

Committee date 11/06/2024

Application No: 36/23/00011

Application Type: Full Planning Permission

Case Officer: Dawn de Vries

Registered Date: 15/05/2023

Expiry Date: 13/08/2023

Parish: Nether Stowey

Division: Cannington

Proposal: Erection of 58 dwellings (40% affordable units) with access, landscaping, parking, public open space and associated works.

Site Location: Land At, Cricketer Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1LL

Applicant: Strongvox Ltd

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



Update report following referral 14th May 2024

The Habitats Regulation Assessment and application was presented to Development Committee in May. The HRA was endorsed but the planning application was deferred for member site visit, to allow consideration to the flatted blocks of accommodation at the south east corner of the site and for further advice from the Landscape and Conservation Officer.

Following committee the flatted block has been re-designed to reduce the scale of the building to 2 storey to accommodate for concerns raised by the Parish Council and members. The application has been subject to a 14 day re consultation which is currently underway. Members will be updated on additional comments at the meeting.

Consultation responses:

Landscape Officer: Support subject to conditions

1. SUMMARY

Although this scheme will undoubtedly result in landscape harm, it can be concluded that, on balance, much of the harm will be mitigated through a wide and well-planted landscape buffer around the site boundary. Recommendations have been made to improve the quality of the landscaped areas within the site.

2.0 ASSESSMENT

This scheme has previously been assessed by Janette Burton, the former Landscape Officer at Somerset North. As such, my comments focus on whether initial landscape concerns have been addressed in the revised design.

2.1 Visual impact

- The amended proposals include a wide landscape buffer on the north and western sides of the site, identified as the most sensitive from a landscape point of view.
- The retention of existing hedgerows and trees, in addition to the planting of new, predominantly native trees along these borders and to the east and south is welcomed.
- Once the trees have reached maturity, they will provide a substantial buffer, partially screening views from the PROWs to the north, and strengthening the habitats around the site boundary. This will further be helped by the reduced density of houses in the northern strip of the site.
- Although the development will extend the built form of the village northwards, this will not be substantially further north than the adjacent farm buildings, limiting the additional harm.

2.2 Landscape character

- The proposals bring development into a previously undeveloped area, with a resultant negative effect on the landscape character.
- However, the proximity to agricultural buildings, phase 1 of the development and to the A39 limit this harm, as it will be viewed in the context of these other developments.

3.0 RECOMMENDATIONS

- It is recommended that the trees have an 8-10 girth on planting to increase their chances of becoming well-established. Financial savings from using smaller trees should be spent ensuring that they are well maintained, watered and protected in their early years.
- Very few street trees have been proposed as part of the development. It is strongly suggested that more street trees are included for their benefit on placemaking, integrated landscape and well-being.
- A thorough management plan should be put in place to ensure that the existing hedgerows and trees (including their roots) are protected during the construction phase.
- It is recommended that shrubs and bulbs be planted around the swales to improve the quality of the amenity space, increase its usability and therefore increase passive surveillance in these areas.
- The roads and footways in the scheme consist primarily of tarmac. Changing this material to paving and creating more 'shared surfaces' as opposed to roads with pavements on either side, would improve the character of the area, helping it feel less suburban and with more of a village/neighbourhood quality.
- Nether Stowey is characterised by stone as a building material on walls and buildings. The use of stone as a boundary treatment (eg. on boundary walls) would help to tie the scheme in with the existing settlement.

OFFICER NOTE: The applicant is happy to have the above as additional conditions.

Further Summary

The application was deferred to enable further consideration in respect of heritage impact and the balance of this against the wider benefits in terms of affordable housing delivery. Members undertook a site visit on 25th May to view the location of the site, relationship of the development to phase 1 and the proximity and context of nearby Listed Buildings. Revised plans had been received for the flats ahead of this visit and were available for consultation for 14 days ahead of this meeting.

Following the conservation objection on the application in March the applicant provided a rebuttal that was not available on file. This was dated 25th March, and prepared by a built

heritage specialist. Having been the developer for phase one in addition to the current application they are aware of the sensitivities of the site and the relationship of this site to the adjoining listed buildings. The author of the rebuttal was also involved in phase 1 and has a good understanding of the heritage sensitivity of the site. Section 7 of the Heritage Statement carries out a detailed assessment of the relationship of phase 2 with the heritage assets of Stowey Court and the Grade II* Listed Church of St Mary the Virgin. The conclusion is that phase 2 would not impact upon the overall heritage significance of the asset and would therefore comply with Section 66(1) of the 1990 Act and Section 16 of the NPPF. There was no detailed response from the Conservation Officer in terms of the Heritage Statement.

In terms of degree of harm, the Conservation Officer commented that the development would be 'substantially harmful to the setting on the conservation area and to the collection of the designated and non-designated heritage assets at Stowey Court.

Planning Practice guidance confirms in respect of 'substantial harm':

'In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.'

The 'high test' has been confirmed through various High Court Decisions, and in particular a High Court Judgement of 2013 clarified that substantial harm would be harm that would '...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.'

When considering cases where impacts are associated with changes in 'setting' only, a recent Secretary of State Appeal Decision clearly articulated that:

'In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance.'

Accordingly, it is clear that should the Local Planning Authority consider that harm does arise to the grouping of heritage assets at Stowey Court, via a change in 'setting' only, this cannot meet the test of 'substantial harm'.

In cases where 'less than substantial harm' is considered to arise, Paragraph 208 of the NPPF states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The public benefits of the proposal as set out in the Policy response on the case would include the provision of affordable housing to meet an identified housing need for the area. The applicant is of the view that the proposal would not result in harm. As set out above the authority do not consider that there is 'significant harm' as a result of the development and that if members feel there is harm to the setting this would be less than substantial and would need to be considered in the balance with the planning benefits of the proposal. The site would be served by an existing and safe connection to the village and the church, provides good landscaped edges and through the additional conditions is considered acceptable relative to the landscape officer.

The Conservation Officer was re consulted following the last committee with the above rebuttal and at the time of updating this report has not provided any further response. Based on the information provided and through the benefit of the site visit, officers are satisfied that members should weigh the impact on the setting of the adjoining listed buildings and conservation area in the balance with the planning benefits if it is in considered that less than substantial harm is present, this would be outweighed by the public benefits.

The application continues to be recommended for conditional approval subject to 106, the original conditions and additional conditions as proposed by the landscape officer.

The original report remains as set out below.

Committee decision required because

This application is referred to the area committee as it is a major development and the comments of Nether Stowey Parish Council are contrary to the recommendation

Background

This 4.23 hectare site is located to the north of the A39 to the rear of the approved scheme for 109 houses (36/16/00016) at Cricketer's Farm (a former cheese factory). It is outside the settlement boundary of Nether Stowey, a Tier 2 settlement, but immediately adjacent to the substantial redevelopment at Cricketer's Farm which is under construction. This approved scheme is accessed via to a new junction (36/19/00015) which was completed in 2022 and is fully operational.

The Site comprises an area of 4.23 hectares of grade 3 agricultural land to the north of the Cricketers Farm development. It is bounded by mature vegetation boundaries to the north, east and west, with the southern boundary open to the development to the south. There are large agricultural / commercial units to the east. Both of these areas of built form provide a physical separation between the Site and the nearby Stowey Court. Arable farmland lies to the west of the site. A mature hedgerow and established tree line known as the 'Deer Leap' defines the western boundary of the site. There are no Public Rights of Way across the site, but footpath BW22/11 runs close to the west side of the site, BW22/20 runs c. 170m to the north and BW22/21 runs along the east side of the site. . There are no buildings present on the site which is within Flood Zone 1.

The Quantocks Hills National Landscape (formerly the Quantocks Hills AONB) lies to the west/southwest, the nearest point being c.1km to the southwest on the other side of the village. To the south, adjacent to the first phase development approved by 36/16/00016 are the listed St Mary's Church and Stowey Court and a conservation area. This includes a number of associated listed buildings.

The proposal is for the erection of 58 dwellings with access (including 23 affordable homes), landscaping, parking, public open space and associated works including provision of 40% affordable dwellings. Access would be via the new signalised junction on the A39 and through the approved development to the south. The overall density would be c.13.7 dwelling per hectare, however there would be substantial areas of landscape space around the built development. This 'developed' area is approximately 2ha, giving a net density of 29.5 per hectare.

In detail the scheme comprises:-

- 35 open market units made up of:-

9 three bed houses

29 four bed houses

- 23 affordable homes for rent made up of:-
 - 8 one bed maisonettes for social rent
 - 7 one bed flats for social rent
 - 4 three bed houses for social rent
 - 3 four bed houses for social rent
 - 1 four bed house for shared ownership
- 163 parking spaces, including 17 visitor spaces
- A LAP and a LEAP
- Incidental landscaped open space
- A surface water drainage system

The scheme has been amended to address concerns raised and to ensure that the affordable housing component matches the need identified by the latest housing needs assessment (HNA), the location of the LEAP was amended and a number of consultations carried out. The application is now supported by the consultees and has undertaken a Habitats Regulation Assessment which is acceptable subject to conditions.

Relevant Planning History

No planning history on this site, consents relate to the previous use and the existing development to the south. In relation to the site to the south the following are considered relevant:-

36/19/00016 - Planning permission granted for erection of 109 dwellings with access onto the A39, landscaping, parking, public open space and associated works.

