

**Committee date 13/08/2024**

**Application No:** 41/23/00010

**Application Type:** Full Planning Permission

**Case Officer:** Sarah Tucker

**Registered Date:** 14/08/2023

**Expiry Date:** 12/11/2023

**Parish:** Pawlett

**Division:** Huntspill

**Proposal:** Erection of new convenience store and 6no. smaller commercial units, with associated access, parking and landscaping.

**Site Location:** Land At, Bristol Road, Pawlett, Bridgwater, Somerset, TA6

**Applicant:** Ahmeti

**\*\* 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**

Granted subject to a S106 agreement

### **Background**

The site consists of one field adjacent to the A38, to the east of the village of Pawlett. To the west lies a car sales garage and a number of residential properties, as well as the A38, to the south are also residential properties, to the north and east lie agricultural fields. There is an existing agricultural access to the A38. The field is currently laid to scrubby grass, and slope downwards gently to the north, with well established hedge boundaries.

The site lies outside of the settlement boundary of Pawlett, and the majority of the site lies within Flood Zone 1, although a small section of the northern most field lies in Flood Zone 2.

The proposal seeks full planning permission for the erection of a convenience store (Class E (a)), and 6 commercial units in Use Class E(a,b,c) (shops, and financial and professional and commercial services) and Classes B2 (general industry) and Class B8 (storage and distribution). The application form submitted with the application and the plans state that the commercial units include Class A2 use, however Class A2 has been subsumed into Class E(c) by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, so the application is assessed on this basis.

The built development is proposed in the southern part of the site, with the northern part retained for landscaping, ecological mitigation and drainage attenuation. The existing hedgerows are proposed to be retained (apart from the some of the southern hedgerow for the access). The proposed convenience store has a gross external area (GEA) of 312.6sq m, Units 1 and 2 a GEA of 553.7 sq m, Unit 3 a GEA of 146.6 sq m, Units 4a and 4b a GEA of 299.7 sq m, and Unit 5 a GEA of 202.3 sqm. The total amount of gross external area of commercial space proposed is 1202.3 sq m.

The proposed convenience store is single storey with a pitched roof and a pitched canopy entrance on the south east elevation, in horizontal dark coloured lark timber cladding on a red/brown facing brick masonry wall, and red clay roof tiles. The entrance canopy is king post truss canopy with matching ridge in wood. Units 1 and 2 also have pitched roofs, with Unit 1 at an angle to Unit 2, with the elevations a mixture of dark coloured horizontal timber cladding, rustic clay facing brick and green zinc cladding and dark concrete/composite roof tiles. Unit 3 also has a pitched roof and similar dark coloured horizontal timber cladding, and red concrete/composite roof tiles. Unit 4 has a pitched roof and the elevations are a mixture of dark timber horizontal cladding with green zinc cladding and red brick and red concrete/composite roof tiles. Unit 5 has a pitched roof with elevations in a combination of dark horizontal timber cladding, green zinc cladding and red brick with dark coloured concrete/composite roof tiles. All units are proposed to be single storey.

Access is proposed from the A38, much widened from the existing, with highway works involving the creating of a junction with a 'ghost' right turn in, no right turn out, and provision of a signalised crossing and a footpath and cycleway 3m wide proposed running south from the site along the A38 to the junction with Old Main Road.

### **Relevant History**

Applications Overlapping the same Spatial Area but relating to sites either side of this application site.

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
41/18/00016	LE	GTD	Retrospective application for change of use of former cafe (Use Class A3) to car sales office and forecourt. Erection of

			extension to workshop building.
41/07/00016	LE	GTD	Erection of two storey extension to North elevation, partly on site of existing (to be demolished), conversion of loft to form additional first floor accommodation including installation of two replacement dormers and two additional dormers in South elevation and one dormer and two rooflights in North elevation
41/06/00005	BAK	GTD	Erection of replacement dwelling

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

Ecological Impact Assessment  
 Habitat Regulations Assessment  
 Road Safety Audit  
 Tree survey  
 Sustainability Statement  
 Statement of Community Involvement  
 Design and Access Statement  
 Landscape Statement  
 Walking, Cycling and Horse-Riding Assessment  
 Flood Risk Assessment  
 Proposed Drainage Strategy  
 Travel Plan and Audit

### **Consultation and Representations**

- Date of consultation: 23 May 2024
- Date of revised consultation (if applicable):
- Press Date (if applicable): 19 September 2023
- Site Notice Date (if applicable): 15 September 2023

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

**Consultees** the following were consulted:

<b>Consultee Name</b>	<b>Summary of Response</b>
Parrett Drainage Board	No objection subject to a condition
Pawlett Parish Council	LOCATION This scheme is outside the village, on the wrong side of a main trunk road, it is not needed. VISUAL IMPACT Its location is such that it would block views from the Village Green across to the Mendip Hills AoNB. CONTRARY TO LOCAL PLAN POLICY The Parish Council restates that the comments made in respect of the above application from Planning Policy North, and have considerable

