

Cheddar 17/22/00048/EC registered 18/10/22
Expiry Date: 12/12/2022
(Full Planning Permission)

Proposal: **Erection of 1no. dwelling on site of existing stable block (to be demolished). at Land West Of, Wedmore Road, Cheddar, Somerset, BS27 for Mr D Fear**



Reason for Referral to committee

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

Background

The application site lies to the south west of the settlement boundary for the tier 1 settlement of Cheddar. There is an existing access to the site from Wedmore Road and it is proposed to improve the access and visibility. There is currently a stable block which it is proposed would be removed to facilitate the development.

Permission is sought for the erection of a single 1.5 storey self build dwelling with a render finish to the elevations with coining detail, and a timber veranda area. The details of the roof and fenestration finish is to be confirmed and would need to be secured by way of condition.

Relevant History

None

Supporting information supplied by the applicant

Bat survey

Consultation Responses

Cheddar Parish Council_ – Object

Cheddar Parish Council object to this application on the grounds that it is outside the village development boundary, it exits onto a busy road with no pavement and that there appears to be no arrangements for drainage

Natural England – No objection

Unlikely to have a significant adverse impact on designated sites. The species recommendations set out at section 4.5 of the bat scoping survey should be followed, in particular with regard to external lighting. We welcome the proposals for Biodiversity Net Gain.

South West Heritage Trust – Confirmed no comment

Somerset Wildlife Trust – comment

We have noted the above mentioned Planning Application as well as the supporting Bat Scoping Survey provided by Crossman Associates. We would fully support the recommendations for Mitigation and Enhancement which must be included in the Planning Conditions if it is decided to grant Planning Permission

Somerset Drainage Board Consortium – Standing Advice

Somerset County Ecology – No objection. Recommend conditions and informatives.

Conditions recommended are for a lighting design for bats, protection of retained hedgerows and trees during construction, glazing to be of a type to prevent light spillage, and enhancements to include the planting of a wild flower meadow and sparrow boxes. Informatives reminding the applicant of the protection afforded to nesting birds, bats and badgers is also recommended.

Somerset County Highways_ – Comments

Initially raised an objection to the proposal on the following grounds:

- Red line did not extend to the highway
- Visibility splays were not shown
- Access needed to be 3m in width, consolidated for first 6m and gates set back.

Amended plans were received and consulted on. The following comments were then received:

- Lack of supporting comments
- The visibility splay is drawn incorrectly, it should be drawn to the nearside (development side) to the edge of the carriageway from 2.4m in the centre of the access. It has been drawn to the opposite side of the carriageway.
- The access should be consolidated for the first 6m and a minimum of 3m wide from the edge of the adopted public highway. This still isn't shown on the plans.
- Any gates should be set back 6m, this hasn't been shown on the plans.
- Clarification is required on the number of parking spaces provided and whether electric vehicle charging points will be included as well as cycle parking. They have shown an area for parking and turning but it is unclear how many vehicles this can accommodate and whether turning is possible when these vehicles are parked. It is essential that vehicles can turn on site and leave in a forward gear to join the adopted highway at this location.

A further revised plan that seeks to address the above concerns was provided and consulted on and the following comments received (27/03/2023)

Towards Cheddar, the hedge should be set back as it has been on the other side of the access. The traffic leaving the 30mph speed limit out of Cheddar will be increasing speed. The visibility splays should be extended back beyond the 30mph speed limit signs to the corner to maximise the visibility from the access. This will require setting back the hedge.