36/19/00015 - Planning permission granted for alterations to and provision of a new signalised (traffic lights) junction onto the A39

36/16/00030 - Hybrid planning permission granted for Hybrid Planning Application for a mixed-use scheme comprising the change of use of storage building (use class B8) to light industrial use (use class B1), change of use and conversion of buildings to form 7 residential units and outline planning application for the erection of up to 50 residential units, new access on to the A39, associated public open space, landscaping and associated infrastructure

36/16/00019 - Screening opinion issued to confirm development need not be subject to an Environmental Impact Assessment.

Immediately to the East of the site there are also a number of recently erected commercial/agricultural buildings:

36/21/00001 - Erection of a multi-purpose building - part agricultural for rearing cattle and part storage and distribution of beef, including installation of fridge and freezer.

36/22/00026 - Erection of replacement livestock building to replace existing fire damaged livestock buildings and change of use of existing B2/B8 building to Class E(d) indoor gymnasium. Retention of two storey extension to west elevation of existing dwelling.

36/23/00009 - Erection of a steel & concrete agricultural building for silage and straw storage.

Consultation Responses

Nether Stowey Parish Council (in relation to the final reconsultation) – maintain their objection with further comments as follows:

Housing

The Parish has already more than exceeded the "minimum housing to allocate" and "Total Minimum Growth 2011-2032" stated in the Sedgemoor Local Plan Policy T2a with around 115 units already built or committed to rather than the 50/75 specified

We also highlight that of the six tier 2 communities, Nether Stowey has delivered 183% of its minimum housing numbers (75 as per Policy T2a of the Sedgemoor Local Plan) whereas four of the other Tier 2 communities have yet to hit so argue that housing be delivered in the other tier 2 communities before even more is planned for Nether Stowey.

However, should the development be given consent, the Parish Council are pleased to note the proposed changes in line with the request from the Affordable Housing team and supported by the Parish Council, to fulfil the unmet need as laid out in the most recent Housing Needs Assessment. These are:

15 x one-bedroom flats (3 designs proposed) – all social-rented units

4 x 3-bedroom houses – all social-rented units

3 x 4-bedroom houses – all social-rented units

1 x 4-bedroom house – shared ownership

If the development is given consent, the Parish Council request a condition that the affordable housing is built at an early stage to avoid a repetition of the situation that occurred on the adjacent site. Policy T2b to meet the outstanding housing need is the only reason why this application can be considered.

Traffic

SDC Local Plan

Policy D14, bullet 6 states "Ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated;" - This development would increase traffic, on top of that already created by the Cricketer Phase 1 development, along the A39 which is becoming regularly closed due to traffic incidents and has been identified as a dangerous road by the Road Safety Foundation.

Neighbourhood Plan

The proposal is contrary to Objective 6 "To protect the character of our valued landscape" and Policy E4.

The proposal is contrary to Objective 9: "Ensure that any new development does not make existing road safety issues worse, and where possible improves road safety for all users" and Policy T 1.

Landscape Officer – Objects:-

Although the proposed development will be well related to the site currently under construction there is no doubt that further development extending into the countryside will have a major adverse impact and be detrimental to the attractive and rural quality of the existing landscape. A balanced judgement will need to be taken when considering the need for a further 58 dwellings (including 40% affordable) and whether this outweighs the detrimental impact further development will have on the rural and scenic quality of the landscape.

Conservation Officer – Objects:-

The impact of the first development has been quite harmful to the setting of the collection of protected structures church, the various listed elements of the Stowey Court complex and to the setting of the local character.

The new proposal asks to enlarge the development onto an area that was previously excluded from the initial site and did actually offer an idyllic backdrop to the development site. Containing a redundant slurry lagoon and an abundance of wildlife. Filled with water and surrounded by lush vegetation. This area has now been removed to further impact the rural setting that previously surrounded the listed elements together with the conservation area.

The previous harm being balanced against the public benefit of affordable housing and a major road improvement to accommodate the increased population. This new proposal cannot be balanced in the same way and is considered to be substantially harmful to the setting of the conservation area and to the collection of designated and non designated heritage assets.

The previous scheme had been consented to preserve elements of the original use and the conversion of a non designated heritage asset was agreed. This action carried some considerable weight when conditional support was first offered. This new proposal does not enjoy such an opportunity to be levied against the obvious harm of an increased development within the setting of protected structures and irreplaceable heritage assets which does include the rural backdrop to this important part of Somerset.

203. In determining applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

(a) the nature of the heritage asset prevents all reasonable uses of the site; and

(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

(d) the harm or loss is outweighed by the benefit of bringing the site back into use.

On heritage grounds and in respect to the direction of national policy as written within the above excerpts of the NPPF, this proposal should be refused or withdrawn as the scale of harm and increased ambition of the site into the surrounding countryside cannot be justified to be of any public benefit.

Planning Policy – initial comments raised no objection, subject to confirmation from the Council's Landscape Officer that the proposal does not have a significant adverse impact on the landscape, the Council's Conservation Officer confirms that there is no significant harm to designated heritage assets and that any necessary conditions to avoid or mitigate any potential negative impact on bat species are secured.

In light of the objections raised by the Landscape and Conservation Officers the following clarifications are provided:-

With reference to the above application, planning policy comments were originally provided dated 20/06/2023. These confirmed that there remained an unmet local housing need confirmed through the Affordable Housing Needs Assessment dated February 2023 and that the provisions of Policy T2b would therefore apply. The principal of development was accepted given that the proposal will provide 40% affordable housing to meet the confirmed local need.

At the time of the original policy comments, the views of both the Councils landscape officer and Conservation officer were still awaited and therefore the conclusion to raise no objection to the proposal was caveated on the confirmation that there were no significant adverse impact on the landscape and that there was no significant harm to designated heritage assets.

Landscape – The comments of the landscape officer identified that the proposal would extend the built form northwards into the landscape and inevitably have a significant impact on the landscape. It was agreed that the impact from the protected Quantock Hills would not be significant adverse. It was also accepted that the proposed development would be well related to the existing recent development and concluded that the proposal would have a major adverse impact that would need to be balanced against the need for the additional dwellings, particularly the affordable housing.

Policy D19 Landscape refers to proposals ensuring there is no significant adverse impact on local landscape character. It also states that where development is necessary that could result in significant adverse effects appropriate mitigation measures should be provided. The overall conclusions are that there would be a major adverse impact and this can be partially mitigated through the proposed landscaping. Given this and the need to balance against the delivery of affordable housing to meet identified local need, it is considered that the landscape impacts do not alter the original conclusion to raise no objection to the proposal.

Heritage – The comments of the Conservation Officer conclude with an objection on the basis that the increased development into the surrounding countryside cannot be justified to be of any public benefit. The original “first” phase of development, whilst having some impact on the wider setting of the heritage assets, was balanced against the public benefit of affordable housing. Comments also refer to the harm of increased development within the setting of protected structures.

Whilst there can be little doubt that the proposal will further erode the wider setting of the listed buildings and conservation area, it is north of the consented residential development and does not therefore adjoin the boundary of these assets directly. Views from the church will be impacted looking northwards but looking towards the heritage assets from the north or north west would be compromised by the existing dwellings and not directly harmed by this proposal. The undeveloped setting to the north east, east and south is not impacted by the proposal.

As per the first phase of development, the additional impacts on setting should be considered against the wider public benefit, in this case the provision of 40 % affordable housing specifically to meet local housing needs. The comments do not conclude that the harm is substantial and as set out under Policy D26, where harm is less than substantial this will be weighed against the public benefits of the proposal. It is considered that , as with the first phase (that does immediately adjoin the conservation area and listed buildings), the wider benefit of providing affordable housing can be balanced against the potential harm. Notwithstanding the conclusions of the conservation officer, it

is considered that the wider public benefit on balance tilts in favour of confirming that on policy grounds, the previous conclusion to raise no objection to the proposal is confirmed.

Conclusion - as previously set out the proposal broadly meets the requirements of Policy T2b and there is no in principle objection. The concerns on both landscape and heritage grounds are noted but both fall short of concluding substantial harm. The concerns/objections need to be balanced against the wider benefit of providing local affordable housing. The adverse impacts are noted but are not greater than the already consented scheme, impacts can also be partially mitigated through the proposed landscaping and layout. The previous conclusion to raise no objection is therefore still applicable.

Highway Officer – recommends approval subject to safeguarding conditions and securing a travel plan within the s106 agreement.

National Highways – No objection:-

....based on the proximity of the site from our network, namely M5 Junctions 23 and 24, we are satisfied the development is unlikely to result in an adverse impact on the safe operation of the SRN.

Rights of Way Officer – no objection subject to a condition to ensure that the crossing point of BW22/19 over the proposed access road, is safe for the public to use and constructed appropriately through the technical approval process as part of a relevant legal agreement.

OFFICER NOTE: This is within phase 1 of the development to the south and is being detailed as part the various highways agreements that will be necessary but has been conditioned as the access into the site would break through the currently diverted route.

Quantock Hills National Landscape Service (formerly AONB Service) – objects and reminds the LPA of their duty to “seek to further the purpose” of the National Landscape. They consider that:-

If this application is approved, the area north of the A39 would eventually become urbanised, further impacting the character of this ‘Gateway to the Quantocks’, which has already been adversely impacted by previous planning approvals. The cumulative effect of this development will have a significant impact on Nether Stowey and therefore the setting of the Quantock Hills.....

..... the introduction of 58 new houses with associated road infrastructure, lighting and domestic paraphernalia will have a cumulative, urbanising and significant impact on the character of this rural landscape within the setting of the AONB and should therefore be refused.

