

Committee date 09/07/2024

Application No: 50/24/00021

Application Type: Full Planning Permission

Case Officer: Dawn de Vries

Registered Date: 24/04/2024

Expiry Date: 23/07/2024

Parish: Wedmore

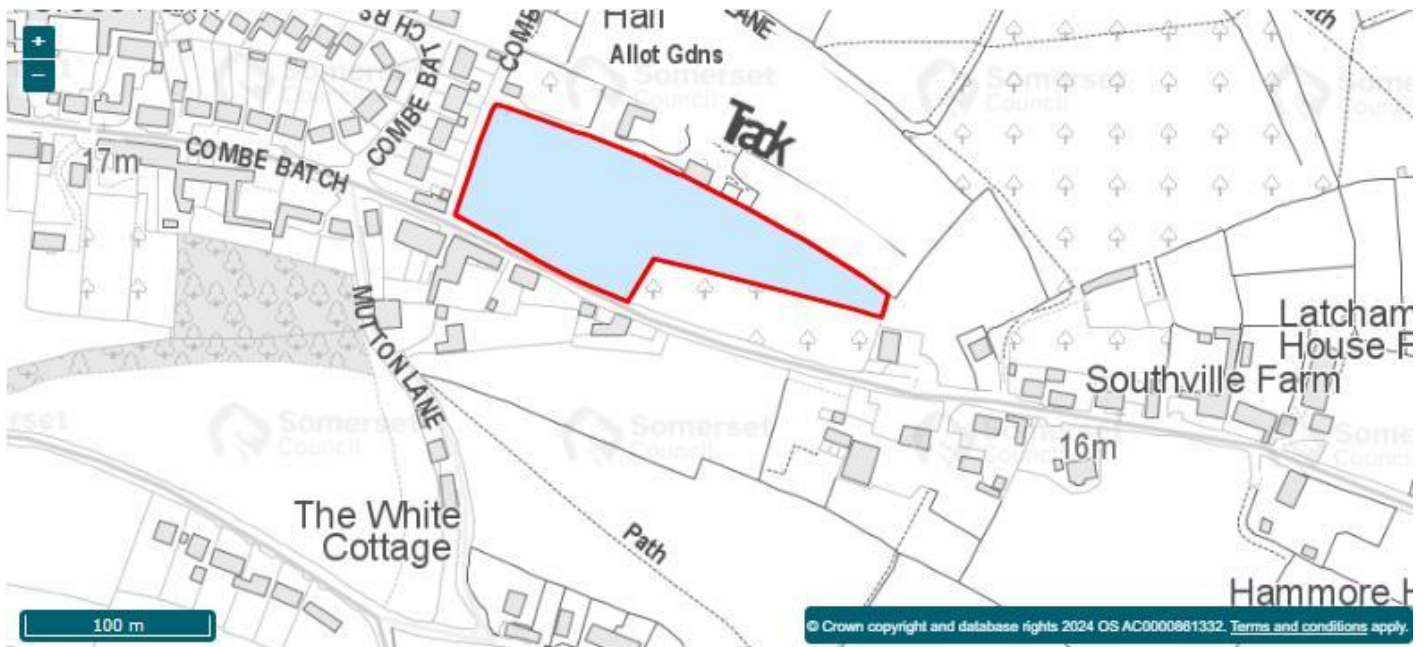
Division: King Alfred

Proposal: Hybrid (full and outline) application. Full application for the erection of 26 No. dwellings and formation of access, associated open space, landscaping and parking. Outline application with some matters reserved for 4 No. self build plots.

Site Location: Land At, Combe Batch, Wedmore, Somerset, BS28

Applicant: C&P Developments (Wedmore) Ltd

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



Committee decision required because

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

Recommendation

Approve Planning permission subject to conditions and Section 106

Background

The site lies outside of but adjoining the settlement boundary which lies to the north west and south west boundaries of the site. The area currently comprises arable land, with a hedgerow surround and a field gate access off Combe Lane to the north west. The site adjoins the Conservation Area for Wedmore and there are listed buildings on the opposite side of Combe Batch to the south, including Gibbs House, Wayside, Aciacia Cottage and Cobblers Cottage. To the south east of the site, and taking up half of the Combe Batch Road frontage is an orchard which is identified on the priority habitat list. There is a public right of way to the north west (Combe Lane) which continues north of the allotments and a second public right of way to the south connecting Mutton Lane to Mill Lane and offering elevated views of the site.

The area has existing residential development to the south and west comprising detached, semi-detached and terraced properties, there are bungalows in the wider area and a new development site recently constructed to the north. East of the site there is a childcare facility and a cluster of 12 detached dwellings in a more spacious and well landscaped setting relative to main built form of the village.

The application seeks consent for development of the field at the junction of Combe Batch and Combe Lane, projecting to the rear of the orchard adjoining the boundary with Little Owls Children Centre. Originally the development proposed 34 dwellings but through negotiation this has now been reduced to 30.

This is a hybrid application which is seeking detailed consent for 26 dwellings and an outline permission for 4 self build plots, positioned to the rear of the orchard. During the course of the planning application the proposal was supported with a revised Housing Needs Assessment which will be discussed in further detail within this report.

This is a revised submission following a recent refusal. This application has amended plots 25-30 reducing their height relative to the previous scheme (1.24m-2.22m reductions), stepping them down in the street scene and amending the design to ensure a more cottage style appearance. The materials are shown as render and stone under red tile roof for these dwellings.

This application was also submitted following the introduction of Biodiversity Net Gain so this application has provided the metrics to demonstrate 10% net gain.

Relevant History

Applications Overlapping the same Spatial Area

Reference	Case Officer	Decision	Proposal
c50/20/00054	DD	REF	Hybrid (full and outline) application. Full application for the erection of 26 No. dwellings and formation of access, associated open space, landscaping and parking. Outline application with some matters reserved for 4 No. self build plots.
50/11/00066	LE	GTD	Erection of single storey extensions to side and rear elevations partly on site of existing greenhouse and outbuilding (to be demolished)

Supporting information supplied by the applicant

Design and Access Statement and Planning Statement

Ecological Impact Assessment

Transport Statement

Energy and Sustainability Statement

Archaeological Assessment and Heritage statement

Arboricultural Impact Assessment

Arboricultural Method Statement

Land and Visual Impact Appraisal

Measures only Travel Plan

Geo-Environmental Soakaway assessment

3D Photo montages

Materials and character study

Landscape mood board
Housing Needs Assessment
Road Safety Audit Stage 1
Biodiversity Net Gain information

Consultation and Representations

- Date of consultation: 24 April 2024
- Date of revised consultation (if applicable):
- Press Date (if applicable): 02 May 2024
- Site Notice Date (if applicable): 03 May 2024

The submitted comments are available in full on the Council's website.

Consultees the following were consulted:

Consultee Name	Summary of Response
Planning Enforcement	No response received
Somerset Council - Ecologist	Comments as previously provided with additional consideration for BNG BNG – No objections subject to conditions and Section 106 to secure HRA and BNG requirements.
Wedmore Parish Council	Object Wedmore is one of only four villages in the district to be granted the title of ‘outstanding heritage settlement’. In 2005 the Village produced a ‘Village Design Statement’ which was adopted by Sedgemoor District Council in 2013 as supplementary planning guidance. This remains relevant and should continue to guide planning decisions. Sedgemoor District Council, as the local planning authority, designated a Neighbourhood Area for the whole of Wedmore Parish in September 2016. The Sedgemoor Local Plan 2011-2032 was

formally adopted on the 20th of February 2019 and the policies relating to the distribution of housing are considered to be up to date. Following the successful referendum on 2 May 2019, Sedgemoor District Council has formally 'made' the Wedmore Neighbourhood Development Plan, the development plan is the starting point for decision-making making and paragraph 12 of the NPPF explains "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted." In this case, there is a clear conflict with the provisions of the development plan, therefore this indicates that permission should be refused.

The site falls outside the Development Boundary of Wedmore and is not a strategic allocation within the Sedgemoor Local Plan or the Neighbourhood Plan for the Parish of Wedmore. It is therefore within the countryside where residential development is restricted. As no other policy in the development plan facilitates the proposal it would conflict with the spatial approach to the location of residential development defined within the Local Plan. The Parish Council feel there are no material circumstances that outweigh the adverse impacts of a new residential development in this location. The proposed housing development, on an open field, including the partial removal of an ancient hedge to provide vehicular access and visibility splays, would have a harmful urbanising effect on the character and

appearance of the area and the prominent gateway and historic conservation of the village. This alone would therefore be contrary to Policy WED1, WED5, and WED6 of the Wedmore Neighbourhood Plan, Policy CO1 and D26 of the Sedgemoor Local Plan and the National Planning Policy Framework, paragraph 135.

Wedmore Village is identified in the Sedgemoor Local Plan as a Tier 2 settlement which should accommodate a minimum of 116 new houses by 2032. However, four major developments within the village since 2018, have resulted in 155 properties being built and occupied, with a further 18 near completion. This development far outweighs the amount listed in the National Housing Policy (NHP) Allocation of new housing as demonstrated in the Sedgemoor Local Plan and the Wedmore Neighbourhood Plan the allocation has been used up and is now surplus until 2032. The Parish Council would like to point out that within the parish there are other developments pending decision that have affordable homes included, such as that of Paradise Barton at Blackford.