	<p>concerns in respect of references to policies S2, D15 and D35.</p> <p>Strategic policies refer to the fact that local plans should seek to meet objectively assessed development needs. We do not consider that the officers comments demonstrate that he has assessed the scheme objectively.</p> <p>Tier 3 villages should have “basic” levels of provision. A Co-op store of 312sq m is not basic, it will be catering for passing customers. Policy D35 seeks suitable provision within settlements and in suitable locations. As stated before the site is outside the settlement boundary, on the wrong side of the A38 trunk road and is a potentially dangerous location, despite the proposed traffic signals.</p> <p>The proposal cannot be seen as compliant with policy D15.</p> <p>The scheme is for 1,200 sq m gross external floorspace. The policy states that schemes of more than 1,000 sq m gross (external) should be focussed on Bridgwater, Burnham on Sea and Highbridge on brownfield sites. This site is green field and in the countryside.</p> <p>The officers comment states that the units taken individually are not large and therefore can be considered as consistent with the policy. This is a completely unsafe and erroneous interpretation of the policy. The policy is clearly looking at proposed schemes not individual units, one cannot dissect a scheme, one has to assess the application proposal as submitted.</p> <p>The policy does allow for exceptions on greenfield sites, but only where they are identified in the Employment Land Review, where they are of national or regional significance. This site is not identified in the ELR, nor is the scheme of national or regional importance.</p> <p>The proposal is expected to provide between 80-100 jobs. D15 supports schemes which meet local demand. We have seen no assessment of demand, or evidence for such an amount of floor space.</p> <p>Having held a public meeting to discuss the proposal, it is considered that there is little if any local support, that the scheme is in the wrong place, and it is anyway too large and does not comply with an objective assessment of relevant policies.</p> <p>The Parish Council would ask that the application be refused.</p>
Cllr B Revans	No comment

Cllr for Huntspill Cllr S Aujia	The development is not needed in that location. It is evident that the proposed development will be to cater more for passing traffic rather than offering assistance to the village. Furthermore, given the close proximity to Dunball Services, this is yet another reason why this development is unnecessary. As you can see from the comments of many residents and the Parish Council, this proposal is not favoured by the residents of the village and serious consideration must be given by the Planning Committee
Somerset County Council - Civil Contingencies	No objection subject to a condition to complete and maintain a Flood Warning and Evacuation Plan for the site
Historic Environment Service - Archaeology, Somerset Heritage Centre	The site lies adjacent to the historic core of Pawlett and close to an area where Roman, Medieval and later finds have been recovered. Recommend a Written Scheme of Investigation condition
Environment Agency	No objection subject to a condition and an informative
Somerset Council - Ecologist	No objection subject to conditions and approval by NE of an HRA
Planning Policy	<p>The site is greenfield and is adjacent to the settlement of Pawlett (as defined by the Local Plan Policies Map). Pawlett is classed as a Tier 3 settlement (Local Plan Policy S2 'Spatial Strategy') and is therefore a relatively small and rural settlement that is expected to provide adequate but basic levels of key local services and facilities that are necessary to meet the needs of the community. The proposal is for commercial units (1072.9msq gross internal floorspace) and a retail convenience store (283.2msq gross internal floorspace).</p> <p>Local Plan Policy D15 ('Economic Prosperity') states that large-scale proposals (over 1,000msq of gross floor space) for research and development, light industry, general industry and distribution should be focused at Bridgwater, Burnham-on-Sea and Highbridge on brownfield sites. The proposed site is greenfield and at 1072.9msq, the proposed commercial units would technically be slightly above this threshold. The proposal is however for 5 small commercial units designed to provide small scale employment opportunities. Individually none of the units are considered to be large scale and the layout, design and size of units is consistent with the objectives of Policy D15.</p> <p>The Statement of Community Involvement suggests that the overall site is expected to provide employment in excess of 80-100 full and</p>

