



Democratic Services  
Sedgemoor District Council  
Bridgwater House  
King Square  
Bridgwater  
Somerset, TA6 3AR

**MEETING OF DEVELOPMENT COMMITTEE – REVISED AGENDA**  
**on Thursday 21 July 2022 commencing 9.30am, to be held at the Canalside Centre, Marsh Lane, Huntworth, Bridgwater, TA6 6LQ**

**YOU ARE REQUESTED TO NOTE THE CHANGE OF DAY AND ARRANGEMENTS THAT APPLY FOR PUBLIC SPEAKING FOR THIS MEETING.**

**To: Members of the Development Committee**

COUNCILLORS	
B Filmer (Chairman)	
T Grimes (Deputy Chairman)	T Heywood
A Betty	S Kingham
B Bolt	M Murphy
M Facey	K Pearce
A Glassford	L Perry
G Granter	B Revans
A Hendry	L Scott

A handwritten signature in black ink, appearing to read 'Steve Hellard', is written over a horizontal line.

Steve Hellard  
Proper Officer

Monday 11 July 2022

For further information about the Meeting, please contact Democratic Services on 01278 435739 or e-mail [leila.nicholson@sedgemoor.gov.uk](mailto:leila.nicholson@sedgemoor.gov.uk). If you would like to attend the meeting, please contact Democratic Services. Please note the officer presentations can be found on the committee webpage.

This Meeting will be open to the public and press, subject to the passing of any resolution under Section 100A(4) of the Local Government Act, 1972. Guidance about procedures is given on the last page.



<b>A G E N D A</b>
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**Agenda****Item No****1. APOLOGIES FOR ABSENCE****2. MINUTES**

To consider the minutes from the meeting held on Tuesday 31 May 2022 and agree as a correct record (Minutes attached).

**3. URGENT BUSINESS**

To consider any urgent business that the Chairman has agreed can be discussed without proper notice due to special circumstances which will be explained at the Meeting.

**4. PUBLIC SPEAKING TIME**

The Chairman will allow members of the public to address the Committee on any matter appearing on the Agenda at the time when each matter is to be considered, in accordance with the approved procedure.

**5. DECLARATIONS OF INTEREST**

To receive declarations of any Disclosable Pecuniary Interests or personal and prejudicial interests, in accordance with the Code of Conduct.

**6. SCHEDULE OF ALLEGED CONTRAVENTIONS**

To receive a report on the data within the Schedule of Alleged Contraventions (Report attached, **Appendix 1 for Councillors only as confidential information**).

**7. PLANNING APPLICATIONS**

7.1 Major Planning Applications (Reports attached) **(9.30am)**

7.2 Planning Applications (Reports attached)

7.3 Remaining Planning Applications (Reports attached) **(2.00pm)**

**8. INFORMATION SHEETS**

8.1 Planning Appeals Received (Report attached)

8.2 Certificate of Lawfulness Decided (Report attached)

### 8.3 S106 Agreements (Report attached)

## **THE MEETING – GUIDANCE NOTES**

### **1. Inspection of Papers**

If you wish to inspect papers for any item on the Agenda, please contact Democratic Services on 01278 435739, or e-mail [leila.nicholson@sedgemoor.gov.uk](mailto:leila.nicholson@sedgemoor.gov.uk)

Agendas, reports and minutes can be accessed via the council's website. If you need to access any of the papers in an alternative format (e.g. large print, audio tape, Braille etc) or in community languages please contact the report author giving as much notice as possible. It should be noted that re-formatting or translation of committee reports before the date of a particular meeting cannot be guaranteed.

### **2. Recording of the Meeting**

Please note that Sedgemoor District Council will be recording all meetings and recordings will be made available on Sedgemoor District Council's YouTube channel shortly:  
<https://www.youtube.com/user/SedgemoorDC>

### **3. Minutes of the Meeting**

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Democratic Services.

### **4. Public Speaking Time**

The Chairman will allow members of the public to address the Committee on any matter appearing on the Agenda at the time when each matter is to be considered, in accordance with the approved procedure.

**If you would like to address the meeting, please register with Democratic Services on 01278 435739 or email [democratic.services@sedgemoor.gov.uk](mailto:democratic.services@sedgemoor.gov.uk) no later than Noon on Wednesday 20 July 2022, if you wish to attend the meeting in person please let us know otherwise you will be able to address the meeting via Microsoft Teams. If you wish to attend the meeting but do not wish to speak on an item, please contact Democratic Services and a link will be sent to enable you to view the meeting via Microsoft Teams.**

**If you have registered, the Chairman will invite you to speak at the appropriate time during the meeting. If speaking via Teams, in case of any technical issues at the time of the meeting, it is requested that a copy of your representation be provided by email to Democratic Services by Noon Wednesday 20 July 2022.**

**Meeting etiquette:**

- If joining via Microsoft Teams consider joining the meeting early to ensure your technology is working correctly – you may have to wait in a lobby until being admitted to the meeting.
- If you have registered to speak via Teams, please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the meeting, your microphone should be unmuted at the appropriate time.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Those registered to speak will be the spokespersons for and against the proposal, the Parish Council representative, Ward Councillor/s, County Councillors, Portfolio Holder and the applicant or agent.

Priority to register to speak at Development Committee to be given:

1. To those residents (i.e. a spokesperson for or against) who have made written representations on a particular planning application
2. To those residents (i.e. a spokesperson for or against) who can demonstrate that they are likely to be impacted on by a particular application.
3. Any other spokesperson for or against a particular application.

**Please note that no additional documentation can be distributed to the committee on the day.**

The order of presentation will be:-

- |     |                                       |     |                                      |
|-----|---------------------------------------|-----|--------------------------------------|
| (a) | The spokesperson for the proposal     | (d) | The Ward Councillor(s)               |
| (b) | The spokesperson against the proposal | (e) | The County Councillor                |
| (c) | The Parish Council representative     | (f) | The Portfolio Holder                 |
|     |                                       | (g) | The applicant <u>OR</u> their agent. |

Speaking will be limited to 3 minutes. The Committee Manager will time this and the Chairman will be responsible for bringing the speech to a close. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in the debate. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. If you require any further information on this procedure, please contact Democratic Services. Please note that the officer presentations can be found on the Development Committee relevant webpage and will be posted the day before the meeting.

# **INDEX TO PLANNING APPLICATIONS – 21 JULY 2022**

Application No.	Page No.	Proposal and Location
<b>MAJOR PLANNING APPLICATIONS (9.30AM)</b>		
04/21/00007	30	Outline application with some matters reserved, for the erection of up to 10no. dwellings and village hall with the formation of car park, open space area, landscaping as well as associate infrastructure. at Land At, Bradney Lane, Bawdrip, Bridgwater, Somerset, TA7
31/19/00016	52	Erection of 40 rural exception dwellings including 16 local needs affordable homes and associated works including a public footway and formation of a new vehicular access. at Land at, Beavers Lodge Farm, Lympsham Road, Lympsham, Weston-Super-Mare, Somerset, BS24
<b>PLANNING APPLICATIONS</b>		
08/22/00028	84	Erection of 1no. dwelling with the demolition of existing garage. at 35 Mendip Road, Bridgwater, Somerset, TA6 4JH
08/22/00041	92	Proposed enhancement of Clare Street, including new street furniture, signage, resurfacing and associated works. at Land At, Clare Street, Bridgwater, Somerset, TA6
<b>REMAINING PLANNING APPLICATIONS (2.00AM)</b>		
24/22/00010	98	Change of use of agricultural land to tourism with the erection of 3no. glamping tipis and associated works. at Wydale Farm, White House Lane, Loxton, Axbridge, BS26 2UU
36/22/00005	106	Demolition of agricultural buildings and the erection of 4no. dwellings at New Stowey Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1JR
43/22/00002	115	Erection of detached garage, also erection of single storey front (South) extension. at New Lawn, Lawn Lane, Shapwick, Bridgwater, Somerset, TA7 9LU
44/22/00002	125	Conversion of loft to living accommodation, installation of a dormer window and Juliet balcony to the rear (South) elevation and the installation of solar panels to the front (North) elevation. at 1 Elm Close, Shipham, Winscombe, Somerset, BS25 1UG
46/22/00001	129	Change of use of agricultural land to equestrian, including menage arena, stables and store (part retrospective). at Land South Of, Stawell Road, Stawell, Bridgwater, Somerset, TA7
49/21/00020	138	Change of use of land and part of agricultural building to a mixed use as a cider brewery tap room (Sui Generis) , retail sale of juice, cider and locally produced ale, cheese and snacks (Class E(a)) , creation of small outside area for sitting and drinking, use of premises for occasional private functions (Sui Generis) and erection of lean-to extension to the side (SW) elevation (Revised Description/Retrospective application) at Orchardleigh Farm, Notting Hill Way, Stone Allerton, Axbridge, Somerset, BS26 2NG

# AGENDA ITEM 2 – 31 May 2022 Minutes

## SEDGEMOOR DISTRICT COUNCIL

### DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held in the Canalside Centre, Marsh Lane, Huntworth, Bridgwater on Tuesday 31 May 2022 at 9.30am

<b>Councillors</b>	R D Filmer (Chairman)	
<b>Present:</b>	T Grimes (Deputy Chairman)	
	A Betty	S Kingham
	B Bolt	M Murphy
	M Facey	K Pearce
	A Glassford	L Perry
	G Granter	B Revans
	A Hendry	L Scott

**Apologies:** Cllr T Heywood

#### 1. MINUTES

The minutes of the Development Committee held on 10 February 2022 were confirmed as a correct record.

The minutes of the Development Committee held on 8 March 2022 were confirmed as a correct record subject to the following amendments:

- Cllr A Betty's attendance recorded
- Cllr L Perry's attendance status recorded
- Cllr E Scott's declaration of a personal interest as the Council's representative on the Axe-Brue Drainage Board recorded

#### 2. URGENT BUSINESS

None.

#### 3. PUBLIC SPEAKING TIME

The following persons spoke in respect of the indicated applications: -

Application No	Name	Spoke
08/21/00077	Peter Tyzack	Applicant
08/21/00140	Laura Polley	Agent
24/22/00003	Theo Michael	Applicant
25/22/00011	Tim Rymill	Applicant

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### 4. DECLARATION OF INTEREST

In accordance with the Mandatory Code of Member Conduct, the following declarations of interest were made:

Application No	Name	Nature of Interest	Reason
08/21/00077	Cllr K Pearce and Cllr A Glassford	Personal	Members of Bridgwater Town Council but took no part in any town council discussion on these applications.
08/21/00140	Cllr K Pearce and Cllr A Glassford	Personal	Members of Bridgwater Town Council but took no part in any town council discussion on these applications.
24/22/00003	Cllr T Grimes and Cllr B Filmer	Personal	As ward and county councillors but who had taken no part in any town or county council discussion on this application.
05/21/00018	Cllr T Grimes and Cllr B Filmer	Personal	As ward and county councillors but who had taken no part in any town or county council discussion on this application.
08/22/00019	Cllr K Pearce and Cllr A Glassford	Personal	Members of Bridgwater Town Council but had taken no part in any town council discussion on these applications.
37/22/00001	Cllr B Revans	Personal	As ward and county councillor but who had taken no part in any town or county council discussion on this application.
25/22/00011	Cllr B Filmer	Personal	As ward and county councillor but who had taken no part in any town or county council discussion on this application.

### 5. PLANNING APPLICATIONS (AM)

Bridgwater                      08/21/00077 registered 23/06/2021  
Expiry Date 21/09/2021  
(Full Planning Permission)



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### Proposal

**Erection of 9 no. dwellings with associated access, amenity space and parking on site of existing outbuildings to be demolished (Revised Description) at Land To The Rear Of, Carnival Court, Taunton Road, Bridgwater, Somerset, TA6 for ALMS (Homes) Limited (agent: Planning Developments Limited)**

The Officer presented the application and advised the committee that they were proposing to amend condition 14 so that the landscape planting had be carried out within twelve months from the date of commencement of the development rather than the original 9 months due to supply chain issues. Because there appeared to be some confusion within the consultation responses, he clarified that there were no power lines or underground SuDS in the area of the public open space.

Whilst a concern was raised over the loss of a piece of green land within an area of high density it was explained that the biodiversity enhancements and mitigation had been conditioned including a further badger survey.

In response to questions about the adoption of the road it was confirmed that the road would be built to adoptable standards and it would be between the developer and County Highways, who were more likely to adopt it under this scheme that they would have under the previous proposals, to actually get it adopted. It was noted that the small strip beyond the turning bay would remain a private road.

Members acknowledged that this scheme with a reduction in the number of dwellings from 15 to nine was a significant improvement and a proposal was made to grant permission with the amendment to condition 14.

**PROPOSED:** Cllr A Hendry

**SECONDED:** Cllr S Kingham

*(For 13, Against 1)*

### **RESOLVED:**

To grant permission subject to the following condition:

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:

On-site provision of children's play space (LAP) as appropriate including transfer to/management by an appropriate body and management of the public landscaped areas by an appropriate body

(B) that the Assistant Director (Legal and Governance) be authorised to prepare and seal the Agreement; and

(C) subject to the following conditions:

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

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

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- 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 Details/samples of the roofing materials and of the materials to be used in the construction of the external walls shall be approved in writing by the local planning authority before any work above dpc level. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the character and visual amenities of the area.

- 4 The proposed estate roads, footways, footpaths, tactile paving, 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 submitted to and 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 proper planning.

- 5 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 proper planning.

- 6 The areas allocated for parking and turning for existing occupiers on the submitted plan shall be provided before the occupation of the first dwelling hereby permitted. The areas allocated for parking and turning for future occupiers on the submitted plan shall be provided before the occupation of each associated dwelling hereby permitted. All parking and turning spaces 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 and previously approved.

Reason: In the interests of proper planning.

- 7 There shall be no obstruction to visibility greater than 600mm above adjoining road level within the splay areas having co-ordinates of 2.4m ('x') by 43m to the north and south of the proposed access (measured to nearside carriageway edge) at the junction of the proposed estate road with Taunton Road. Such visibility splays shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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Reason: In the interests of highways safety.

- 8 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 sustainability.

- 9 Prior to the commencement of development, including any site clearance, groundworks or construction (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Management Plan (CMP) to manage the impacts of construction shall be submitted to and approved in writing by the Local Planning Authority. The approved plan, and any subsequent amendments as may be agreed in writing by the Local Planning Authority, shall be complied with during the construction of the development.

Reason: To safeguard residential amenity in accordance with policies D24 and D25 of the Sedgemoor Local Plan 2011-2032. A pre-commencement condition is required to safeguard residential amenity.

- 10 Prior to the commencement of development, including any site clearance, groundworks or construction (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction on wildlife and ecology shall be submitted to and approved in writing by the Local Planning Authority. The approved plan, and any subsequent amendments as may be agreed in writing by the Local Planning Authority, shall be complied with during the construction of the development.

Reason: To safeguard biodiversity in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032. A pre-commencement condition is required to safeguard residential amenity.

- 11 The works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

a) A copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead;

b) A copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence;

c) A statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

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

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Reason: To ensure that the Local Planning Authority fulfils its legal duty of strict protection of European Protected Species: A pre-commencement condition is in the interest of the strict protection of European Protected Species and in accordance with Sedgemoor District Council Local Plan Policy D20.

- 12 Works shall not in any circumstances commence until:

The provision of one bat box (specification shall be agreed by the applicant and the licenced bat ecologist) to provide an immediate roosting location to accommodate any discovered bat(s) will be hung on the existing building adjacent to the site at a minimum height of 5 metres and under supervision of a licensed bat ecologist. Any such box will be maintained in-situ thereafter;

Photographs of the installed features will be submitted to by the Local Planning Authority prior to the commencement of any other operational development

Reason: To ensure that the Local Planning Authority fulfils its legal duty of strict protection of European Protected Species: A pre-commencement condition in to ensure the strict protection of European Protected Species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 13 Prior to development above dpc level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. 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 from commuting and foraging. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design prior to first occupation of any dwelling hereby permitted, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external street lighting or lighting in the public realm be installed without prior consent from the Local Planning Authority.

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2021, ODPM Circular 06/2005 and Sedgemoor District Council Local Plan Policy D20.

- 14 Notwithstanding the submitted details, before the development is commenced, a landscape planting scheme incorporating the required biodiversity mitigation measures in the submitted Preliminary Ecological Appraisal and Further Bat Surveys Reports by Seasons Ecology comprising the following shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt this shall include:

- Any new fencing (including garden fencing) must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site;

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- Six Schwegler 1SP Sparrow terraces or similar will be installed (under supervision of a competent ecologist) on new homes under the eaves and away from windows on the north elevations;
- Installation of four standard bird boxes on to suitable retained or replacement trees on site, facing east or north, at a height above 3m;
- At least one bat box such as Schwegler 1FD or Schwegler 2F (or similar) is to be integrated on to one of the new houses to compensate for loss of the roost. The alternative roost location should be positioned to face south, south-west or south-east, with entrances positioned as high as possible off the ground (ideally at least 5 metres), avoiding being over windows and doors and free of dense vegetation;
- Where the landscaping scheme allows, all new trees and shrubs planted on site should be from local native provenance;
- A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of four dwellings. Please note bee bricks attract solitary bees which do not sting;
- Planting of four fruiting trees, including apple of local native provenance;

Verification, including photographs of the installed features shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the dwellings hereby permitted.

The approved biodiversity mitigation and enhancement measures shall be implemented prior to the first occupation of any of the dwellings hereby permitted and shall thereafter be retained and maintained.

The landscape planting shall be carried out within twelve months from the date of commencement of the development. The trees/shrubs shall be protected and maintained, and dead or dying trees/shrubs shall be replaced to the satisfaction of the local planning authority for a period of five years following their planting.