Representations

1 x objection

Outside of development boundary

Windows will overlook orchard and neighbouring property, Steart Cottage

Most Relevant Policies

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

National Planning Policies

National Planning Policy Framework

Sedgemoor Local Plan (2011-2032)

S2 Spatial Strategy

D2 Promoting High Quality and Inclusive Design

D9 Self-build and Custom Build Homes

D14 Managing the Transport Impacts of Development

D19 Landscape

D20 Biodiversity and geodiversity

D25 Protecting Residential Amenity

Cheddar Neighbourhood Plan

Main Issues

Principle

The application site lies outside of the settlement boundary for Cheddar and therefore is within the countryside for the purposes of determining planning policy. Policy S2 Sedgemoor Local Plan 2011-2032 sets out the spatial strategy for the district and seeks to encourage the most sustainable form of growth by encouraging development within the most sustainable locations in the first instance. In accordance with this approach, and reflecting the environmental and landscape constraints, more limited local services, and fewer opportunities for sustainable transport policy the Local Plan seeks to appropriately control development with the countryside. New residential development is therefore not generally supported unless exception policies apply.

One such policy is policy D9, Policy D9 sets out support for self-build and custom build homes that are outside but well related to the settlement boundary of tier 1 to 4 settlements. The application site lies to the south west of the settlement boundary for the tier 1 settlement of Cheddar however since that was drawn reserved matters application 17/22/00002 for the approval of the details of appearance, landscaping, layout and scale, for 58 dwellings (Use Class C3), along with associated open space and landscaping has been granted and works are underway on site. This is a material consideration in terms of an assessment of the relationship between the application site and the built up area of the settlement.

Whilst there is a gap to Steart cottages to the north there is nevertheless a pattern of frontage development to the north of the site along the west side of the B3151. Steart House is also more or less opposite where the proposed dwelling is to be sited located within the red line boundary.

The lack of footpath provision weighs against the site being well related. However the lack of footpaths is a similar situation to the properties to the north (which fall within the settlement boundary). Also looking at the adoptable highway plan for the steart farm site this looks into include new footpath provision on the east side of wedmore road. When implemented this would significantly improve the connectivity of the application site to the rest of the village.

Taking the above considerations into account we would therefore consider that the proposal is sufficiently well related to the settlement for the principle locational requirements to be met.

The applicant has during the course of the application registered on the self build register and confirmed that they intend to occupy the dwelling themselves. Further information and clarification has been requested to confirm that they have been fully involved in the design process and a supporting statement to this effect has been received. As an application coming forward as well related to the settlement boundary of a tier 1 settlement, it is not necessary to demonstrate a local connection to the parish. A condition would be applied to any consent to ensure that the development is brought forward as a self build and that the applicant is the first occupier.

For the reasons set out above, the proposed development is considered to comply with the requirements of policy D9 Sedgemoor Local Plan 2011-2032.

Size, scale and design

The proposal will see the erection of a 1.5 storey self build dwelling with a render finish to the elevations with coining detail, and a timber veranda area. The details of the roof and fenestration finish are to be confirmed and would need to be secured by way of condition. The siting of the proposed dwelling is such that the dwelling is set back into the north western corner of the site looking out onto the remainder of the site. The dwelling is to measure 6.3m to ridge and 3.06m to eaves. The dormer detailing to serve the first floor which gives rise to a more modest design appropriate with the rural setting and complements the full length glazed gable. The dwelling will overall provide an open plan living area, bedroom and bathroom at ground floor and two further rooms at first floor.

A condition to secure detail of the materials is considered necessary and subject to the same, the proposed size scale and design is considered to provide an acceptable solution to the site and comply with the requirements of policy D2 Sedgemoor Local Plan 2011-2032.

Residential Amenity

Concern has been raised regarding overlooking to the dwelling to the north. There is an intervening orchard space, understood to be within the ownership of the neighbouring property and the separation distance between the proposed dwelling and the boundary for Steart Cottage is circa 77m. As such, notwithstanding any screening provided by the orchard it is not considered) elevation are three windows at first floor, the majority of the openings are directed to within the site itself. The dwellings itself is of an acceptable size and scale and will have a generous degree of amenity space. As such, the proposed development complies with the requirements of policy D25 Sedgemoor Local Plan 2011-2032.