The Parish Council consider that the proposed development would result in an excessive and disproportionate quantum of development in an unsustainable location that has limited capacity to accommodate further housing growth. Regarding paragraph 11 of the National Planning Policy Framework, the proposal does not constitute sustainable development and is unacceptable in principle.

Owing to several other factors, outlined below in the other reasons for objection the harm of the proposal would, in this case, significantly and demonstrably outweigh the benefits.

**DESIGN AND INFRASTRUCTURE
CONSIDERATIONS:**

Inhabitants of Wedmore appreciate the facilities and services our community has to offer and that it attracts people into the village centre. However, one disadvantage of this popularity is the increase in traffic and congestion in the centre of the village. Access to public transport is limited and consequently, there is a very high reliance on car usage, with nearly two-thirds of households owning two or more cars. The design and designation of the proposed development take no consideration of employment possibilities in the area, and the over-utilisation of the local facilities and infrastructure places additional pressure on the local resources, which are already severely stretched. This proposal is based on an outdated Housing Needs Assessment (HNA) therefore resulting in misalignment with current local housing needs and infrastructure capacity.

TRAFFIC / HIGHWAY SAFETY

After analysing the data collected from the SID placed at Combe Batch from January - March 2024. Incoming traffic to Wedmore on Combe Batch is a similar pattern to Cheddar Road with 55% exceeding the 30mph speed limit and an 85%ile figure of 35.8mph. The Parish Council feel it is reasonable to say that this would cause problems at the proposed entrance to the development (a

short distance away from the SID post). The speed of traffic and congestion are major concerns of residents.

* The application fails to demonstrate that the proposed development would not result in a severe residual cumulative impact on the road network. The access arrangements are not satisfactory and would create unsafe conditions for pedestrians and other road users. The proposal of a pavement adjacent to the development will potentially increase the likelihood of collisions as it will encourage future residents to walk the highway beyond the footpath. We believe for these reasons the proposal is contrary to Policy D14 - Managing the Transport Impacts of Development and paragraphs 110, 111, 112 and 113 of the National Planning Policy Framework 2021.

* Additional traffic resulting from new housing has been minimised by considering the locations where people can walk or cycle rather than use the car. This proposal is not within these designated sites and cannot prove that they provide, or contribute to, the accessibility and safety improvements in POLICY WED8

-TRANSPORT STRATEGY. The proposal does not overcome the congestion within the area nor the safety aspects of the additional traffic on the highway accessing schools, and other residents in the area.

* The Parish Council is also concerned about an increase in pedestrian/cyclist movements to the village centre, the Primary School and Middle School along a highway lacking

adequate footways with additional danger to all users of the road.

EFFECT ON LISTED BUILDINGS AND CONSERVATION AREA

Wedmore village has its own Conservation Area, and the Neighbourhood Plan area contains a large number of Listed Buildings which are an indication of the historic and architectural quality of the area. Wedmore was one of the first conservation areas to be designated in the County in 1971. The current conservation area designated by Sedgemoor District Council in 1991 includes Combe Batch. The protection of the conservation area is one of the prime concerns of residents. 'New development should respect its historical fabric by adopting the following design principles: Locations for new buildings should follow the traditional settlement pattern and respect the integrity of the historical settlement form. The layout and design will pay special regard to the setting of adjoining Listed Buildings and to preserving and enhancing the character and appearance of the Conservation Area (Policies WED5 and WED6)' This proposal is contrary to Policies WED5 and WED6 of the Wedmore Neighbourhood plan as well as D26 of the Sedgemoor Local Plan and NPPF- Considering Potential Impacts. The proposed development is in a prominent location by reason of its elevated position and location on the rural edge of the settlement which would detrimentally impact on the transitional rural approach to the village. The infilling of development along the frontage of Wells Road as proposed, due to the elevated position, would result in an

urbanising appearance, out of keeping with the rural character of the furthest extent of the Conservation area impacting the appearance of this edge of the settlement site.

The development would therefore conflict with paragraph 135 of the NPPF, Local Policies D2 - Design, D19 - Landscape of the Local Plan, D26 - Historic Landscape, and NHP Policy WED5- Design. NPPF Considering potential impacts paragraph 200 states that '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.'

NATURE CONSERVATION / ECOLOGICAL CONSIDERATIONS:

The lack of employment opportunities locally means that new residents will still need to undertake significant private journeys by car to reach all other amenities.

The proposed development thereby undermines the Council's sustainable transport ambitions and Somerset's climate emergency targets. The Parish Council would also like to highlight that Somerset Council and Sedgemoor District Council have declared a climate emergency and the loss of the agricultural field and greenfield site will have an impact on the biodiversity of the area. The current site is climate resilient and represents a vital green space for future generations. The proposed development compromises this resilience and the ecological legacy of our village.

*** The Parish Council have listened to the concerns raised by residents about the effect the proposed development will have on the endangered species including Bats, Badgers, Birds, and Bees. The Parish Council feel that insufficient information has been submitted to demonstrate that the proposals would not have an adverse effect on protected species. In all cases development will need to demonstrate that there are no significant adverse impacts on biodiversity interests or the historic environment as set out in the Sedgemoor Local Plan Policy D20: Biodiversity and Geodiversity, Policy D23: Bat Consultation Zones and Policy D26: Historic Environment. The proposals are therefore contrary to the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and Paragraph 180 of the NPPF.**

*** Biodiversity Net Gain (BNG): The application fails to demonstrate a net gain in biodiversity, as mandated by the Environmental Act 2021(Updated April 2024) it will have a detrimental impact on biodiversity and the environment, as highlighted by the detailed calculations and assessments provided by Clarkson Woods. The Biodiversity Net Gain (BNG) principle, enshrined in the Environmental Act 2021, mandates that developments should result in a measurable improvement in biodiversity. However, the data presented clearly indicates that this development fails to meet the required standards.**

Key Concerns:

Loss of Habitat Units:

*** On-site baseline: Habitat units of 10.66 and Hedgerow units of 6.98.**

*** Post-intervention: Habitat units reduce to 7.70, a loss of -27.74%. Although Hedgerow units slightly increase to 8.13 (16.58% increase), this marginal gain does not compensate for the significant habitat loss.**

*** River Units: 0.00% net change, indicating no improvement or creation of river habitats.**

*** Impact on Species: The development will destroy crucial habitats, including agricultural land, bramble scrub, rural trees, and a green field site. This site supports a variety of species, including grass snakes, badgers, and numerous endangered and rare bats (Greater Horseshoe Bats, Barbastelle, Lesser Horseshoe, Serotine, Noctule, and Myotis species). Disruption of these habitats will result in significant biodiversity loss.**

*** Irreplaceable Rural Tree: The development will affect Rural Tree T4, which is part of a priority traditional orchard habitat of national importance. This tree, among others, provides essential roosts for protected bats, underscoring the site's critical ecological value.**

*** Off-site Mitigation: Offsetting is only considered viable when BNG cannot be delivered on-site. The proposed off-site mitigation at Rughill, purportedly owned by a director of Clarkson Woods, raises questions about ownership and the integrity of the mitigation process.**

*** Off-site baseline habitat units are 10.40, increasing to 19.16 units postintervention, yielding an off-site net change of 84.34%. While this shows an improvement, it is insufficient to justify the on-site losses.**

*** Total Net Changes: Combined on-site and off-site interventions result in a total net change in habitat units of 4.18 (39.2% increase) and hedgerow units of 1.16 (16.58% increase).**

These figures are misleading as they mask the substantial on-site losses and potential long-term negative impacts.

Critical Questions:

*** Is the land better than what was there before? The substantial loss of habitat units suggests it is not.**

*** Should we assign a monetary value to nature? This raises ethical concerns, as the intrinsic value of ecosystems and species cannot be adequately captured in monetary terms.**

*** Is the entire process objective? Potential conflicts of interest and insufficient onsite compensation measures indicate possible biases and shortcomings in the process.**

*** How does it factor in climate resilience? The current green landscape contributes significantly to climate resilience, which the development threatens to undermine.**

*** What happens if the developer goes bankrupt? There are no clear safeguards to ensure long-term maintenance and monitoring of the BNG commitments over the required 30 years.**

OUTDATED HOUSING NEEDS ASSESSMENT (HNA):

The most recent HNA, conducted by NEMS in October/November 2022, is now approximately 2 ½ years old. According to Mr. Duncan Harvey, the Housing Manager at the time, the HNA provides only a snapshot in time and is often outdated even before it is published. This indicates that the current

HNA is likely outdated and does not accurately reflect the present housing needs. As a result, the lack of up-to-date data on affordable housing contravenes Policy T2b, which requires current identification of local housing needs for affordable housing.

Mismatch with Homefinder Data: According to Homefinder data, 50% of the housing requirement is for one-bedroom accommodations. The proposed development does not address this specific need, indicating a misalignment with actual housing requirements.

While it is acknowledged that some housing in the new development will be affordable rent rather than social rent, the rationale behind this change is unclear and needs further explanation.

Recent Local Developments: Over the past 2 years, several developments in Wedmore and nearby areas have included affordable housing, yet these have not been fully utilised by local residents. For example:

*** Cross Farm 1: 24 out of 55 homes designated as affordable were not taken up by locals.**

*** Wedmore Grange: Provided 10 out of 35 affordable homes.**

*** Paradise Barton: Set to provide 3 out of 10 affordable homes.**

*** In Cheddar, located just 3.9 miles away, Holwell Lane is nearing completion with 36 out of 90 homes designated as affordable, supported by good infrastructure and local services.**

Key Question: Where is the actual need for more affordable housing? Given the surplus of affordable homes in recent developments that remain untaken by locals, it is

questionable whether there is a genuine need for additional affordable housing in the proposed development.