Ecologist – no objection, confirms that:-

Subject to a formal consultation response from Natural England concluding that they consider that the proposals will result in no Likely Significant Effect on the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC) based on the Shadow Habitats Regulations Assessment by Ethos Environmental Planning (Issue Final_V5, 8th March 2024), SES consider that the submitted information is satisfactory to ensure no Likely Significant Effect on the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC) subject to conditions being secured.

Natural England – No Objection subject to Mitigation

LLFA – initially raised concerns regarding the technical detail of the proposed strategy. In relation to additional details maintain a concern that there remains insufficient detail:-

We understand that the drainage strategy has been revised to reflect the changes in the red line boundary, however, there have been no changes to reflect our previous comments made 27/09/2023. This is excluding the drainage calculations which have now been submitted with 45% climate change. We further note that there has been an alteration in the discharge rate from the site has altered from 7.9l/s to 7.7l/s, but no justification has been provided for this.

We would expect these issues above and our previous comments made to be addressed before an appropriate planning condition can be set.

In response to further details:-

We are satisfied that the pond in the Northwest has not been functionally used for surface water storage or hydraulically connected to a watercourse and therefore have no further comments regarding this.

For a pumped system an additional 125m³ per impermeable area needs to be provided within the attenuation system. The applicant has not clarified whether this is the case, however we have taken our own initial assessment. When comparing the volume available shown on the drainage drawings (assuming these total volume numbers do not include the 300mm freeboard or permanent water level) to the calculations, there would be a measure of additional attenuation volume available (approx.122m³). Whilst this would not meet the requirement, assuming that the above does not include freeboard, it would seem reasonable that a measure of the freeboard would also be available for this use, and after undertaking a rough estimate, this would exceed the volume requirement for the site. As such, should the applicant be able to clarify this point, whilst we are disappointed to see the pumped system this would be acceptable subject to conditions.

The applicant has confirmed that the storage volumes for the attenuation features stated on the Drainage Strategy Plan do not include the freeboard or the permanent water level and on this basis the LLFA have confirmed that they do not object subject to conditions to secure the technical detail and future maintenance of the surface water drainage system.

Open Spaces Officer – initially:-

The LEAP appears to be in an acceptable location, however please can you clarify on if there is also a LAP on the western boundary.

The details of play equipment will need to be secured either by condition or as part of a S106 agreement, should consent be granted.

The reference to ‘natural style play equipment’ in the applicant’s planning statement suggests timber play equipment, if this is the case then the council would not be able to adopt the site after completion

In light of clarification that a LAP would be provided raise a concern that the original specification for a ‘natural play space’ would be an impractical and a short-term proposal as fallen branches and boulders become slippery and split and they won't offer long-term play provision.

OFFICER NOTE: The applicant accepts this and agrees that more appropriate equipment will be provided with the details being agreed through the s106 agreement.

Police Design Advisor – originally objected to position of LEAP due to the location on the edge of the site and limited surveillance opportunities. Revised details were provided confirming the alternative locations considered and amendments to the layout and landscaping to ensure improved visibility of the site. Following these the Police Design Advisor confirmed that site A (the location of the LEAP) was the preferred location and provided the landscaping amendments were provided this would assist in passing surveillance, 1.2m fencing and relocation of the trees would allow support for this location. Round top railings and a gate was suggested as opposed to timber fencing for aesthetic and longevity purposes. Some provision of fencing around the Attenuation Basins was also supported.

Fire & Rescue Service – no objection subject to the relevant regulations:-

The proposal must comply with the functional requirements of Approved Document B of the Building Regulations. This includes access requirements for Fire Service Vehicles (B5). These include vehicle access, including minimum road widths, turning facilities for fire service vehicles and maximum reversing distances of 20 metres.

In addition, the provision of appropriate water supplies for fire fighting (Street Hydrants) including appropriate flow rates will need to be achieved. Information on this should be sourced from the National guidance document on the provision of water for fire fighting.

Economic Development Officer – no object subject to a condition to ensure a local labour agreement is agreed.

Education Officer – requests a contribution of £127,128 towards the expansion of early years provision to meet the needs arising from this development. It is noted that there is sufficient capacity in the local primary school and that any expansion of secondary provision needs as a result of this development would need to bid for CIL funding.

Environmental Health Officer – no objection subject to conditions to address construction management and any possible land contamination.

NHS Somerset LPA Engagement – requests a contribution of £23,036 towards the expansion of GP services at the Quantock Medical Centre to cater for the additional demand that would arise as a result of this development.

Affordable Housing Officer – initially noted the case for 23 affordable homes and advised:-

The proposed development is on land outside the Nether Stowey settlement boundary (“SB”). For clarity, residential development proposals on land outside the SB would not ordinarily be permitted. For the purposes of my response, I have assumed this application will be assessed against Local Plan policy T2b. A review of the homefindersomerset system (HFS) (most people would refer to the HFS as the housing waiting list) indicates that there is a total of 109 households who have expressed a wish to be rehoused in the village. Of these, 59 claim to have some form of strong local connection with the parish of Nether Stowey (36 require a 1 bed home, 14 a 2 bed home, 7 a 3 bed home and a further 2 a 4 bed home). There are a further six new affordable homes under construction on phase-one of the Strongvox Cricketers housing scheme. Even if these were allocated to one of the 59 households mentioned above, there would still a significant number of households (with a connection with the parish) still waiting to be rehoused. In terms of justifying housing development under local planning policy T2b, the LP policy requires evidence of unmet housing need in the form of an up to date parish housing need assessment (HNA). The latest Nether Stowey HNA was published in February 2023 and offers a snapshot in time insight into the possible unmet local housing need. The HNA suggested a need of 23 additional affordable homes over and above that already consented and under construction. On face value, the HNA provides justification for 23 affordable housing units. Again, on face value, there seems to be a disconnect between the affordable housing units (types and bedroom sizes) proposed with that reported in the latest HNA report. So, is there a case to be made for the detailed affordable housing associated

with this application? The HNA would suggest not. However, the provision of 15 one-bed homes (out of 23) does not provide a balanced and varied unit type and mix for the village over the long term. I would not wish to see so many 1 bed homes built. The HFS provides evidence to support the developers affordable mix, which if allocated with a flexible and sensitive local allocation agreement will help rehouse local people in the greatest housing need. This allocation policy could include flexible arrangements which would see a local household wanting a 1 bed home, offered a 2 bed property. These flexible arrangements could be enshrined in the s106 to ensure local people have access to these affordable homes. So, there is a case for 23 new affordable homes. I am delighted the applicant is proposing to provide the minimum policy compliant 40% affordable housing package. It is important to remember that underpinning principle associated with a proposal of this nature is that the construction of open market homes (such activity would not ordinarily be granted) on land outside the SB must be seen as a means to an end to address a defined community requirement (typically affordable housing). The market homes will provide financial resources to build the affordable homes. Without this cross-subsidy, the affordable homes could not be built. The s106 agreement should capture a commitment to deliver the following affordable housing requirements: 1. The Council will require the applicant to agree (in writing) a detailed affordable housing plan prior to construction getting underway. 2. I feel the provision of 6 shared ownership affordable homes is a little too many. I feel the number of shared ownership should be limited to three. The majority of the affordable homes must be rented to ensure that those local people in greatest need have access to a home. Therefore, rented homes must form the backbone of any affordable proposal. This tenure is affordable to all, whatever their income. 3. The affordable homes should be provided on site. 4. 40% of the overall number of homes must be affordable housing. 5. The affordable-units provided free from public sector investment. 6. The associated car parking provisions for the affordable units should be clearly identified and in accordance with current car parking policy. 7. The affordable-housing units will be indistinguishable in appearance from the open market units on the site. 8. Whilst I not critical at this point-in-time, I would ideally wish to gain a better understanding into who will be responsible for the long term management of the affordable units. Ideally, I would expect the applicant to try and transfer the affordable units to one of the Council's Main Development Housing Association Partners where possible. Early discussions to identify this partner is encouraged. 9. The affordable-homes should be integrated and well related well to the proposed private-sale homes, the proposed clustering needs a rethink. Ideally, clusters of affordable housing should not exceed 8 to 10 units. 10. As discussed above, the TCPA s106 agreement will include a local letting (sale) plan for the allocation (sale) of the affordable housing units, offering priority for the new homes will be given to local people seeking an affordable home. In concluding, it is important to remember that the proposed affordable homes are aimed at local people who cannot afford the cost of a suitable home on the open market to get a home at a price they can afford where they were possibly born / grew-up or have support, social networks or work in. It is important to remember that the housing need exists now, and the affordable homes should be built as soon as possible to address this need.

Whilst the concern about 15 one bedroom units is noted this reflects the need identified in the HNA. The applicant has therefore been asked to amend the scheme to bring it into line with the identified need. This has been done and the affordable housing officer has commented:-

The mix and tenure is in line with the Housing Need Assessment and as such I am happy to agree.

The layout of the homes across the site is also acceptable in terms of integration.