Highways, Access and Parking

Somerset County Highways had initially raised concerns over the access and parking. A revised plan has since been provided that has set out the visibility splays and demonstrates that there is sufficient scope for parking and turning within the site as well as an EV charging point. The access is to measure a sufficient width with access gates set back 7m from the access to the highway allowing sufficient space for vehicles to leave the highway and prevent any obstruction from stopped/queueing vehicles. Highways have been re-consulted and comments chased. In the absence of any further comments and given that the revised plan addresses the concerns raised it is assumed that the highways comments have been sufficiently addressed. A condition will be applied to ensure that the area shown allocated for parking and the visibility splays shown are delivered prior to first occupation. Subject to such a condition it is not considered that the proposed development would give rise to any unacceptable impact in terms of highway safety and the proposal is considered to comply with the requirements of policy D14 Sedgemoor Local plan 2011-2032.

Ecology

The site is bounded by hedgerow and lies within Band A of the Bat Consultation Zone for the North Somerset and Mendip Bats Special Area of Conservation (SAC) Consultation Zone for greater horseshoe bats. The North Somerset and Mendip Bats Special Area of Conservation (SAC) is designated as a site of international significance for bats and is designated for several important hibernation lesser horseshoe bats and hibernation and maternity roost sites for greater horseshoe bats as well as semi-natural dry grasslands and scrubland facies on calcareous substrates

and Tilio-Acerion forests of slopes, scree, and ravines. The SAC also comprises Sites of Special Scientific Importance (SSSIs) of which the following lies close by: The Cheddar Complex SSSI lies approximately 1.5 km to the north-east of the site and is designated for a wide range of semi-natural habitats, which include unimproved grassland, calcareous heath, semi-natural broad-leaved woodland, and dense and scattered scrub.

The application is supported by a scoping survey (29 September 2022, Crossman Associates) which found no droppings, staining, feeding remains or actual bats observed. The survey concluded that the site does not contain any significant roosting opportunities for horseshoe bats and the site within the wider context is not considered to provide greater horseshoe bats with a significant foraging or commuting site. However, the immediate surroundings are predominantly of rural and un-lit farmland and SES confirm that such an area would provide bats with good foraging opportunities whilst the native boundary hedges which provide potential habitat for hedgehogs. The survey found no evidence of birds nesting within the site.

Having reviewed the survey, SES confirm that the proposed development is highly unlikely to have an effect on horseshoe bats and therefore a Habitats Regulations Assessment (HRA) is not required. They suggested however a series of conditions to secure a lighting design for bats, anti glare glazing, the protection of retained hedgerows and trees from damage during construction together with the planting of a habitat enhancement area as suggested within the supporting Survey and sparrow boxes. Informatives will also be added to remind the applicant of the protection afforded to nesting birds, badgers and bats. Subject to the same, the proposal is considered to comply adequately with the requirements of Sedgemoor Local Plan 2011-2032.

Landscape

The site lies within the countryside and is bounded by existing hedgerows. It is considered necessary, given the open and rural location of the site, together with the intended ecological enhancements to secure a detailed landscape plan prior to construction. Subject to such a condition, the proposed development is considered to comply with the requirements of policies D2, D19 and D20 Sedgemoor Local Plan 2011-2032.

Conclusion

The application site is located outside of any defined settlement boundary as set out in Sedgemoor Local Plan 2011-2032 and is therefore located within the countryside for the purpose of planning policy, where development is appropriately controlled. The principle of the development meets the requirements of exception policy D9.

Subject to conditions, the proposed development is recommended for approval.

RECOMMENDATION

GRANT PERMISSION

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

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

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

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

- 3 The dwelling hereby permitted shall be planned, built and first occupied in an accordance with the definition of “self-build and custom housebuilding” as defined in the Self-build and Custom Housebuilding Act 2015 (as amended). The dwelling hereby permitted shall be first occupied by the applicant, Mr D Fear, as their sole or main residence.

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 policy D9.

- 4 Before the dwelling hereby approved is first occupied, the proposed parking provision as shown on approved Splay Diagram Drg No. 22-180-009 Rev A shall be provided with the parking area available for use. The parking area shall thereafter be maintained at all times. This parking area shall be used only for the parking of vehicles.