To conclude the Parish Council OBJECTS VEHEMENTLY to this proposal.

The Parish Council is particularly concerned that the application has been submitted only 13 weeks after a previous almost identical application was strongly refused by Somerset Councillors. This new application is contrary to numerous policies in the Wedmore Neighbourhood Plan, which has been community-led. It has been designed to guide the future development, regeneration, and conservation of the parish. The Plan contains a vision, aims, planning policies, proposals for improving the area and site allocations. The purpose of the Neighbourhood Plan is to guide development within the Parish and provide guidance to any interested parties wishing to submit planning applications for development within the designated Neighbourhood Area. The Parish Council therefore believes that as a community we have justification for these objections, endorsed by not only the Local Plan but also the National Planning Framework. Taking the conflict with the housing strategy of the development plan as the starting point and adding the concerns about highway safety, flood risk, harm to the character and appearance of the area, and the loss of versatile agricultural land, these matters amount to overriding reasons for refusal and cannot be outweighed by benefits. The Parish Council believes that this objection is reflective of matters that are of

	considerable importance to Wedmore, its residents, businesses, and community groups. The Parish Council believes that by creating a Neighbourhood plan the community have had the opportunity to guide development within our neighbourhood. Anything other than the refusal of this application makes the adoption of a Neighbourhood Plan a mockery. Ridiculing our communities and the places we live!
King Alfred 1 - Matthew Martin	No response received
King Alfred 2 - Harry Munt	No response received
Affordable Housing - Housing Enabling (North)	Support I am happy to support this application as it is providing much needed affordable housing for those locals who are struggling to find a home on the open market either for sale or rent.
Axe Brue Drainage Board	No objection but request permitted development rights are removed for driveways and that an informative is added.
Conservation Officer	No observations to make and fully support the revised scheme
Historic Environment Service - Archaeology, Somerset Heritage Centre	Recommend a condition requiring the site to be archaeologically excavated
Somerset Council - Economic Development	No comment received
Somerset Council - Transport Policy	No comment received
Coastal and Land Drainage	No comment received
Economic Development	Recommend a Local Labour Agreement condition
Environmental Health - Somerset Council (Sedgemoor Area), Email Address Only	Recommend a condition for Construction Environment Management Plan
Environment Agency (drainage/water)	No comment received
Historic Environment Service	No comment received
National Highways	No objection
SERC	No comment received
Landscape Officer	Support the conclusions of the HRA. There is a requirement that the proposed Bat

	Replacement Habitat at Rug Hill should be managed as specified in perpetuity through the 106.
Natural England	No objection
Planning Policy	Support - Detailed comments within the report
Police Helicopter - Western Counties Air Operations Unit	No comment received
Parks & Open Spaces Officer	No comment received
Rights of Way Officer	No objection subject to conditions
Somerset Highways	No objection subject to conditions
Somerset Education Services - Estates and Planning - F Gully	No comment on this application as there is education capacity in the area.
Strategic Housing	No comment received
Sustainable Drainage Systems (LLFA)	No objection subject to conditions
Somerset Waste Partnership	No comment received
Somerset Wildlife Trust	Comment - support the findings of the Ecological Impact Assessment, Mitigation and Enhancement section and suggest it is controlled by condition
Transportation Officer	No comment received
Western Power Distribution (re: Planning)	No comment received
Wessex Water Services (DC)	No comment received
Somerset Council - Civil Contingencies	No comment received
NHS Somerset LPA Engagement	The application has been reviewed from a primary care perspective and Section 106 funding will not be sought by the NHS Somerset Integrated Care Board (ICB) on this occasion due to this application not meeting our approved impact assessment criteria as the number of dwellings is under threshold.
Avon & Somerset Police (BC)	No objection subject to comments
Somerset Council - Public Health Specialist	No comment received

Local representations:

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

209 representations have been received from 146 addresses (144 objecting, 2 raising support) making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
No material difference between this application and the previous refusal	Differences set out in the report
New design does not overcome previous concerns	Design considered in the report
No safe pedestrian access	Vehicular and pedestrian accessibility covered in report by condition and 106
Increase traffic generation	Highway considerations set out in the report
Insufficient infrastructure	Set out in the report
No need for additional housing	Housing Needs Assessment set out in the report
Conflict with Policy	Set out in the report
Out of keeping with the village	Set out in the report
Unsuitable location	Set out in the report
Impact on Landscape	Set out in the report
Support	Officer comment
Need and support for affordable homes	Set out in the report
Consultee support	Set out in the report
Area characterised with varying topography	Set out in the report
Infill and set back would not appear obtrusive	Set out in the report
Surrounded by properties	Set out in the report

Summary of support - non planning matters

Objection from those already housed in the area

Most Relevant Policies

National Planning Policy Framework

Relevant Local Plan Policies:

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
- D19 Landscape
- 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

Wedmore Neighbourhood Plan

- WED1 – Location of Housing
- WED2 – Housing Mix
- WED3 – Affordable Housing
- WED4 – Natural Environment
- WED5 – Design
- WED8 – Electric and Low Emission Vehicles
- WED9 – Transport Strategy

Community Infrastructure Levy (CIL)

The application is for residential development in Wedmore where the Community Infrastructure Levy (CIL) is Non-urban Residential £80sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £342,991.20. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

Main Issues

Principle of development

The site is located to the north of Combe Batch/Wells Road (B3139) outside but immediately adjoining the settlement boundary for Wedmore a Tier 2 settlement.

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 confirms Wedmore as a Tier 2 settlement and as such is a focus for housing and employment growth appropriate to its scale and character. Concerns have been raised in a number of the objections regarding over development as the neighbourhood plan allocation sites are under construction and concern is raised regarding lack of facilities to support further growth.

As a Tier 2 settlement Policy T2a sets out minimum levels of growth for the settlements and also includes a criteria-based policy for releasing appropriate sites outside of the settlement boundary to meet this. Recent development within the area has met the minimum level of growth. Beyond this level T2b allows consideration of further sites outside but well related to the settlement boundaries where there remains an unmet local affordable housing need. The application was originally submitted in 2020 at which time there was a housing needs assessment (HNA) that identified a need for the development. This need was subsequently taken up by other developments within the area that have recently been constructed.

This application is a resubmission following a refusal earlier this year. The previous application was refused for the following reason:

‘The proposed development is in a prominent location by reason of its elevated position and location on the rural edge of the settlement which would detrimentally impact on the transitional rural approach to the village. The infilling of development along the frontage of Wells Road as proposed, due to the elevated position, would result in an urbanising appearance, out of keeping with the rural character of the furthest extent of the Conservation area impacting on the appearance of this edge of settlement site. The development would therefore conflict with paragraph 135 of the NPPF, Local Policies D2 - Design, D19 - Landscape of the Local Plan, D26 - Historic Landscape, and NHP Policy WED5- Design.’

The main consideration for this application is therefore if the amended detail of the application is sufficient to address the reason for refusal set out above.

Affordable Housing

An updated HNA was undertaken by the developer in late 2022 which concluded that even with the recently constructed development there remained an unmet need for 14 affordable homes. 1,576 questionnaires were sent out, 96 individuals responded 14 of which would qualify for affordable rented or social rented and needed to move in 0-5 years. 82 respondents were considered to either be able to solve their own housing problem or did not answer the questions sufficiently to assess.

Of the 14 identified in housing need 13 were not on Somerset Homefinder Register and would not therefore have previously been able to access affordable housing or be considered as part of any previous needs assessment. There are 36 registered and eligible applicants on the register and therefore with Strongvox 3 (15 homes) there would still remain an unmet need.

A need was identified for one 1 bed property, seven 2 bed properties, four 3 bed properties and two 4 bed properties. The application site proposes six 2 beds, two 3 beds and two 4 beds which would align with the need identified.

The Affordable Housing Officer confirmed that the applicant sought the Council's views on their approach prior to carrying out their own housing need assessment. The results were collated by NEMS Market research and the Council have confirmed they are satisfied with the robustness of the HNA methodology used when conducting the HNA exercise.

The applicant's HNA investigation highlighted 13 additional households which were identified as having a need of an affordable home and demonstrated a local Wedmore connection were not registered with the authority for housing and as such are not able to access the properties recently built or soon to be available to be lived in. The Housing Officer was satisfied that the HNA identified previously unidentified local affordable housing need over and above the pre-existing housing register demand and the development would be able to meet the scale and nature of the need identified. As such the scale of development could be justified in principle subject to consideration against Policy T2b.

T2b requires the identified housing need to be a minimum of 40% of the total development. The scheme is for 30 dwellings 12 of which are affordable which equates to 40%. The self builds are counted as part of the open market housing.

In respect of the Wedmore Neighbourhood Plan (WNP), specifically policy WED3 – Affordable Housing. Policy T2b is effectively an exception policy, which allows for further housing growth where

following the allocation or commitment of the minimum levels of growth there remains an unmet local affordable housing. Officers are satisfied that this has been demonstrated in this case.

A review of the availability and affordability of private housing in Wedmore indicates the challenge many locals face particularly given owner occupation is the dominate tenure in the village. Choice and availability of other housing tenures is limited.