	<p>part time jobs for local residents (20 of which would relate to the convenience store). Policy D15 is supportive of proposals which provide or retain appropriate workspaces to meet local demand and increase self-containment, reduce the need to travel and are accessible by sustainable transport modes. We note that a letter of support has been provided from a local business which accounts for 6 full/part time jobs. Overall it is considered that the proposal to be compatible with Local Plan Policy D15.</p> <p>The proposal also includes provision for a convenience store. Local Plan Policy D35 ('Local Services') is supportive of proposals which provide or enhance community and cultural facilities in identified rural settlements where there is an identified need. There is no longer any convenience store provision within the village of Pawlett following the closure of the post office stores and no obvious opportunity to provide such a facility. We would support the principle of a convenience store on the basis that it would provide local services to Pawlett primarily as well as West Huntspill and would not be a destination in its own right</p> <p>We are therefore supportive of this proposal in principle.</p>
Somerset Waste Partnership	No comment received
Sustainable Drainage Systems (LLFA)	No objection subject to conditions
Sustrans	No comment received
Western Power Distribution (re: Planning)	No comment received
Economic Development	No comment received
Environmental Health - Somerset Council (Sedgemoor Area), Email Address Only	No objection subject to conditions
Somerset Highways	No objection subject to S106 for provision of works necessary for access, as well as cycle and pedestrian crossing, cycle and footway provision and travel plan and conditions.
Natural England	No objection subject to mitigation. Concur with the results of the submitted sHRA which should be adopted by the Council
Police - Crime Prevention (Bridgwater)	No objection

### Local representations:

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

68 representations have been received making the following comments (summarised), of these 42 are in favour, 23 against and 3 were neutral.

Material Planning Considerations
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<b>Objections</b>	<b>Officer Comment</b>
More consideration for road safety and access to the proposed site needs to be given. The A38/Old Main Road junction out of the village has very poor visibility and there are often parked cars which obstruct visibility	See under Highways section
Road safety audit has a number of partisan comments relating to visibility- cars approach from south do so at speeds in excess of 40mph on a blind crest	See under Highways section
Concerned about unaccompanied children using the shop as located in sight of existing children's area on village green	See under Highways section
Use of commercial units out of keeping with the village environment and atmosphere	See under Design, Visual Amenity and Landscape section
Would result in increased noise pollution and increased traffic in area due to B8 uses which block the Dunball and Edithmead roundabouts when M5 shut	See under Amenities and Highways section
Don't agree that the commercial units are needed here, lots of empty shops and units in Highbridge and Bridgwater, and industrial sites on the outskirts of Bridgwater	See Principle of Development section
It is a silly place for a shop	See Principle of Development section
Village had a post office and shop which closed due to the lack of footfall- is there a need with the shops down the road at Dunball services?	See Principle of Development section
Will result in more development on the site and the building of more housing in the village that we do not want, the facilities cannot cope with it	Each application is dealt with on its own merits and this application does not set a precedent.
Concern with additional traffic on the A38	See under Highways section
No infrastructure to cope with this plan	See Principle of Development section
Squeezing the wildlife out of existence	See under Ecology section
Will not improve or add anything to the village. We don't need a shop, will only impact on our quality of life	See Principle of Development section
Wrong side of A38 for elderly villagers that would use it	See under Highway section
It is the wrong side of the road and more than 7 mins walk from the centre of the village, people won't walk there and carry shopping back, no-one will use the pelican crossing	See under Highway section
Concerns with safety of children	See under Highway section
How can we stop houses being built of	This is an application for commercial units and

the land	will not set a precedent for any other form of development
How will maintenance of overgrown footpath on opposite side of road be dealt with, currently difficult to walk along	See under Highway section
Noise and lights will disturb the gardens opposite	See under Amenities section
A38 too difficult to cross even with a pedestrian crossing	See under Highway section
Will ruin a quiet village taking away the countryside	See Principle of Development section
Appropriate investigation should be done by an independent ecologist as much wildlife in the area	See under Ecology section
No information on how big these commercial units are	This is a full application, full plans are available to view on the website
Asda and Budgen have opened up shops just down the road	See Principle of Development section
Explosion of developments locally including housing estates and shops and traffic has increased 3 fold	See Principle of Development section
The previous village shop/post office was barely used and had to shut down having made losses	See Principle of Development section
Often near misses with cars accessing/egressing the garage sales forecourt and cars doing U turns the road is not safe	See under Highway section
The site is greenfield and is not appropriate where there are brownfield sites close by which are currently empty and to let	See Principle of Development section
Proposed shop is at the fringe of the village so not readily accessible to villagers	See under Highway section
Proposed development includes storage, distribution and industrial- these are better met elsewhere where there is better infrastructure to support them	See Principle of Development section
Who will upgrade the sewerage system and water supply?	See under Flood Risk and Drainage section
Numerous accidents on this stretch of the A38	See under Highway section
There is wasteland near junction 23 of the M5 where development could go	See Principle of Development section
<b>Support</b>	Officer comment
Good for local economy and support the villagers	Noted
Development is much needed in this area	Noted
People in the village will be able to walk	Noted



to the shop, the village has been missing a shop for a number of years	
People won't have to drive to get shopping	Noted
Will create jobs for local people	Noted
Good for business who are looking to expand	Noted
Providing there is a safe crossing in favour of development	Noted
Good for elderly residents of the village	Noted
Plot is relatively small compared with the huge industrial projects going ahead in Bridgwater and the benefits outweigh the negatives	Noted
Need to support the community to grow	Noted