Reason: In the interests of biodiversity and visual amenity in accordance with Sedgemoor District Council Local Plan Policies D2 and D20 and the aims of National Planning Policy Framework paragraph 174. A pre-commencement condition is required to ensure the details are approved and implemented in a timely manner in the interests of proper planning.

- 15 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the character and visual amenities of the area and in the interests of biodiversity.

- 16 Prior to the commencement of the development hereby permitted the following details shall be submitted to and approved in writing by the local planning authority:

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- finished floor levels (FFLs) for each dwelling (which shall not be below 7.50 AOD in areas of flood risk), roadways and the public open space;
- confirmation of signing up to EA's Early Flood Warning Service;
- submission of an Evacuation Plan; and
- details of flood resistant and resilient construction measures.

Thereafter the scheme shall be occupied in accordance with the approved details, which shall be retained and maintained.

Reason: To ensure the safety of future occupiers and safeguard the amenities of neighbouring occupiers in accordance with Sedgemoor District Council Local Plan Policies D1 and D25. A pre-commencement condition is necessary in the interests of proper planning.

- 17 Prior to the commencement of development, a Sustainability Statement shall be submitted to and approved in writing by the local planning authority. This statement shall set out the various sustainable actions/ technologies (including renewable or low carbon energy, water and energy conservation, waste minimisation and recycling, electric vehicle charging points etc.) that are to be adopted in the development. Once agreed the development shall be carried out in accordance with the agreed details and retained and maintained thereafter.

Reason: To ensure sustainable development in accordance with Sedgemoor District Council Local Plan Policies S1, S4, S5. A pre-commencement condition is necessary to ensure measures are designed in and not retro-fitted.

- 18 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared prior to the resumption of development on the affected part of the site, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority prior to the resumption of development on the affected part of the site.

Reason: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with adopted Sedgemoor Local Plan Policy D24 and Section 15 of the NPPF.

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

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Reason: In the interests of protected species. A pre-commencement condition is necessary 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.

### Schedule A

1000\_P8\_Site Location Plan  
1001\_P9\_Existing Site Plan  
1002\_P10\_Proposed Demolition Plan  
1010\_P11\_Proposed Site Plan  
1011\_P7\_Proposed Ground Floor Plan  
1012\_P6\_Proposed First Floor Plan  
1020\_P6\_2 Bedroom House Type - Plans and Elevations  
1021\_P6\_3 Bedroom House Type - Plans and Elevations  
2001\_P5\_Proposed Site Wide Elevations  
6014\_P5\_3D Visual - Plots 1-4  
6015\_P5\_3D Visual - Plots 3 and 4 (rendered window bay)  
6016\_P5\_3D Visual - Plots 3, 4, 5, and 6  
6017\_P1\_3D Visual - Plots 7, 8, and 9 (timber window bays)

Bridgwater

08/21/00140 registered 20/10/2021  
Expiry Date 14/12/2021  
(Full Planning Permission)

Proposal:

**Demolition of existing outbuildings and the erection of 3no. dwellings. at 17 Liberty Place, Bridgwater, TA6 5JF** for Watson (agent: Greenslade Taylor Hunt)

The officer presented his report and explained that he proposed to amend condition 3 to make it clearer that the first 5 bullet points related to ecology. In response to a question about whether the bird boxes could be for swifts it was explained that they had only specified sparrows as that had been what the ecologist had asked for. However, he did not believe that there would be any issue should another type of box being suggested.

Members were re-assured that all three dwellings had 1<sup>st</sup> floor flood refuges and a proposal was made to grant permission with the officers proposed amendments to condition 3 together with an amendment to allow the developer discretion to fit either sparrow or swift boxes.

**PROPOSED:** Cllr B Revans

**SECONDED:** Cllr S Kingham

*(Unanimous)*

**RESOLVED:**

To grant permission subject to the following conditions and subject to the amended conditions as

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detailed by the officer and requested by the Committee, the wording of these conditions to be delegated to the Assistant Director (Inward Investment & Growth) to be agreed in consultation with the Chairman and Deputy Chairman of the Development Committee.

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

- Risk assessment of potentially damaging construction activities.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Use of protective fences, exclusion barriers and warning signs.
- Construction hours of operation
- On site measures to control the management of dust
- A policy requiring no on site burning of waste
- A point of contact during the construction period

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 European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in the interests of the protection of residential amenity and in accordance with Sedgemoor District Council Local Plan 2011-2032 policies D20 and D25.

- 4 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be



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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. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. 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 other external lighting shall be installed without prior consent from the Local Planning Authority through submission of a planning application.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Sedgemoor District Council Local Plan 2011-2032 Policy D20.

- 5 Prior to the first occupation of any dwelling hereby approved, the following biodiversity enhancements shall be installed at the site:
- a. 1x Schwegler 1SP house sparrow terrace (or similar) to be installed on the north/east elevation of plot 3
  - b. 1x integrated bat box to be installed on the south/southwest elevation of plot 2

Once installed the biodiversity enhancements shall thereafter be retained.

Reason: In the interests of biodiversity net gain in accordance with the National Planning Policy Framework and Sedgemoor Local Plan 2011-2032 policy D20.

- 6 Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), and be maintained in that form thereafter.

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

- 7 The area allocated for parking on the submitted and approved Proposed Site Plan Drg No. 2928-DR-A-050-001 rev B, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

- 8 There shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided prior to the first occupation of any dwelling hereby approved and shall be maintained at all times thereafter.

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

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- 9 No later than the end of the first planting season following first occupation of any dwelling hereby approved, all landscaping planting, as shown on the submitted and approved Proposed Site Plan Drg No. 2928-DR-A-050-001 rev B shall be fully planted. All landscape planting 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: In the interests of visual amenity and in to protect residential amenity is in accordance with policies D2 and D25 of the Sedgemoor District Local Plan 2011-2032.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modifications), there shall be no additions or alterations to the roof (including insertion of rooflights) without the prior written approval of the local planning authority by submission of a planning application.

Reason: In the interest of the amenity of adjoining occupants in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D25.

### Schedule A

Proposed Site Plan Drg No. 2928-DR-A-050-001 Rev B

Proposed Plot 1 Floor Plans, Elevations & Sections Drg No. 2928-DR-A-050-002 Rev B

Proposed Plot 2-3 Floor Plans, Elevations & Sections Drg No. 2928-DR-A-050-003 Rev A

East Brent

24/22/00003 registered 02/03/2022

Expiry Date 26/04/2022

(Reserved matters)

Proposal:

**Approval of the details of appearance, landscaping, layout and scale, for the demolition of existing outbuildings and the erection of up to 5no. residential dwellings. at The Laurels, Old Bristol Road, East Brent, Highbridge, Somerset, TA9 4HU for TLC Developments (SW) Ltd (agent: Mr T Michael)**

The Officer presented the application and clarified the distance between Westfield and Dwelling E. Members, after being re-assured that there would be adequate maintenance access to the rhines, particularly at the buffer zone in the south east corner, they supported the Officer's recommendation with an additional condition requiring a plan and the implementation of root protection areas for the existing trees before the works commenced and then to maintain them during the development of the site.

**PROPOSED:** Cllr M Facey

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**SECONDED:** Cllr K Pearce

*(Unanimous)*

**RESOLVED:**

To grant permission of reserved matters subject to the following conditions and subject to the additional root protection area condition as detailed by the officer, the wording of this condition to be delegated to the Assistant Director (Inward Investment & Growth) to be agreed in consultation with the Chairman and Deputy Chairman of the Development Committee.

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no rooflights or dormer windows shall be constructed within the roofs of the dwellings hereby permitted.

Reason: In the interests of residential amenity in accordance with Policy D25 of the Sedgemoor Local Plan.

- 2 The areas allocated for parking and turning including the garages on the submitted plan shall be kept clear of obstruction at all times and shall only be used for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy D14 of the Sedgemoor Local Plan.

- 3 Any external lighting must only directly illuminate the application site and shall be fully adjustable and shall be maintained as such thereafter.

Reason: To safeguard residents from obtrusive light in accordance with Policy D25 of the Sedgemoor Local Plan.

**Schedule A**

Location Plan Drg No. 001

Existing & Proposed Block Plan Drg No. 002

Proposed Site Plan Drg No. 003 Rev B

Plots A, B, C, D (Handed) Proposed Plans & Elevations Drg No. 004 Rev A

Plot E Proposed Plans & Elevations Drg No. 005 Rev A

Elevational Street Scenes Drg No. 006 Rev C

Proposed Access Arrangement Drg No. 1534-ACS-XX-ZZ-DR-T-001-B

Tree Survey Plan Drg No. 01

Proposed Foul & Surface Water Drainage Drg No. TLC 01

Wessex Water Plan Drg No. 007

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Berrow

05/21/00018 registered 23/08/2021  
Expiry Date 17/10/2021  
(Full Planning Permission)

Proposal:

**Erection of a dwelling with parking on site of existing ancillary building to be demolished. at Home Ground, Coast Road, Berrow, Burnham On Sea, Somerset, TA8 2QU for Mr May (agent: phil reddish design )**

The Committee considered the Officer's presentation and noting that there would be parking for two vehicles with adequate turnings space supported the proposed recommendation with an additional condition regarding hard surfacing up to 6 feet from the entrance of the site.

**PROPOSED:** Cllr S Kingham

**SECONDED:** Cllr Tony Grimes

*(Unanimous)*

### **RESOLVED:**

To grant permission subject to the following conditions and subject to the additional condition as detailed by the officer, the wording of this condition to be delegated to the Assistant Director (Inward Investment & Growth) to be agreed in consultation with the Chairman and Deputy Chairman of the Development Committee.

- 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 development hereby approved shall not be occupied until measures for the enhancement and protection of biodiversity have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such enhancement measures shall include:-

- Integration of 1x house sparrow terrace nesting chamber
- Integration of 1x bat box
- Planting of 5x native trees or fruiting trees of local provenance

Once installed such measures shall be retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

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

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- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the prior written permission of the local planning authority shall be obtained for the insertion of any new windows, other than any hereby approved, above ground floor level in any elevation of the proposed dwelling by the submission of a planning application made for this purpose.

Reason: To safeguard the privacy of adjoining properties.

- 5 Before the dwelling hereby approved is first occupied, there shall be space to park at least 2 vehicles made available for use and shall be used only for the access, parking and turning of vehicles.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instruments revoking or re-enacting the Order with or without modification, the prior written permission of the local planning authority shall be obtained for the erection of any extension, building, structure to be constructed within the application site.

Reason: To ensure that adequate amenity space and parking facilities are maintained in the interests of highway safety and amenity.

### Schedule A

Location Plan Drg No. 21/153/1000

Existing Site Plan Drg No. 21/153/500

Existing Floor Plans & Elevations Drg No. 21/153/102

Proposed Site Plan Drg No. 21/153/501B received 6th April 2022

Proposed Elevations Drg No. 21/153/101b received 6th April 2022

Proposed Floor Plans Drg No. 21/153/100B received 6th April 2022

Bridgwater

08/22/00019 registered 14/03/2022

Expiry Date 08/05/2022

(Full Planning Permission)

Proposal

**Change of use from dwelling to HMO with internal alterations. at 56 Wembdon Road, Bridgwater, Somerset, TA6 7DW for Mr T Moores (agent: Online Architectural Ltd)**

The Officer presented the application, and it was explained to members that the proposal was to convert an existing communal room into a bedroom and whilst six of the rooms met the size standard one just fell short.

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The Committee acknowledged that it was a balancing act and that realistically you would be able to park two cars in the proposed parking area it was difficult to refuse. They noted that an HMO licence would be required and that none of the neighbours had objected to the proposal. Consequently, they supported the Officer's recommendation with an amended condition to ensure that all of the room were for single occupancy.

**PROPOSED:** Cllr A Hendry

**SECONDED:** Cllr S Kingham

*(For 12, against 2)*

**RESOLVED:**

To grant permission subject to the following conditions and subject to an amendment condition to ensure that all of the 7 bedrooms are for single occupancy only , the wording of this amended condition to be delegated to the Assistant Director (Inward Investment & Growth) to be agreed in consultation with the Chairman and Deputy Chairman of the Development Committee.

- 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 area allocated for parking on the submitted plan shall be provided prior to the occupation of the development hereby permitted and shall thereafter be maintained and kept clear of obstruction at all times.

Reason: To ensure the parking as proposed is available for the duration of the development in accordance with Policy D14 of the Sedgemoor Local Plan.

- 4 The accommodation hereby permitted shall be for up to 7 bedrooms only and there shall no internal subdivision to provide additional bedrooms.

Reason: In the interests of clarity as to the extent of the planning permission.

### **Schedule A**

Location Plan Drg No. 20-009-002

Site Plan Drg No. 20-009-004

Existing Floor Plans Drg No. 20-009-001 Rev A

Existing (As Built) Floor Plans Drg No. 20-0009-0005

Proposed Floor Plans Drg No. 20-009-003 Rev B

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### 6. INFORMATION SHEETS

The committee considered the following Information sheets:

- Planning Appeals Received
- Planning Appeals Decided
- Certificate of Lawfulness Decided

#### **RESOLVED:**

To note the Information Sheets.

### 7. PLANNING APPLICATIONS (PM)

#### **APPLICATION 51/22/00006 - WITHDRAWN FROM AGENDA BEFORE THE MEETING**

East Huntspill

25/22/00011 registered 21/04/2022  
Expiry Date 15/06/2022  
(Full Planning Permission)

Proposal:

**Erection of two storey side (East) extension with the installation of a rear (South) juliet balcony, partially on site of existing outbuildings (to be demolished). at Hillview, Withy Road, East Huntspill, Highbridge, Somerset, TA9 3NW for Mr & Mrs B Pugsley (agent: T. E. Rymill Architectural Services )**

The Officer presented the application and the Committee noting that the IDB had just provided standing advice and supported the recommendation.

**PROPOSED:** Cllr S Kingham

**SECONDED:** Cllr A Hendry

*(Unanimous)*

#### **RESOLVED:**

To grant permission subject to the following condition:

- 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.

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- 3 Prior to the first use of the development hereby approved flood resilience measures will be carried out in accordance with the measures set out in the submitted Flood Risk Assessment and will be maintained thereafter in perpetuity.

Reason: In accordance with Policy D1 of the Sedgemoor Local Plan 2011-2032.

- 4 Prior to the first use of the development hereby approved, the following will be installed:
- Installation of 1x Schwegler 1FF or 2FN [or similar] bat box, erected within the site, facing a southerly direction approx 3-5m above ground level.

Once installed, the features shall be maintained and retained thereafter in perpetuity.

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.

- 5 No external lighting shall be installed to the development hereby approved unless a lighting design (following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018) for bats has been submitted to, and approved 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 'Favourable Conservation Status' of populations of European Protected Species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

### **Schedule A**

Location Plan Drg No. 01  
Existing Site Plan Drg No. 02  
Existing Ground Floor Plan Drg No. 2103-001  
Existing First Floor Plan Drg No. 2103-002  
Existing Elevations Drg No. 2103-003  
Proposed Site Plan Drg No. 03  
Proposed Ground Floor Plan Drg No. 2103-004 Rev A  
Proposed First Floor Plan Drg No. 2103-005 Rev A  
Proposed Elevations Drg No. 2103-006 Rev A



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Mark 33/22/00002 registered 18/02/2022  
Expiry Date 14/04/2022  
(Full Planning Permission)

Proposal: **Change of use of land from agricultural to equestrian, erection of barn to include 3 stables, tack room, storage for hay/straw and farm implements. at Land North West Of, Rose Farm, Yarrow Road, Mark, Highbridge, Somerset for Mrs D Bayliss**

The Committee noting that the application was before them solely because the applicant was related to a councillor supported the Officer's recommendation.

**PROPOSED:** Cllr S Kingham

**SECONDED:** Cllr L Scott

*(Unanimous)*

### **RESOLVED:**

To grant permission subject to the following conditions:

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

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

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

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

- 3 The equestrian use of the land and the stable block hereby permitted shall not be occupied at any time other than for the purposes ancillary to and limited to the private and personal use of the owners and the family of the existing dwelling currently known as Rose Farm. There shall be no commercial or business use of the land or stable blocks hereby permitted.

Reason: The development is only acceptable in this countryside location because of its ancillary nature to the existing dwelling, and in accordance with policies CO1, D14 and D25 of Sedgemoor Local Plan 2011-2032.

- 4 Prior to the first use of the stable hereby approved, a waste management plan for the proper storage and disposal of straw and dung, shall be submitted to and approved by the local planning authority. The waste management plan should include an undertaking not to burn any straw and dung on site and no straw or dung shall be stored or disposed of otherwise on site than in accordance with the plan. The plan shall be implemented for the duration of the use of the site.

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Reason: To prevent undue problems to neighbours from flies, smells and unwanted smoke in accordance with Adopted Sedgemoor Local Plan 2011-2032 policies D24 and D25.

- 5 No external lighting shall be erected or installed on the stables or on the land forming the application site without the prior written approval of the Local Planning Authority

Reason: In the interests of visual amenity and in the interests of the Favourable Conservation Status of local populations of European Protected Species in accordance with policies D2, D19 and D20 Sedgemoor Local Plan 2011-2032

- 6 No later than the end of the first planting seasons after the first use of the development hereby permitted the following shall be delivered:

- x3 native trees (such as English oak, common lime, or alder) will be planted within the application grounds, protected from grazing and planted at least 150cm in height.

Any trees that, 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 unless the LPA has given its written consent to any variation.

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.