Local house prices are often larger in size and out of reach many with entry level prices often in excess of £300,000. The private rented sector offers limited options for local people. The WNP reaffirms this problem and states that Wedmore Parish is characterised by large, expensive owner-occupied houses with relatively few smaller, cheaper homes to buy or rent (privately or through a Housing Association).

The developer is promoting a policy compliant (40%) affordable housing proposal, which addresses the current affordable housing need profile, providing predominately 2 bed dwellings. The proposed affordable housing layout and detail of the unit types, their sizes and the social rented tenure are also considered acceptable and it has been confirmed they will be provided free from public sector investment.

The Affordable Housing Officer confirmed the applicant has carried independent research to carry out an updated Housing Need Assessment, using the Council's methodology which has been reviewed and the team are satisfied with. The Assessment identifies a need of 13 households who would be eligible for affordable housing and who have a local connection to Wedmore. The application submitted provides the scale and nature of the need as set out in the Housing Need Assessment, in terms of Policy T2b the application is providing 40% affordable housing which is acceptable.

There is concern raised locally that given the scale of development within the area there is no need for additional housing. The Housing Needs Assessment has identified a need for further affordable housing in the area and the proposal matches the property and tenure mix identified. Due to the location of this site outside of the settlement boundary the affordable homes will be subject to a local letting plan, designed to give local people priority for homes when they are first built and when they are re-let in the future. The affordable homes will be required to be transferred to the Council or one of the Main Development Housing Association Partners. This will be secured as part of the section 106.

A number of objections have raised concerns that given recent or current development including Cross Farm, Wedmore Grange phases 1,2 and 3, Westholme Farm and Holdenhurst, any further

development would be over development. The evidence submitted confirms that the current developments will not address the current level of need for affordable homes from local people and therefore the scale of development can be justified in principle in accordance with Policy T2b of the Local Plan. Detailed consideration follows later in the report on the criteria set out in T2b.

Education Facilities

The Education Authority have confirmed there are sufficient early years, first school and middle school places to provide school places for the children of this development, however the secondary/upper school may require expansion to enable sufficient capacity. At the time of any necessary building works CIL funds will be requested to enable an appropriate extension. The development is not therefore considered to give rise to any adverse impact in terms of education provision.

Size and design relative to the scale and character of this and the surrounding area

Policy T2b supports the release of sites outside of the but well related to the settlement boundary where it meets the below criteria:

- 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

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.

T2b requires the scale of development to be appropriate to the scale and character of the main settlement. The original proposal was for 34 and during the previous application was reduced to

30 houses to enable additional landscaping, set back of properties relative to the adjacent Listed Buildings and public open space. The garages from some of the plots were also been removed to reduce the appearance of the built form and allow for a more spacious street scene.

During the last application members raised concern regarding the elevated position and location on the rural edge of the settlement and the impact that this would have on the transitional rural approach to the village. The south east corner of the site is elevated relative to the highway and whilst the properties in this location were set back behind the public open space and the existing hedge was proposed to be translocated members had concern in terms of the dominance of the properties of the eastern side of the access road. This application has revised the layout and levels of these dwellings formerly proposing a semi detached property and staggered terrace this revised application proposes 3 pairs of semi detached dwellings dug down and with lower ridge and eaves heights showing a reduction of between 2.22m-1.24m relative to the previous scheme. This and the change in property types has reduced the built mass in this location and would result in development that would be more in keeping with the adjoining properties. The set back of the development and the translocation of the hedge is as per the previous submission. This in addition to the amended details is considered to address the previous concerns raised.

Concern is raised by local residents in terms of insufficient facilities such as reduced public transport and reduction in medical facilities. The NHS were consulted on the application and confirmed that there was no requirement for a contribution in this case. The concerns are noted although Wedmore remains one of the more sustainable settlements within the Local Plan area with a range of local services, hence the designation as a Tier 2 settlement.

The development is required to be well related to the existing built form and provide opportunities for walking and cycling. The proposal extends development along the north side of the B3139. There is existing residential development on the southern side as well as a scattering of houses further to the east. Concerns have been expressed regarding the extension of the development behind the existing orchard. The proposal seeks to address this potential for visual impact by requiring the self-build plots to have green roofs. The adjoining market plot shows the same to start the transition. The plots are also larger to incorporate extensive landscaping.

In terms of connectivity the proposal provides for direct access onto Combe Lane, a public right of way that links through to The Lerburn and the cluster of shops and services in the village. It also links through via the recent Acorn Homes site to the Mall. The applicant has confirmed that they would provide a contribution to the upgrading of the public right of way which is to be secured

through section 106 and a section 278 agreement. This is in addition to the pavement along the front of the site and the pedestrian connection that runs east/west through the site.

Affordable housing is considered to be well integrated located in two clusters within the scheme. In terms of appearance and materials, whilst these are generally smaller units (given the identified housing need for smaller units) they share the overall material palette and are not obviously differentiated from the wider scheme.

T2b also supports local job opportunities which whilst not provided by the development would be secured during construction through the use of local labour agreements. In respect of local infrastructure priorities the scheme will deliver local affordable housing, includes public open space and a local area for play. The development is therefore policy compliant in this respect.

T2b also encourages the development that maintains/enhances the local environment – the development will result in the loss of the current undeveloped agricultural land. The layout has been amended to reduce direct impacts on the historic environment, specifically setting development back behind open space, translocated hedging, and stone walls. In terms of the natural environment the proposal will deliver significant biodiversity net gain which is controlled by condition and alternative habitat which is required through the HRA and would be secured through the legal agreement. Following the revised submission there is also now a requirement for the development to provide 10% net gain. The regulations also exclude gardens from the metric. Notwithstanding this the additional information submitted with the application confirms compliance in this respect.

On balance it is considered that the proposal, as amended is broadly consistent with policy T2b and specifically it will deliver an appropriate number of local affordable homes that will be made available at social affordable rent. The impact of the scheme is reduced through the provision of significant open space at the front, change in property types, reduction in the ridge and eaves height and additional landscaping which is considered to have mitigated the visual impact. The proposal links to the village centre and local facilities through improvements and links to existing rights of way.

In respect of layout the Crime and Design Officer commented that the vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The single main vehicular/pedestrian entrance/exit to the development has advantages over through roads in that it can help deter the search and escape patterns of the potential criminal. The proposed layout is considered to provide for good accessibility for future residents and is considered to be acceptable.

The dwellings are orientated to overlook the street and public open spaces allowing neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.

Policy S4 encourages sustainable development principles. The planning statement confirms that the development will incorporate sustainable designs including air or ground source heat pumps, electric vehicle charging points and solar PV panels. These are not provided on the roofs upfront due to the proximity of some of the development to the Listed Buildings and conservation area although the infrastructure to install post construction is being provided.

The proposal includes provision for 4 self-build plots which is supported through Policy D9 which provides additional support for such homes that are outside, but well related to settlement boundaries. These are considered as part of the total of the site as being promoted under Policy T2b. As a Tier 2 settlement any such self-build properties do not need to demonstrate a specific local connection although there are currently over 30 people on the self-build register with a connection to the village demonstrating sufficient need for this type of development.

Wedmore Neighbourhood Plan Policy WED2 Housing Mix, provides particular support for developments that deliver smaller houses. The affordable housing mix on this site comprises six x 2-bedroom homes, four x 3-bedroom homes and two x 4-bedroom homes. The market housing similarly comprises one x 2-bedroom, five x 3 bedroom, seven x 3 / 4 bedroom and one x 4/5 bedroom. Therefore over 50% of dwellings are 2 or 3 bed and only 10% are 4 beds. The proposed housing mix therefore is consistent with WED2.

Wedmore Neighbourhood Plan Policy WED5 Design refers to sympathetic high-quality design. There is specific reference to the relationship to historic assets. The previously amended scheme set the development back away from the nearby listed building, providing a side green buffer to the front and also removed some garages to provide visual sight lines through the scheme. This revised application has amended the road frontage layout to reduce the massing of the built form and reduced the land levels to ensure that the proposed plots were comparable to the properties on the opposite side of the highway and more reflective of plots 1-3.

The design seeks to reflect local characteristics and includes the use of natural stone which is characteristic in this location. Whilst concern was raised in terms of the scale of development, there is an affordable housing need which would justify development of this scale, the location of the site adjoins residential development on two sides and whilst visible from elevated public rights of way the developer has sought to minimise the impact on these views with green roofs forming a parameter on the self build plots.

Relative to Wedmore the development is considered to be appropriate given the sustainability of the settlement. The scale of development is therefore considered to be appropriate for a Tier 2 settlement. The site is sensitive given the proximity to heritage assets and the wider landscape impact which is considered in further detail below but based on the layout, landscaping and design features the development is considered to comply with Policy D2 and T2b of the Local Plan.

Landscape Impacts

Policy D19 states that proposals should ensure that they enhance the landscape quality wherever possible or that there is no significant adverse impact on local landscape character, historic landscape, scenic quality and distinctive landscape features as identified in the Sedgemoor Landscape Assessment and Countryside Design Summary.

The Policy encourages consideration of the below:

- Siting and landscaping that takes account of visibility from publicly accessible vantage points;
- The form, bulk and design of buildings having proper regard to their context in respect of both the immediate setting and the defining characteristics of the wider local area;
- Protecting and enhancing natural and historic features which contribute to the distinctive character of the district's landscape, such as trees, woodlands, hedgerows, soils, rivers/river corridors, ditches, open space, archaeological remains and rural buildings; and
- Taking account of the predicted long-term impacts of climate change on landscape

The revised application was submitted with an Landscape and Visual Impact Assessment, a landscape masterplan and mitigation, an arboricultural impact assessment and an arboricultural method statement. The boundary trees are to be retained although the southern boundary hedgerow is to be translocated as set out in the method statement to facilitate the required visibility splays. Additional detail has been provided on this following the concerns of the last application.