#### Summary of objections - non planning matters

- Not enough involvement with villagers to ask their opinions at the Parish Council meeting
- Development would increase flood risk insurance in the area
- Local's campaigning on facebook to get support is not right
- The proposal does not support the Co-op's Climate Plan published April 2023 due to increased car journeys
- The population of Pawlett is wrong as set out in the application

#### Summary of support - non planning matters

- Nice to have a shop selling products that are competitively priced

### **Most Relevant Policies**

#### National Planning Policies

##### National Planning Policy Framework

Chapter 2: Achieving sustainable Development

Chapter 4: Decision making

Chapter 6: Building a strong, competitive economy

Chapter 9: Promoting sustainable transport

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

#### Local Plan (2011-2032)

S1- Presumption in Favour of Sustainable Development

S2- Spatial Strategy for Sedgemoor

CO1- Countryside

D1- Flood Risk and Surface Water Management

D2- Promoting High Quality and Inclusive Design

D14- Managing the Transport Impacts of Development

D15- Economic Prosperity

D19- Landscape

D20- Biodiversity and Geodiversity

D24- Pollution Impacts from Development

D25- Protecting Residential Amenity

D26- Historic Environment

D35- Local Services

## **Main Issues**

### **Principle of Development**

The site is a greenfield one and is adjacent to the settlement of Pawlett, which is defined as a Tier 3 settlement in Policy S2. Pawlett is a relatively small and rural settlement that is expected to provide adequate but basic levels of key services and facilities that are necessary to meet the needs of the community.

The site lies close to the settlement boundary of Pawlett, but outside it and is thus within open countryside. Policy CO1 states that development will be supported where it accords with other relevant policies contained in the Local Plan that provide for development in the countryside to enhance or maintain the vitality of rural communities and support a prosperous rural economy. In this case, since the development is a retail and commercial one, it falls to be considered by policies D15 and D35 of the local plan.

Policy D15 states that large scale proposals (defined as over 1,000 sq m of gross floor space) for R&D, light industry, general industry and distribution should be focussed at Bridgwater, Burnham-on-Sea and Highbridge on brownfield sites. The proposed commercial element of the site (Use Classes E (a,b,c), B2 and B8, office services, general industrial and storage and distribution) would at 1202.3 sq m GEA be slightly above this threshold. The proposal is for 5 small commercial units designed to provide small scale employment opportunities. Individually none of the units are considered to be large scale and as such the size of the units is consistent with the objectives of Policy D15.

The proposal also includes the provision of a convenience store. Policy D35 is supportive of proposals which provide or enhance community facilities in identified rural settlements where there is an identified need. There is no longer any convenience shop in Pawlett following the closure of the post office stores, and there are no current opportunities to provide a convenience store within the village itself whilst the nearest provision is not within convenient walking or cycling distance being at Dunball services. As such, it is considered that the proposed store, with the addition of suitable crossing points and improved pedestrian and cycle facilities (see under Highway Issues below) is well related to the village and accessible by walking and cycling.

Whilst concerns have been raised that the development could be situated in another location, each application has to be dealt with on its own merits and as set out above, is policy compliant with Policies CO1, D15 and D25. All these policies support economic development that is well located to existing settlements. The units are in themselves small and would be a different form of development to large logistics warehousing. The application is a full one, so anything apart from minor changes, if the application is approved, would need a further planning application submitted.

Given the above, it is considered that the proposal is acceptable in principle subject to the detailed assessment set out below.

### **Design, Visual Amenity and Landscape**

Policy D19 states that proposals should ensure that they have no significant adverse impact on the local landscape character or any distinctive landscape features. Policy D2 states that development will need to demonstrate how it maximises the design principle of high quality design that responds positively to and reflects local characteristics of the site and the identity of the surrounding area.

There are no landscape designations in the area, which is relatively flat with the land on site dropping away gently to the north, with wider views to the north and west but curtailed to the south and east by the topography and the village of Pawlett itself.

The proposed development sits on the southern portion of the site, nearest to the A38. The development itself does not extend any further into the countryside than residential gardens of large properties to the north-west and caravans at the rear of the garage, where there was a hedgerow that was removed in 2016. Opposite the site lies properties within Pawlett, with their rear gardens facing the A38. The proposals will therefore not extend development unduly into the open countryside, with the rear (northern) section of the site maintained as open with further landscaping, ecological mitigation and a drainage attenuation pond. Existing hedgerows are proposed to be retained, with the exception of that required to be removed on the frontage for the access and the visibility splays. The existing hedgerow between the two fields is proposed to be retained and planting supplemented. Whilst the site slopes northwards, there will be views of the site from the surrounding fields, however, there are no nearby footpaths where the site could be seen (the nearest footpaths are in the village of Pawlett itself), nor are there any residential properties apart from North Farm to the south-east, which have some views of the site, although these will be somewhat mitigated by the retention of the existing hedges and trees here as well as the tree planting proposed on the southern most corner of the site. The site will be visible from drivers on the A38, but will read as an extension of the village, due to its location opposite the main body of the village and the adjacent garage and nearby dwellings along the eastern side of the A38. A condition requiring a detailed landscaping scheme is recommended.