### Schedule A

Location Plan Drg No. 01  
Existing Block Plan Drg No. 02  
Proposed Block Plan Drg No. 03  
Proposed Floor Plans and Elevations Drg No. 1000-01 Issue 3

North Petherton                      37/22/00001 registered 29/03/2022  
Expiry Date 23/05/2022  
(Full Planning Permission)

Proposal:                                      **Erection of a detached garage, formation of new access and parking area to serve Dunns Cottage, erection of a single storey extension to Dunns Barn and retrospective consent for the erection of a fence. at Dunns Cottage and Dunns Barn, Maunsel Road, North Newton, Bridgwater, Somerset, TA7 0BW for Mr J Waterman**

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The Officer presented the application and the Committee noting the irregular street scene of the village supported their recommendation.

**PROPOSED:** Cllr B Revans

**SECONDED:** Cllr S Kingham

*(Unanimous)*

**RESOLVED:**

To grant permission subject to the following condition:

- 1 The extension and garage 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 No external lighting shall be installed to the development hereby approved unless a lighting design (following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018) for bats has been 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 'Favourable Conservation Status' of populations of European Protected Species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 4 The development hereby approved shall not be occupied until measures for the enhancement and protection of biodiversity have been installed:

- 1x built-in house sparrow terrace nest box into the north or east elevation of the detached garage, directly below roofing eaves and away from windows.

Once installed, the measures will be maintained and retained thereafter in perpetuity.

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.

- 5 The parking area and access hereby approved (to serve the property known as *Dunns*

## AGENDA ITEM 2 – 31 May 2022 Minutes

*Cottage*) shall not be used until the parking area and access have a properly consolidated surface (not loose stone or gravel) and provision shall be made within the site for the disposal of surface water so as to prevent its discharge on to the highway and shall be maintained in that form in perpetuity.

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

### **Schedule A**

Location Plan Drg No. 01  
Block Plan Drg No. 02  
Existing Ground Floor & Roof Plan Drg No. 03  
Existing 3D Views Drg No. 04  
Existing & Proposed Elevations Drg No. 11  
Proposed Block Plan Drg No.10  
Proposed Ground Floor & Roof Plan Drg No. 07  
Proposed 3D Views Drg No. 08 Rev A  
Existing & Proposed Barn Floor Plans Drg No. 09

The meeting ended at 2.26 pm

**CHAIRMAN**

# AGENDA ITEM 6 - SCHEDULE OF ALLEGED CONTRAVENTIONS

Schedule of Alleged Contraventions up to 30 June 2022

(Stuart Houlet 435205)

This report is a schedule of alleged contraventions relating to the District.

The detailed schedule (sent separately as it contains confidential information) has cases listed in Parish sequence, with brief details of the nature and location of the alleged contraventions.

The schedule is a copy of a working document and is presented only as an aide-memoire for Members and the Parish Councils, more detailed information on any particular case should be sought directly from the Senior Planning Officer - Compliance and Monitoring. If there are questions which Members wish to raise in Committee, prior notice is requested in order that the facts can be researched and the file made available for the meeting.

## Enforcement Statistical Information

The following balance sheet is to inform Members of the trends relating to Enforcement Cases from **24 November 2021** to **30 June 2022**.

### **No. of Cases**

Cases on hand at start of quarter	202
New Cases received	107
Closed Cases	85
Cases on hand at end of quarter	224
<b>Position of cases on hand at end of quarter</b>	
Awaiting Registration	1
Under Investigation	57
Cases with a determined course of action	166

# AGENDA ITEM 7.1 – MAJOR APPLICATIONS

## SEDGEMOOR DISTRICT COUNCIL

### DEVELOPMENT COMMITTEE

#### Report of the Assistant Director

**Submitted on 21 July 2022**

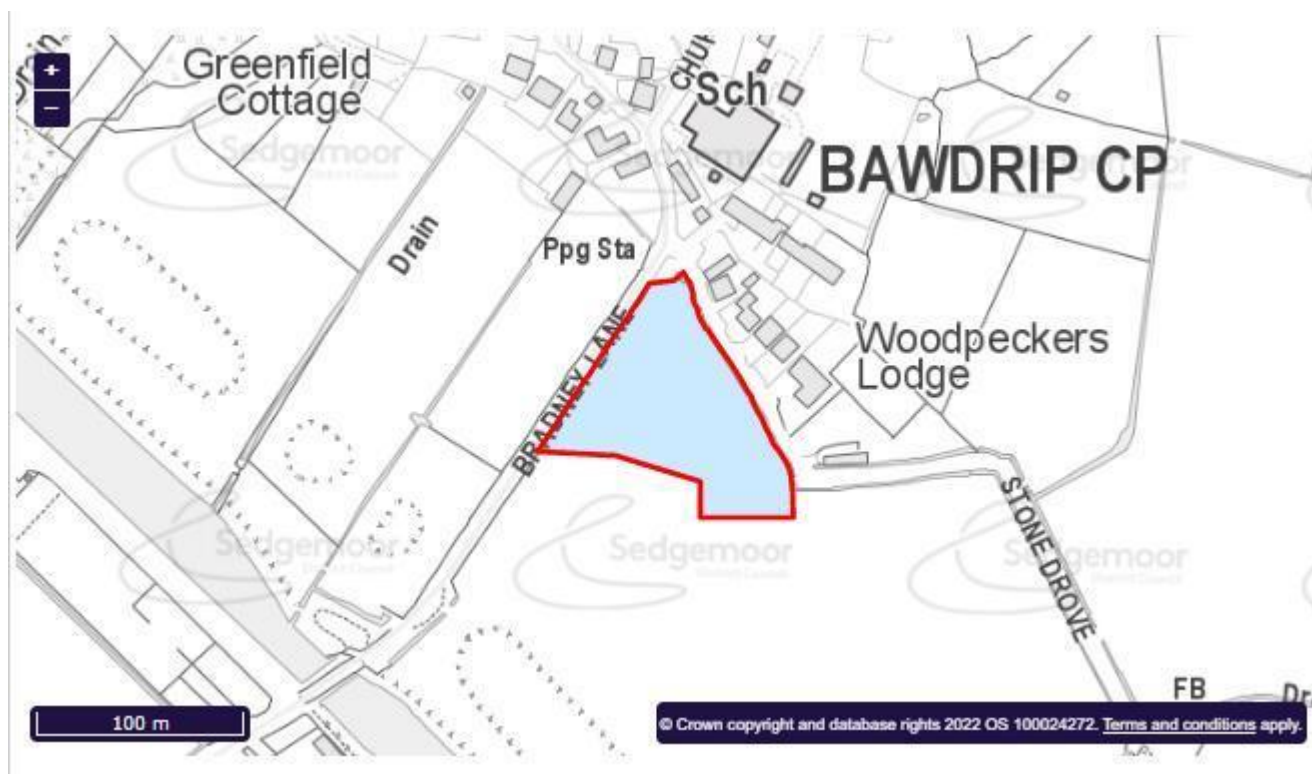
All recommendations take account of existing legislation (including the Human Rights Act)  
Government circulars and all current planning policy documents.

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Case Officer: Dean Titchener Tel: Sedgemoor Direct: **0300 303 7805**

Bawdrip 04/21/00007 registered 01/09/2021  
Expiry Date 30/11/2021  
(Outline Planning Permission)

Proposal: **Outline application with some matters reserved, for the erection of up to 10no. dwellings and village hall with the formation of car park, open space area, landscaping as well as associate infrastructure. at Land At, Bradney Lane, Bawdrip, Bridgwater, Somerset, TA7 for Mr Bradford (agent: Tetra Tech Planning )**



#### Committee decision required because

*The applicant is a close relative of a District Councillor.*

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

### **Background**

The application site is located on the southern edge of the village of Bawdrip. It comprises the northern corner of a flat area of agricultural land. The site is bounded to the north west and north east by established mature hedgerows. Immediately to the north east is a short row of detached dwellings the far side of the hedgerow; these properties are a mix of one and two storey. To the north west is Bradney Lane, which leads towards Bridgwater in the west. At present the field has an access off Bradney Lane further to the south west of the site. The site is within Flood Zone 3.

Outline planning permission is sought with all matters reserved except for access for the erection of up to 10 dwellings, a village hall, car parking and play area / open space. A site layout plan has been provided showing the dwellings oriented in a row bounding the north east hedgerow (with their front elevations facing south west). The village hall is in the west corner with the parking and play area between it and the dwellings. This layout is indicative only.

The houses to be provided are all for open market sale; no properties which meet the definition of affordable housing are proposed.

A new access is proposed to be secured partway along the site boundary with Bradney Lane. A new pavement will run off the east side of the access along the boundary of the site towards the village. The hedgerow along the line of the new pavement will be translocated behind the pavement so as to be retained.

### **Relevant History**

None relevant.

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

Planning Statement  
Design & Access Statement  
Ecological Impact Assessment  
Biodiversity Information  
Flood Risk Assessment

### **Consultation Responses**

**Bawdrip Parish Council** – Support:

*‘At a recent meeting Bawdrip Parish Council considered the above application for a development at Bradney Lane. The Council resolved to support the application as submitted conditional on the entry of a Section 106 Agreement by interested parties for:-*

- a) the provision of a Village Hall*
- b) the provision of a public open space*
- c) the provision of public parking*

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

*These infrastructure items to be completed prior to completion of 50% of the dwellings.'*

Councillor Anthony Betty (Ward Member) – Support:

*'I am fully in support of this application.*

*This application has come about from the letter that was sent from the Parish Council requesting land or any alternative for a new Village Hall to land owners in Bawdrip. This is the only site that has come forward.*

*This application will provide a new state of the art village hall, car park and play area. The village during busy traffic times becomes inaccessible to many vehicles trying to get through the village. A car park will stop this occurring and keep the road free from blockages.*

*The idea to have 10 houses to support the building of a hall is excellent and will mean that the parishioners will be able to begin to fundraise for the furnishings.*

*This shouldn't be seen as the end of the current church hall. Many neighbouring villages have both a hall and church hall that thrive. This bigger hall will mean that the entire village can fit in to it and visitors have enough places to park.*

*The only condition I would like to see is that the hall is handed over to the Parish Council before any body begins to live in the houses.*

*I am in fully support of this application. Should this application come before the development committee I would wish to register my name to speak in favour.'*

County Highways – No objection. No accidents in vicinity of site. Visibility splays are acceptable as is provision of footway to north east corner of site. Majority of vehicle trips associated with village hall would be outside of peak hours so would not have detrimental impact on surrounding network. Traffic generation associated with the dwellings would be in region of 40-50 daily movements which is not excessive. Internal layout is indicative only but appears to be potentially adoptable. Recommends conditions regarding estate roads, road/footpath construction, access construction, network of cycleway/footpath connections, construction management plan, surface water, provision of parking spaces, visibility splays, travel plan and highway condition survey

Highways England – No objection (based on likely trip generation).

Affordable Housing Manager – Proposal on edge of Tier 4 settlement, where normally only affordable housing schemes would be supported. However, applicant may propose provision of affordable alternative infrastructure instead of affordable housing. Recommends clarification sought on whether sufficient cross subsidy sums are available to fund infrastructure or some affordable homes.

Environmental Health – Recommends conditions to secure Construction Management Plan,



## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

hours of construction/demolition, dust, piling and contaminated land.

Somerset Wildlife Trust – Supports findings of Ecology Impact Assessment. Requests lighting minimised, and provision of biodiversity enhancements.

Internal Drainage Board – Standing advice applies.

County Ecologist – Site is within the catchment of the Somerset Levels and Moors Ramsar site and may require a Habitat Regulation Assessment and mitigation. Upon review of ecological report states appropriate controls and mitigation can be addressed by conditions.

Natural England – Site lies within catchment of the Somerset Levels and Moors Ramsar site, which is in unfavourable condition due to phosphates impacts. The proposal has the potential to increase phosphates impacts on the Ramsar. Appropriate mitigation will be required.

Environment Agency – Following clarification from the applicant's flood risk consultant, no longer considers there sufficient reason to maintain a flood risk objection. Notes there will remain a residual risk, taking into account the predicted impacts of climate change. Agrees site is within Flood Zone 3a and recommends conditions regarding Finished Floor Levels, submission of resilience measures, and provision of upper floor place of refuge in all dwellings, contamination, and submission of a Construction Environmental Management Plan.

Lead Local Flood Authority – Following submission of further information clarifying potential surface water drainage systems, consultation with Environment Agency, drainage calculations and a maintenance plan is now content to remove objection subject to imposition of a condition requiring submission of a surface water drainage scheme.

Parks and Open Spaces – Scale of proposal requires a Local Area of Play (LAP). Area identified is acceptable and can be secured by condition or s106 legal agreement.

Crime Prevention Officer – No objection but makes comments regard to considerations relevant to detailed design stage.

County Education – No comments (as local schools have sufficient capacity).

County Rights of Way – No objection but works must not encroach on the width of the public right of way.

Economic Development – Development should be subject to imposition of a local labour agreement condition.

### **Representations**

83 received, 4 comments, 31 in favour, 48 objections.

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### Comments:

- Car park much needed in village
- Play park would also be an asset to the village
- Questions errors in Planning Statement – states funding exists to refurbish existing hall

### In favour:

- Most villages have a modern village hall
- Provision of 10 dwellings reasonable in order to secure hall
- Much needed asset for village
- Provides three objectives of the parish council: village hall, play area and shared use parking for school and church
- Not financially feasible nor desirable to refurbish existing pre-war village hall
- Insufficient space to accommodate large village events at present
- No current safe parking place when dropping off for school
- No current play provision for children in the village
- Many objectors live nowhere near the village
- Appropriate site drainage can be achieved
- Application made after parish council asked landowners to submit sites for a new hall

### Objection:

- Site is green field, outside development boundary, in countryside
- Within flood zone 3b / does not comply with flood risk policy
- Field subject to saturation
- Existing church hall could be upgraded
- No local services/facilities/public transport
- Area used by walkers/cyclists
- No need for houses
- No need for village hall
- No need for a play area
- Highway safety/pedestrian safety impacts
- Too many parking spaces proposed
- Loss of visual amenity
- Loss of agricultural land
- Out of keeping with character of village
- No affordable housing
- Would cause anti-social behaviour
- Financial burden on parishioners
- Increased carbon output
- Planning permission previously refused in 2014
- Land is within an Area of Outstanding Natural Beauty [note it is not in an area designated as an Area of Outstanding Natural Beauty]
- Noise and disturbance to existing residents
- Within phosphates area
- Impact on listed buildings
- Lack of sustainability credentials
- Littering impact

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- Ecological impact
- Dwellings are too close together
- Questions assertions in submitted documents
- Questions conflict of interest of local elected members
- Concern about mechanism for handover of village hall
- Changes made to address flood risk should result in new application being submitted

### **Most Relevant Policies**

#### National Planning Policies

National Planning Policy Framework

#### Sedgemoor Local Plan (2011-2032)

S2 Spatial Strategy for Sedgemoor

T4 Tier 4 Settlements - Housing

D1 Flood risk and surface water management

D2 Promoting high quality and inclusive design

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D20 Biodiversity and geodiversity

D25 Protecting residential amenity

### **Main Issues**

#### Principle of development

Bawdrip is designated as a Tier 4 settlement in the Sedgemoor Local Plan 2011-2032. Tier 4 settlements are places where only a basic level of local services existing that meet some of the needs of the immediate community. The spatial strategy envisages these smaller settlements as the focus for only very limited growth to enhance their role as local centres, including opportunities to meet local priorities.

Policy T4 sets the framework against which proposals in relation to Tier 4 settlements can come forward. The policy sets a fairly permissive policy for new housing development within the settlement boundary, similar to other designated settlements within the settlement hierarchy. It also sets a basis by which affordable housing development on sites outside but well related to the settlement boundary can come forward. The policy allows such schemes to be subject to 'cross-subsidy' such that market housing can be used to fund delivery of the affordable housing.

The policy also allows sites to come forward that deliver other local infrastructure priorities instead of affordable housing. The policy states that such local infrastructure priorities would be as agreed with the parish council may be acceptable subject to a number of considerations within policy T4. Those considerations (with the exception of those which are specifically in

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reference to affordable housing proposals) state that the scale of the development should be appropriate to the size, accessibility, character and physical identity of the settlement, that the proposal is well related to and complements the existing built form of the development, whilst providing opportunities for walking and cycling, supports access to local job opportunities, contributes to local infrastructure priorities, maintains and where appropriate enhances the local environment, landscape and historic environment. It also states that the subsidy (i.e. funding) of such schemes through market housing should be subject of an open book financial appraisal.

The proposal is on land which is outside but adjoining the settlement boundary and which seeks to provide a new community hall for the use of the village. Bawdrip currently has a small church hall located off Eastside Lane. This hall was likely constructed in the pre-war period. It is understood to require significant investment to bring it up to a reasonable standard, though even then many representations have made reference to the limited size of the building limiting the range of uses and functions to which it can be used. It also only has a very modest sized car park.

The Parish Council has indicated their priority for building a new more modern hall, which could be used for a wider range of functions. Many nearby villages benefit from halls built in recent decades, which have sufficient internal size to facilitate a range of activities by different groups within the community. To progress the project the Parish Council put out a 'call for sites' to local landowners, a process which is understood to have begun in 2008/2009, though after a hiatus a second 'call' was successfully undertaken in May 2019. The call put out requested land to provide a hall, but also additional parking to serve the village school and a play area. The existing school relies on limited on street parking at drop off times. The village also does not benefit from a play area. The provision of the hall, additional parking and a play area are considered to be local infrastructure priorities by the parish council. As such, for the purposes of policy T4, these local infrastructure items can be provided instead of affordable housing.

