South) of Broadmead Lane would also bring serious problems regarding highway safety linked to the restricted visibility and the plans shown do not clearly show this. If permission is considered we believe it is essential that a site visit is made so that the problems already experienced by motorists when exiting Broadmead Lane on to the Broadway can be experienced.'

The Parish Council also subsequently provided a photos of visibility when emerging from Broadmead Lane which they requested be added to their above response.

South West Heritage Trust – No objection.

County Ecologist – As a mains connection is proposed to the foul sewer, a likely significant effect on the Ramsar site can be screened out. Following submission of ecological assessment, recommends conditions regarding licensing, lighting, controls over working practices, roosting provision, badger surveying, protection of hedgerows and trees, clearance, and submission and requirement to submit a scheme of biodiversity enhancements.

Historic England – Recognises that scheme has significantly reduced the scale and mass to create a more contextual response to the garden setting through the design. However, introduction of residential use will result in irreversible harm and Council need to be confident in their decision making that the scheme has been clearly and convincingly justified and that any harm is outweighed by the public benefits, including securing the optimal viable use.

Conservation Officer – Does not object and recommends conditions.

Somerset Highways (commenting originally on the scheme with on street parking) – Initially provided standing advice. Subsequently provided detailed comments to say that could not support proposals as submitted, due to absence of dedicated parking provision.

Somerset Highways (commenting on the amended scheme with dedicated parking area) – Highway authority can recommend approval subject to conditions regarding construction of the access, visibility splays, and cycle parking, submission of a construction management plan, and removal of permitted development rights re the construction of garages.

Environmental Health – No comment/observation.

Wessex Water – No objection and recommends imposition of foul drainage condition.

CPRE – Does not consider proposal complies with NPPF guidance on heritage matters. LPA must give considerable importance to harm when reaching its decision. Notes that Historic England letter concludes that residential use will result in irreversible harm.

Representations

Responses from 19 individuals received, 3 commenting, 16 in objection (some have commented more than once as further consultation has taken place).

The following were received on the scheme proposing on street parking:

Comments:

- Concern about on street parking / highway safety implications
- Concern about inconsistencies in the submission
- Queries regarding dwelling roof height

Objections:

- On street parking has highway safety implications / may cause damage to infrastructure
- Lack of parking provision
- Broadmead Lane is narrow, unlit country lane with no pavements
- Road sometimes liable to flooding
- Previous developments on site refused – so should this be
- Smaller property will mean fewer vehicles but situation still unsatisfactory
- Parking may preclude access to property opposite
- Difficulty of gaining machinery access via pedestrian only gate and implications for listed wall
- Disruption during build period

- Danger to cyclists and dog walkers
- Lack of access by fire appliances
- Queries design elements
- Impacts on trees and wildlife
- Inaccuracies on plans
- Noise impact on neighbours
- Edington Parish is in SSSI, Brue Valley living landscape and Area of High Archaeological Potential is known Romano-British settlement
- Loss of property value
- Queries wording on site notice
- Whilst objecting hopes solution found as site is a visual disgrace
- Village Design Statement refers to importance of roadside verges
- Wall needs repointing and repair
- Neighbour has right of surface water drainage across site, requests condition these should not be interfered with
- Concern regarding ongoing works at site
- Resiting of dwelling to eastern wall is more acceptable (parking concerns remain)
- Historic well on site
- No detail over restoration of garden
- Application should be accompanied by Construction Method Statement
- Neighbour will not permit access for works

The following were received on the amended scheme with dedicated off-street parking:

Objection:

- Previous comments continue to stand
- Listed wall, which forms part of setting of grade II* listed building, should be preserved and protected
- Proposal would cause substantial harm to significance of Edington House
- Access previously refused permission due to lack of visibility
- Adequate visibility cannot be achieved
- Speed survey should be undertaken to determine splay length
- Swept paths should be provided
- Should be refused if temporary or visitor parking occurs on Broadmead Lane
- Highway safety impacts when using proposed access
- In-combination effect with other nearby accesses
- Volume of traffic on Broadway can be considerable
- Vehicles exceed speed limit
- Turning within site would be difficult
- No historic entrance in wall in this location

- Height of dwelling exceeds wall
- Amenity impacts from proximity of Gardener's Hut to neighbouring property
- Queries amendments on plans
- Cars using access may damage neighbouring property
- Impacts of construction period

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Sedgemoor Local Plan (2011-2032)

T3a Tier 3 Settlements - Housing

D2 Promoting high quality and inclusive design

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D20 Biodiversity and geodiversity

D25 Protecting residential amenity

D26 Historic Environment

Other

Edington Village Design Statement

Main Issues

Design and heritage impact

The application site falls within the settlement boundary for Edington, a tier 3 settlement as designated in the Local Plan. Policy T3a states housing proposals for redevelopment or infill within the boundary will be supported where it does not involve the loss of, or unacceptable harm to spaces or facilities (public or private) that contribute to the character and role of the settlement, that are appropriate to the scale, design and character of the settlement and do not unacceptably harm the character or amenity of any nearby property.