Reason: in the interest of highway safety in accordance with Policy D14 of the Local Plan.

- 5 Prior to first occupation of the dwelling hereby permitted, the visibility splays as shown on approved drg no. 22-180-009 Rev A shall be delivered with no obstruction to visibility over 600mm with the visibility splays shown. Thereafter the splays shall be maintained and retained.

Reason: In the interest of highway safety and in accordance with policy D14

- 6 Prior to the construction above damp course level, a lighting design shall be submitted to, and approved in writing by the Local Planning Authority.

The design shall follow guidance note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018). The design shall show how and where external lighting, including any amenity and security lighting, will be installed, including through the provision of technical specifications so that it can be clearly demonstrated that areas to be lit or affected by light spill will not disturb or prevent bats using their territory, and details of how glare from internal lighting is to be mitigated through materials such as anti-glare glazing. All large, glazed areas on the south-western and north-eastern elevations of the dwelling will be of glazing that limits light spillage so that light levels do not adversely disturb bats and other species using their territory or having access to resting places. For the avoidance of doubt, the design will be expected to accord with Step 5 of the Guidany Note 08/18 including submission of contour plans illustrating Lux levels. Lux levels shall be below 0.5 lux on identified potential bat commuting routes and retained or compensatory bat roosts. 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. No external lighting other than the approved 'lighting design for bats' shall be installed without prior consent from the Local Planning Authority

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European protected species, and to prevent any unacceptable adverse impacts from light pollution on the the dark skies of the countryside; in accordance with policies D19, D20, and D24 of the Sedgemoor Local Plan 2011-2032.

- 7 Prior to commencement of the development hereby approved, a detailed landscape plan shall be provided that shall include details of the hedgerows and trees to be retained, The plan shall detail the root protection areas (RPA). Temporary fencing shall be erected in line with the RPA's prior to commencement of work on site and no materials, fires lit, liquids tipped, rubbish dumped or plant stored within the defined root protection areas. No underground services shall be located within the RPA's without the prior written consent of the LPA. The temporary fencing shall be retained for the duration of the works and shall not be altered or realigned without the prior approval in writing of the LPA.

The landscape plan shall include a habitat enhancement area of wildflower

meadow and orchard trees accessible to Greater Horseshoe bats. The replacement habitat shall be as described in 4.21 - 4.28 of the Crossman Associates Bat Survey 2022.

A detailed scaled drawing which identifies the proposed green infrastructure and includes a plant schedule and planting specification. The planting schedule shall detail the proposed species, quantities, stock sizes, planting densities and spacings and the planting shall be implemented no later than the end of the first planting season following first occupation of the dwelling hereby permitted. All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity and to ensure that the application site remains appropriately landscaped in accordance with policy accordance with Sedgemoor District Council Local Plan: Policies D19 Landscape and D20 Biodiversity and Geodiversity.

- 8 Prior to first occupation of the dwelling hereby permitted, the following biodiversity enhancement measures shall be erected at the site:

Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the either the northerly or easterly elevations, as described in 4.18. - 4.20. of Crossman Associates Bat Survey (2022).

The measures set out above shall thereafter be maintained and retained at all times.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework and policy D20 Sedgemoor Local Plan 2011-2032

- 9 No development shall take place above damp proof course level until samples of the materials to be used on the external surfaces of the building hereby approved, to include windows, doors, walls and roof, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

Reason: In the interests of visual amenity in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D2.

Schedule A

Location Plan Drg No. 22-180-005 Rev 0

Block Plan Drg No. 21-138-006 Rev 0

Existing Site Plan Drg No. 22-180-008 Rev 0

Existing Elevations and Layout Drg No. 22-180-001

Proposed Site Plan Drg No. 22-180-007

Proposed Layout Drg No. 22-180-003

Proposed First Floor Area Drg No. 22-180-004

Proposed Elevations Drg No. 22-180-002

Splay Diagram Drg No. 22-180-009 Rev A