Representations

30 letters received raising the following issues:

- The affordable houses will not be delivered;
 - Further 58 houses not needed
 - Too many houses for the village
 - Loss of green field, agricultural site
 - Visual impact
 - A brownfield site should be used
 - Block of flats not in keeping
 - Increased traffic on A39
 - Residents would have commute to work
 - Hinkley Point jobs will eventually diminish
 - Lack of public transport and reliance on cars
 - Noise
 - Impact of Quantocks
 - Impact on services and infrastructure
 - Impact on wildlife
 - Delivery drivers arriving at wrong addresses
 - Overlooking from delivery drivers passing
 - Increased risk of flooding
 - In sufficient parking – all properties should be provided with 4 spaces and large garages
 - PV and EC charging points and extra insulation should be provided
 - Other tier 2 settlements should deliver their housing quotas before more houses are built
- Nether Stowey
- Light pollution

One writer has no objection as the houses would only impact on Phase 1 but is concerned that the developer might renege on the affordable housing undertakings.

Most Relevant Policies

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

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

Sedgemoor Local Plan 2011-203

- S1 Presumption in Favour of Sustainable Development
- S2 Spatial Strategy for Sedgemoor
- T2a Settlements – Housing
- T2b Settlements – Unmet Local Housing Need
- CO1 Countryside
- D1 Flood Risk and Surface Water Management
- D2 Promoting High Quality and Inclusive Design
- D5 Housing Mix
- D6 Affordable Housing
- D13 Sustainable Transport and Movement
- D14 Managing the Transport Impacts of Development
- D15 Employment
- D19 Landscape and Trees
- D20 Biodiversity and Geodiversity
- D21 Ecological Networks
- D22 Trees and Woodland
- D23 Bat Consultation Zones
- D24 Pollution Impacts of Development
- D25 Protecting Residential Amenity
- D26 Historic Environment
- D30 Green Infrastructure Requirements in New Developments
- D34 Outdoor Public Recreational Space and New Residential Areas

Nether Stowey Local Plan 2021

H2: Affordable Housing

H3: Housing Type and Size

H4: Sustainable Development

E1: Design and Character of Local Development

E2: Heritage Assets and Character

E3: Development Proposals

E4: Protecting the Local Landscape

E5: Protecting Wildlife and Habitats

T1: Safe and Easy Access to Nether Stowey Village

T2: Development North of the A39

T3: Protecting and Enhancing Pedestrian, Cyclist and Horse Rider Routes

National Planning Policies

National Planning Policy Framework: December 2023

National Planning Practice guidance

Other Material Considerations

Nether Stowey Housing Needs Assessment February 2023

This identifies a need for the 23 affordable homes to meet the need in the village made up of:-

- 15 one-bedroom units for rent
- 4 three-bedroom units for rent
- 4 four-bedroom units, 3 for rent
- 1 four-bedroom unit for intermediate ownership

Community Infrastructure Levy (CIL)

The application is for residential development in Nether Stowey where the Community Infrastructure Levy (CIL) is £120/sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £798,918.83. 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

Policy S1 in line with the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. The policy confirms that the Council will take a positive approach that reflects the presumption in favour of sustainable development.

Policy S2 (Spatial Strategy for Sedgemoor) designates Nether Stowey as a Tier 2 settlement and as such it is deemed suitable as a focus for housing and employment growth appropriate to its scale and character. Policy T2a sets out minimum levels of growth for the Tier 2 settlements, with Nether Stowey being allocated 75 a minimum growth over the plan period of 75 dwellings. As of April 2015, allowing for completions, existing commitments and opportunities within the settlement boundary, there was a minimum of 50 left to allocate. With the approval of 109 houses on the site to the south the minimum level of development set out by policy T2a has been met.

Beyond this T2b allows consideration of further, greenfield sites outside but well related to the settlement boundaries where there remains an unmet local affordable housing need subject to the development demonstrating that it meets all of the following criteria:

- *It fulfils an identified local housing need for affordable housing as evidenced by an up to date assessment of local housing needs agreed with the District Council;*
- *The affordable housing provision (notwithstanding the requirements of Policy D6: Affordable Housing) will normally be a minimum of 40% of the total number of housing units provided on the site unless provision of alternative local infrastructure priorities is agreed;*
- *The scale of development should be appropriate to the size, accessibility, character and physical identity of the settlement;*
- *The proposal is well related to and complements the existing built form of the settlement, providing opportunities for walking and cycling to local services and facilities;*
- *The affordable housing should form part of the overall development and be well integrated with any market housing;*
- *Supports where appropriate access to local job opportunities, including opportunities for on-site provision;*
- *The development appropriately contributes to local infrastructure priorities identified, for example, in Neighbourhood plans or in agreement with Town/Parish Councils; and*
- *Maintains and where appropriate incorporates enhancements to the local environment, landscape, and historic environment, including where appropriate habitat creation and community woodland planting.*

In respect of these criteria the following comments are offered:-

- The 2023 Housing Needs assessment (HNA) confirms a need for 23 affordable homes in Nether Stowey made up of:-
 - 15 1-bed units
 - 4 3-bed units

- 4 4-bed units
- This application for 58 would provide 23 units (41%) tailored to meet this need. This need, for local affordable housing is supported by policy H2 of the neighbourhood plan, could not be delivered elsewhere, including at other tier 2 settlements or brownfield sites elsewhere
- Given the character and nature of Nether Stowey it is not considered that the development of 58 dwelling would be incompatible with the settlement's size, accessibility, character and physical identity. The provision of affordable homes would meet the identified need and the market homes would contribute to the council wide need to deliver housing. Concerns about the lack of public transport are noted however such levels are not uncommon in rural areas and policies T2a/T2b which set the level of development for Nether Stowey are not dependant on the provision of additional public transport.
- In approving the first phase it was considered that site was well related to Nether Stowey due to the location adjoining the settlement although the A39 is a barrier between the site and village. As a result the traffic light junction proposed as part of that application included a safe pedestrian crossing which would allow a functional link from the site to Nether Stowey. The provision of that arrangement was considered necessary to integrate the development into the wider Village. This connection now enables safe crossing from the site into the Village and from the Village to the Church. The development now proposed would be immediately adjacent to, and well related to, the development of the first phase at Cricketer's Farm and would benefit from links through that development to the controlled crossing over the A38 and from there to the services and facilities available in the village.
- The affordable housing forms part of the development and is shown to be well integrated with the market housing, supported by the affordable housing officer.
- The proposal is not required to be a mixed use and as such no on site employment is required. As noted above the site would be well connected to the village and it is not considered that future residents would be unacceptably disadvantaged with respect to local job opportunities. Whilst they might have to commute this is a fact of life for both existing and future residents of the village and is not considered to amount to an object to development in this Tier 2 settlement. It is however to be noted that changes such as more agile patterns of work mean more people are able to work from home and traditional patterns of commuting to work are changing.
- No specific local infrastructure requirements have been identified that should be delivered as part of any housing scheme coming forward in Nether Stowey

- The impacts on the local environment, landscape, and historic environment are considered in the following sections.

The proposed 23 units of affordable housing (41%) would comply with the requirements of policy T2b and would reflect the need identified by the 2023 HNA. It is noted that policy H3 of the Nether Stowey NP suggests that the mix should be:-

	1-bed	2-bed	3-bed	4-bed
Social/Affordable Rented	30-35%	30-35%	25-30%	5-10%
Intermediate	15-20%	50-55%	25-30%	0-5%

However the policy goes on to say that:-

where feasible and viable, an increase in the number of smaller dwellings to meet locally identified needs would be welcomed. When determining the housing mix for a site this should therefore take into account relevant and up-to-date local housing needs assessments to ensure the needs of the community are met.

As noted previously the latest HNA identified a need for more 1-bed units, and reflecting this need 15 1-bed units would be provided (65%). Whilst local concern about this was originally raised by the Parish Council it is noted that the mix is necessary to comply with the requirements of policy T2b. If the units were changed the proposal would not reflect the identified need and could not be supported. It is not considered that there is any justification to over-ride this fundamental policy requirement, nor is it considered that the provision of this many one bedroom units within a scheme of 58 units is objectionable in principle or that it would result in any harm that might justify withholding permission.

The local fear that the affordable units would not be delivered is noted, however as this is a policy requirement instance as an exceptional release site (unlike on the earlier scheme) the removal of the affordable units would be objectionable under policy T2b. Even in the event that the viability of the scheme became doubtful the removal of the affordable element would be resisted.

On this basis it is considered that the proposal is justified by policy T2b of the local plan and meets the requirements of policies H2 and H3 of the neighbourhood plan

Education

Policy S5 expects development to address its impact on infrastructure where there is evidence that the existing infrastructure would be incapable of meeting the additional need arising from the development. Policy D27 expects development that creates a need for additional education facilities

including preschool that cannot be met through existing facilities to meet any identified shortfall. Elsewhere the provision of additional spaces to cater for demand arising from planned development would need to seek CIL funding and as this demand for housing meets and identified affordable need for Nether Stowey it is reasonable to require this to be provided through CIL contributions.

Landscape and Visual Impact

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the buildings.

Policy T2b requires the scale of development to be well related and appropriate to the size, accessibility character and physical identity of the settlement and maintain, and where appropriate, incorporate enhancements to the local environment, landscape, and historic environment, including where appropriate habitat creation and community woodland planting.

Policy D19 states that development within the setting of an AONB that has the potential to harm the character and visual amenity of the protected landscape will only be supported if that potential harm can be negated through appropriate and acceptable mitigation measures. It further advises that where development is necessary and could result in significant adverse effects on the landscape and on visual amenity, appropriate mitigation measures should be provided. Where a significant adverse effect cannot be avoided or markedly reduced through mitigation, then opportunities to offset, remedy or compensate for unavoidable effects will be a requirement.

Policy E4 of the neighbourhood plan seeks to protect the local landscape and suggests that proposals will only be supported where they are in accordance with policy D19 of the local plan.