The application proposes the erection of a dwelling within a grade II listed walled garden. This garden has been in separate ownership for many years but historically was associated with the adjoining grade II* Edington House. The proposal involves the erection of a dwelling to be positioned on the inside of the eastern wall of the site.

The proposal site is currently overgrown and aerial photography indicates it has not been actively managed as a formal garden for many years. No alternative uses other than for use as a dwelling

has come forward in that period and as such the use as a dwelling is the only concrete proposal to secure the use of the site in the near future.

Historic England had commented in detail on the earlier iterations of the design. They previously expressed reservation regarding the principle of subdivision of the historic house and garden, but set out more fundamental concerns about the footprint, form and design of the then proposed house. Previous designs put forward included a more ostentatious dwelling, more akin to a formal orangery in appearance and of much greater footprint. A subsequent design included a two storey dwelling located at the southern extent of the plot.

The current scheme has been subject to a number of iterations and amendments in response to discussions which have taken place over the last year with the Council's conservation officer. The proposed dwelling is a now more modest single storey building to be positioned alongside the eastern wall. It is to be linear structure with mono-pitch roof. Changes were secured such that the roof of the structure was not visible beyond the top of the listed wall surrounding the site. The conservation officer considers that its position alongside the boundary provides a means of limiting the footprint and extent of site coverage of the new dwelling. The conservation officer states that the new building has been sympathetically screened with the careful positioning of the pergola, which acts as a soft or green partition between the actual garden of Edington Manor and the subdivided walled garden.

Locally submitted views raise concern about the harm to the heritage asset that arise from the proposal. Detailed comments have been received expressing views that the harm arising has not been justified, and by some is considered to be substantial.

Historic England are of the view that the introduction of a new dwelling would erode the garden setting of Edington House and alter its relationship and the significance it derives from its surroundings. They state that it would adversely affect the significance of the asset. They state that the current scheme had taken steps to minimise the proposed harm in terms of scale, mass and design in order to reduce the impact on Edington House. They requested some minor changes to the roof (which have now been secured) but conclude that harm will still be caused. It is their view that the Council needs to consider whether the scheme has been justified and to weigh the harm against the public benefits, including whether the proposal forms the optimum viable use for the site.

In terms of identifying the optimum use, it is understood from third party submissions that the walled garden was separated off from Edington House in around 1991. Since that time planning applications were unsuccessfully submitted in 2008 / 2009 for residential development on the site, the submissions for which note that the wall then needed maintenance but the viability of a project with its use as garden was hard to achieve. The site changed hands again in 2017, going to auction

and selling for an understood £42,000 to the current owner and applicant. There has been no new use found for the garden and wall. The proposed works would provide a means for securing the future of the asset, by providing a viable use for the site which enables it to be maintained in support of its long term conservation. This would secure its optimum viable use and be considered a public benefit which could be weighed in the balance against any harm. Changes which have been made following ongoing discussions with Historic England and the conservation officer to address various areas of concern. Whilst some harm remains, it is considered to be less than substantial.

The conservation officer is of the view that the proposal has been improved to the extent that permission should now be granted. They have reviewed the submission and have requested conditions be imposed regarding window and door details, materials, details of boundary treatments, and protection of the listed fabric including walling, gate entrance and threshold bridge.

As such it is now considered that the harm resulting from the scheme has been minimised to an acceptable degree, and is outweighed by the benefits of securing its ongoing use and conservation. The proposal is now considered to be in accordance with policy D26.

Amenity impacts

Policy D25 states proposals which unacceptably impact on neighbouring residential amenity should not be supported.

The proposal delivers a single storey dwelling and as such any windows on the scheme are at ground floor level only. There are no overlooking impacts as a result. Any windows on the gardener's room/bothy face inwards towards the site and do not result in amenity impacts. The proposal is considered compliant with policy D25.

Highways

The scheme as originally submitted included no dedicated parking provision to serve the dwelling, instead seeking to rely on on street parking on Broadmead Lane down the east side of the site. The applicant had put forward a proposal to widen part of the carriageway on the adjoining Broadmead Lane so as to carve out greater space for the provision of two parking spaces (the requirement under the county's parking strategy). This option generated local objection, with issues of road width, vehicle passing, highway obstruction being raised. The Highway Authority also stated they would not support car free development in a rural location such as this.