The village of Pawlett is typical of the area with a small core of older buildings and more suburban development of detached houses around this. There is no one strong vernacular in the village, apart from the use of pitched roofs, which the design of the proposed units seeks to emulate. The use of dark, horizontal timber boarding is reminiscent of old agricultural barns, with pitched roofs and tiling in either red or brown. The elevations of the units are broken up visually by the palette of materials including horizontal timber boarding, red brick and the use, in limited places of green zinc panelling. All units are proposed to have pitched roofs. As such, the design and the colour of the materials used will not stand out unduly in the streetscene or the wider landscape, especially since dark, natural colours are visually recessive, especially when combined with the proposed landscaping which includes substantial amounts of tree planting and retention of much of the existing hedgerows. Samples of the materials proposed are recommended by condition to ensure quality of design.

Subject to the addition of the proposed conditions, the impacts of the development on the visual amenity and landscape of the area are considered acceptable and in accordance with Policies D19 and D2 of the Local Plan

### Amenities

Policy D24 states that development proposals that are likely to result in pollution that would be unacceptably harmful to other land uses or human health will not be supported. Policy

D25 states that development proposals that would result in unacceptable impacts upon the residential amenity of occupants of nearby dwellings will not be supported.

The nearest residential properties are to the rear of The Elms garage which are approx. 20m from the rear of the proposed convenience store and properties to the opposite side of the road, which have their rear gardens facing the A38 with substantial fencing, area between 58m and 64m from the proposals. No. 20 Bristol Road, to the north of The Elms garage is approx.. 40m from the proposed convenience store. The nearest property at North Farm to the south is approx.. 40m from the proposed buildings. There will be no overlooking or loss of privacy as a result of the proposals on nearby residential properties due to the distances involved and the fact that the residential properties to the rear of The Elms garage are several metres higher than the existing site.

Whilst it is unlikely that residential occupiers further away from the site will be affected by the proposals, residential development to rear of The Elms garage are closer and as such, the Environmental Health officer has recommended a condition controlling external lighting on site, and a commercial noise condition restricting the noise levels to when calculated at the nearest noise sensitive dwelling over and above pre-existing background noise levels.

The applicant has suggested opening and delivery times of 0630 hours to 2300 hours however, given the location of the residential accommodation at the rear of The Elms, this is proposed to be controlled by a recommended condition from 0700 hours to 2300 hours.

Whilst concerns have been raised by local residents regarding excess traffic noise, the site lies adjacent to the A38, which is already a busy road and given the highway assessment below, the traffic impact of the proposals are not considered excessive and no objection has been raised by the Highway Officer on these grounds.

The proposal is therefore considered to be acceptable in terms of effects on residential amenity, subject to the recommended conditions set out in this report.

### Highway Issues

Policy D14 of the Local Plan states that development proposal should ensure provision is made for inclusive, safe, and convenient access for pedestrians, people with disabilities and cyclists, ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not compromise the safety or function of the local or strategic road networks in term of volume and type of traffic generated and comprehensively address the transport impact of development and contribute to the delivery of necessary transport infrastructure.

The proposed seeks to provide a new access with a 6.2m carriageway of bell-mouth design, which also includes a ghost right lane from the south, a signalised pedestrian and cycle crossing, a shared cycleway and footway linking the crossing to Old Main Road and a missing link of footway from Manor Road on the A38 frontage at the junction near Manor Park. There are 15 parking spaces proposed for the convenience store, 19 for units 1, 2 and 3, and 10 for units 4a, 4b and 5, these also include disabled spaces.

The Highway Officer is satisfied that the proposed access is acceptable with the proposed infrastructure, and is satisfied that the parking meets the Somerset Parking Strategy standard, subject to a S106 agreement to ensure provision of the proposed infrastructure and the travel plan. Conditions are also recommended to ensure the access and highway infrastructure is in place before operation of the proposed units as well as a construction

management plan.

The Highway Officer has commented that there is a roadside ditch running at the boundary edge of the A38 on the western side of the road which collects surface water run off, and as such has recommended that this be culverted as part of the works and included in the S106 heads of terms.