The proposed 10 market dwelling put forward are to be provided as cross-subsidy to fund the costs of the build of the hall. The specification for the hall includes the construction of the building shell, windows and doors, internal plastering and insulation, wall and floor tiling, drainage, plumbing, heating, electrics, WCs, service connections (sewer, potable water, electric) painting and decorating and the layout of the car park. This comprehensive list of provisions to ensure the village is provided with a fully functional hall at no cost to the local community. A viability appraisal provided by the applicant indicates the build costs of the fully constructed hall and car park are in excess of £400k, which combined with the build costs of the dwellings, professional fees, developer's profit and residual land valuation indicate there is no further surplus (i.e. to fund matters such as affordable housing for example). The assumptions within the appraisal (build costs, dwelling sales values, profit etc) are considered to be in line with those expected for a scheme of this nature. The permission would be subject

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to a s106 agreement to secure the handover of the finished village hall and car park to the Parish Council (who would be a signatory of the legal agreement). Timing triggers would be established within the legal agreement, though it is anticipated that the finished hall and car park should be handed over prior to the first occupation of any dwelling on the site.

With regard to the other considerations mentioned above, the site is located immediately to the south of the village on agricultural land. It is very close to the primary school and village church. It offers the opportunity for short walking trips to these facilities through the provision of a footpath to the north east corner of the site. Its close proximity is such that the site is considered as a result to be well-related in terms of its size, scale and accessibility to the village. Whilst the application is only in outline so detailed plans of the hall or dwellings are not for determination, there is no reason to consider that designs appropriate to the character and identity of the settlement cannot be achieved. A local labour agreement condition has been proposed which will ensure a proportion of local job opportunities secured as part of the construction of the site. As per discussions below, the proposal would also maintain the local ecological and historic environment (with conditions in place regarding the former). Overall, the proposal is considered to deliver local infrastructure in compliance with the criteria of policy T4.

### Flood risk and drainage

The application site lies in flood zone 3, the area of high flood risk. National and local planning policy requires the application of a sequential test, to direct development to lower areas of flood risk so as to avoid, where possible, flood risk to people and property. If development is proposed in higher flood risk areas following application of the sequential test, residual risks should be managed through application of the exceptions test. This test takes into account the wider sustainability benefits to the community and whether these outweigh flood risk, and that the development is safe for its lifetime and does not increase flood risk elsewhere. The need for the exceptions test will depend on the potential vulnerability of the site and development proposed.

The area of the site was originally designated as being within Flood Zone 3b (functional floodplain) within Sedgemoor's Strategic Flood Risk Assessment (SFRA). This is the area that water has to flow initially in times of flood. The SFRA takes a precautionary approach when designating areas of Flood Zone 3b where no detailed modelling is available based on Environment Agency Flood Map for Planning outlines. The SFRA advises that in these instances, an applicant can challenge this designation through further modelling and/or a site specific Flood Risk Assessment (FRA). The applicant has provided information within their FRA to demonstrate that the site does not fall within Flood Zone 3b and is within a lower category of flood risk. The site is within an area subject to flood defences. National Planning Guidance on Flood Risk and Coastal Changes states *'areas which would naturally flood, but which are prevented from doing so by existing defences and in infrastructure or solid buildings, will not*

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*normally be identified as functional floodplain*’. The FRA concludes that as a result the application site should not be considered as being located within Flood Zone 3b; the Environment Agency in their response agree with this conclusion.

Flood modelling has also been undertaken by the applicant. This has modelled fluvial data from the EA against levels from the topographical survey of the site. This work has taken into account allowances for climate change (i.e. increase rainfall events). The EA has confirmed on the basis of the modelling work that the site falls within Flood Zone 3a.

Given the EA consider the site to be within Flood Zone 3, the application of the sequential test is required to determine whether sites at lower risk of flooding (i.e. zones 1 or 2) could accommodate the development. For the purposes of the sequential test, local plan policy states any alternative sites considered must be reasonably available, must be within the relevant area of search, can accommodate the requirements of the development and are deliverable. As the purpose of the proposal is to deliver a new village hall for the village, the area of search would only relate to those sites reasonably well related, i.e. bordering the village of Bawdrip. Given that the Parish Council’s call for sites only resulted in one site being put forward (the application site), it can only be concluded that no other sites at lower risk of flooding are reasonably available to accommodate the development proposed. The sequential test is passed as a result.

National Planning Guidance states that residential development within Flood Zone 3a can be acceptable subject to successfully undertaking the exceptions test. Initially the Environment Agency objected to the application because they did not consider the information submitted adequately demonstrated that the second part of the exceptions test had been passed (i.e. that the development was safe and would not result in an increase in flood risk elsewhere).

Further modelling was undertaken by the applicant to examine various breach scenarios against predicted flood events (such as 1000 year current and future climate change events or the Bridgwater Tidal Barrier scenarios for 1 in 200 year and 1 in 100 year events). These show Bawdrip as being free from flooding and safe for its operational lifetime. They have also undertaken modelling in regard to undefended scenarios (despite the existence of flood defences within the area – such that these scenarios represent the extreme worst-case scenario assuming no flood defences are in place). These indicate that with finished ground floor levels at 5.8mAOD, applying highest level assumptions about sea level rises, a first floor safe refuge for all residents would exist for all residents as these would be at 8.2mAOD, in excess of the worst case modelled event (7.77mAOD). This information indicates that proposed development would be safe in flood risk terms for the undefended (worst-case) scenario with an allowance for climate change for the operational lifetime of the development. This reflects the approach taken for other sites in Sedgemoor which have previously been granted permission. The EA has in response removed their objection to the proposal, subject to the imposition of a number of conditions. These controls would secure

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finished floor levels above 5.8mAOD, submission of a scheme of flood resilience measures, and a condition that all development should be two storey in nature.

With the EA withdrawing the objection, the second strand of the exceptions test is considered passed. The first relates to weighing the sustainability benefits of the proposal against any flood risk. The proposal gives rise to a number of sustainability benefits through the provision of infrastructure and facilities for the benefit of the village. The provision of a new hall and village play area has the potential to increase the self-sufficiency of the village and reduce outward trips by existing residents seeking similar facilities in other settlements. This is a sufficient sustainability benefit which is considered to outweigh any residual flood risk identified above. As such the proposal is considered to have passed the exceptions test.

A drainage strategy has also been submitted. It is an indicative strategy for managing surface water and will be refined through design as part of the process for preparing any subsequent detailed reserved matters application. The indicative strategy proposes on site attenuation with discharge to the rhyne located along the eastern boundary of the site (which flows ultimately into the Kings Sedgemoor Drain). The Lead Local Flood Authority (LLFA) has been consulted and made a number of comments regarding the need for additional technical information regarding drainage calculations, exceedance routes, infiltration testing, discharge rates, potential outfall locations, surcharging and surface water flooding. This information has been provided to the satisfaction of the LLFA, who are happy to accept the imposition of a condition requiring submission of a detailed surface water drainage scheme. The Internal Drainage Board has provided standing advice; the applicant confirms they have been in consultation with the IDB in the design of their scheme with regarding to discharge rates and size of maintenance strips alongside existing watercourses. The application will also be subject to any subsequent Land Drainage Consent, which provides additional controls for the IDB regarding any works in proximity to a watercourse.

In light of the consultee concerns having been satisfactorily addressed, it is now considered that the application is acceptable with respect of flood risk and drainage.

### Highways

The application site is located off Bradney Lane. This is an unclassified road which runs from the southern edge of the village and which heads west where it crosses the Kings Sedgemoor Drain and eventually connects to the A39 Bath Road. The proposal includes details of a new vehicle access on to Bradney Lane. This will be formed by removal and/or translocation of part of the boundary hedge to achieve visibility splays of 2.4m x 43m. The proposal also indicates that a footway will be provided to the north east corner of the site to improve pedestrian links between the site and the village / school to the north.

In terms of traffic generation, the majority of vehicle trips generated by the village hall would be outside of peak hours. Traffic generation associated with the dwellings would be in the

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region of 40-50 movements daily. This level of movements is not considered excessive and not considered as 'severe' as defined in the National Planning Policy Framework.

The internal road layout within the scheme would be determined at reserved matter stage but would appear to be potentially adoptable by the highway authority. Overall, the highway authority do not raise an objection to the proposal, and are satisfied for details of the access, estate roads, footway provision etc can be adequately addressed via planning conditions.

### Other Matters

The layout, appearance, scale and landscaping of the proposal do not form part of the determination of this application which seeks outline planning permission. However, based upon provision of indicative drawings submitted, there is no reason to consider that an acceptable layout, with dwelling designs appropriate to the village, and which maintain adequate privacy for nearby residents can be achieved. The Council's Open Space team is also satisfied with the play provision proposed, subject to securing its detail and ongoing management and maintenance via legal agreement. Environmental Health are satisfied that impacts during the construction period can be managed via a Construction Management Plan. Appropriate controls regarding contaminated land would also be imposed via condition.

The scheme will also be subject to the recent changes in Building Regulations under Part L introduced in June 2022. These require all new dwellings to achieve a 31% reduction in carbon emissions when tested against previous Building Regulations (dating from 2013). Developers will need to deliver this in the form of both improvements to the fabric of buildings (insulation, ventilation etc) but also with the addition of renewables (solar PV, heat pumps etc); the changes place a greatly increased requirement on development to reduce carbon emissions such that proposals will highly likely need to deliver a combination of fabric first and renewables in order to ensure compliance with the new regulations. In addition, the new regulations regard electric vehicle car charging points on all new residential dwellings with on-plot parking.

The county ecologist is also satisfied with the proposals, with the site having been subject to ecological surveying prior to submission of the application. Conditions would be proposed to protect species and habitat during construction, and to ensure appropriate landscape management post-construction, submission of a lighting design for bats, and delivery of biodiversity enhancements.

It is noted that Natural England responded to the consultation raising the issue of impact of phosphates loads on the Somerset Levels and Moors Ramsar site. However, Natural England has subsequently revised the catchment map for the Ramsar site which has resulted in large areas to the east of Bridgwater being removed from the catchment. Development in these areas is no longer considered to be hydrologically linked to the Ramsar site and therefore does not lead to an increase in phosphate loads. The application site is within this area and



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as such no impacts on the Ramsar site are now considered to arise.

With regard to other matters raised in representations the following comments are offered:

- Need for additional re-consultation – a representation has been received stating the scheme has changed and should be subject to further consultation (or even a fresh application). The additional information provided relates to technical data on flood risk and drainage requested by the Environment Agency and Lead Local Flood Authority. This data is on matters such as flood modelling, infiltration rates, run off rates, micro-drainage calculations among others. It is a common request on major applications for those statutory consultees to request clarifications on data underpinning the applicant's flood risk and drainage strategies in order for the consultees to be in a position to accept the flood risk and drainage strategy put forward and recommend conditions. The provision of this technical data has not resulted in changes to the scheme, to warrant further public consultation.

### Summary

The application provides local infrastructure in the form of a new village hall, public car park and play area in compliance with policy T4. There are no matters which cannot be satisfactorily addressed via conditions or resolved at reserved matters stage through high quality design with regards to the layout, appearance, scale and landscaping of the proposal.

### **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:*

- *That the developer fully constructs and transfers the proposed village hall and car park to Bawdrip Parish Council*
- *On-site public open space in the form of a LAP and provisions regarding its transfer and management*

*(B) that the Assistant Director (Legal and Governance) be authorised to prepare and seal the Agreement and;*

*C) subject to the following conditions:*

- 1 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 before any development 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

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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.

Reason: 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).

- 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 No approval of reserved matters shall take place until such time as a scheme detailing flood resilience measures to be incorporated in the proposed dwellings has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained and retained thereafter throughout the lifetime of the development.

Reason: To reduce the residual risk of flooding to the proposed development and future users in accordance with Sedgemoor Local Plan 2011-2032 policy D1.

- 4 The site of the proposed development may be contaminated. Therefore, unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

### A. Site Characterisation

A detailed site investigation and risk assessment must be completed in accordance with current UK guidance to assess the nature, extent and scale of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The investigations, risk

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assessments and written reports must be approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) desk study information, conceptual models, investigation methods, investigation results and interpretation and any other information required by the local planning authority to justify and appraise the report findings.
- (iii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with current UK guidance including DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### B. Submission of Remediation Scheme

In cases where contamination is shown to exist a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, the natural and historical environment and surrounding land must be prepared and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the local planning authority.

### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

### E. Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation, is required as part of the approved remediation scheme then the monitoring and maintenance scheme will need to be approved in writing by the local planning authority.

Following completion of the measures identified in that monitoring and maintenance scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority for approval.

This must be conducted in accordance with current UK guidance including DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: This is a pre-commencement condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D25.

- 5 Prior to the commencement of the development hereby approved, 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

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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 accordance with policy D15 of the Sedgemoor Local Plan 2011-2032 and the Economic Development Supplementary Planning Document. This matter needs to be agreed prior to commencement in order to ensure that local labour is used in the project from the start.

- 6 Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CEMP shall, amongst other things, include:-
- a. Measures to regulate the routing and movement 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;

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- 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. Demolition/construction hours of operation;
- n. Measures to encourage the use of public transport amongst contractors;
- o. Provision of pollution prevention measures to protect the water environment
- p. Risk assessment of potentially damaging construction activities;
- q. Identification of “biodiversity protection zones”;
- r. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction upon ecology (may be provided as a set of method statements);
- s. The location and timing of sensitive works to avoid harm to biodiversity features;
- t. The times during construction when specialist ecologists need to be present on site to oversee works;
- u. Responsible persons and lines of communication, including reporting to the local planning authority;
- v. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- w. Use of protective fences, exclusion barriers and warning signs in the interests of ecology.

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.

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Reason: This is a pre-commencement condition to protect the amenity of local residents and ecological features from potential impacts whilst site clearance, groundworks and construction is underway in accordance with Sedgemoor Local Plan 2011-2032 policies, D13, D14, D20D24 and D25.

- 7 No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site. Such works shall be carried out in accordance with the approved details.

These details shall include the following:

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
- Where it is proposed to discharge to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime

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of the development.

- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system.

Reason: This is a pre-commencement condition to ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2021), the Technical Guidance to the National Planning Policy Framework and Sedgemoor Local Plan 2011-2032 policy D1.

- 8 Prior to construction above damp-proof course, a scheme of biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. The scheme shall be installed prior to the first occupation of any dwelling hereby approved and thereafter retained.

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 Sedgemoor Local Plan 2011-2032 policy D20.

- 9 Prior to construction above damp-proof course level of any building hereby approved, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. 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 other external lighting shall be installed without prior consent from the Local Planning Authority through submission of a planning application.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

- 10 The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing No. 751.19.003 Rev D, with no obstruction to visibility greater than 300mm above adjoining road level within the splay areas. The access shall be made available for use before work commences on any dwelling or the village



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hall hereby approved. Once constructed the access shall be maintained in that fashion thereafter.

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

- 11 The development hereby permitted shall be constructed with Finished Floor Levels set at a minimum of 5.8 metres above ordnance datum (mAOD).

Reason: To reduce flood risk to the development and future occupants in accordance with Sedgemoor Local Plan 2011-2032 policy D1.

- 12 The proposed estate roads, footways, footpaths, tactile paving, 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 interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 13 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 interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 14 No dwelling hereby permitted shall be occupied until a network of cycleway and/or footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Sedgemoor Local Plan 2011-2032 policy D13.

- 15 A detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the submitted and approved Travel Plan as capable of being implemented prior to occupation. Those parts of the submitted

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

and approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of sustainable development in accordance with Sedgemoor Local Plan 2011-2032 policy D13.

- 16 A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the first occupation of any dwelling. The content of the LEMP shall 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 and remedial measures.

The LEMP shall also include details of the 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 shall 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 and in accordance with policies D19 and D20 of the Sedgemoor Local Plan 2011-2032.

- 17 All residential development must be two storey in nature, with provision of an integral upper floor area of safe refuge. No sleeping accommodation shall be provided on the ground floor.

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Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Sedgemoor Local Plan Policy D1.