Inevitably the proposal would change the character of the site from undeveloped to developed and this would represent a 'harm'. This needs to be considered and balanced in terms of the extent of the harm in the immediate and wider locality, the ability of the suggested mitigation to reduce the harm and the benefits afforded by the scheme in terms of the delivery of much needed affordable and market housing.

The landscape officer and the Quantock Hills National Landscape officer raise concerns. It is sought to address those concerns through a Landscape and Visual Impact Assessment which accepts that:-

There are likely to be some Moderate adverse landscape effects of the immediate site itself and Major adverse effects on views from short sections of the PRow network close to the site due to the proximity of site to the footpath network. Away from the boundaries of the site the visual effects are

limited due to the nature of topography, intervening built form and vegetation, this is true for the higher sensitivity views to the south of the site. The proposed development incorporates a considered and strategic mitigation strategy that takes account of existing views and the local landscape character and its associated GI in order to mitigate effects and deliver long-term landscape enhancement.

The appraisal concludes that, subject to appropriate mitigation, the site is capable of accommodating the proposed development without unacceptable landscape or visual harm.

As noted above it is considered that, as a effectively the extension of to earlier scheme at Cricketer's Farm, and benefiting from the links that scheme created, the proposal would be well related to that scheme, regarded "*as a natural extension to the village*".

The submitted Visual Appraisal has assessed the landscape sensitivity of the site and immediate surroundings as "Medium". The immediate rural surroundings to the north and west are attractive fields with mature hedged boundaries and large mature trees at field junctions. To the south and east the surroundings have lower scenic value due to recent development on the site's southern and eastern boundaries. The proposal would extend this built form northwards into the landscape and will inevitably have a significant effect on landscape character of the wider area.

To mitigate this the boundary vegetation, a network of hedgerows, ditches and trees, to the north and south-west corner is to be retained. These existing areas are relatively intact, providing wildlife habitat, a strong green infrastructure and contribute significantly to the landscape character of the area. Additional structural landscaping is proposed to buffer and enclose the site.

There is potential for major adverse effects when viewed from the footpaths in the immediate vicinity, from which the site is clearly visible and from within the landscape to the north and west. It is accepted that these views will experience the greatest degree of change. However to a certain extent, when viewed from footpaths to the east and west, it is not considered that the situation would be materially different to the views already experienced by users of those footpaths in relation to phase 1. It is to be expected that the proposed development would be experienced in the same views, not as an additional new view, but as a continuation of an already established experience. From the north and west the development would be seen as extension of the existing built form into the countryside. Views from the east would be in combination with the existing commercial/agricultural buildings and the development would not project beyond the rear boundary of this.

To address these concerns substantial mitigation is proposed comprising:-

- A wide landscape buffer along the western, northern and eastern edges of the site which includes native hedge planting on the boundary together with scattered trees and scrub. These features

combine to create a Green Infrastructure (GI) corridor linking to the existing GI assets to the north and south.

- Retention, protection and enhancement of the existing vegetation site boundaries;
- Integration of a considered sustainable drainage system (SuDS) with basins and swales in the eastern and northern portions of the site, and a series of rain gardens central to the site;
- Strategic tree and scrub planting close to the development edge to soften any views of built form from the surrounding landscape to the north of the site. Positions of key trees also frame views north-east towards Pinnacle Hill from within the development.
- A tree and planting strategy throughout the site using a mixture of species which would help define the character of the site, create gateways into the site and encourage and support wildlife.
- Links to the wider PRow network in the form of path connections to the north-east and south-west of the site;
- Integration with the landscape buffer delivered as part of Phase 1 to ensure continuity of soft landscape treatments and approach;
- Inclusion of formal and informal play spaces to encourage use and exploration of the immediate site as well as the surrounding landscape.

In light of this extensive mitigation it is considered that, in respect of the immediate context, the visual and landscape impact of the proposal would be acceptably mitigated.

In medium views the site can be viewed from existing dwellings located to the west of the site on Stogursey Lane. In terms of wider impacts from the edge of the Quantock Hills the National Landscape officer identifies that Nether Stowey is a Quantock village, deeply associated with the Quantock Hills. The proposed development has the potential to impact on the village's character, its rural setting and its links to the AONB.

It is accepted that the application site is within the setting of the Protected Landscape and therefore the impact of this proposal must be considered in both visual and landscape character terms. It is noted that the proposed development would be on the other side of the village to the National Landscape and as such views of the development would be at a considerable distance of over 2km and the site would be seen with the main body of the village in the foreground. It is also noted that there is considerable the landscaping and undulating topography between the National Landscape and the site.

It is accepted that the development would be visible within the setting of the National Landscape. However it is considered that the impact on the setting of the National Landscape would be lessened by the intervening topography and landscaping, the main body of the village in the foreground and further mitigated by the landscape planting that is proposed within the site. On this basis it is considered that the conclusions of the LVIA in this respect are supportable, namely that:-

Visual effects on the Quantock Hills [National Landscape] are anticipated to be negligible and very limited to some glimpsed views of the site experienced at a limited number of elevated positions on the northern extents of the AONB.

Policy D19 advises that:-

Development within the setting of an AONB that has the potential to harm the character and visual amenity of the protected landscape will only be supported if that potential harm can be negated through appropriate and acceptable mitigation measures.

On this basis while the concerns about the setting of the National Landscape are noted it is not considered that the 'negligible' impact would be such that planning permission should be withheld in this instance. Conditions are suggested to ensure that the recommendations of the LVIA are fully implemented as part of the development and as such the negligible impact would be negated as required by policy D19 and the purposes of the national Landscape would be furthered by securing development appropriate development in its setting that has no adverse impact.

The harms in relation to closer views are acknowledged, however as noted by the landscape officer, a *"...balanced judgement will need to be taken when considering the need for a further 58 dwellings (including 40% affordable) and whether this outweighs the detrimental impact....."*

In this respect the benefits of delivering affordable housing to meet the need identified in the latest HNA and market housing to meet the councils wider need are considered to attract significant weight in the planning balance. Set against this are the 'moderate to major adverse effects that would arise in the close and middle distances views of the site from the inevitable change in character of the site from undeveloped to developed.

In this respect it is accepted that the proposed development would not be highly visible in the wider landscape as the site is reasonably well contained by the surrounding built form on the village edge together with the local vegetation pattern which is characterised by well vegetated boundaries which contain mature trees and hedgerows. Views into the site are limited to a number of locations on the immediate boundaries of the site and the landscape to the north of the site which contains a network of public footpaths from where the greatest level of effect would be experienced. It is acknowledged that from here the visual effects could be 'major adverse', however this would be reduced to 'moderate adverse' once mitigation planting matures.

In slightly wider views, for the majority of properties with views of the site, it is considered that the visual effects would be limited due to intervening built form, mature vegetation and topography. It is agreed that there might be some adverse visual effects during construction and the early years of

occupation, however the proposed mitigation would reduce the longer term visual effects to a minor level.

These minor to moderate adverse visual effects need to be weighed in the balance against the significant benefits arising from the delivery of affordable housing. Policy D19 suggests that steps should be taken to avoid/mitigate 'significant adverse impact'. The identified harms are limited to minor to moderate adverse visual effects. It is considered that these are at a level that is inevitable in any proposal that develops previously undeveloped land and need to be considered in the overall planning balance.

The planning policy comments conclude that:-

The concerns on both landscape and heritage grounds are noted but both fall short of concluding substantial harm. The concerns/objections need to be balanced against the wider benefit of providing local affordable housing. The adverse impacts are noted but are not greater than the already consented scheme, impacts can also be partially mitigated through the proposed landscaping and layout. The previous conclusion to raise no objection is therefore still applicable.

On this basis it is considered that the proposal is broadly in compliance with policy D19 of the local plan and policy E4 of the neighbourhood plan.

Design and Layout

Policy D2 of the local plan seeks to achieve high quality, sustainable and inclusive design for all new developments. Policy E1 of the neighbourhood plan supports development proposals where they have demonstrated that they are of high quality design, complementing the local vernacular, will enhance visual amenity and minimise any adverse impacts on the built environment.

The houses types and detailing closely follow that approved on the earlier phase at Cricketer's Farm and subject to a condition to agree the materials are considered acceptable and a logical continuation of the now established context. Similarly the layout follows the pattern and layout of phase 1 and it would not be reasonable to now object to its continuation which would read as a logical extension. A condition is suggested to agree the details of the materials. The street scenes and house type details confirm a mix of red brick, render, window detailing and a mix of red and grey concrete tiles. There are a mix of porch detailed, gable features and bay windows at ground and over 2 storeys to provide variety in the street scene.

All dwellings would be two storey with the exception of a 3 storey building, containing 7 one bed flats in the southeast corner of the site, intended as a feature building. This would sit centrally within the overall development and would be seen in views with the large modern agricultural buildings to the

north east. It is not considered inappropriate to have such a feature building in an overall development of 167 dwellings. Its simple design is not intended to compete with the more architecturally interesting listed buildings to the south, rather it would be defined by its bulk and as such is, in design terms more in keeping with the big box architecture of the large agricultural buildings to the east.

Accordingly in this respect it is not considered the proposal is contrary to either policy D2 of the local plan or policy E1 one of the neighbourhood plan.

The proposal is supported by a detailed landscaping plan that would served to soften the development and to mitigate it's impact in external views. A condition is suggested to ensure it is carried out, this is necessary to secure compliance with policies D2 and D19 of the local plan and policies E1 and E4 of the neighbourhood plan.