The Landscape Officer has reviewed the proposal and confirms no objection. The assessment considered the moderate adverse impact from the public right of way, particularly in the winter months but they were satisfied that the scheme would be viewed within the context of Wedmore and would fit between existing buildings. The section of the site furthest east was considered to be mitigated through the use of green roofs and the material pallet for the full element of the scheme was considered sympathetic and complementary to the village. The design of the scheme was considered legible and a reasonable density given the location and the addition planting contributes to a high quality placemaking and increased space for wildlife.

The proposed translocation of the roadside hedge will need to be implemented during the dormant season to ensure compliance of the Wildlife & Countryside Act 1981 : Part 1. This will be controlled through condition as compliance with the Arboricultural Method Statement.

The proposal includes orchard planting which is considered to enhance the proposed development and provide an extension to the existing orchard, located on the adjacent land. Additional trees are proposed along the northern boundary in association with a mixed native hedgerow providing additional biodiversity and enclosure to the development.

Plots 16,17 and 18 given the modest garden areas and existing trees on the neighbouring land have detailed landscape plans to provide for shade loving plants. Plots 16 and 17 show species rich grass

and wildflower/bulb planting and buff coloured bound limestone gravel. The remaining gardens have some wildflower planting although mainly laid to grass.

Trees are proposed adjacent to the gardens of plots 25-30, along the boundary of plots 1 and 2 and then in addition to the hedging to the north west and north east boundaries of the site.

Appropriate landscape conditions will be required to ensure that planting is carried out in the first planting season following completion of the development. A landscape management plan will also need to be submitted to ensure that the open space areas are maintained appropriately and to secure replanting should any of the landscaping fail. This will be covered by condition.

The Tree Protection Plan has identified protection measure and a methodology for the initial pruning works which include a limited amount of removal and pruning of the retained trees. Tree protection fencing is also proposed as specified on the Tree Protection Plan following completion of the initial tree works. It was also recommended that an arboriculturist monitor the proposed construction.

There will be elevated views of the site from the public right of way to the south. Plots 19-22 which are located in the finger to the rear of the Orchard are in outline forming the 'self build' dwellings. Whilst self build dwellings need to be designed individually by potential occupiers given the sensitivity of this view it is considered necessary to require green roofs as a parameter of these outline plots. The adjoining open market dwelling (plot 23) will demonstrate the green roof and provide a transition from the more traditional construction to the self build section of the site. As an outline, the detail of these dwellings remain to be considered through subsequent approval of reserved matters applications.

The Landscape Officer has confirmed that subject to the above being secured by condition the details that have been submitted will provide appropriate safeguarding of the retained trees including the defined root protection areas. Whilst the loss of the road side hedge is unfortunate it is proposed to be translocated to enable the visibility splay and will therefore re-establish. An arboricultural method statement was provided as part of this application setting out the proposal in detail. The landscaping will be controlled by condition, requiring planting in the first season following completion of development and will be maintained. As a requirement for the HRA there is also additional habitat due to be secured which would be controlled through the section 106 to be maintained in perpetuity as supported by Natural England.

Given the above the application is considered to comply with Policy D19 of the Local Plan.

Play space

The Crime and Design Officer commented that communal areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. The location of the proposed LAP is to the front of the site enabling wide surveillance.

The Parks and Gardens Officer previously confirmed the proposed play provision complied with policy requirements although the exact specification should be submitted for approval. This will be controlled through the section 106.

Given the LAP's proximity to the road, this will need to be fully enclosed with fencing and self-closing gates, details of which shall be secured by condition.

Impact on adjoining properties

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' which is supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

Concern has been raised by neighbouring residents in terms of dominance, impact on the setting of the listed buildings and direct intrusion.

The revised layout resulted in all the properties to the road frontage being set back within the site and presenting an open space, landscaping and LAP to the frontage. All the development is two storey with front to front separation distances ranging from 21m at the south east edge (plot 25) to 27.5m (plot 1) and 23.89m (plot 3). Given the separation distances, the reduction in scale of plot 25-30 and the intervening landscaping (translocation of the hedge and additional orchard planting) there is not considered to do a dominance or direct overlooking issue to properties on Wells Road.

Plots 3-6 present rear or side boundaries to Combe Lane to the west. The back to front distance is in between 25 m and 28 m whilst the gable (plot 3) to front elevation distance is 27 m. Plot 3 is gable end to the boundary but there are no windows on this gable. Permitted development is proposed to be removed by condition for windows in this gable in the interests of neighbouring property.

Mendip View is located to the north of the site with plots 10 and 11 located with the rear gables facing this property. Both plots show garden areas of approx. 11m resulting in a 19m separation to the single

storey extension and a 25m separation from the main house. Given the distance and the retention of the boundary treatment there is not considered to be an undue impact on this dwelling.

In terms of heights, street scenes and sections have been provided which confirm that the road frontage properties would not exceed the ridge height of the adjoining listed buildings. This in addition to the separation distances result in the development siting well relative to the adjoining residential dwellings.

Overall, the proposal is therefore considered to be acceptable in accordance with Policies D2 and D25.

Impact Heritage Assets

Policy D26 states 'Development proposals should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting (including those on Local Lists), in a manner consistent with their historical significance.'

The submitted Archaeology and Heritage statement concludes that there is a potential for archaeological remains on the site (section 7.4). It is most likely that any remains present will represent prehistoric or Roman period activity. Development of this site therefore has the potential to impact on locally significant remains.

South west heritage recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This will be secured by condition and therefore there is no concern in respect of archaeology.

The site lies adjacent to the Conservation Area and on the opposite side of Wells Road there are a number of listed buildings. As such consideration needs to be given to the impact of the development on the setting of the adjoining listed buildings and the character of the conservation area.

The original submission was for 34 dwellings the scale of which was reduced to 30. Concern remained due to the elevated nature of plots 25-30 on Wells Road and the impact that this had on the rural nature of the area and conservation area. The design of these plots were amended to

reduce the eaves height, add window detailing and reduce the land levels to enable a more subtle transition from the rural edge.

The ridge line of the Wells Road frontage was reduced to ensure plots 1-3 matched that of the adjoining listed buildings and plots 25-30 are shown relative to the previous scheme. The development remains set back from the road frontage to allow the adjacent buildings more spacious setting and the additional landscaping and translocation of the hedge was considered to soften the impact of the development in terms of integration into the Conservation area and relative to the Listed Buildings.

The revised layout now enables a more spacious street scene and the Conservation Officer has confirmed his support for the scheme.

The design of the dwellings propose a mix of brick, stone and render finishes and slate or red clay tile roofs with gable features, ground floor bay windows and gable pitched canopy over the doors. Plots 1-3 (closest to the Listed Buildings) have been designed with smaller and simpler window proportions and more traditional portico additions to the front elevations. These units are more reflective of the older properties and use of more traditional materials (stone and red brick features) would assist in the assimilation of these dwellings. Plots 25-30 reduced the ridge and eaves height to mirror a more traditional appearance.

In contrast to this Plot 23 sits back from the highway, within the site and to the rear of the orchard. This plot proposes the use of the same materials but in a contemporary design in terms of window position/size, flat green roof for the garage and low disconnected dual pitch green roof. This maintains the traditional material palette but provides a differing take on the mixture and proportions setting an example of inkeeping variation for the remaining self build plots. The position of this plot is not considered to impact on the surrounding listed buildings or the character of the conservation area.

Combe Batch is characterised as a linear part of the designation on the far east of the village, acknowledges the older development on the south side of combe batch, the historic route to wells, now the b3139. The street scene is characterised by roadside walling with groups of terraced stone cottages set back with varying building lines against the rising green hillside to the rear. The street rises towards the crest in the east with perhaps the most interesting buildings comprising the listed group of cobbler's cottage, acacia cottage and north view. These early 19th century (not confirmed) rendered terrace houses each have very distinctive frontages with interesting and varied window patterns, Generally the street scene as a whole is not outstanding quality but the conservation area designation protects the eastern approach to Wedmore.

The developer has reduced the density of the proposed scheme matching the extant heights of the nearby buildings, listed or otherwise. This in addition to the lower ridge and eaves heights, set back and landscaping reduces the impact of the scheme albeit infilling a green open space.

The carefully considered approach to climate change has been displayed with a focus being afforded to the appearance of the eco themed self-build plots. The local authority conservation and regeneration officer worked with the developer to ensure that the appearance or style of the self-build plots will be well placed within the new estate and offer a code for the remaining self-build plots.

Members previously raised concerns with the prominent position of the site within the settlement of Wedmore due to the elevated position. This has been reduced as a result of this proposal. Any remaining harm needs to be balanced against the public benefit and the mitigation proposed. A housing needs assessment has confirmed the numbers required and development in this area will require to be both of exceptional design and to deliver a housing estate that assumes less density than the adjacent extant dwellings.