Whilst it is acknowledged that concerns have been raised regarding the highway implications of the proposal, the highway officer is satisfied that with the proposals subject to the provision of the highway infrastructure and as such the proposal is in accordance with Policy D14.

### Ecology

Policy D20 states that development proposals should contribute to maintaining and where appropriate enhancing biodiversity, as well as ensuring the protection of internationally and nationally designed sites as well as local sites and retains or enhances features such as watercourses, hedgerows and trees. Development should make appropriate positive provision for wildlife through habitat creation.

The application was submitted before the requirement of biodiversity net gain.

The site consists of a field with neutral grassland in poor condition with discrete areas of shrub associated with mature and unmanaged boundary hedgerows. The southern boundary hedgerow (facing the A38) was reduced in height and width in 2023. The site was found to support key habitat for badgers, foraging and commuting bats, widespread amphibian and reptile species and birds. Some of the native hedgerows are species rich, however the hedgerow to the southern boundary has been cut to a height of 1m and is considered to be in moderate condition.

The Preliminary Ecological report states that precautionary habitat clearance will be conducted for amphibians and reptiles, as well as for nesting birds outside the bird nesting season. The scheme seeks to retain and reinstate the network of hedgerows around the periphery of the site as far as possible, and to mitigation for the loss of 90m of hedgerow on the southern boundary to provide access.

The northern section of the site will be subject to the creation of an attenuation basin, additional soft landscaping and habitat management. Proposed habitats include native fruiting shrub and tree planting, new mixed native shrub and planting and hazel coppice and 0.24km of new, species rich hedgerow planting which will comprise a mix of native species.

The Council's Ecologist has recommended conditions including the submission of a landscape, and ecological management plan (LEMP), details of a lighting strategy for bat populations using the site, and a construction environmental management plan, and a further survey for badger setts following vegetative clearance and the implementation of the mitigation set out in the preliminary ecological appraisal.

The proposed development, due to its location requires the provision of an appropriate assessment under Regulation 63 of the Habitat Regulations 2017 due to the potential to disturb Barbastelle and Bechstein's bats commuting to and from the Exmoor and Quantocks Oak Woodlands SAC.

The sHRA is the subject to another report on this agenda. Natural England have agreed to the sHRA subject to the mitigation proposed.

Subject to the proposed mitigation, and the recommended conditions, it is considered that the ecological impact of the proposals are acceptable and in accordance with Policy D20.

### Flood Risk and Drainage

Policy D2 seeks to ensure that proposals reduce flood risk overall with the use of sustainable drainage systems which is expected for all major development, even in flood zone 1.

The majority of the site lies in Flood zone 1, with a small portion of the northern part of the site clips Flood Zone 2, however the area proposed to be developed is in Flood Zone 1, therefore the sequential test is deemed to be passed.

The surface water drainage proposals include an attenuation basin in the northern part of the site. The small ditch on the northern boundary of the site is proposed to be retained. The Internal Drainage Board, the EA and the LLFA are satisfied with the proposals, subject to recommended conditions.

Foul drainage is proposed to link to the existing Wessex Water sewer within the A38.

Subject to the addition of recommended conditions, the flood risk and drainage implications of the proposal are acceptable, and in accordance with Policy D2.

### Heritage

Policy D26 states that where proposals will affect area of archaeological importance, a sufficiently detailed assessment of the nature, character and importance of the site will be sought prior to determination. A proportionate response will be taken to the detail of the assessment required.

The site lies adjacent to the historic core of Pawlett and close to an area where Roman, medieval and later finds have been recovered. As such, the Council Archaeologist has recommended a condition to secure a programme of archaeological work in accordance with a written scheme of investigation.

The site lies 118m from the historic church in Pawlett and as such there will be no impact on the heritage asset of the church as a result of the proposals.

### Conclusion

Grant permission subject to a S106 agreement and recommended conditions.

## **RECOMMENDATION**

### **GRANT PERMISSION**

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development hereby permitted shall be carried out in accordance with the

approved plans listed in schedule A.

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

- 3 The development hereby approved shall for uses restricted to Class(es) E(a,b,c), B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: To ensure the reasonable residential amenities of surrounding properties

- 4 Samples of the roofing materials and of the materials to be used in the construction of the external walls and roofs shall be submitted to and approved in writing by the local planning authority before the relevant part of the development are commenced.

Reason: In the interests of visual amenity.

- 5 The hours of operation including deliveries shall be limited to 0700 hours to 2300 hours.

Reason: To safeguard local residents from noise and disturbance during unsocial hours.

- 6 All external lighting shall only directly illuminate the application site and shall be fully adjustable and shall be maintained as such thereafter.

Reason: To prevent excessive lighting and protect the residential amenity of nearby occupiers.