Ecology

Policy D20 of the local plan requires proposals to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity, taking into account climate change and the need for habitats and species to adapt to it. Policy D23 advises that development on sites within the Bat Consultation Zone could require a '*test of likely significant effect*' under the Habitats Regulations to be carried out, including consultation with Natural England. Policy E5 of the neighbourhood plan requires proposals to protect and enhance wildlife habitats and biodiversity.

The site is located within a Bat Consultation Zone (Zone A, Exmoor and Quantocks Oak Woodlands Special Area of Conservation) where development proposals may require a '*test of likely significant effect*' under the Habitats Regulations to be carried out, including consultation with Natural England. Where required, applicants must provide with the application all necessary information to enable such a test to be conducted, including any necessary survey work, reports and avoidance and mitigation measures as advised in the Technical Guidance for the Special Areas of Conservation supporting bat species (Local Plan Policy D23 'Bat Consultation Zones').

A Preliminary Ecological Appraisal Report has been prepared for the Site by Ethos Environmental Planning (*Preliminary Ecological Appraisal Report: Cricketers Farm, Nether Stowey, Phase 2 (Ethos Environmental Planning, March 2023)*). This has been written as an initial guidance note to the applicant and makes recommendations for further surveys for habitats and species, including bats. In addition, it makes recommendation for the completion of a Biodiversity Net Gain Assessment and HEP calculations, given the proximity of the Site to the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC), which includes Annex II species barbastelle *Barbastella barbastellus* and Bechstein's *Myotis bechsteinii* bat

Additional details have been provided and a shadow Habitats Regulations Assessment (sHRA) has been carried out, this concludes that subject to the imposition of a safeguarding conditions the proposal would safeguard the special conservation status of the protected bat species. The councils ecologist considers that the submitted sHRA by Ethos Environmental Planning (Issue Final_V5, 8th March 2024) demonstrates that there would be 'Likely Significant Effect' on the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC) subject to the suggested conditions being imposed.

Natural England agree with the findings and recommendations of the sHRA and accept that the proposals will result in no Likely Significant Effect on the Exmoor and Quantocks Oakwoods Special Area of Conservation (SAC). On this basis the proposal complies with policy D23 of the local plan.

In terms of other ecological impacts it is not considered that the proposed development of this grassed site would have any unacceptable impacts. The application was submitted prior to the introduction of the requirement for BNG and its is not therefore a requirement of this development. A condition is suggested to secure a biodiversity enhancement plan and this is considered reasonable and necessary to ensure compliance with policy D20 of the local plan and policy E5 of the neighbourhood plan.

Highways Impacts

The proposal would be served by the existing signalised access of the A39. This junction is considered appropriate to deal with the additional traffic that would be generated by the proposal and no concerns have been raised about the capacity of the local highway network to cope. This arrangement also provides safe pedestrian access to the village.

The route through phase one to the proposed site has been designed with this development in mind and no objections to its use to access the additional 58 houses now proposed has been raised by the highways officer. Within the site the road layout and parking provision (a total of 180 spaces for 58 houses) are considered acceptable.

In terms of pedestrian accessibility the layout of the development incorporates pedestrian paths enabling connectivity north to south, east to west and onward connections to the surrounding rights of way.

On this basis the proposal is considered to comply with the requirements of policy D14 of the local plan and policies T1 and T2 of the neighbourhood plan.

The comments of the rights of way officer are noted however the diversion of path BW 22/19 is necessary as part of phase 1 although the access into this site would disturb the route. As such a condition as been added.

Living Conditions

Given the relationship and separation between the proposed houses and the nearest existing dwellings on phase one it is not considered that proposal would result in any undue impact on the living conditions of any existing resident and as such the proposal complies with policy D25. Internally the layout and density of development is such that each property would be provided with sufficient amenity space and access to shared communal space such that the proposal would create acceptable living conditions for future occupiers as required by policy D2.

The site would be provided with ample open space including a LAP and a LEAP as required by policy D34. Given concerns raised by the Crime and Design officer the applicant has revisited the detail of the LEAP and has provided further plans which address the concerns raised in terms of visibility and the safety of the site. A condition is suggested to agree appropriate fencing to the basins and their future management should be agreed as part a planning obligation in the s106. This would include a management plan informed by a suitable risk assessment.

As with the first phase, a construction management plan to be agreed by condition would be reasonable to address the local concerns about the impact of noise from construction.

Historic Assets

The NPPF advises that:-

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed development has the potential to impact on the setting of designated heritage assets with the conservation area to the southeast. These have been identified as:-

- Stowey Court Conservation Area;
- Grade II Listed Stowey Court;
- Grade II* Listed Gazebo and Attached Walling Bounding Grounds of Stowey Court;
- Grade II Listed Forecourt Walls and Garden Room to Stowey Court;
- Grade II* Listed Church of St Mary the Virgin; and
- Scheduled and Grade II Listed churchyard cross in St Mary's churchyard.

These are all at least 170m from the edge of the site and are separated by the intervening development approved at Cricketer's Farm (36/19/00016). The submitted Heritage Assessment considers that :-

The only built heritage asset identified as having the potential to be sensitive to the proposed development is the Grade 2 Listed Church of St Mary.*

And concludes that:-

...it is not anticipated that the development would 'block' existing views of the Church tower or be an intrusive element in the overall composition of the views. No harm is considered to arise as a result of the change.

It is accepted that from the north/northwest, the church tower would be seen over a new roof scape, including the 3 storey building in the southeast corner of the site, however this would not be a new element in existing views as the church tower is already seen from the north and west with the extensive roof scape of phase 1 in the foreground. The introduction of the proposed scheme as a second phase of development is not considered objectionable in this context.

In views from the south and east the church tower is already seen with development of phase 1 in close proximity in the back ground. The current proposal would add further development in the background and again would not introduce a new element into views of the church tower.

With regard to the setting of the heritage assets, phase 1 has been approved immediately adjacent to the listed buildings and conservation area. This site would sit further from the Conservation Area and the Listed Buildings. In determining the previous application it was considered that:

Viewing the development site from Nether Stowey and further afield it is considered that the development would appear as a natural extension to the village.

As such, subject to the above conditions the development is considered to be acceptable relative to the setting of the surrounding heritage assets and would enable a clearer interpretation and understanding of the assets remaining on and within the site for the greater public benefit in accordance with National Guidance, Local Policy and Listed Building and Conservation Area Act 1990.

Given that development was not considered to be unacceptably harmful the setting of the listed buildings and conservation area it is not considered that the current proposal would result in substantial harm to the setting of heritage assets. It is however accepted that it would result in less than substantial harm and that this needs to be considered in the planning balance.

The applicant has sought to address the conservation officer's comments and maintain that:-

the 'Phase 2' development would not result in harm to the overall heritage significance of nearby built heritage assets (concentrated at Stowey Court), via a change in 'setting'. Specifically, as detailed in Section 7 of the Heritage Statement, it is our opinion that the only heritage asset at Stowey Court that had the potential to be sensitive to the 'Phase 2' development was the Grade II Listed Church of St Mary the Virgin. The detailed assessment of this asset, as presented at Paragraphs 7.14 7.42 of the Heritage Statement, concluded that the change resulting from the proposals would not alter the overall understanding, experience or appreciation of the Church, and would not result in a change in 'setting' that would impact upon the overall heritage significance of the asset.*

Thus, it is our opinion that the 'Phase 2' development is in accordance with Section 66(1) of the 1990 Act, Section 16 of the NPPF and relevant local policy.

Notwithstanding the conservation officer's comments, the planning policy comments conclude that:-

The concerns on both landscape and heritage grounds are noted but both fall short of concluding substantial harm. The concerns/objections need to be balanced against the wider benefit of providing local affordable housing. The adverse impacts are noted but are not greater than the already consented scheme, impacts can also be partially mitigated through the proposed landscaping and layout. The previous conclusion to raise no objection is therefore still applicable.

On this basis it is considered that any harm would be much reduced by the intervening development and that whilst there would be an element of cumulative harm such harm would be at a minor level

and would be balanced against the wider benefits of the scheme in terms of provision of the required affordable housing and market housing to meet the Councils 5 year land supply. Accordingly it is not considered that the proposal would result in such harm to the setting of heritage assets that planning permission should be withheld on the grounds of a conflict with policies D26 of the local plan and policy E2 of the neighbourhood plan.

Drainage and Flood Risk

The site is in flood zone 1 (low risk) and is not therefore considered at risk of flooding. In terms of the current surface water drainage, the site generally slopes in a north-easterly direction. However, the northern and southern parts of the site slopes in an easterly direction. The highest level of approximately 68.41 metres Above Ordnance Datum (AOD) is in the south-western corner of the site, falling to approximately 60.22m AOD along the northern boundary of the site. An existing watercourse, known as 'Deer Brook', is located on or beyond the western and northern boundaries of the site.

An area of localised ponding with up to low surface water flood risk has been identified along the western boundary. This area of surface water flood risk is located where the Deer Brook runs on OS mapping and is likely to flow into this watercourse. Historically an area of high surface water flood risk in the northern part of the site was located in the footprint of the pond shown on OS mapping. This was originally approved as a lagoon in connection with historic activities at Cricketer's Farm. Given that the pond no longer exists, the surface water flood extent is not accurate in this part of the site, as the model shows flooding as a result of the topography of the pond. The runoff from Cricketers Farm to the south is managed in a separate drainage system which rendered the pond redundant and it was subsequently filled. This was undertaken by the land owner at the time and not the applicant of this application. No other significant sources of flooding at the site (e.g. from groundwater, sewers or reservoirs) have been identified.