In the event of consent being granted, careful control of materials and textures will require conditions. The character of Wedmore is displayed through a wide selection of natural materials that display an abundance of patina and age related oxidisation. Any new addition into this environment should adopt a similar approach, untreated or undecorated natural timbers, locally sourced for cladding. The absence of readily available local stone has been resolved on other sites within Wedmore to some degree of success and the same approach should be expected here if consent is granted. The recommended condition is proposed to be included.

The impact on heritage assets is reduced through the revisions from the original scheme and includes an undeveloped green space along the full road frontage with housing set back, design changes to ensure that some longer distant views towards the north are retained and an appropriate transition from traditional to contemporary to set a marker for the self build plots in terms of ensuring minimal wider impact.

The application is therefore considered to be in accordance with Policy D26 of the Local Plan and advice contained within the NPPF.

Highway Considerations

Policy D13 supports proposals that will enhance road and personal safety and enhance the facilities for pedestrians, cyclists, those with reduced mobility and other users;

Policy D14 states that development that would have significant transport impacts should be supported with appropriate Transport Assessment and ensure provision is made for inclusive, safe and convenient access. They should also 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.

Within the third party comments concern is raised that the site falls outside of the settlement boundary and would result in development outside of the Neighbourhood Plan. The application was previously refused permission for one reason for which the detailed consideration is set out above.

Objection letters confirmed that this site was originally viewed in the 'call for sites' as part of the Neighbourhood Plan and was ranked 9th out of 11 due to its prominent location, loss of hedgerow required to enable the access, location of the access at the brow of the hill and due to concerns that there is no safe pedestrian route into the village. As such, objection letters considered the development contrary to Policy WED3 which requires sites to 'have appropriate regard to the Wedmore Neighbourhood Plan's 'Site Assessments' evidence base 2017, ensuring the constraints and planning considerations raised...are adequately addressed.'

Wedmore Neighbourhood Plan Policy WED3 Affordable Housing refers back to Local Plan Policy T2b and requires any sites to have regard to the Wedmore Neighbourhood Plan Site Assessment document. The application site was rejected as an allocation primarily due to access and safety concerns.

National Highways reviewed the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the MHCLG National Planning Policy Framework (NPPF).

The access to the site is proposed via Wells Road and Junction 22 of the M5 is located approximately 13 kilometres from the site. A Transport Statement (TS) dated February 2023 has been submitted in support of the application prepared by LvW Highways, on behalf of the applicant although did not include an assessment of development on the strategic network.

National Highways reviewed the TS and TRICS information and confirmed that the development is expected to generate around 15 two-way trips during the peak hour. This level of generation is similar to that proposed by the developer.

Given the scale and proximity of the site to M5 Junction 22, it is accepted that the number of additional trips generated by the development is unlikely to result in an unacceptable impact on the

safe and efficient operation of the strategic road network, as defined by NPPF and therefore raise no objection.

In respect of the local highway network Highways noted that Wells Road is subject to a 30mph limit and the carriageway width allows two-way traffic flows however no footways are present in the vicinity of the site. Access to the development is proposed to be gained via a simple priority junction arrangement.

The proposed site access plan indicates that visibility splays of 2.4m x 43m are achievable. A separate drawing has been provided that demonstrates the visibility splays are also achievable in the vertical plane. These splays are commensurate with the road speed limit and are therefore considered to be acceptable. These would be secured through the legal agreement.

As part of the development proposals a new footway is proposed along Wells Road along the site frontage. Highways considered that given the lack of pedestrian infrastructure in the vicinity of the site, the proposed footway was accepted. This would release pedestrians into Combe Lane. Local residents raised concern regarding potential pedestrian and vehicular conflict given the increased use of the hall. Combe Lane is a private road which also carries the Public Right of Way AX 27/50. The Transport Statement says that there will be a commitment to improve footpath AX 27/51 which will be secured through the section 106 and through a section 278 agreement.

The Public Rights of Way officer requests a condition to capture the pedestrian connection if the estate roads form part of a S38 adoption agreement. The link was welcomed subject to a wider strategy for access but it was noted that Combe Lane is a public footpath and does not have any public rights for cycling. Conditions are proposed to control the above and highlight the requirement for a temporary closure/stopping up/diversion order for the connection.

TRICS data has been used to calculate the proposed development trips and predicts with the development would generate approximately 15 trips during the weekday AM and PM peak hours. This is a low level of traffic generation and equates to approximately 1 vehicle trip every 4 minutes during the peak hour. When considering how traffic would be distributed, the traffic generated as a result of the development proposal is considered unlikely to cause any severe highway safety or capacity issues. The submitted Travel Plan Statement was also confirmed to accord with the Travel Plan Strategy.

In respect of car parking the DAS indicates that parking will comprise a combination of on-plot garages and parking spaces. Highways have now confirmed no objection to the proposal subject to an appropriate legal agreement to cover the proposed site access / footway works on the Wells Road

frontage and Public Right of Way works. Conditions were recommended to require a condition survey, construction management plan, consolidation of the highway and footpaths prior to appropriate occupation, estate roads condition, visibility splays, travel plan and discharge of surface water drainage. Subject to the imposition of this and the legal agreement to secure the safe access it is considered that the concerns raised by residents in respect of highway safety have been addressed.

The current proposal seeks to provide a safe access and additional and enhanced pedestrian infrastructure including connections via the rights of way network to the village centre. The Highway Authority have raised no objections to these matters and also note that the traffic generated from the proposal is unlikely to cause any severe highway safety or capacity issues. The proposal does result in a significant length of hedgerow being removed although it is proposed that this is translocated (replaced) and would re-establish in time enabling appropriate visibility at the front of the site. Additionally, by setting properties back from the road, a more open entrance to the village is retained but clearly development would result in the loss of the currently undeveloped field.

Local residents concerns in terms of breach of the speed limit is not a material consideration. Planning can consider the splays provided and the lawful speed limit in force. Increasing the built form in this location may encourage slower traffic as a result of vehicles turning into and out of the site and it being apparent that this area remains as part of the surrounding settlement.

In terms of conflict with the Neighbourhood Plan, whilst it is noted that this site was discounted due to location, highway safety matters and other constraints the highway safety issues have been subject to detailed consideration and subject to conditions the harm is considered to be addressed through this application.

Subject to the imposition of the above mentioned conditions and control of the access and pedestrian links as part of the legal agreement the proposal is considered to be compliant with Policies D13 and D14 of the Local Plan.

Impact on Ecology

Policy D21 of the Local Plan states 'Development proposals should 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.'

Natural England highlight that the location of the site is within the North Somerset and Mendip Bats SAC. Due to this the Council as competent authority, has undertaken an appropriate assessment in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as

amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate all identified adverse effects that could potentially occur as a result of the proposal, Natural England advised that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. This will be controlled through condition and the legal agreement which requires provision of off site habitat.

In respect of the Somerset Levels & Moors Ramsar Site the development has been screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion is based on evidence that there is no hydrological connection or pathway between the development (including through foul water discharge) and the catchment of the Ramsar Site. Natural England have confirmed this view and raise no objection to the application.

Given the date of the resubmission the application is also now required to deliver Biodiversity Net Gain and has been supported with the BNG Declaration form, BNG Metrics and the HEP worksheet. An updated Ecological Impact Assessment and BNG Report (both dated May 2024) was provided following initial comments from Ecology.

Ecology reviewed and commented on the mitigation measures proposed through HRA and BNG and confirmed conditions for compliance with the Biodiversity Net Gain - Design Stage Report (May 2024) and associated documentation, compliance with the Arboricultural Method Statement, Lighting design for bats, CEMP, badger survey and a BEP. In addition to this there is a need to secure a number of measures through section 106. This includes on site and off site delivery, Habitat Management and Monitoring Plan, contingency and enforcement arrangements, monitoring fees and minimum compliance periods.

The condition and informative as set out in the conditions has been agreed through Ecology and Legal to ensure compliance with the Environment Act. The heads of terms as set out ahead of the conditions have also been subject to legal confirmation.

Subject to the imposition of the conditions and the off site habitat mitigation as set out in the Habitats Regulation Assessment and BNG the development is considered to comply with Policy D20, D21 and D23 of the Local Plan.

Surface Water Drainage and Flood Risk

Policy D1 states 'Proposals should seek to reduce flood risk overall through creation of multi-functional green infrastructure and sustainable drainage systems. Betterment will be sought particularly where there are known flooding issues.

The application was subject to consultation with the Internal Drainage Board, the Lead Local Flood Authority (LLFA) and Highways. The application was supported with a Drainage Maintenance Schedule

The Highway Authority consider the potential adoption of the internal estate roads serving this development, all drains/sewers under prospective public highway areas, together with the entire surface water system serving to collect run-off from same. These will all need to be vested in the water authority.

Given the topography of the site additional drainage measures were required to ensure that surface water run-off is retained on site up to the storm event stipulated by the Lead Local Flood Authority.

Consideration had to be given to the construction detail at the interface between the tanked permeable paved areas and the adjacent footways to minimise the potential for future highway maintenance and utility company works from inadvertently compromising the tank membrane.

Highways were content with a condition covering drainage and further information was provided enabling the LLFA to recommend conditions.

The Drainage Board also confirmed that they no longer object to the proposals as the proposals fully satisfy the Board's flow and water quality requirement although requested that permitted development rights are removed for the driveways of the proposed properties to ensure that the permeable paving is retained, when permission is granted. A condition requesting a full and detailed management and maintenance plan for the development is also required both of which are being imposed.

The Board also requested an informative which will be imposed.