### **Schedule A**

Location Plan Drg No. 751.19.004A

Proposed Site Layout Drg No. 751.19.003D (for the avoidance of doubt, only the access shown on this drawing is determined, the layout is otherwise indicative)

### **DECISION**

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

Case Officer: Dawn de Vries Tel: Sedgemoor Direct: **0300 303 7805**

Lympsham

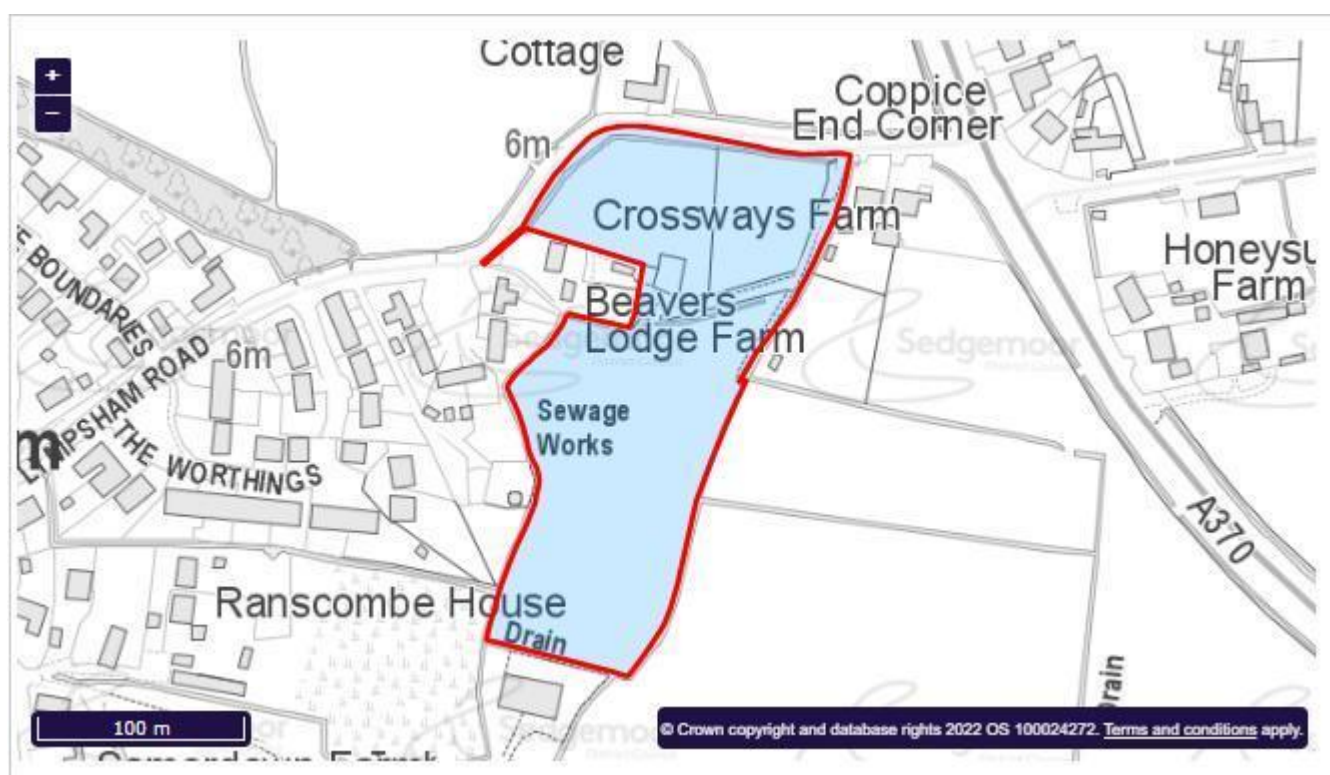
31/19/00016 registered 02/07/2019

Expiry Date 30/09/2019

(Full Planning Permission)

Proposal:

**Erection of 40 rural exception dwellings including 16 local needs affordable homes and associated works including a public footway and formation of a new vehicular access. at Land at, Beavers Lodge Farm, Lympsham Road, Lympsham, Weston-Super-Mare, Somerset, BS24 for Strongvox Homes Ltd, JDW Puddy and AE Reader (agent: Earlsfield Town Planning Limited )**



### Committee decision required because

The Parish Council comments are contrary to the case officers recommendation

### Background

The site is land at Beavers Lodge Farm, Lympsham Road, Lympsham and the application seeks consent for a rural exception site to provide 40 dwellings, 16 of which would be affordable housing to meet an identified need, associated works including a public footpath and formation of a new vehicular access.

The site currently comprises Beavers Lodge Farm with an access track from the main building heading east and exiting onto Lympsham Road at the north west corner of the site. There are

## **AGENDA ITEM 7.1 – MAJOR APPLICATIONS**

a number of land drains surrounding the boundaries of the site and one cutting through the site west to east just south of the existing buildings.

The site is within flood zone 3 and lies outside of but adjoins the settlement boundary to the west. The existing farm house lies outside of the application site.

This application details one main road entering the site to the north east and on the opposite side of the road to Coppice Cottage and terminating at the end of the site with a turning head. To the front of the site properties are orientated to face Lymsham Road whilst inside the site there are a mix of orientations with some fronting the main access road and some set further back from the road and overlooking rear courtyard areas.

Within the site off the main road there are 3 parking courtyard areas and three private drives off the main road, one of which provides a circular surround to the central public open space and another is shown as a potential connection point to the eastern land parcel which is blue land and proposed as ecological enhancement.

Around the edges of the site are maintenance corridors for the land drains and a centralised division through the middle of the site reflect the existing drainage ditch.

The site proposes a hedged and tree lined frontage with further tree planting shown sporadically through the site.

### **Relevant History**

None relevant for this site.

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

Parking Matrix  
Drainage Statement  
Surface Water Management and Maintenance  
LLFA Response  
EA Response  
IDB Planning Response  
Flood Risk Assessment  
Amended Plans Covering letter  
Ecological Note  
Ecological Survey  
Public Notice  
Draft Heads of Terms  
Notice Letter to Highways  
Landscape and Ecological Management Plan  
Design and Access Statement 1-7  
Landscape and Visual Impact Appraisal Rev B  
Ecological Impact Assessment  
Planning Statement

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Statement of Community Engagement  
Preliminary Ecological and Geotechnical Assessment  
Transport Statement  
Travel Plan Statement  
Arboricultural Impact Assessment

### **Consultation Response**

**Lympsham Parish Council:** Object (18/07/2019)

'The Parish Council have met and considered this Application. They Object to the Application on the following grounds:

1) This development is excessive for Lympsham, a further 50 houses (in addition to the already approved 20 in West Road) would mean an increase of over 20% in the size of the village. The Council feel this is unacceptable. The impact on the already limited village facilities would be unsustainable, and the whole character of the village would be compromised.

2) Increased traffic will only put more pressure on the roads around the village, a potential further 100 cars coming in and out of the development, when residents are already often waiting 10 minutes or so to get out of the junction with the A370 will have a serious impact on road safety, many accidents are already occurring on this busy road and junction. Such an increase in traffic may cause backing up at the junction, both leaving and entering the village.

3) The proposed entrance to the site is too close to a dangerous bend, accidents have often occurred in the past few years as the road is narrow, and visibility is poor, especially for people trying to leave the development. The cottages directly opposite the access will suffer light pollution at night with headlights directly facing them.

4) The provision of parking spaces is inadequate.

5) There is no mention of an Affordable housing provider on board. The recent housing needs survey is not yet available, the Council would like it noted that eight dwellings will be provided by another recently approved development.

6) The residents and Council are dissatisfied with the disjointed online consultation, the Council now knows that many residents are not aware of the proposed development. The methods of communication with Lympsham residents has been arbitrary and unsystematic'

### **Following the revised submission**

**Lympsham Parish Council:** Object (18/02/2022)

Amended plans for 40 rural exception dwellings including 16 local needs affordable homes and associated works.

The Parish Council met and reconsidered their comments of 17th July 2019 which related to

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

a proposal of 50 dwellings on this site. The Council upholds the decision to Object to this amended proposal whilst appreciating that efforts have been made to mitigate some of the original concerns raised.

- The development with a reduced amount of 40 houses, would still mean an increase in the size of the village of approximately 25 %, when taking the 20 houses being currently built in Lime Grove and a recently passed application for three dwellings at Manor Farm into account. The Council accepts there is still a need for more affordable units but would like a Community led project working with an affordable housing provider, and an updated social housing requirements survey would be preferable to one that is almost three years old. The infrastructure of the village would be impacted by as many as 40 houses. There has been a notable lack of consultation with the Parish Council and Community.
- It is noted that the market and social rented homes have no 2 bedded units, and the density of houses in the back paddock is disproportionate to the front one. The Council also feel that the social housing is not integrated with the open market units.
- The Council would like assurance from the Consultees that drainage needs for this development in Flood Zone 3 can be adequately met as the high levels around the site, especially at the southern end could impact on the houses on lower ground such as Worthy Crescent and the Worthings. The Parish Council note the proposed tank and pumping systems, and would like to know who would be responsible for maintenance of the system and pumping station in future years.
- There has been regular tanker use at the Boundaries and the Worthings in recent months, which prompts the question of adequate sewerage provision with 40 extra houses.
- The site would need to be raised to alleviate flood risk which will have an adverse effect on other residential properties by overshadowing and thus causing loss of privacy.
- The issue of increased traffic would mean extra pressure on the already sinking village road and more congestion throughout the village. Turning right onto the A370 would become progressively more difficult with the addition of 80+ cars. This junction and the one at the other end of the village by the Anchor Pub are busy and it is a concern that traffic would back up turning into the village as well as out of it. The entrance to the proposed development has been moved, but the Council would like assurance from Highways that the new position is viable and safe. Highways have stated the need for further consideration of the above issues which the Parish Council agree with fully.

### Consultees Responses

**Somerset County Highways:** Objection

**Economic Development:** Recommend a Local Labour Condition.

**County Ecology:** No objection subject to conditions.

**Environmental Health Officer:** Recommends a construction operation condition, CEMP and a contaminated land condition.

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**Crime and Design Officer:** Comments on design

**Coastal and Land Drainage:** Objection

**Parks and Gardens Team:** Object due to the drainage being below the proposed LAPs/LEAPs

**South West Heritage Trust:** No objection

**Environment Agency:** Objection

**County Education:** Sufficient capacity in education, no contribution required

**Internal Drainage Board:** Objection

**Lead Local Flood Authority:** Comment on Flood risk, high water levels and other drainage officers comments. Recommends a condition on drainage.

**Natural England:** No objection

**Affordable Housing:** No objection

### **Following the revised submission**

**Civil Contingencies Officer:** Recommends a Flood warning and evacuation plan

**Environmental Health:** Recommends a contaminated land condition and a noise condition in the interests of future occupiers

**Internal Drainage Board:** Standing advice and recommends an informative

**Affordable Housing Officer:** Supports the revised affordable housing package

**Crime and Design Officer:** Commented on the road layout, play spaces and parking

**Natural England:** No objection

**Landscape Officer:** Confirms the development would not have a significant effect on the conservation area, will be visible from but will have a negligible effect from the AONB and recommends conditions to require a Tree Protection plan and limitations on site clearance.

**Environment Agency:** No objection subject to the LPA being satisfied in respect of the sequential and exceptions test. Recommend a condition requiring the development to be undertaken in accordance with the FRA.

**Lead Local Flood Authority:** Following the submission of additional details the LLFA are now



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satisfied with the drainage strategy proposed as part of the scheme.

**County Highways:** Comments on alignment of access road, swept path analysis and footpath connection and raises no objection subject to a number of conditions in the interest of highway safety

**Ecology:** The 2019 Landscape Environmental Management Plan (LEMP) is out of date although this can be conditions. Conditions are recommended for lighting, a Construction Environment Management Plan (CEMP), LEMP, Wildlife friendly drainage, water vole mitigation and provision of Bird and Bat boxes

**Police Crime and Design Officer:** No further comment to their original

**Natural England:** Advice provided in previous response applies equally to this amendment although they raise no objection.

**Economic Development Team:** Recommend a Local Labour Agreement

### Representations

#### Third Party Comments

#### Third Party Comments to original consultation

36 Letters of objection have been received raising the below:

- Loss of view
- Traffic impact
- Congestion
- Poor visibility
- Evidence of accidents in locality
- Insufficient parking
- Narrowing the road outside of Crossway Farm will cause issues in vehicles passing
- No footpaths from this site
- Concerns regarding construction impacts
- Impact on amenity
- Scale of Development
- Lots of affordable housing consented in the area
- Pressure on drainage/flood risk
- Impact on Infrastructure and local services (medical centre, school)
- Impact on wildlife and loss of habitat
- Loss of hedgerow across entire frontage would impact on ecology and character
- Does not support the function of character of the area
- Density out of keeping resulting in overdevelopment
- Size and appearance out of keeping
- Impact on the street scene (particularly location of plot 1)
- Environmental impact due to addition pollution (cars)
- Loss of greenfield

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

- Limited community engagement from Strongvox (flyer and online only)
- Adjoining neighbours only received neighbour notification letters and advertising coincided with holiday period
- Overlooking
- Noise and light pollution
- Conflict with Local Policy S2, S5, T3a D25, D22, D24 and D2 and NPPF
- Impact on Human Rights

19 Letters of support have been received raising the below:

- Need for affordable housing to support the village
- Younger generation being displaced outside of the village
- Site more suitable than the West Road development
- Fits well with the village
- Increased occupation can support existing facilities
- Good services available
- Delivery of a footpath link would be a benefit of the scheme
- No local accidents
- Pupils from Weston would be replaced by pupils from this site reducing car travel
- Headlights currently shine into property opposite although strongvox confirmed the access would move
- Bus connection close to this site
- Parish Council comments inaccurate

Somerset Wildlife Trust: Comment

‘We have noted the above mentioned Planning Application as well as the supporting Ecological Assessment provided by MD Ecology. We would fully support the findings of the Assessment as well as the Recommendations in Sections 5,6 and 7 which should be incorporated into the Planning Conditions if it is decided to grant Planning Permission.’

### **Following the revised submission**

46 letters of objection have been received raising the below:

- Conflicts with Policy T3a, D2, D20, D22 and D25
- Plot 1 set forward from neighbouring plots
- Proximity of development to Coppice and Coppice End Cottages
- No justification for the development – HNA shows need for 13 Affordable Properties
- Scale of housing increase exceed Local Plan figures
- Countryside location, loss of greenfield site
- Size, scale and prominence
- Ridge height appearing over dominant
- Impact on residential amenities (The Worthings and Worthy Crescent)
- Loss of hedgerow to the left of the access road
- Location of play area
- Development would appear out of character with the surround
- Loss of outlook/view
- Impact on ecology and protected species (water voles and wildlife)
- 40 dwellings still too many

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- Impact on village infrastructure (doctors, school, dentist, post office)
- Drainage concerns in respect of foul capacity
- Concerns regarding local electricity capacity
- Similar affordable development already occurring elsewhere in the village
- Proximity of access to bend (highway safety issue)
- Impact on A370 junction and Copse Corner
- Lack of footpath – pedestrian and vehicle conflicts
- Vehicular conflicts (caravans, agricultural vehicles, horses and cars)
- Increased traffic generation
- Location of access
- Flood risk and land level rising
- Impact during the construction phase
- Air pollution
- No value to the village
- Concern re land ownership and connection

4 letters of support have been received raising the below:

- Need for more housing (affordable) in Lympham
- Suitably located for commuters
- No extra traffic going through the village
- Additional houses will support the school
- Young families asset to the village
- Footpath to be provided would increase safety/accessibility
- Improve highway safety
- Close to 2 bus stops

**CPRE:** Object due to:

- the location of the site outside the settlement boundary
- scale of development (17.5% increase in village size over the last 2-3 years) and lack of need for market houses
- Poorly designed
- conflict with Policy T3a
- limited information to justify numbers against housing needs survey
- visual impact due to location of site and hedgerow removal
- Impact on wider views of Brent Knoll
- Disagree with the Landscape Appraisal
- Position of the properties set forward in the site
- Relationship to properties on the opposite side of the road
- Development not community led
- Concerns regarding the lack of a sequential test given location of the site in flood zone 3
- Contrary to NPPF and NPPG to direct development outside of flood risk
- Exception test requires wider community benefit
- Development would not be safe for its lifetime
- Landscape and Visual Impact assessment fails to note the value of the green separation between settlements
- No viability assessment submitted with this application

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### **Most Relevant Policies**

#### **National Planning Policy Framework**

#### **Relevant Local Plan Policies:**

- S1 Presumption in Favour of Sustainable Development
- S2 Spatial Strategy for Sedgemoor
- S4 Sustainable Development Principles
- S5 Mitigating the Causes and Adapting to the Effects of Climate Change
- T3a Tier 3 Settlements - Housing
- D1 Flood Risk and Surface Water Management
- D2 Promoting High Quality and Inclusive Design
- D3 Sustainability and Energy in Development
- 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
- D24 Pollution Impacts of Development
- D25 Protecting Residential Amenity
- D26 Historic Environment
- D30 Green Infrastructure Requirements in New Developments

### **Community Infrastructure Levy (CIL)**

The application is for residential development in Lympham where the Community Infrastructure Levy (CIL) is Non-urban Residential £104.88sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £433,629.03. 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 application site is located within Lympham which is defined as a Tier 3 settlement and the site is located outside of but adjoining the settlement boundary. Policy T3a confirms that sites outside of but well related to the settlement boundary may be release for mixed tenure (market and affordable) where it complies with the below:

- Fulfils an identified housing need
- Provides 40% affordable housing
- The scale of development should be appropriate to the size, accessibility and

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

- character of the settlement
- Proposal to be well related (cycle and pedestrian links)
- Integration of market and affordable
- Support local job opportunities
- Contribute to local infrastructure priorities
- Maintains or enhances the environment

The Affordable Housing Manager confirmed planning permission has been granted for eight affordable homes at Becks Farm in West Road (31/19/00009) and notwithstanding this the 2019 Lympsham Housing Need Assessment (HNA) identified a need for twenty-five new homes (net sixteen units after discounting the likely delivery at Becks Farm which presented a slight increase (from 22) as reported in the 2018 HNA update.

The applicant revised the scheme from 50 dwellings to 40 and is now proposing sixteen (16) affordable homes, which would equate to the remaining housing need for this area as currently identified for this area. The proposal also delivers a safe pedestrian footpath from the village centre out onto the main road (local infrastructure) which is something that the parish have wanted to provide for many years. Whilst Lympsham does not have a Parish Plan or local list of infrastructure priorities the proposal would deliver infrastructure that would result in a wider betterment.

The Affordable Housing Manager commented following an amendment the affordable housing mix and tenure which now provides 13 social rented dwellings ranging from 1-4 bed properties and 3 shared ownership (2/3 bed dwellings). The revised mix was considered to fall in line with the identified housing need assessment and is therefore acceptable. The overall site provides 40% affordable homes which are indistinguishable from the market properties and would be secured through 106.

For the reasons given above the principle and scale of development in respect of the affordable housing provision would accord with Policy T3a and is therefore supported subject to detailed consideration of the below matters.

Sedgemoor District Council has an adopted an Employment and Skills Charter which would require a Local labour Agreement for this site in the event of a favourable recommendation. The Council is committed to helping ensure that local people benefit from new job and training opportunities created during major developments and the use of local labour and local suppliers is also encouraged because it reduces the impact of travel and transport from such projects. For a development of this size a Local Labour Agreement would be required and in the event of a favourable recommendation would be secured by condition.

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

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.

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Concern has been raised through the third-party consultations regarding the impact of the development on the character and appearance of the area, the layout and loss of hedgerow impacting on the streets scene and the proposal comprising over development.