It is proposed to discharge surface water runoff from the site to the existing watercourse to the north of the site. Due to the topography of the site, it will be necessary to use a pumped system. The rate of discharge from the site will be restricted to a rate of 7.7 litres per second. The pumping station would be located in the north of the site accessed off the main road. Storage would be provided in 2 attenuation basins located within the public open space.

To manage any risk of flooding risk downstream run-off will be attenuated for all events up to and including the 1 in 100 year plus a 45% allowance for climate change. This 45% allowance for climate change has been included in the attenuation assessment to take in to account the predicted increase in rainfall intensity over the lifetime of the development. Additional measures are proposed in the form of permeable paving and rain gardens/bio retention areas.

Flood routes would be provided for exceedance events, or for local failure of the drainage system, and will ensure that flood flows are directed safely through the development to the downstream drainage system. The proposed drainage system for the public areas within the development would be managed and maintained to ensure that it will operate effectively for its lifetime. This would include offering the system, consisting of manholes, sewers, pumping station, proposed attenuation basins, swale and outfall for adoption by Wessex Water under a Section 104 Agreement. This is considered to be an appropriate option.

Surface water run-off from all private roof, driveway and parking areas will be collected in private drainage networks that would become the responsibility of the property owner. Private drainage networks serving more than one dwelling would be managed and maintained by a Management Company.

In principle this is acceptable and would comply with policy D1 of the Local Plan. In the course of the application the LLFA have sought clarification of a number of technical matters which the applicant has now addressed. Accordingly, it is considered that the development would be served by a suitable sustainable drainage system as required by policy D1 with the final technical and management details being secured by condition as recommended by the LLFA.

Planning Obligations

Affordable Housing

The provision of 40% affordable housing to meet the need identified by the HNA is necessary to meet the requirements of policy T2b and is therefore justified. The proposal for 23 affordable homes would comprise just over 40% and the affordable housing officer has confirmed that the proposal meets the need identified by the HNA.

Open Space

Policy D34 sets standards for outdoor play space and requires the provision and subsequent management of on site equipped and informal open space. As such it is justified that the details of the provision and the management arrangements are secured within a s106 to ensure that policy D34 is complied with.

LEMP

It is suggested that the LEMP requested by the ecologist is also secured through the S106 as it will largely be connected with the management of public open space and therefore to avoid duplication

and possible contradiction it is best dealt with in one place. The provision of the LEMP is necessary and justified in light of the requirements of policy D20.

Health Care

Policy S5 expects development to address its impact on infrastructure where there is evidence that the existing infrastructure would be incapable of meeting the additional need arising from the development. This is echoed by policy D28 with regard to healthcare provision.

It is anticipated that the majority of the new residents would register with the Quantock Medical Centre which is up to their capacity and would not be able to absorb the increased patients arising from the proposed development. The ICB states that the only way to mitigate the impact is to increase the physical capacity of the existing surgery. The ICB has calculated the space needed to mitigate the impact, in line with the "Health Contributions Technical Note" which was jointly prepared with NHS England and a contribution of £23,036 is sought based on the additional demand for GP services that would arise from the 35 open market dwellings. The assumption is that, with the affordable homes being intended for those with a local connection future occupiers are already likely to be registered with local medical centres.

Given this position it is considered that the request of the NHS for a contribution of £23,036 towards GP provision at the Quantock Medical Centre is reasonable and necessary to comply with policies D28 and S5.

Highways

Travels plans, as required by policy D14, are agreed as a planning obligation to ensure that there are incentives and penalties that can only be delivered by way of a legal agreement. The proposal would maintain travel planning as requested by highways officers.

Other Services

Whilst local concerns about impacts on fire and dental services are noted no concerns have been raised by the providers of those services.

Other Matters

There are not considered to be any technical matters that could not be addressed by conditions as suggested by consultees. Conditions to ensure that any land contamination issues are addressed as

suggested by environmental health officer are considered reasonable and necessary to ensure compliance with policies D24 and D25.

As the site is in flood zone 1 it is not considered that any risks of flooding that would arise however conditions as suggested by the LLFA to ensure that the detail and subsequent management of the drainage scheme to be agreed are considered reasonable and necessary to ensure that the development is adequately drained and does not give rise to an increased risk of flooding elsewhere. Such conditions are justified to ensure compliance with policy D1.

The concerns about possible light pollution is noted, however given the need to control external lighting very tightly to prevent adverse impacts on bats it is not considered that any undue light pollution would arise and no conflict with policy D24 is anticipated in this respect. Highways have noted that street lighting would be subject to technical approval.

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

- The loss of this modest area of grade 3 agricultural land is not considered objectionable given the benefits of the delivery of the proposed affordable homes.
- The applicant has confirmed that the site will include EV charging connections to every dwelling, photovoltaics and Air Source Heat Pumps to all properties
- Erroneous deliveries and the behaviour of delivery drivers are not planning matters;

Conclusion

It is accepted that the proposal would bring significant benefits in terms of the delivery of affordable housing that would meet the need identified in the HNA. Against this is set the minor to moderate adverse visual effects arising in from the development of this undeveloped site and the increased harm to the setting of the listed buildings.

As noted there are no other harms in terms of highways safety, design, impact of residential amenity and it has been demonstrated that, subject to appropriate safeguarding conditions, the proposal would safeguard the special conservation status of protected species. In this respect conditions are suggested as recommended by consultees to ensure that the impacts of the development would be acceptably mitigated.

In the absence of any other harms it is considered that the minor to moderate adverse visual effects and the slightly increased harm to the setting of listed buildings would be outweighed by the significant benefits in terms of the delivery of affordable housing to meet the need identified in the

HNA and as such the proposal is recommended for approval subject to the applicant entering into a s106 to secure the necessary planning obligations.

RECOMMENDATION

GRANT PERMISSION

Grant permission subject to:-

the applicant first entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

23 affordable housing units to address the need set out in the Nether Stowey Housing Needs Assessment to the satisfaction of the Service Manager (Development Management) in consultation with affordable housing officers

Secure the detail, provision and future management of the on-site public open space (including a LEAP and LAP), communal areas, paths and cycleways necessary for public permeability through the site to the satisfaction of the Service Manager (Development Management) in consultation with open spaces officers

a management plan for the attenuation basins. which shall incorporate the recommendations of a risk assessment to be provided as part of the plan

A landscaping environment management plan (LEMP) to the satisfaction of the Service Manager (Development Management) in consultation with the ecologist

A contribution of £23,036 towards the expansion of GP services provision at the Quantock Medical Centre to meet the needs arising from this development to the satisfaction of the Service Manager (Development Management) in consultation with the NHS Somerset LPA Engagement team;

A travel plan to the satisfaction of the Service Manager (Development Management) in consultation with highways officers

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

B. the following conditions

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

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

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

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

3 **Materials**

Notwithstanding the materials plan 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:-

- a) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
- b) details of the design, materials and external finish for all external doors and windows;
- c) details of all hard surfacing and boundary treatments, **to include stone as a boundary treatment and use of shared surfaces.**
- d) details of all fencing to the attenuation basins

Once approved such details shall be implemented as part of the development and retained as such.

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

- 4 The development hereby approved shall be implemented in strict accordance with the recommendations of the Shadow Habitat Regulations Assessment by Ethos Environmental Planning (Issue Final_V5, 8th March 2024) and the HEP Calculations by Ethos Environmental Planning (November 2023)

Reason: To safeguard the 'Favourable Conservation Status' of populations of European protected species in accordance with policy D20 of the Sedgemoor Local Plan: Policy D20 - Biodiversity and Geodiversity.

5 No external lighting shall be installed unless it is in accordance with the details set out in the NETHER STOWEY, PHASE 2 LIGHTING STRATEGY - Designs for Lighting (Fourth Issue, 05/03/2024) and shown on drawings:-

a) Lighting Drawing Drg No. 3216-DFL-ELG-XX-LD-EO-13001-S3 (Revision P07 05/03/2024) and

b) Horizontal Illuminance (lux) - Designs for Lighting (Revision P02, 05/03/2024: No: 3216-DFL-ELG-XX-LD-EO-13002).

Reason: To safeguard the 'Favourable Conservation Status' of populations of European protected species in accordance with policy D20 of the Sedgemoor Local Plan: Policy D20 - Biodiversity and Geodiversity.

6 No dwelling hereby approved shall be occupied until measures for the enhancement and protection of biodiversity have been installed in accordance with a Biodiversity Enhancement Plan (BEP) that has been submitted to and approved in writing by the Local Planning Authority. Such measures shall include:-

- Installation of ten integrated bird boxes suitable for species such as house sparrow, starling and swift. Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart.
- Installation of fifteen integrated bat boxes suitable for crevice-dwelling species such as pipistrelle bats and some Myotis species. These should be mounted at least high above ground on either the south or west facing elevations, and boxes aimed at different species should be spaced at least 2m apart.
- Installation of three bug hotels within the ecological buffers on the northern and western boundaries
- Installation of two hedgehog houses along the western boundary adjacent to the retained scattered scrub
- Installation/construction of 4x deadwood log refugia piles situated in the northern and western buffers as a shelter for reptiles, invertebrates, amphibians and small mammals.
- All new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs throughout the site.
- 10x buildings should include at least 1x integrated bee brick built into an appropriate external wall space. The bricks should be placed 1m above

ground level and vegetation must not block the entrance holes. Please note, solitary bees are harmless and do not sting

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

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

7 **Landscaping**

Unless agreed otherwise in writing, the planting scheme set out on Drawing 3613_TLP_XX_XX_DR_L_10001 P14 Landscape Masterplan shall be fully implemented within 24 months of 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 their planting.