Sustainability and Climate Change

The application was supported with an energy and sustainability statement which sets out the approach of the development in respect of fabric first, use of air source heat pumps and provision of PV arrays (2.92kWp) as customer options on a number of the dwellings. The road frontage dwellings are excluded from this due to the heritage considerations.

In terms of heating and cooling the development is proposed to use traditional masonry construction, which has a relatively high thermal mass, compared with timber or steel construction. A construction with a high thermal mass can help to reduce overheating risk as it absorbs heat during the day and slowly releases it during cooler nighttime hours, effectively smoothing out temperature fluctuations within the property.

Within the development layout, orientation and massing has been considered to maximise useful passive solar gain. Glazing will be specified with a solar transmittance value (g-value) to strike the balance between useful solar gain in the winter and unwanted solar gain in the summer. All dwellings are proposed to cross-ventilate to effectively purge warm air from the properties during periods of hot weather. Window opening areas will be considered and guided by the Part O of Building Regulations

Water efficiency measures including the use of efficient dual flush WCs, low flow showers and taps and appropriately sized baths will be encouraged with the aim to limit the use of water during the operation of the development to limit water use. The calculation results in a total water consumption of 98.6 Litres/Person/Day for the intended specification, well below the maximum of 125 Litres/Person/Day required by Building Regulations.

The document also confirms waste mitigation measures during the construction of the site. In terms of control Part L and Part O secure a number of these benefits but for the elements that exceed building regulations it is proposed to condition the development to be undertaken in accordance with the Energy and Sustainability statement.

Conclusion

The Wedmore Neighbourhood Plan forms part of the development plan, and it is noted that there are detailed objections to the proposal based on policies within this plan. However, WED3 addresses the principle of sites released that meet an unmet local housing need and whilst there is a requirement for applications to consider the site selection document, this raised a number of material concerns that have been addressed either through amendments to the scheme or conditions.

As referred to above it is considered that the proposal is in compliance with this policy noting that when rejected in the site assessment the main considerations were on highway grounds. These matters are addressed to the satisfaction of the Highway Authority. In respect of impact of development on heritage assets and other detailed matters of design, the revisions have resulted in improvements to the scheme in respect of setting and the reduction in heights have softened the impact of the development on the rural approach to the village.

The proposal will have an impact on this part of the village and result in the loss of a currently undeveloped greenfield. However, it will provide for affordable housing to meet local unmet need. The affordable homes are being provided at a social rent, rather than shared ownership, providing opportunities for those on the lowest incomes. Impacts on the landscape and historic environment have been mitigated and is now considered to be acceptable by the consultees and mitigation is being secured by condition and 106.

Considering the wider benefits of the proposal on balance the development is considered to be acceptable in principle and the detail of the scheme has now been amended so the development would be acceptable relative to the Local Plan. The material impacts identified as part of the Neighbourhood Plan site selection has also been addressed and therefore the development is considered to be acceptable relative to the Neighbourhood Plan.

In light of the above and subject to a legal agreement to secure the site specific obligations and conditions the development is considered to comply with Policy and is therefore recommended for approval.

RECOMMENDATION

GRANT PERMISSION

(A) 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:

Play provision:

Provision of a LAP - Details of equipment and boundary treatments surrounding to be agreed
Management and maintenance of the LAP and Public Open Spaces, including the green edges of the plots relative to the highway

Affordable Housing:

Provision of 40% affordable housing in the form of Social Rent to reflect the need set out in the Housing Needs Assessment (HNA)

Local Lettings plan to ensure priority for local residents in accordance with the HNA

BNG obligations for off and on site mitigation:

Biodiversity Gain Plan to be submitted to the Local Planning Authority in accordance with Paragraphs 13 and 14 of Part 2 of Schedule 7A of the Town and Country Planning Act 1990 shall be broadly in

accordance with the approved BIODIVERSITY NET GAIN – DESIGN STAGE REPORT (Clarkson and Woods, May 2024) and associated documents as already submitted to the Local Planning Authority. Submission of a Habitat Management and Monitoring Plan (HMMP) and approval prior to commencement.

Specification of the contents which the HMMP must include in order to demonstrate it as deliverable, adequately resourced and funded.

Compliance with the approved HMMP for a minimum of 30 years.

Specification of contingency arrangements.

Enforcement arrangements and details of how any remedial measures may be required as appropriate.

Obligation to pay an agreed monitoring fee to the LPA upon completion of the relevant S106 legal agreement, to cover the costs of monitoring the agreement and biodiversity gains secured.

HRA and bat replacement habitat:

Accessible bat replacement habitat for horseshoe bats in line with the approved Ecological Impact Assessment (Clarkson and Woods, May 2024), Habitats Regulation Assessment (Clarkson and Woods, May 2024), and associated documents. - minimum accessible habitat enhancement area for horseshoe bats of 2.5ha shall be provided at Rug Hill (OS Grid Reference ST 43774 49908)

Monitoring strategy for horseshoe bats, contingency arrangements, and remedial actions.

Long term maintenance and management scheme to include legal and financial mechanisms.

Applicable to both bat habitat and BNG:

A Landscape and Ecological Management Plan (LEMP) for Rug Hill shall be submitted to, and be approved in writing by, the local planning authority prior to construction above damp-proof course level as required by the Habitats Regulation Assessment

Detailed landscape planting scheme for both the full and self build elements to include a detailed scaled drawing which identifies the proposed green infrastructure and includes a plant schedule and planting specification (proposed species, quantities, stock sizes, planting densities and spacings) and there long term management.

Highway/Rights of way:

Provision of the proposed site access and footway works on the Wells Road frontage - to remain as public and openly accessible provided prior to first occupation.

Provision of the pedestrian access onto Combe Lane and upgrade of right of way - to remain as public and openly accessible provided prior to first occupation.

(B) that Governance, Democratic and Legal, be authorised to prepare and seal the Agreement and;

(C) subject to the following conditions:

- 1 The development of the 26 dwellings hereby permitted in detail 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 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing for each of the self build dwellings before the construction of the relevant self build dwelling is commenced.

Plans and particulars of the reserved matters referred to above, relating to the appearance, landscaping, layout and scale, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reasons: The application was submitted as an outline application in accordance with the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015. In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990 (As amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 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.

- 4 The 4 self build dwellings hereby permitted shall be approved shall be constructed as self-build as defined under Regulation 54A of the Community

Infrastructure Levy Regulations 2010 (as amended) and thereafter occupied for the first three years from the date of the Compliance Certificate as defined under Regulation 2 Community Infrastructure Levy Regulations 2010 (as amended). The development will be planned, built and first occupied in accordance with the definition of "self-build and custom housebuilding" as defined in the Self-build and Custom Housebuilding Act 2015 (as amended) and as the sole or main residence of a person(s) on the Council's Self Build Register.

Reason: Development in this location is only considered acceptable on the basis that it meets an identified local need for self or custom build development in accordance with Sedgemoor Local Plan 2011-2032 Policies CO2 and D9.

- 5 The self build dwellings hereby approved shall be limited to 2 storey in height and shall have green roofs. Details of which will be submitted to and approved in writing as part of subsequent approval of reserved matters applications.

Reason: In the interests of the visual amenity of the surrounding area and to minimise impact on views from the elevated right of way to the south in accordance with Policies D2 and D19 of the Local Plan.

- 6 a. Samples of the materials (brick, stone, render, roof treatment and tiles) used in the construction of the external surfaces of the full element of the development shall be approved in writing by the local planning authority before development above DPC level.
- b. Samples of the materials (brick, stone, render, roof treatment and tiles) used in the construction of the external surfaces of each of the self build plots shall be approved in writing by the local planning authority before development above DPC level for the relevant plot.
- c. Before any bricks are laid on the detailed or outline element of this scheme respectively, a brick/stone sample panel, showing the brick/stone type(s), brick bond/stone coursing, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed sample panel details.

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

Reason: In the interests of visual amenity and the setting of the Conservation Area and the adjacent Listed Buildings.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no opening other than those authorised by this permission (if any) shall be at any time be inserted in the north west elevation of plot 3 of the development hereby permitted, without the prior permission, in writing, of the Local Planning Authority.

Reason: To protect the amenity of neighbours with Policy D25 of the Sedgemoor Local Plan 2011-2032

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no replacement driveways or additional areas of hardstanding will be permitted other than those authorised by this permission, without the prior permission, in writing, of the Local Planning Authority.

Reason: To protect the amenity of neighbours with Policy D25 and to ensure no adverse impact in terms of flood risk in accordance with Policy D1 of the Sedgemoor Local Plan 2011-2032

- 9 All works to trees and hedgerows shall be carried out in accordance with the details contained in the Arboricultural Method Statement (GE Consulting, March 2024) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: In the interest of the protection of existing and successful delivery of trees and hedgerows and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 10 Prior to construction above damp-proof course level, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning

Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the integrity of the conservation objectives of a European site, the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy D20 of the Sedgemoor Local Plan

- 11 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.

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: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 12 Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to Local Planning Authority and subsequent actions, or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. This shall include submission of one of the following:

- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
- b) a statement in writing from the ecologist to the effect that they do not consider that the development will require a licence.