The application seeks consent for 40 dwellings incorporating 1-5 bed properties. The majority of the site is proposed to be 4 bed dwellings (13) with 6 five bed properties, 10 three bed properties, 7 two bed properties and 4 one bed units. The application was supported with three street scenes that confirm a mixture of property types, styles and design with a mix of hipped and gabled roofs, gable features, porches and decorative banding. Materials are also changed between the units to add to a degree of variety. In terms of density the surrounding area is predominately comprised of detached and semi-detached dwellings with 'The Worthings and Worthy Crescent extending residential properties and garden areas parallel to the southern boundary of this site. As such there is no objection in principle to the infilling of the land parcel shown subject to the compliance of the scheme will all other matters.

The scheme was originally submitted for 50 dwellings and following concerns raised regarding the density from the road frontage and scale of development relative to the identified housing need the scheme was reduced to 40 dwellings. Originally the properties to the north east appeared link detached (plots 1-4), these have been amended to appear as detached and one dwelling removed to allow for greater separation to reflect the character of the area. The rear of these units originally hosted 2 dwellings although the revised plans reduced this to one to allow sufficient parking and improve the active frontages of these properties. At the eastern side of the access road fronting onto Lymphsham road the layout originally proposed 5 dwellings and this was reduced to 3. To the south of this area of development 3 dwellings have been reduced to 2 and the southern section of the site has been reduced from 24 dwellings to 19. There are two terraces of 4 set back from the main frontage, a terrace of three orientated toward and set back from the access road with the remaining site as detached or semi detached to reflect the surrounding area.

The Crime and Design Officer commented on the layout of roads and footpaths confirming 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 vehicular entrance/exit to the development has advantages from a crime prevention perspective and all the dwellings appear to overlook the street and public open spaces although the location of the LAP raised concern with limited opportunities for surveillance. The proposed Play Space (LEAP) is centrally located with good all round surveillance from nearby dwellings. Boundaries in respect of security and legibility is important, particularly given the surrounding land drains. Within the site there are a variety of surrounding boundary treatments and sizes with timber knee rails, railing, low and high screen walls, and timber fencing. These are well placed within the scheme to allow for security and visibility through the site.

There are a mix of on-plot garages and parking spaces and communal on-street parking spaces. The communal on-street parking spaces appear to be small in number, close to and well overlooked by surrounding residents. Policy D34 requires provision for childrens play space in all new housing development of 8 or more dwellings. This site proposes a LAP and LEAP within the site and additional details were provided to confirm the location and details

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

of the play space relocating the LAP from the rear of the site to nearer the site frontage and providing a LEMP within the centre of the site. These amendments have been accepted by the Parks and Gardens and have addresses the Police Crime and Design officers comments and would be secured by 106 in the event of a favourable recommendation.

Plot 1 was raised as a concern due to its location set forward from neighbouring plots. Given the curve of the highway and the position of the property this unit is not considered to appear out of keeping.

Concerns were raised in terms of landscape impact and conflict with Policy D22 (Trees and Woodland). There is a degree of clearance required in construction with the development although the Landscape officer recommends conditions to require a Tree Protection plan and limitations on site clearance. The revised submission included a detailed landscape scheme which seeks to preserve the boundary hedges and mature trees on the east and west boundaries of the site. Whilst there will be clearance on the northern boundary to allow for the site access and the pedestrian route to be provided there is a robust landscape scheme provided with the application to replace the hedgerow with a mix of hedge and trees, set back to enable appropriate visibility splays. Whilst this will have a short term impact between clearance and the landscaping establishing, the landscape officer is satisfied with the details.

Subject to this the Landscape Officer confirms the development would not have a significant effect on the conservation area, it will be visible from but have a negligible effect when viewed from the adjoining AONB.

For the reasons outlined above the proposal is not considered to be an appropriate size, scale and design and would therefore conflict with Policy D2.

### Impact on 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 location of the site is at distance from any listed buildings and lies outside of the Conservation Area.

South West Heritage commented on the application and confirmed that the proposal would have limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

As such there is no objection in respect of Policy D26 of the Local Plan.

### 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

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

future occupants.

Concern has been raised by third parties in respect of construction impacts, impact on amenity, overlooking, noise and light pollution and impact on Human Rights. The development of this site for 40 houses would cause a degree of disruption during the construction period. In addition to construction due to the location of the site within Flood Zone 3 there would be a requirement to increase land levels. Following negotiation with the EA the scale of increase was agreed and a construction management plan will be proposed to ensure timing of deliveries and impact on neighbours is appropriately controlled.

The applicant has confirmed that site preparation will include stripping the site of all topsoil which will be deposited on site in spoil heaps. Excavation will occur to reduce levels to form the estate roads and footpaths, driveways etc. and 10,072 m<sup>3</sup> of clean stone laid to 1m in depth to the above mentioned areas will be deposited on site. This is approximately 17,626 tonnes of aggregate. Once in place the site will be monitored on a weekly basis for up to a year or such other period to demonstrate that compaction of the underlying soil has completed. This is known as a surcharge period.

At the end of the surcharge period it is estimated that the level of the land will have dropped by up to 500mm and any remaining surplus aggregate will be used within the site in the road capping layer and piling mat, or general filling in substructures, drives, paths etc. Based on the above there will be a degree of impact on the highway and surrounding residential during the import of aggregate and the following construction period but this is not considered to give rise to a significantly adverse impact given the top soil and aggregate once no longer required for compaction would remain and be utilised within the site confines.

In respect of overlooking Plot 1 is located side on to Lymsham Road and at distance from the properties opposite. There is one first floor window proposed on this elevation which is a secondary window serving a bedroom but given the position and degree of separation there would be no undue impact. Plot 3 also provides a secondary bedroom window at first floor level facing the adjoining property. The neighbouring dwelling presents a flank side elevation and therefore there would be no undue impact. Due to the location of maintenance margins surrounding the edge of the site the dwellings show a good degree of separation and the supporting information confirms retention of existing hedgerows where possible. Given the distance and landscaping there is not considered to be any adverse overlooking as a result of the development. Given the surrounding area is residential and the former use of the site would and could be agricultural the change to a residential use is considered to be more inkeeping with the surrounding character than the existing and less likely to give rise to conflict in respect of residential amenity.

The location of the access has been moved through the revised plans as it was originally proposed opposite Coppice End Cottage and Coppice Cottage on the northern side of Lymsham Road. Due to concerns raised in respect of light spillage from headlights exiting the site the access point was relocated to the east of the neighbouring properties.

One of the objections have raised that the proposal would contravene their Human Rights. Article 8 relates to a right to respect for private and family life. The courts have interpreted



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the concept of 'private life' very broadly. It covers things like your right to determine your sexual orientation, your lifestyle, and the way you look and dress. The right to enjoy your existing home peacefully. This means that public authorities should not stop you entering or living in your home without very good reason, and they should not enter without your permission. Conditions are proposed to limit disruption during the construction process and the development in itself would not impact on the adjoining properties Human Rights.

Under the Equality Act 2010 the Local Authority has to have due regard to the need to eliminate discrimination, harassment, victimisation and advance equality of opportunity between persons who share relevant protected characteristic and persons who do not and foster good relations between those with and without relevant protective characteristics. The LPA has not been made aware of any adjoining premises with any protected characteristics and in terms of the use of the site the proposal would allow access to a number of market and affordable houses which may or may not be taken up by those who have the relevant protected characteristics and therefore is considered to provide equitable opportunities in this respect.

Taking into consideration potential impact of the development officers are satisfied that the development would not in itself conflict with any requirements of the act. The relocation of the access position has addressed light spill concerns and officers are satisfied that the proposal would not result in any adverse impact on the amenities of the adjoining properties and would therefore be in accordance with Policy D25.

### 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.

Concern was raised by surrounding properties in terms of the traffic impact, congestion, poor visibility, risk of accidents, insufficient parking, narrowing on the road giving rise to highway safety concerns and the lack of onward connection for the footpath.

County Highways originally raised a number of concerns with the development of the site for 50 dwellings regarding alignment of the access, deficiencies in the swept path and lack of safe pedestrian routes through this site and into the wider area. A number of surrounding residents have raised concerns in terms of proximity of access to bend giving rise to a highway safety issue, impact on A370 junction and Copse Corner, lack of footpath and risk of pedestrian and vehicle (caravans, agricultural vehicles, horses and cars) conflicts, increased traffic generation and impact during the construction phase.

County Highways confirmed that the developer has provided a Transport Statement (TS)

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prepared by Condon Drew Associate's based on the original 50 dwelling development. Given the scheme has now been reduced to 40 all the figures in the Statement are an overestimation of potential impact and would be a robust assessment considering both existing and future traffic conditions, along with accident data and accessibility matters.

The TS used the TRICs database to estimate the likely traffic generation of the development proposed and uses data from traffic counters that were placed on the network to confirm current activity so overall impact can be measured and information on the 85% percentile speed of traffic in the vicinity of the proposed estate road junction (these being 29.3mph eastbound and 30.2mph in a westerly direction) was provided. It should be noted since 2019 trip rates for new residential developments have reduced.

The report indicates that in the peak hours the proposed 50 dwelling development would have generated approximately 30 movements in both the AM and PM peaks although once the reduction in the number of dwellings has been factored in, this scenario would result in just over one additional vehicle movement generated every two minutes. On this level the impact of traffic generation would not be considered to be severe and would therefore not result in an adverse impact on either Lympsham Road or the operation of its junction with the A370.

The TS also examined accident data (Person injury accidents reported to or by the Police) and has identified three accidents to the east of the site on the A370 and no reports on Lympsham Road itself. All three of these accidents being due for the most part to driver error so are not considered to be material in the consideration of the above application.

When considering accessibility, footways through the site are being proposed, however the TS also makes reference in Appendix G, to a 2014 Somerset County Council Small Improvement Scheme proposal within existing adopted highway limits or on land to be acquired by the Highway Authority. The scheme sought to provide a dedicated pedestrian link to and from the A370 which is currently unavailable. Unfortunately, that scheme was not able to be implemented because of issues acquiring the necessary land although the developer has incorporated these proposals into their current scheme layout (along with some widening of Lympsham Road to the west of the proposed estate road access) which will provide a link up to the main road junction should the application be approved. The works detailed would therefore result in a safe pedestrian link across the site frontage and to the wider area. Additional plans were sought to confirm the connection on the site edges and this resulted in the serving of a notice to cover some unregistered land. Appropriate certificates have been served and whilst title will need to be resolved prior to conclusion of the 106 appropriate certificates are sufficient to resolve the planning application.

County Highways have confirmed that parking provision within the site is in accordance with Somerset County Council Parking Strategy and is therefore considered to be acceptable. The internal layout was amended following comments that had been received from the estate roads team and have addressed all the internal layout issues.

In respect of visibility the traffic counters confirmed vehicle movement data also confirmed that the vehicle speeds in the vicinity of the proposed junction are at or below the posted

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speed limit. As such the 2.4m 'x' distance by 43m 'y' distance on either side of the proposed access are considered to be acceptable.

Access arrangements for maintenance vehicles will need to be provided to prevent vehicles parking on the prospective highway which a Construction Management Plan condition would cover. Following the submission of the revised layout conditions have now been received setting out the requirement for a condition survey of the public highway, requiring the access, pavements and highway works to be undertaken prior to first occupation, estates road condition, requirement for parking and turning and visibility splays, and requirement for surface water drainage discharge to be agreed. A Travel Plan was also submitted and is considered to be generally acceptable and again is proposed to be secured by condition.

Subject to the above conditions the development would provide a safe pedestrian route through the site and connecting to the wider area. The development provides sufficient parking provision within the layout and an appropriate visibility splay. Based in the information provided officers are satisfied that the proposal would not result in a significant increase in traffic generation and would therefore not result in any detrimental impact on the highway network. The development is therefore considered to comply with Policies D13, D14 and T3a 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.'

Concern was raised by residents regarding the impact on wildlife and loss of habitat and the loss of greenfield land.

An Ecological Impact Assessment of the application site was carried out by MD Ecology based on surveys carried out in 2018 and 2019. The application site consists of three fields of improved grassland with hedgerows, scrub and ditches on its boundaries. The fields are closely grazed or regularly cut. The revisions to the layout resulted in the submission of an ecology note due to the presence of Water Voles on site. The Council Ecologist confirmed that the 2019 Landscape Ecological Management Plan (LEMP) is now considered out of date but a condition is proposed to require an updated LEMP is submitted.

The application site is used by a small number of bats, with the south-eastern corner of the southern field probably being the most valuable area for these species. Light aversive bats were recorded including horseshoe, long-eared and Myotis species. A lighting design for bats could be conditioned in order that these species can continue to use remaining site and any created habitat.

One tree was considered to potentially support small numbers of bats even though at the time of survey no bats were found to be present. A brown long-eared bat roost was recorded within the bungalow immediately off-site and adjacent to the site's southern boundary. Birds may be using the hedgerows and scrub for nesting. Grass snakes were considered potentially present in the boundary features and an important population is unlikely to be present and it was raised that the proposed development would result in the loss of foraging habitat of

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potential value for hedgehogs.

Mitigation for these species needs could be included as method statement in a Construction Environmental Management Plan (CEMP). In addition, appropriate pollution control measures to be implemented on site during construction would need to be set out in the CEMP.

A Landscape and Ecological Management Plan by Reckless Orchard has been submitted by the applicant although the plan needs to be for the life of the development and continued after 15 years. The LEMP confirms that the Meadow & Flowering Lawn should not be cut lower than 10cm due to potential presence of reptiles and should be cut in late October/November. About one third needs to be left uncut each year on rotation to enable moths to complete their life cycle. Details of the body or organization responsible for implementation of the plan also needs to be stated. As set out above an update to the LEMP will be required by condition.

Natural England commented on the application and did not consider it likely that designated nature conservation sites will be affected and support the advice of the County ecologist in respect of protected species and other ecological matters.

Subject to the conditions that were recommended there was no objection in respect of Ecology and the development is therefore considered to comply with Policies D20 and D21 of the Local Plan.

### Flood Risk and Drainage

Third party letters raised concern regarding the additional pressure on drainage/flood risk.

Where the Sequential and Exception Test is required it is the responsibility of the applicant to provide the necessary evidence to allow the local authority to undertake the tests. For the Sequential Test this includes demonstrating that there are no reasonably available alternative sites at lower flood risk within a defined area of search where the proposed development could be located.

To create the most sustainable pattern of development the Spatial Strategy seeks to maximise development within sustainable settlements (Policy S2). Therefore, the Sequential Test will be considered to be passed for proposals located within identified settlement boundaries, as defined on the Policies Map.

Outside of the settlement boundaries, for the purposes of the Sequential Test, the area of search will be the Sedgemoor District area unless it can be demonstrated that the development has a specific locational requirement based on functional requirements or to meet a demonstrable specific local need, in which case the area of search should reflect this. For this site as the proposal is looking to serve an identified need for Lympsham the search area would be edge of settlement sites. Given these are all within Flood Zone 3 the sequential test has been met as there are no edge of settlement sites available that would be at lower risk.

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Where the Sequential Test is considered to be passed the vulnerability of the development must still be compatible with the Flood Zone, including application of the Exception Test (as required). The first part of the exception test looks to confirm if the development would provide wider sustainability benefits to the community that would outweigh the flood risk. In this case the development is seeking to provide a mix of market and affordable housing (40%) that would meet a specific identified need for Lympham. 16 affordable dwellings would provide sustainability benefits in term of accessible location and supporting the self containment of the existing village and as such officers are satisfied it passes the first part.

The Environment Agency originally objected to the application as it was considered to fail the exception test in that the Flood Risk Assessment failed to demonstrate the safety of the development for its lifetime. Additional information in respect of drainage information to confirm details of the drainage strategy in respect of surcharges and climate change and a revised Flood Risk Assessment was submitted in January this year which confirmed that the finished floor levels for all the dwellings shall be no lower than 0.5m from existing ground levels resulting in finished floor levels between 6.1-6.3m AOD. The revised FRA confirmed that whilst the site is at high risk of flooding from tidal sources it is protected by flood defences.

The site is located in an EA flood warning area and whilst there are some areas within the site that are subject to surface water flooding the majority of surface water is dealt with through the land rhynes surrounding the site. The drainage plan detail foul and surface water connections to Wessex under section 104 and within the site there are three attenuation tanks below permeable surfaces to ensure flow rates are acceptable.

The Environment Agency have confirmed they are satisfied with the details and have recommended a condition to secure the levels.

The Lead Local Flood Authority requested additional information during the processing of the application which included updated drawings to detail the EA's Finished Floor Levels across the site, confirmation of the proposed methods of surface water to ensure there is no risk of pollution to the surrounding watercourses, proposed allowance for exceedance and overland flow routing in the case of the system failure, justification for the pumping system proposed and information on the maintenance and operation of the permeable paving. A meeting was held between the officers and additional information discussed to confirm the pollution prevention measures, the adoptability of the drainage structures by Wessex Water and the exceedance routes. Based on this and the additional details provided the LLFA are satisfied with the application.

In respect of the drainage solution the Internal Drainage Board originally confirmed that the discharge rates were acceptable and buffer strips are required to the surrounding land drains although on the most recent consultation referred to standing advice. County Highways highlighted the need for IDB consent for works impacting on the land drains and an informative will be added on the decision notice should the application be supported.

County Highways also raise comments regarding the location of the attenuation tanks and the need to ensure that they are sufficient distance from the surrounding highway and that

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drainage infrastructure should be provided immediately upstream of the proposed access to ensure surface water run off does not discharge across the bellmouth. There is a condition for details of surface water drainage which would cover this.