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

8 **Drainage**

No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

Reason: To ensure the development is properly drained in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

9 No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. This will include a formal maintenance plan for the pumped solution. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

10 **Highways**

No development on the elements listed below shall commence until the following information has been submitted to and agreed in writing by the Local Planning Authority:-

- estate roads
- footways
- tactile paving
- sewers
- retaining walls
- service routes
- vehicle overhang margins
- embankments
- visibility splays
- carriageway gradients
- drive gradients
- pedestrian and cycle routes and associated vehicular accesses and crossings
- street lighting and street furniture
- proposed levels
- highway drainage
- swept path analysis for a vehicle of 10.4m (3-axle) length
- central pedestrian reserves, bollards and lighting
- service corridors

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority and once approved the construction of the development shall be carried out in accordance with the agreed details prior to first occupation of each relevant phase.

Reason: In the interests of highways safety in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 11 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before

it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

12 **Construction Phase**

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to habitats and species.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- j) a management plan to ensure that the existing hedgerows and trees (including their roots) are protected during the construction phase**

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

Reason: To safeguard the ‘Favourable Conservation Status’ of populations of European and UK protected species, UK priority species and habitats listed

on s41 of the Natural Environment and Rural Communities Act 2006 in accordance with Policy D20 of the Sedgemoor Local Plan 2011-2032.

- 13 No development shall interfere with or compromise the use of footpath BW22/19 until a diversion order has been made and confirmed, and the diverted route made available to the satisfaction of the Local Planning Authority.

Reason: In the interests of accessibility and in accordance with Policy D13 of the Local Plan.

- 14 No development shall take place, including any demolition works, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Such plan shall include details of:-
- 24 hour emergency contact number;
 - Hours of construction and deliveries;
 - 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.
 - Any importation of spoil and soil on site;
 - The removal /disposal of materials from site, including soil and vegetation;
 - The location and covering of stockpiles;
 - Control of fugitive dust from earthworks and construction activities; dust suppression measures;
 - 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;
 - A waste disposal policy (to include no burning on site);

- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Details of any site construction office, compound and ancillary facility buildings;
- Specified on-site parking for vehicles associated with the construction works

Once approved the construction of the development shall be constructed out in accordance with the agreed plan.

Reason: In the interests of highways safety and residential amenity and to prevent pollution in accordance with policies D14, D24 and D25 of the Sedgemoor Local Plan 2011-2032. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and residential amenity.

15 No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)'. The assessment and written submission shall include:

- a survey of the nature, extent and significance of any contamination;
- an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal and justification for the preferred option(s).

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

This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences.

16 Unless the findings of the investigation and risk assessment to be approved under condition 15 concludes that a remediation scheme is not required, no development shall commence (other than agreed works required to carry out investigations) until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be designed to 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 and shall include details of:

- i. all works to be undertaken;
- ii. proposed remediation objectives and remediation criteria;
- iii. a timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures;
- iv. where required, a monitoring and maintenance programme to monitor the long term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- v. where required, additional contingency measures designed to safeguard future users and receptors.

Once approved the development shall be implemented in accordance with the approved remediation scheme and approved timetable of works.

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

17 In the event that remediation is needed no dwelling hereby approved shall be occupied until a verification report has been submitted to and approved in writing by the Local Planning Authority. Such verification report shall confirm

that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out in accordance with condition 16.

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

- 18 In the event that contamination which was not previously identified is found when carrying out the approved development all further development works shall immediately cease and details of the contamination shall be reported in writing immediately to the Local Planning Authority. Development shall not recommence unless it is in accordance with a remediation and verification scheme that has been submitted to and approved in writing by the Local Planning Authority in accordance with condition 15.

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

- 19 Prior to the commencement of development a written commitment to the sourcing of local labour shall be submitted to and approved in writing by the local planning authority. The written commitment, as a minimum, shall set out the following matters:
- i. The proportion of construction workers to be sourced from the local labour pool;
 - ii. Work experience/ apprenticeship opportunities;
 - iii. The proportion of local procurement and sourcing;
 - iv. On-going skills development and training opportunities;
 - v. The steps that will be taken to ensure that the above is implemented;

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

Reason: The condition is pre commencement to promote opportunities for the local population in accordance with policy D15 of the Sedgemoor Local Plan 2011-2032.

Schedule A

Schedule A

Location Plan Drg No. 0675-PH2-101 Rev. B
Aerial Location Plan Drg No. 0675-PH2-101-1 Rev. B
Planning Layout Drg No. 0675-PH2-102 Rev. E
Planning Layout Drg No. 0675-PH2-102 Rev. E (COL)
Topographical Survey Drg No. 0675-PH2-100
Street Scenes Drg No. 0675-PH2-103 Rev. E
External Works Layout Drg No. 0675-PH2-104-1 Rev. E
External Works Layout Drg No. 0675-PH2-104-2 Rev. E
Vehicle Tracking Layout Drg No. 0675-PH2-105 Rev. D

External Detailing Drg No. 0675-PH2-106
Materials Layout Drg No. 0675-PH2-108 Rev. E
Garages, Carports, Bin and Cycle Store Drg No. 0675-PH2-109 Rev. A
EVCP Drg No. 0675-PH2-110 Rev. E
Refuse Strategy Drg No. 0675-PH2-111 Rev. E
Fire Access Strategy Plan Drg No. 0675-PH2-112 Rev. D
Affordable Housing Layout Drg No. 0675-PH2-116 Rev. A

Proposed Site Levels Sheet 1 Drg No. NSTWY2-C-100_100 Rev. P4
Proposed Site Levels Sheet 2 Drg No. NSTWY2-C-100_101 Rev. P5
Construction Stage SW Management Plan Drg No. NSTWY2-C-1900 Rev. P2
Road & Sewer Long Sections Drg No. NSTWY2-C-200-010 Rev. P4
Impermeable Area Plan Drg No. NSTWY2-C-300-030 Rev. P5
Flood Exceedance Plan Drg No. NSTWY2-C-300-040 Rev. P5
Drainage Strategy Plan Drg No. NSTWY2-C-300-1000 Rev. P5

Tree Protection Plan Drg No. 05944 TPP 24.01.24

Lighting Drawing Drg No. 3216-DFL-ELG-XX-LD-EO-13001 Rev. P07
Light Spill Drg No. 3216-DFL-ELG-XX-LD-EO-13002 Rev. P02

Landscape Masterplan Drg No. 3613_TLP_XX_XX_DR_L_10001 Rev. P16

Development Considerations (Constraints) Plan Drg No. 0675-PH2-1000
Opportunities & Concept Plan Drg No. 0675-PH2-1001

0675-PH2-HTB-Issue 4 Housetype Booklet

Housetype - Devoran Plans & Elevations Plots 13, 22 & 43 Drg No. 0675-600
Housetype - Devoran Plans & Elevations Plots 55 & 56 Drg No. 0675-601

Housetype - Helford Plans & Elevations Plots 18 & 29 Drg No. 0675-602
Housetype - Helford Plans & Elevations Plots 23 & 52 Drg No. 0675-603
Housetype - Camden Plans & Elevations Plots 17 Drg No. 0675-604
Housetype - Camden Plans & Elevations Plots 47 Drg No. 0675-605
Housetype - Camden Plans & Elevations Plots 11,19,25,38,39 & 41 Drg No. 0675-606
Housetype - Knowle Elevations Plots 8,12,27,42,44 & 57 Drg No. 0675-607
Housetype - Knowle Elevations Plots 9,20,24,28,40,46 & 58 Drg No. 0675-608
Housetype - Knowle Floorplans Plots 8,9,12,20,24,27,28,40,42,44,46,57 & 58 Drg No. 0675-609
Housetype - Dartmouth Elevations Plots 10,16,21,26 & 45 Drg No. 0675-610
Housetype - Dartmouth Plans Plots 10,12,16,21,26 & 45 Drg No. 0675-611
Housetype - 1BM Elevations Plots 30-33 Drg No. 0675-612
Housetype - 1BM Plans Plots 30-33 Drg No. 0675-613
Housetype - 1BM Elevations Plots 34-37 Drg No. 0675-614
Housetype - 1BM Plans Plots 34-37 Drg No. 0675-615
Housetype - Block A South Elevation Plots 1-7 Drg No. 0675-616
Housetype - Block A East Elevation Plots 1-7 Drg No. 0675-617
Housetype - Block A North Elevation Plots 1-7 Drg No. 0675-618
Housetype - Block A West Elevation Plots 1-7 Drg No. 0675-619 Rev. A
Housetype - Block A Ground Floor Plan Plots 1-7 Drg No. 0675-620 Rev. B
Housetype - Block A First Floor Plan Plots 1-7 Drg No. 0675-621 Rev. A
Housetype - Block A Second Floor Plan Plots 1-7 Drg No. 0675-622 Rev. A
Housetype - 3BH Plans & Elevations Plots 50,51,53&54 Drg No. 0675-623 Rev. A
Housetype - 4BH Plans & Elevations Plots 14,15,48&49 Drg No. 0675-624 Rev. A

DECISION