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

- 13 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the development. The mitigation/enhancements should be retained thereafter and should include the following:

- a) Provision of eight bat boxes integrated into the fabric of dwellings as described in section 3.5.53-54 of the Ecological Impact Assessment (Clarkson and Woods, May 2024).
- b) Infill planting and new hedgerow and tree planting shall be native and should include nectar, nut and fruit producing species where the landscaping scheme allows. All hedgerows will be managed for biodiversity at a height and width of at least 2m where possible. Hedgerows should be managed to promote a greater range of age classes and native species through appropriate planting and management of hedgerow species and understorey. Hedgerows should be trimmed no more often than on a two- or three-year rotation, targeting different sections each year, and individual trees should be allowed to mature within the hedgerow boundaries.

- c) Installation/construction of multiple deadwood log refugia piles as a shelter for reptiles, invertebrates, amphibians and small mammals.
- d) 12 no. bird nesting features will be installed around the development as described in section 3.5.70-71 of the Ecological Impact Assessment (Clarkson and Woods, May 2024).
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs around the site.

Once provided the above should be retained for the lifetime of the development.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

- 14 Prior to the first occupation of the site a landscape management plan shall be submitted to and agreed in writing with the Local Planning Authority. Once approved the landscaping for the site shall be undertaken in the first planting season following the completion of the full element of the development (26 dwellings). Landscape management plans and landscape detail shall be submitted as part of each respective self build property. Once agreed the ongoing management of the site shall be undertaken in accordance with the agreed details.

Reason In the interests of the visual amenity of the surrounding area and in accordance with Policy D19 of the Local Plan.

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

Reason: In the interests of securing local employment opportunities in accordance with Policy D15 of the Local Plan

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

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

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

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

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

Reason: To ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies D24 and D25 of the Sedgemoor Local Plan and Chapter 15 of the NPPF.

This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity.

- 17 A watching brief for potential contamination to assess for evidence of contamination during any groundworks should be undertaken. In the event that any unforeseen contamination is found during excavations, the Local Planning Authority shall be notified immediately.

Where remediation is deemed necessary by the Local Planning Authority, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the submitted details.

Reason: To ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other receptors both onsite and offsite, in accordance with Policies D24 and D25 of the Sedgemoor Local Plan and section 11 and 15 of the National Planning Policy Framework

- 18 Construction shall comply with the most recent BS 5228: Code of Practice for Noise Control on Construction and Open Sites. Wherever alternative working methods exist, minimising noise and vibration, must be a prime consideration when choosing techniques or equipment.

Contractors are responsible for ensuring that all machinery and equipment is well maintained. This includes hired machinery and equipment. It must be properly silenced and used in accordance with the manufacturer's instructions, as required by BS 5228.

Reason: To safeguard local residents from noise and disturbance

- 19 No demolition/construction work (other than internal fitting out works) or deliveries to and from the site shall take place outside the hours of 07:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays, with the exception of specific works which shall have been agreed in advance and in writing by the local planning authority and shall include details of the task, the date and duration of works. No works to take place on Sunday and Public Holidays.

Reason: To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway

- 20 Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

Reason: This condition is pre commencement in the interests of ensuring the surrounding heritage assets are appropriately recorded and mitigated during the construction of the site in accordance with Policy D26 of the Local Plan.

- 21 A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: This condition is pre commencement in the interests of Highway Safety and in accordance with Policy D13 and D14 of the Local Plan

- 22 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. 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.

Reason: In the interests of highway safety and in accordance with Policy D13 and D14 of the Local Plan

- 23 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 Highway Safety in accordance with Policy D13 and D14 of the Local Plan

- 24 The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of Highway Safety in accordance with Policy D13 and D14 of the Local Plan.

- 25 There shall be no obstruction to visibility greater than 300mm above adjoining road level within the splay areas shown on Drawing 12991- HYD-XX-XX-DR-D-1201P 03. Such visibility splays shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: This condition is pre commencement in the interest of highway safety and in accordance with Policy D13 and D14 of the Local Plan

- 26 All the recommendations of the Approved Travel Plan shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy D13 and D14 of the Local Plan

- 27 No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: This condition is pre commencement in the interests of surface water drainage and to minimise flood risk to the site and surrounding area in the interest of highway safety.

- 28 No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (2023) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority. If the proposed sewer requisition to the existing outfall within The Lerburne road / Cross Farm becomes unviable then a revised surface water drainage strategy will need to be submitted to the LPA for review and approval before development can commence.

Reason: This condition is pre commencement to ensure the development is properly drained in accordance with the NPPF.

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

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

30 The development hereby approved shall be carried out in accordance with the Energy and Sustainability report. The measures set out shall be delivered prior to the first occupation of all the relevant dwellings.

Reason: In the interests of energy consumption, carbon reduction and ensuring development is fit for the future in accordance with the Local Plan.

31 **BNG Condition**

The Biodiversity Gain Plan to be submitted and agreed in writing to the Local Planning Authority in accordance with Paragraphs 13 and 14 of Part 2 of Schedule 7A of the Town and Country Planning Act 1990 shall be broadly in accordance with the approved Biodiversity Net Gain - Design Stage Report (Clarkson and Woods, May 2024) and associated documents as already submitted to the Local Planning Authority.

Reason: To ensure that the strategy for meeting the Biodiversity Net Gain requirements for the development does not change significantly following the grant of planning permission and to minimise the risk of significant post-permission viability issues arising due to Biodiversity Net Gain issues.

BNG Informative:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Somerset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Phased Development

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Schedule A

Location Plan Drg No. OS 100042766

Indicative Site Layout Drg No. F.11 Rev AJ

Materials Layout Drg No. F.15 Rev P

Landscape Masterplan & Mitigation Drg No. 644/01 Rev P3

Proposed Access & Movement Plan Drg No. F.17 Rev G
Street Elevations Drg No. F.20 Rev M
Street Elevations & Sections Drg No. F.21 Rev C
House Type A - 4B 6P Floorplans Drg No. HT_A 01 Rev G
House Type A - 4B 6P Elevations Drg No. HT_A 02 Rev F
House Type B - 5B 7P Floorplans Drg No. HT_B 01 Rev K
House Type B - 5B 7P Elevations Drg No. HT_B 02 Rev H
House Type C - 3B 5P Floorplans Drg No. HT_C 01 Rev G
House Type C - 3B 5P Elevations 1 Drg No. HT_C 03 Rev H
House Type C - 3B 5P Elevations 2 Drg No. HT_C 04 Rev I
House Type C - 3B 5P Elevations 3 Drg No. HT_C 05 Rev A
House Type D - 4B 6P Floorplans Drg No. HT_D 01 Rev G
House Type D - 4B 6P Elevations Drg No. HT_D 02 Rev F
House Type E - 4B 6P Floorplans Drg No. HT_E 01 Rev J
House Type E - 4B 6P Elevations 1 Drg No. HT_E 02 Rev I
House Type E - 4B 6P Elevations 2 Drg No. HT_E 03 Rev G
House Type E - 4B 6P Floorplans 2 Drg No. HT_E 04 Rev A
House Type E - 4B 6P Elevations 3 Drg No. HT_E 05
House Type F - 2B 4P Floor Plans Drg No. HT_F 01 Rev I
House Type F - 2B 4P Elevations Drg No. HT_F 02 Rev D
House Type M - 4B 6P Floorplans Drg No. HT_M 01 Rev A
House Type N - 3B 5P Elevations Drg No. HT_M 02 Rev A
House Type N - 3B 5P Floorplans Drg No. HT_N 01 Rev A
House Type N - 3B 5P Elevations Drg No. HT_N 02 Rev A
House Type O - 2B 4P Floorplans Drg No. HT_O 01 Rev A
House Type O - 2B 4P Elevations 1 Drg No. HT_O 02 Rev A
House Type O - 2B 4P Elevations 2 Drg No. HT_O 03 Rev A
Footway Visibility Drg No. 12991-HYD-XX-XX-DR-D-1204 Rev P02
Garden Designs for Plots 16, 17 & 18 Drg No. 644/SK01 Rev P1
Refuse & Vehicle Tracking Sheet 1 Drg No. 12991-HYD-XX-XX-DR-D-1050 Rev P08
Refuse & Vehicle Tracking Sheet 3 Drg No. 12991-HYD-XX-XX-DR-D-1052 Rev P02
Preliminary Longitudinal Sections Drg No. 12991-HYD-XX-XX-DR-D-1200 Rev P03
Site Access Vertical Visibility Drg No. 12991-HYD-XX-XX-DR-D-1201 Rev P04
Footway Visibility Drg No. 12991-HYD-XX-XX-DR-D-1202 Rev P02
Site Access Vertical Visibility Drg No. 12991-HYD-XX-XX-DR-D-1203 Rev P02
Preliminary Finished Floor Levels Drg No. 12991-HYD-XX-XX-DR-D-1500 Rev P11
Drainage Strategy Overview Drg No. 12991-HYD-XX-XX-DR-D-1650 Rev P11
Drainage Strategy Off-Site Drg No. 12991-HYD-XX-XX-DR-D-1651 Rev P04
Drainage Strategy Sheet 1 Drg No. 12991-HYD-XX-XX-DR-D-1652 Rev P13
Drainage Strategy Sheet 2 Drg No. 12991-HYD-XX-XX-DR-D-1653 Rev P14

Overland Flow/Exeedance Routes Overview Drg No. 12991-HYD-XX-XX-DR-D-1655 Rev P08

Plots 25-30 Height Comparison Drg No. F22-1

Plots 25-30 Height Comparison Drg No. F22-2

Building Height Survey Drg No. 1957-01

Planning Strategy Drg No. 644/02 Rev P9

DECISION