Based on the additional information provided the proposal has demonstrated that the proposed development would be safe from flood risk for the life time of the development and that the proposal would not increase flood risk elsewhere. The proposal would therefore comply with Policy D1.

### **Other Matters**

Concern was also raised in third party letters regarding the loss of a view, limited community engagement prior to the submission of the application, timing and limitation of the neighbour notification in connection with the application and impact on surrounding infrastructure.

Strongvox undertook some community engagement prior to submitting the planning application. This included circulation of flyers although I understand that this was online only. There is no minimum criteria for pre consultation so this cannot be weighed in this consideration. The neighbours adjoining the application site would have been sent neighbour notification letters in accordance with legislative requirements. Concern was raised regarding this limitation and the timing of the application falling within the holiday period. Since this the application has been re-advertised and there are a large number of letters received so officers are satisfied that sufficient publication has been undertaken.

Concern was also raised regarding impact on Infrastructure and local services (medical centre, school). No objection has been received from County Education regarding capacity and any contribution could be dealt with through CIL receipts. Conflicting comments were received in terms of the development supporting local facilities and NHS obligations can be sought if there are GP constraints, although no request for contributions have been received on this case.

Concern was raised regarding the scale of housing increase exceeding Local Plan figures. The figures set out within the local plan are not a cap and in this case there is a Local Housing Needs Assessment that identifies a need in this location for the number and tenure proposed.

Concerns were raised regarding the ridge height appearing over dominant but given the surrounding residential development in the locality and the variation of the existing roof lines the development is considered to be acceptable in respect of size and scale.

### **Conclusion**

The application has been submitted as an edge of settlement development which can be exceptionally supported in this location subject to compliance with Policy T3a. The proposal seeks to deliver a mix of market and affordable housing, provides a pedestrian route to the front of the site and play areas within the site that meet policy requirements. The application also incorporates additional land to the east of the development as biodiversity net gain. The scale, tenure and mix of properties complies with an identified local housing need and 40% of the dwellings would be affordable. The layout and design is considered to be appropriate

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in terms of integration and the mix of property types and materials would provide for a degree of interest within and throughout the site.

The location of the site is within flood zone 3 although the applicant has demonstrated that there is no site sequentially that is at lower flood risk and would therefore be more appropriate and through negotiations with the Environment Agency, the Internal Drainage Board and the Lead Local Flood Authority all drainage authorities are now satisfied with the scheme subject to conditions.

The location of the access was amended through the application to move the access away from the properties access and whilst the location of the access and the pedestrian path would result in the initial loss of the hedgerow to the front of the site there is a robust landscape scheme proposed ensuring appropriate replacement and existing hedgerows and trees to the east and west of the site are proposed to be retained. County Highways and Ecology are satisfied subject to conditions.

This application will be subject to a section 106 which will secure the provision and accessibility of the pedestrian route along the front of the site, the ecological mitigation, 40% affordable housing and provision of the play areas. The remaining elements of the development are proposed to be conditioned as below.

Subject to this the development is considered to comply with policy and is therefore recommended for conditional approval subsection to the Section 106.

### **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:

- On-site provision for children's play space in the form of a LEAP and LAP including transfer to an appropriate body and commuted sum for on-going maintenance (if adopted by the Council)
- Delivery of POS, LAP and LEAP and provision of a bond to secure delivery and initial maintenance period
- Maintenance of the POS and Play spaces either through a management and maintenance company or by adoption through the Council (with payment of commuted sum for maintenance)
- Provision of pedestrian route along the site frontage adjacent to Lymsham Road
- Delivery of 40% on site affordable housing (16 Units) in accordance with the detail provided and agreed by the Affordable Housing Manager
- Delivery of 0.820ha of biodiverse grassland habitat as set out in the Ecological Note and Ecological enhancement plan 305.21.SK Rev B and landscape plans
- Travel Plan
- Highway Improvements

(B) that the Assistant Director (Legal and Governance) be authorised to prepare and seal the Agreement and;

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(C) subject to the following conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A and in accordance with the approved Travel Plan and timing specified therein.

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

- 3 No works to construct the dwellings hereby approved above damp proof course level shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
- b) details of the design, materials and external finish for all external doors and windows;
- c) details of all hard surfacing and boundary treatments.

Once approved such details shall be implemented in accordance with the details.

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

- 4 Prior to commencement of works the trees and hedges to be retained will have their root protection areas fenced off as shown on the submitted Tree Protection Plan and all landscape areas shall be protected and maintained. The new landscaping shall be in place prior to the occupation of 50% of the dwellings hereby approved 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: This condition is pre commencement to ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained and that planting schemes are established and managed into the future in accordance with Sedgemoor Local Plan 2011-2032 policies D2 and D20.

- 5 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



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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: The condition is pre commencement in the interests of securing the economic benefits of local employment from the commencement of development on site in accordance with Policy D15 of the Local Plan

- 6 Prior to commencement of works a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority, 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. This should occur prior to the final occupation of the last dwelling on the site.

Reason: This condition is pre commencement to ensure the standard of the existing carriageway is preserved following the development of the site in the interests of Highway Safety.

- 7 No part of the development hereby approved shall be occupied until the proposed works on Lymsham Road (as shown generally in accordance with Drawing Numbers 1151 - 003 Rev B , 1151- 001 Rev D and 1151- 004 Rev B) have been fully completed to the satisfaction of the LPA.

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

- 8 The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include:
- construction vehicle movements
  - construction operation hours
  - construction vehicular routes to and from site and measures to regulate this,
  - construction delivery hours,
  - expected number of construction vehicles per day,
  - car parking for contractors,
  - details of importation of soil and spoil to the site,
  - details of the removal/disposal of material from the site
  - location and covering of stockpiles
  - specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the

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- use of public transport amongst contractors,
- details of wheel washing facilities
- details of dust control measures
- Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works,
- measures for waste disposal
- Details of any site construction office, compound and ancillary facility buildings
- 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

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. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: This condition is pre commencement in the interests of highway safety and the amenities of the surrounding residents.

- 9 "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 the amenities of future residents.

- 10 The proposed roads, including footpaths and turning spaces where applicable, as shown on Drawing 0663 - 102 Rev D, 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 and that all parking and turning areas are provided and kept clear of obstruction. The parking and turning area shall remain available for that use and shall be used for no other purpose.

Reason: In the interests of highway safety and amenities of future residents.

- 11 There shall be no obstruction to visibility greater than 300mm above adjoining road level within the splay areas shown on Drawing 1151-001 rev D. Such visibility splays shall be fully provided before works commence on the development hereby

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permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 12 Prior to commencement of any drainage works on site an appropriate right of discharge for surface water shall be obtained 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.

Reason: In the interests of highway drainage.

- 13 The development shall be carried out in accordance with the details and points of clarification as set out below:

- Surface Water Management and Maintenance Plan: 0663-R-0001 (revision 1)
- Drainage Strategy 0663-C-P-0300 D (Revision D with permeable paving outlets added and garage levels updated)
- Engineering Levels 0663-C-P-0331 D (Revision D, garage Level updated where applicable)
- Drainage Statement 0663- DS05 (revision 5)
- Email correspondence from Bill Richardson on 29<sup>th</sup> June 2022 with responses to LLFA comments from 22 June 2022.

Once implemented the development shall be maintained in accordance with the agreed details.

Reason: In the interests of safeguarding the site from risk of future flooding and in the interests of appropriate surface water drainage.

- 14 The development shall be carried out in accordance with the submitted flood risk assessment ('Land at Beavers Lodge, Lymsham, Somerset - Flood Risk Assessment', ref. 1151 v.4 dated 31 January 2022, Condon Drew Associates) and the following mitigation measures it details:

- Finished floor levels for all dwellings shall be set no lower than 0.5m above existing ground levels, resulting in finished floor levels of 6.1-6.3mAOD as shown on 'Engineering Levels' Drawing No. 0663-C-P-0331 Rev D and detailed in section 4.8 of the submitted FRA.

These mitigation measures shall be fully implemented prior to first occupation. They shall be retained and maintained thereafter throughout the lifetime of the

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development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

- 15 Prior to first occupation a flood resistance and resilience measures to address this residual risk and a flood warning and evacuation plan should be submitted to and approved in writing with the Local Planning Authority. This can include details of Physical barriers, raised electrical fittings and special construction materials to reduce flood damage. Development shall be carried out in accordance with the agreed details.

Reason: In the interest of flood resilience and in the interests of the future residents in accordance with Policy D1

- 16 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

- 17 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 to avoid or reduce impacts during construction.
  - 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).

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- h) Use of protective fences, exclusion barriers and warning signs.

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: This condition is pre commencement in the interests of European and UK protected species, including habitats and species of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 18 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the development. The content of the LEMP shall 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 and remedial measures.

The LEMP shall 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 shall 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 European and UK protected species, including habitats and species of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 19 Prior to the commencement of construction, details of wildlife friendly drainage structures, including gully pots, gully covers, and kerbing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the agreed details.

Reason: The condition is prior to commencement in the interest of the strict protection of UK protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

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- 20 Works on or within 10m of ditches and rhynes will not commence unless the Local Planning Authority has been provided with either:

- a) A copy of the licence issued by Natural England pursuant to the Wildlife and Countryside Act 1981 (as amended) authorising the works to go ahead; or
- b) A statement in writing from an experienced water vole ecologist to the effect that he/she does not consider that the specified works will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of UK protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 21 Prior to the first occupation of the dwellings hereby approved a plan detailing the provision of 40 Bird/bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Bird boxes must be of the specification for swifts, house sparrow, and starling. The locations of bird and bat boxes must be designed under the direction of an ecologist. Photographs of the installed features will be submitted to the Local Planning Authority prior to first occupation of the relevant dwellings and the boxes shall be retained and maintained thereafter.

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

- 22 The site of the proposed development may be contaminated. Therefore, unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

### A. Site Characterisation

A detailed site investigation and risk assessment must be completed in accordance with current UK guidance to assess the nature, extent and scale of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The investigations, risk assessments and written reports must be approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) desk study information, conceptual models, investigation methods, investigation

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results and interpretation and any other information required by the local planning authority to justify and appraise the report findings.

(iii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with current UK guidance including that issued by DEFRA and the Environment Agency.

### B. Submission of Remediation Scheme

In cases where contamination is shown to exist a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, controlled waters, the natural and historical environment and surrounding land must be prepared, and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms, prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the local planning authority.

### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where

## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

### E. Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation, is required as part of the approved remediation scheme then the monitoring and maintenance scheme will need to be approved in writing by the local planning authority.

Following completion of the measures identified in that monitoring and maintenance scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for approval.

This must be conducted in accordance with current UK guidance including that issued by DEFRA and the Environment Agency.

**Reason:** This condition is pre commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 23 No dwelling hereby permitted shall be occupied until a scheme to mitigate against road traffic noise has been submitted to, and approved in writing by, the Local Planning Authority that demonstrates how the internal and external living spaces will not exceed the following maximum noise criteria:

Location	07.00 – 23.00		23.00 – 07.00
	Preferred	Upper Limit	
Living Room	n/a	35 dB $L_{Aeq,16hr}$	
Dining Room/Area	n/a	40 dB $L_{Aeq,16hr}$	
Bedroom	n/a	35 dB $L_{Aeq,16hr}$	30 dB $L_{Aeq,8hr}$ < 10 events > $L_{Amax,F}$
Private Amenity Areas and Gardens	50dB $L_{Aeq,16hr}$	55 dB $L_{Aeq,16hr}$	



## AGENDA ITEM 7.1 – MAJOR APPLICATIONS

Such scheme shall detail all necessary elements of the mitigation including: bunding, fencing, site layout, floor plan layout, building envelope construction, glazing and ventilation. The scheme shall include calculations showing the source noise levels, the attenuation characteristics of the building element or barrier and the resultant noise levels in the relevant internal and external spaces. Sufficient details of the construction of bunds or fences on bunds shall be provided to demonstrate the technical feasibility of the structure. The scheme shall be implemented in full.

Reason: In the interests of the amenity of future occupiers in accordance with Policies D2 and D25 of the Local Plan.

- 24 No demolition/construction work (other than completely internal fitting out) 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 Bank Holidays.

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

- 25 Ground gas protection measures should be installed in proposed buildings and structures as recommended in the preliminary geo-environmental and geo-technical assessment dated September 2018 carried out by Tweedie Evans Consulting Ltd. The main methods of protecting the proposed residential houses from gas ingress at this site include:-

- A structural barrier such as floor slabs
- Ventilation
- Gas resistant membrane

These measures shall be in place prior to the first occupation of the respective dwellings.

Reason: In the interest of the amenities of the future occupiers.

### **Schedule A**

Location Plan Drg No. 0664-101A  
Topographical Survey Drg No. Z18393\_2D\_SXB\_UGXB  
Topographical Survey Drg No. 0663-100A  
Planning Layout Drg No. 0663-102 Rev D  
Vehicle Tracking Layout Drg No. 0663-105 Rev D  
Adoption Plan Drg No. 0663-107 Rev D  
Building Heights Plan Drg No. 0663-110 Rev D

## **AGENDA ITEM 7.1 – MAJOR APPLICATIONS**

Refuse Plan Drg No. 0663-111 Rev D  
Street Hierarchy Plan Drg No. 0663-112 Rev D  
External Works Layout (Sheet 1 of 2) Drg No. 0663-104-1 Rev E  
External Works Layout (Sheet 2 of 2) Drg No. 0663-104-2 Rev E  
Materials Layout Drg No. 0663-108 Rev D  
External Detailing Drg No. 0663-106 Rev B  
Street Scenes Drg No. 0663-103 Rev D  
Garages Drg No. 0663-109A  
Devoran Floor Plans and Elevations Drg No. 0633-301  
  
Devoran Floor Plans and Elevations Drg No. 0633-302  
  
Helford Floor Plans and Elevations Drg No. 0663-300  
  
Thornton Floor Plans and Elevations Drg No. 0633-305  
  
Thornton Floor Plans and Elevations Drg No. 0633-306  
  
Camden Floor Plans and Elevations Drg No. 0663-307  
  
Camden Floor Plans and Elevations Drg No. 0663-308  
  
Knowle Elevations Drg No. 0663-309  
  
Knowle Floor Plans Drg No. 0663-310  
  
Creech Floor Plans and Elevations Drg No. 0663-311  
  
Creech Floor Plans and Elevations Drg No. 0663-312  
  
Creech Floor Plans and Elevations Drg No. 0663-313  
  
3BH Floor Plans and Elevations Drg No. 0663-322 Rev A  
  
2BH Floor Plans and Elevations Drg No. 0663-321 Rev A  
  
2BH Floor Plans and Elevations Drg No. 0663-321-1  
  
3BI Elevations Drg No. 0633-303  
  
3BI Floor Plans Drg No. 0633-304  
  
4BH Floor Plans and Elevations Drg No. 0663-323  
  
1BM Elevations Drg No. 0663-319  
  
1BM Floor Plans Drg No. 0663-320  
  
Huntspill Floor Plans and Elevations Drg No. 0663-314

## **AGENDA ITEM 7.1 – MAJOR APPLICATIONS**

Amberd Floor Plans and Elevations Drg No. 0663-315

Amberd Elevations Drg No. 0663-316

Amberd Elevations Drg No. 0663-317

Amberd Floor Plans Drg No. 0663-318

Play Areas - Layout Drg No. 305.19.LD.002 Rev D

Planting Plan North Drg No. 305.19..PP01 Rev E

Planting Plan South Drg No. 305.19..PP02 Rev D

Drainage Strategy Drg No. 0663-C-P-0300 Rev D

Engineering Levels Drg No. 0663-C-P-0331 Rev D

Tree Protection Plan 1 of 2 Drg No. 05198TPP28.5.19

Tree Protection Plan 2 of 2 Drg No. 05198TPP28.5.19

Road Longitudinal Sections Drg No. 0754-C-P-0361 Rev B

Eastern Field - Ecological enhancement- Rev B

Soft Landscape Typologies Drg No. 305.19.LD-01 Rev K

### **DECISION**

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## AGENDA ITEM 7.2 – PLANNING APPLICATIONS

Case Officer: Emma Chorley Tel: Sedgemoor Direct: **0300 303 7805**

Bridgwater

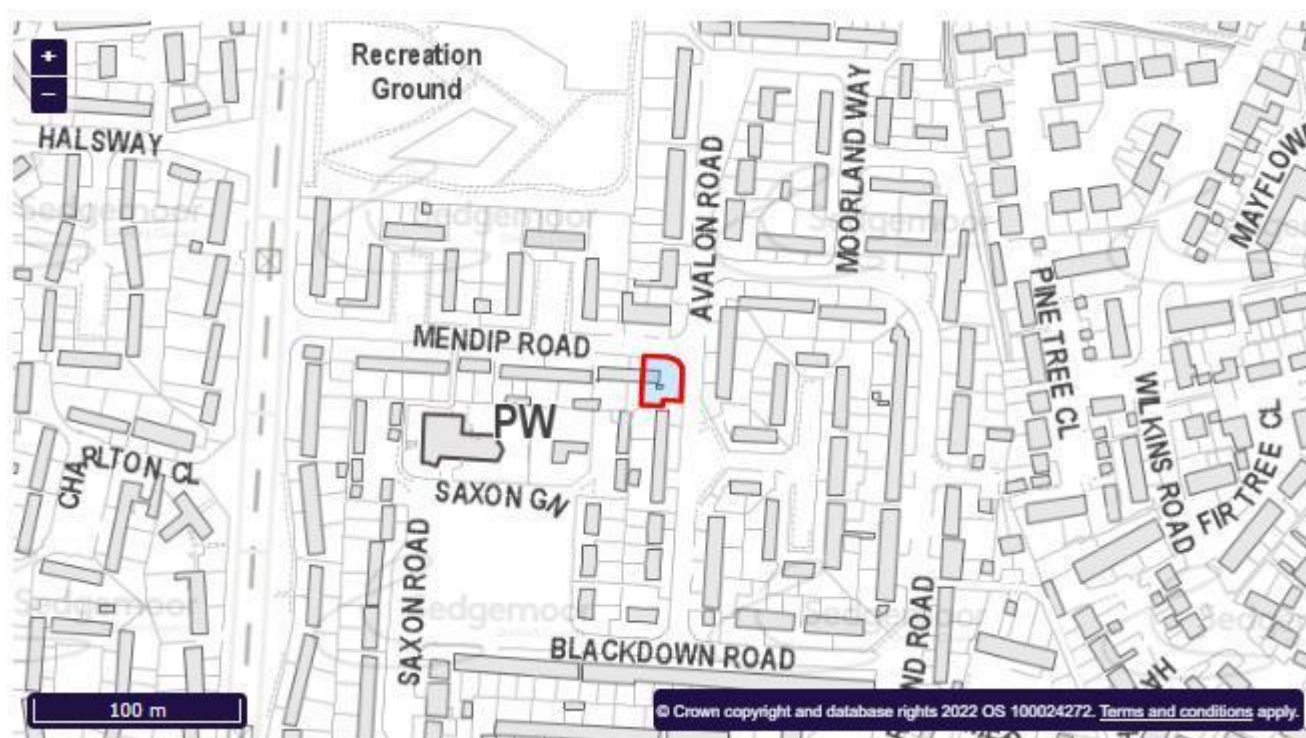
08/22/00028 registered 01/04/2022

Expiry Date 26/05/2022

(Full Planning Permission)

Proposal:

**Erection of 1no. dwelling with the demolition of existing garage.  
at 35 Mendip Road, Bridgwater, Somerset, TA6 4JH for Mr N  
Edwards (agent: PL Building Design Ltd )**



### Committee decision required because

*The views of the Town Council are contrary to officer recommendation.*

### Background

35 Mendip Road is located on the corner of and on the south side of, Mendip Road with Avalon Road. The site is located within the Sydenham area of the principal town of Bridgwater, a predominantly residential area. The existing property fronts Mendip Road, with an open side (east) garden. To the south there is an enclosed rear garden area, with a garage and driveway that serves the dwelling.