In response to a request from the Highway Authority, the applicant has worked up an alternative parking and access option on the southern boundary of the site. This is an area outside and on the south side of the stone walls of the garden, being an area which is enclosed by fencing abutting the

public highway. The area is currently enclosed by timber fencing, and is heavily vegetated, such that the stone wall boundary is largely hidden.

It is proposed that a vehicular access and parking area will be formed within this parcel of land, with space for two vehicles and turning provision. A pedestrian door will be formed within the existing wall, providing access to the site for future occupants, to which the conservation officer does not raise any objection.

The Highways Authority has undertaken a site visit, having reviewed the proposals in detail. They note that visibility to the west is only 33m when measured from 2.4m back from the highway edge. However, they state that given the width, alignment and status of the road, and given the dwellings fronting, that the splay is acceptable for the location. They have also noted that the parking and turning provisions are of acceptable. They note that the proposals are a betterment to the scheme to park on Broadmead Lane.

Therefore, subject to conditions to secure provision of the access, its visibility and consolidation, and a Construction Management Plan, the proposal is considered acceptable in highway terms, and in compliance with policies D13 and D14.

Other Matters

The County Ecologist had commented upon the scheme and requested a preliminary ecological appraisal. This has been provided and made a number of recommendations which have been incorporated into conditions which are proposed to be attached to any permission.

The proposal also falls within the catchment for the Somerset Levels and Moors Ramsar site. The county ecologist has confirmed that no likely significant effect would arise given that the proposal will connect to foul mains which discharges outside the catchment. Therefore subject to a condition to secure the connection to the foul mains, the proposal is considered acceptable on ecological grounds.

Summary

The proposal would secure the long-term conservation of the site, which when weighed against the less than substantial harm to the heritage asset, tips the proposal in favour of granting permission. There are no other matters which cannot be addressed through appropriate conditions. Planning permission is recommended to be granted.

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 Works 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 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.

- 4 Separate suitable roosting provisions for horseshoe bats and long eared bats will be provided in the design of the development, as recommended in the Bat Emergence and Activity Surveys (Quantock Ecology, 07/07/23). The Location of roost entrances and internal details will be set out in the design. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals. A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme prior to first occupation of the dwelling hereby approved and maintained for the exclusive use of bats thereafter.

Reason: A pre commencement condition 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.

- 5 All hedgerows and trees with potential to be impacted by works shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. The measures shall be maintained throughout the construction period.

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

- 6 Prior to any vegetative clearance or groundworks, any vegetation to be impacted in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as rubble, wood, or brush piles which potentially afford resting places for reptiles will be dismantled by hand by a competent ecologist in April or August to October.

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

- 7 Works will not in any circumstances commence until:

a) Construction and demolition operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats.

b) An improved cavity bat box or similar, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter.

c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: This is a pre-commencement condition to ensure the strict protection of European protected species and in accordance with policy D20 of the Sedgemoor Local Plan 2011 2032.

8 No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;

- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 9 Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to Local Planning Authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required, a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity.

- 10 All foul water from the development hereby approved shall discharge via connection into the Wessex Water mains foul sewer. No other means of disposal of foul water shall be permitted.

Reason: To ensure that the proposal does not negatively impact upon the Somerset Levels and Moors Ramsar site (due to an increase in nutrient loads (phosphorous) from foul waste) in accordance with Sedgemoor Local Plan 2011-2032 Policy D20.

- 11 The proposed access shall be constructed in accordance with details shown on the submitted and approved Block Plan Drg No. 22124/01 rev D, and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Notwithstanding the details on the submitted and approved plan, no approval is hereby given for the formation of parking spaces or culvert works on Broadmead Lane.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 12 Prior to first occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the

edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition in perpetuity.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 13 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided prior to first occupation of the development hereby permitted and shall thereafter be maintained in perpetuity.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 14 A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The enhancements within the approved BEMP shall be carried out prior to the first occupation of the dwelling hereby approved and maintained thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework and in the interests of European and UK protected species and biodiversity generally and in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity.

- 15 Prior to installation of any external lighting, a lighting design for biodiversity, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority, prior to construction. 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 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on potential bat commuting routes (hedgerows). All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no

circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modifications), there shall be no enlargement or extension of the dwelling hereby permitted, including any additions or alterations to the roof, or insertion of new or enlargement of existing window or door openings, or erection of any new building or means of enclosure, within the application site without the prior written approval of the local planning authority by submission of a planning application.

Reason: In the interests of preserving the character and appearance of the listed walled garden in accordance with Sedgemoor Local Plan 2011-2032 Policies D2 and D26.

Schedule A

Location Plan Drg No. 01

Existing & Proposed Plans Drg No. 22124/01 Rev D

Existing & Proposed Gardener's Hut Plans Drg No. 22124/02

DECISION