- 7 The rating level of any sound as part of this development (as defined within BS4142:2014+A1:2019 or subsequent amended versions), shall not exceed the prevailing background noise level at any time, when measured or calculated at the boundary of any noise sensitive dwelling. The assessment method used shall be in accordance with British Standard "BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To prevent excessive noise and protect the residential amenity of neighbouring occupiers.

- 8 Prior to first occupation, plans showing the parking and turning areas catering for all vehicles reasonably associated with the site and electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided, marked out and consolidated prior to first occupation and maintained thereafter specifically for vehicles in connection with the development hereby permitted.  
Reason: In the interests of highway safety

- 9 The development hereby permitted must not be utilised until a scheme showing precise details of the proposed cycle parking/storage facilities is submitted to the Local Planning Authority and approved in writing. Once approved, any such scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.  
Reason: For the implementation of sustainable transport

- 10 No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development. The delivery and servicing plan shall include:
- a) The contact details of a suitably qualified co-ordinator;
  - b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway;
  - c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;
- Reason: In the interests of highway safety

- 11 A Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of construction works. The content of the LEMP will include the following.
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) On-going monitoring (including bat surveys over a minimum 5 year period) and remedial measures where habitat creation measures are failing.
- The LEMP will also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan will also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

- 12 Prior to commencement, a Lighting Strategy for Biodiversity following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023) will be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) Identify areas/features of the site that are sensitive for barbastelle bats, other bat species, and other light sensitive species and that are likely to cause disturbance in or around resting places and areas potentially used for foraging, commuting and/or roosting and nesting.
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. This shall include measures to reduce impacts to the distribution of invertebrate prey throughout



the site through concentric zonation buffer zones.

c) Include all exterior lighting, including amenity and/or security lighting where necessary. Shields and other methods of reducing light spill as outlined in Step 4 of Guidance Note 08/23 will be used where necessary to achieve the required light levels.

d) Review the potential for light spill from internal lighting and include mitigation measures such as the installation of physical barriers, recessed internal luminaires, light limiting glazing where internal lighting has the potential to cause light spill onto sensitive habitats.

e) Include no lighting or red lamps on any foot or cycle connection between the built development and the A38.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

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

13 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

14 The approved development shall only be carried out in accordance with the approved documents:

-Shadow Habitats Regulations Assessment (sHRA): Clarkson and Woods (21/12/2023).

-Landscape Layout: THE LANDSCAPE PRACTICE, 683/01 P8 (May 2023).

-Mitigation and Planting: THE LANDSCAPE PRACTICE, 683/02 P5 (2 June 2023).

-Illustrative Sections Sheet 1: THE LANDSCAPE PRACTICE, 683/GS01 P3 (13 July 2023).

-Illustrative Sections Sheet 1: THE LANDSCAPE PRACTICE, 683/GS02 P3 (2 May 2023).

-Landscape Statement: THE LANDSCAPE PRACTICE, 683LS01 Rev P4, (5 July 2023)

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

- 15 Biodiversity Enhancement, Mitigation and Monitoring Plan (BEMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development and shall include:
- a) The design and management of the northern area of the site will include provisions to restore the condition towards the UKBAP Priority Habitat – Coastal and Floodplain Grazing Marsh (e.g., sympathetic species selection, creation of structural diversity, specific management prescriptions of the ditch where ownership/permission do not conflict). Guidance on these practices can be found here: Coastal and floodplain grazing marsh - Buglife.
  - b) Installation/construction of deadwood log refugia piles as a shelter for reptiles, invertebrates, amphibians and small mammals delivered in the northern part of the site. Advice can be found here: Log Piles for Wildlife | Garden Advice - The RSPB.
  - c) At least ten integrated bird boxes will be installed within the fabric of new buildings, in accordance with BS 42021:2022 (Integral nest boxes – Selection and installation for new developments – Specification). Woodcrete or WoodStone boxes should be used where possible due to increased durability and thermal stability and will include features such as a house sparrow terrace, an open-fronted nest box, and swift terrace.
  - d) At least 10 bee bricks installed appropriately to the southern or western elevation of the new buildings.
  - e) Provision of 2 bat roosts suitable for barbastelle bats, appropriately designed for the safe use of such feature by this species and sensitively located.
- Photographs of the installed features will be submitted to and be approved in writing by the Local Planning Authority prior to first use of the development (where applicable).

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

- 16 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 and/or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required, a copy will be submitted to the Local Planning Authority prior to works commencing that has the potential to affect badgers or their habitat.

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

17 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.

Reason: To ensure the development is properly drained in accordance with the NPPF.

18 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

19 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2023 from JRC consulting, the updated drawing 1797/0501-Rev P4 dated 01/07/2024 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by all rainfall critical storm up to and including the 1 in 100 year plus climate change
2. Provision of surface water attenuation pond on site to attenuate the runoff from the site to 1.2 l/s from impermeable area.

Reason:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring restriction of surface water from the site

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 investigation, 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: In the interests of the assessment of the archaeology on site.

## **Schedule A**

Location Plan Drg No. PP-12363472v1

Site Survey (Sheet 1 of 2) Drg No. PAW\_01 Rev A

Site Survey (Sheet 2 of 2) Drg No. PAW\_02

Site Masterplan Drg No. 22.151\_00\_003\_Y  
Topographical Survey Drg No. 22.151\_00\_004\_A  
Proposed Ground Floor Drg No. 22.151\_01\_002\_C  
Proposed Elevations 1 of 2 Drg No. 22.151\_01\_004\_J  
Proposed Elevations 2 of 2 Drg No. 22.151\_01\_005\_G  
Proposed Roof Plan Drg No. 22.151\_01\_003\_C  
Proposed Floor Plans (Units 1& 2) Drg No. 22.151\_02\_001\_A  
Proposed Roof Plan (Units 1 & 2) Drg No. 22.151\_02\_002\_A  
Proposed Elevations (Units 1 & 2) Drg No. 00.151\_02\_003\_A  
Proposed Floor & Roof Plan (Unit 3) Drg No. 22.151\_03\_001\_A  
Proposed Elevations (Unit 3) Drg No. 22.151\_03\_002\_A  
Proposed Floor Plans (Unit 4) Drg NO. 22.151\_04\_001\_A  
Proposed Roof Plan (Unit 4) Drg No. 22.151\_04\_003\_A  
Proposed Elevations 1 of 2 (Unit 4) Drg No. 22.151\_04\_003\_A  
Proposed Elevations 2 of 2 (Unit 4) Drg No. 22.151\_04\_004\_A  
Proposed Floors & Roof Plan (Unit 5) Drg No. 22.151\_05\_001\_A  
Proposed Elevations 1 of 2 (Unit 5) Drg No. 22.151\_05\_002\_A  
Proposed Elevations 2 of 2 (Unit 5) Drg No. 22.151\_05\_003\_A  
Tree Constraints (Plan 1 of 2) Drg No. 1426-TCP-MU  
Tree Constraints (Plan 2 of 2) Drg No. 1426-TCP-MU  
Existing Highways Levels/Layout Drg No. 23.104/002 Rev B  
S278 Highways Layout Plan & Frontage Works Drg No. 23.104/001 Rev D  
Highway Construction Details (Adoptable Standard) Drg No. 0750 Rev. P2  
Private Highway Construction Details Drg No. 0755 Rev. P2  
S278 South Junction Visibility Drg No. 23.104/008 Rev B  
Highway Long Sections Drg No. 0725 Rev P2  
Long Section Plan Drg No. 23.104/004 Rev A  
Long Section Plan Drg No. 23.105/005 Rev B  
Vehicle Swept Paths (Articulated HGV) Drg No. 23.104/006 Rev B  
Vehicle Swept Paths (Rigid HGV) Drg No. 23.104/007 Rev B  
Impermeable Area Plan Drg No. 0120 Rev P3  
Proposed Drainage Strategy Drg No. 0500 Rev. P3  
Proposed Drainage Strategy Drg No. 0501 Rev. P3  
Proposed Surfacing Specification Drg No. 0720 Rev P2  
Landscape Layout Drg No. 683/01 Rev P13  
Migitation & Planting Plan Drg No. 683/02 P8  
Illustrative Sections Sheet 1 Drg No. 683/GS01 Rev P5  
Illustrative Sections Sheet 2 Drg No. 683/GS02 Rev P5  
Pond Section Detail Drg No. 0550 Rev. P1  
Section 278 Access Works Plan Drg No. 0770 Rev. P4  
Section 278 Existing Site Levels Drg No. 0780 Rev. P1  
Section 278 Proposed Highway Levels Drg No. 0785 Rev. P2  
Section 278 Road Sections Sheet 2 Drg No. 0776 Rev. P1  
Section 278 Road Sections Sheet 2 Drg No. 0776 Rev. P1 (COL)  
Section 278 Vehicular Swept Path Analysis Plan Sheet 1 Drg No. 0795 Rev. P1  
Section 278 Vehicular Swept Path Analysis Plan Sheet 2 Drg No. 0796 Rev. P1  
Section 278 Vehicular Swept Path Analysis Plan Sheet 3 Drg No. 0797 Rev. P1  
Section 278 Vehicular Swept Path Analysis Plan Sheet 4 Drg No. 0798 Rev. P1  
Section 278 Vehicular Swept Path Analysis Plan Sheet 5 Drg No. 0799 Rev. TA1  
Section 278 Visibilities Plan Drg No. 0790 Rev. P2

## DECISION

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