There is a strong pattern of development within the area, with the development to the south of Mendip Road and Avalon Road formed of short terraces and stepped in units to the end of those terraces.

## AGENDA ITEM 7.2 – PLANNING APPLICATIONS

Properties are set back from the kerbside and for the most part have generous rear gardens.

As originally submitted, permission was sought for the erection of a pair of semi-detached dwellings fronting Mendip Road. They were each to have two bedrooms and are to be served by a single parking space whilst the existing dwelling would be served by two spaces immediately in front of the dwelling. Following concerns that this would have led to an overdevelopment of the site, contrary to the existing character and pattern of development, the scheme was reduced to a single attached dwelling that will be stepped back from the neighbouring property. This will reflect the existing pattern of development with the stepping back a common feature at the end of the terraces.

### **Relevant History**

None

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

Planning Statement  
Flood Risk Assessment

### **Consultation Responses**

#### ***Consultation responses to initial scheme for a pair of semi-detached dwellings:***

Bridgwater Town Council: Object

- Overdevelopment
- Loss of privacy

Civil Contingencies – recommend condition to complete and maintain a flood warning and evacuation plan

Somerset Highways: Standing advice.

\*Somerset County Highways were asked to review the application in light of the local concern regarding highway safety. The following response was received:

*"The Highway Authority would not support an objection to this development. The proposal meets the Somerset Parking Strategy requirement of one space per 2 bed dwelling. No turning spaces are required due to the road being unclassified.*

*No visibility splay drawings have been provided. The comments are based on the current low boundary wall remaining at the front and to the side of the new dwellings. The proposed dwellings should not impact on the visibility emerging from Mendip Road on to Avalon Road. The vehicles leaving the driveways of the proposed dwellings would have approximately 17 metres visibility which would provide adequate visibility to vehicles coming around the corner into Mendip Road. These vehicles will be travelling slowly to make this turn given it is a*

## AGENDA ITEM 7.2 – PLANNING APPLICATIONS

*residential area.*

*Protection would be required to the existing street light in the form of posts to protect the main lighting column."*

Somerset County Ecology – No objection. Recommends condition to secure biodiversity enhancement

### ***Consultation responses to second scheme for a single attached dwelling:***

Bridgwater Town Council: Confirmed objection remains.

- Overdevelopment
- Highway safety

Somerset Highways: Standing advice

No other consultee responses have been received

### **Representations**

#### ***5 representations received in response to initial scheme for a pair of semi-detached dwellings***

2 x comments raising concerns:

Parking provision

Highway safety

Boundary treatments

Design and layout; the overlapping of parking areas in front of new dwellings.

Suggest better suited to a single dwelling.

3 x objections:

Overlooking

Overshadowing

Loss of privacy

Lack of parking provision

Highway safety

Loss of green space

Party wall issue.

#### ***1 representation was received in response to revised scheme for 1 dwelling:***

1 X objection:

Loss of green space

Loss of light to neighbouring garden

Loss of privacy

Will add to parking issues in the vicinity

## **AGENDA ITEM 7.2 – PLANNING APPLICATIONS**

Garage to be demolished attached to boundary wall  
Impact on visibility from neighbouring driveway  
Dangerous corner to build on

### **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.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of Sedgemoor District Local Plan 2011-2032.

### **Sedgemoor Local Plan 2011-2032**

S1 Presumption in Favour of Sustainable Development  
S2 Spatial Strategy for Sedgemoor  
D1 Flood Risk and Surface Water Management  
D2 Promoting High Quality and Inclusive Design  
D3 Sustainability and Energy in Development  
D14: Managing the Transport Impacts of Development  
D20: Biodiversity and Geodiversity  
D25 Protecting Residential Amenity

### **National Planning Policy Framework**

Section 2 - Achieving sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 8 - Promoting healthy and safe communities  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment

### **Main Issues**

The main issues are the effect of the proposed development on the character and appearance of the area together with whether the development proposed respects the impacts on amenity of existing occupiers and delivers a high quality level of amenity to future occupiers of the proposed and existing dwellings. In addition, the effect on highway safety, flood risk and ecology impacts are considered.

### **Design, Character and Appearance**

The Parish Council maintain an objection to the revised scheme on the grounds that it is an

## **AGENDA ITEM 7.2 – PLANNING APPLICATIONS**

overdevelopment of the site. The site and surrounding area are predominantly residential in character. Existing dwellings in the vicinity of the site mostly being two-storey and arranged in small terraces with pairs of semi-detached dwellings found to the north side of Mendip Road and further south in Avalon Road. The dwellings are set back from the roadside. The development here is of a fairly high density with open green corner spaces largely kept free of development. An exception to this is the dwelling to the north of Mendip Road (opposite the application site) which has been extended and the garden area that remains enclosed by way of a lower brick wall and hedge behind. There is still a degree of openness that provides a site line to the side of the terrace dwellings and build line along Avalon Road.

Whilst the greenery within front gardens and the open corner plots are important to the overall character, homeowners do not require planning permission to give these areas over to parking and/or other hardstanding. The revised proposal will now see the retention of part of the lawned area bounded by a dwarf wall. Both the original dwelling and the proposed dwelling are to be served by two off road parking spaces. The proposed dwelling is stepped back from the existing dwelling, this reflects the existing pattern of development in the area, where short terraces “finished” by a stepped back dwelling are commonplace. The removal of the second dwelling means the build lines that exist are respected and there remains a degree of openness.

The reduction of dwellings to one is such that the 1.8m high close boarded fencing is sufficiently set back from the highway to avoid any overbearing visual impact.

The material finish will reflect the adjoining existing dwelling with a brick finish to the lower portion of the front elevation and render above. The remaining elevations will have brick finish. A condition to secure details of the materials would be applied to any permission.

Subject to such a condition, it is considered that the revised scheme has sufficiently addressed officer concerns regarding overdevelopment and that the proposed development will sit comfortably within the character of the area, as required by policy D2 Sedgemoor Local Plan 2011-2032.

### **Amenity**

Concern has been raised regarding loss of light and privacy for the neighbouring, no. 58 Avalon Road. The separation distance that exists between the rear of the newly proposed dwelling and the side elevation of no.58 is approximately 12.8m. There is one window at first floor that the objection received confirms serves a bathroom. The windows that feature on the rear elevation of the dwelling proposed serve the third bedroom, a landing and the bathroom. A condition can be applied to ensure that the bathroom window is obscure glazed to the new dwelling. A bathroom and landing are not considered to be habitable rooms for the purposes of assessing overlooking impacts and this together with the separation distance of circa 12.8m is such that subject to a condition to obscure glaze the window to the bathroom in the proposed dwelling, it is not considered that the proposed development would result in any adverse overlooking.

With regards to loss of light, the new dwelling would sit to the north of the existing



## **AGENDA ITEM 7.2 – PLANNING APPLICATIONS**

neighbouring property, and largely, as is reflected in the concerns regarding potential overlooking, face the side of the existing dwelling. It is not considered that the development proposed would result in any significant loss of light to the neighbouring dwelling.

The scheme now proposed will see an acceptable level of private and open amenity space to serve the new dwelling, whilst the existing dwelling will retain a sufficient level of private amenity space.

Opposite, properties are sufficiently distant and with the intervening highway, no undue amenity problems from overlooking arise.

The proposed development would not unduly harm the living conditions of neighbouring occupiers and no conflict with Policy D25 arises.

### **Car Parking/Highway Considerations**

Somerset County Highways have been consulted on both the initial and revised scheme now before members. For both they responded and confirmed that standing advice is to apply. Following up on local concern regarding highway safety to the initial scheme for two dwellings, they were asked to specifically review the application. They advised they had no objection on highways grounds, their detailed comments are set out above. For the revised scheme reducing the development to 1 no. dwelling, they have confirmed again standing advice is to apply.

The parking standards for development are: two spaces for a 3-bed plus visitor parking. Four spaces are proposed. Both Mendip Road and Avalon Road are unclassified highways. The shortfall from the “optimum” level of parking is limited only to visitor parking which is set out at 0.2 spaces per 5 dwellings. It would not therefore be appropriate to suggest that the shortfall is such to warrant a refusal on the basis of highway safety. A condition can be applied to ensure that the parking areas are delivered prior to first occupation of the development permitted. Whilst the objection of the Parish Council is noted, subject to such a condition, the proposed development is considered to comply with the requirements of both local and national planning policy. Furthermore, in light of the Highways authority confirming that they would have no objection to the scheme for two dwellings, it is not considered that a refusal on these grounds could be reasonably sustained.

### **Flood Risk**

The application site is within Flood Zone 3 and is within an area at high risk of flooding. This designation affects much of Bridgwater, which the Local Plan considers to be the most sustainable location for growth in Sedgemoor. The sequential test is therefore considered to be passed for such development. The application is supported by a flood risk assessment that details flood resilience measures that will be incorporated within the development. A condition will be applied that requires the development to be brought forward in accordance with those measures. Subject to the same, the proposed development complies sufficiently with policy D1 Sedgemoor Local Plan 2011-2032.

## **AGENDA ITEM 7.2 – PLANNING APPLICATIONS**

### **Ecology**

In accordance with the requirements of the NPPF, biodiversity enhancement are to be secured by way of condition.

### **Other Matters**

Concern has been raised that the garage to be demolished to facilitate development forms part of the boundary wall with the neighbouring property. The demolition of the garage could be carried out by the applicants without the need for planning permission and any impact in terms of the boundary would fall outside of the remit of planning. The submitted plans indicate a close boarded fence is to be erected to enclose a private rear amenity space.

### **Summary**

In summary, this proposal, as now revised and subject to conditions will sufficiently comply with local and national planning policy and the application 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 development hereby approved shall be carried out in accordance with the flood resilience measures as set out in submitted and approved Flood Risk Assessment (dated 8 March 2022).

Reason: To safeguard the site and surrounding area from flood risk in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D1.

- 4 No development shall take place above damp proof course level until details and/or 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

## AGENDA ITEM 7.2 – PLANNING APPLICATIONS

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.

- 5 Before the development hereby permitted is first brought into its permitted use the window to the first floor rear elevation, indicated as serving the bathroom on the submitted and approved drg.no. 958-05 proposed elevations shall each be fitted with an obscure-glazed window, and shall be retained in that fashion thereafter in perpetuity.

Reason: To safeguard the privacy of the occupants of the building and neighbouring properties in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D25.

- 6 The area allocated for parking on the submitted and approved drg.no. Proposed Site and Block Plans Drg No. 958-03 Rev A, shall be provided prior to first use of the occupation of the dwelling house hereby permitted and shall thereafter be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure there is adequate parking to serve the development in the interests of highway safety and in accordance with policy D14 Sedgemoor Local Plan 2011-2032.

- 7 The following biodiversity enhancements shall be installed at the site prior to the first occupation of the dwelling hereby permitted and shall thereafter be retained and maintained in perpetuity.

- x2 built-in house sparrow nest boxes will be integrated into the design, with x1 box at eaves level on north or east facing elevations.

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.

### **Schedule A**

Location Plan Drg No. 958-01

Existing Site and Block Plans Drg No. 958-02

Proposed Site and Block Plans Drg No. 958-03 Rev A

Proposed Floor Plans Drg No. 958-04 Rev A

Proposed Elevations Drg No. 958-05 Rev A

### **DECISION**

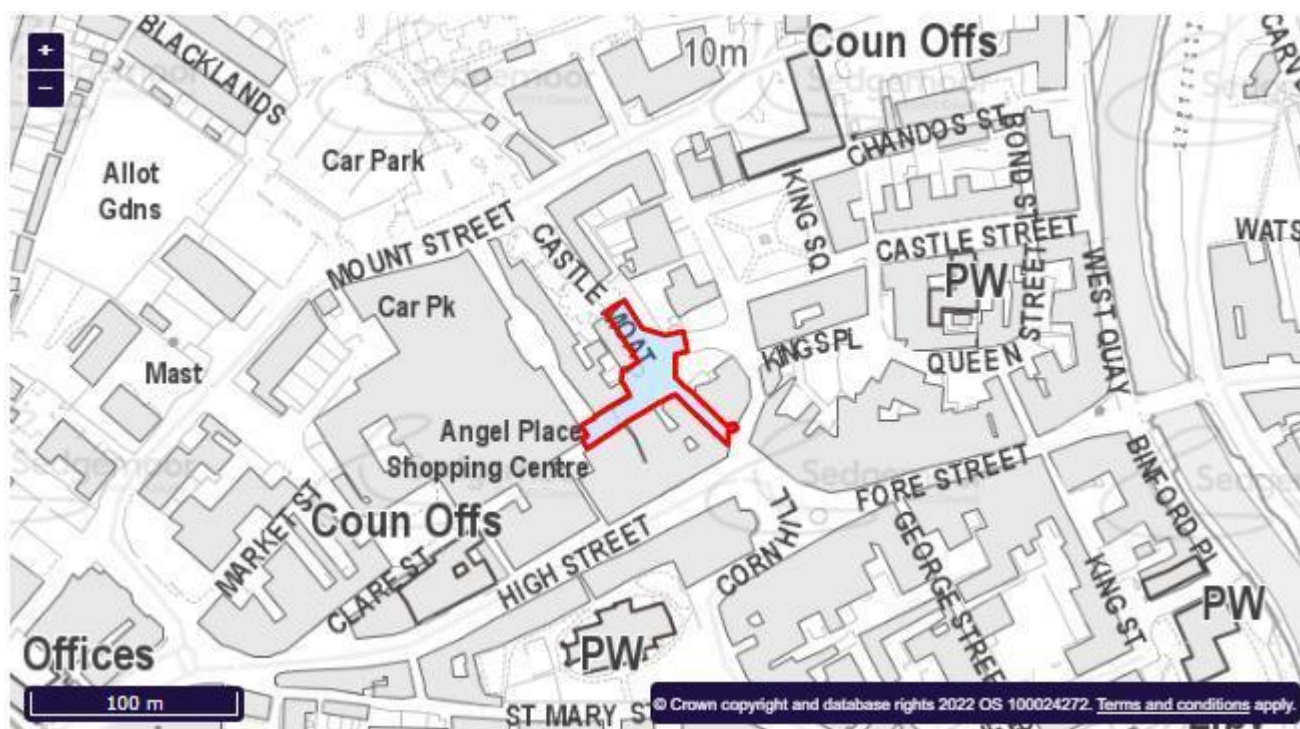
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## AGENDA ITEM 7.2 – PLANNING APPLICATIONS

Case Officer: Dean Titchener Tel: Sedgemoor Direct: **0300 303 7805**

Bridgwater 08/22/00041 registered 11/05/2022  
Expiry Date 05/07/2022  
(Full Planning Permission)

Proposal: **Proposed enhancement of Clare Street, including new street furniture, signage, resurfacing and associated works. at Land At, Clare Street, Bridgwater, Somerset, TA6 for Sedgemoor District Council (agent: Stantec )**



### **Committee decision required because**

*Sedgemoor District Council is the applicant.*

### **Background**

The application site is located with Bridgwater Town Centre. It comprises land to the rear of buildings that front the eastern end of High Street. The proposals are centred on the eastern end of Clare Street, inclusive of its junction with the highway known as Castle Moat. The site is framed by a number of existing buildings, which are a mix of 2, 3 and 4 storeys; these accommodate a range of independent retailers and restaurants/cafes. Nutmeg House, one of the restaurants, has some outdoor seating on part of the pedestrianised part of Clare Street. A number of the buildings surrounding the site are listed.

The proposal seeks to deliver public realm enhancements to this eastern end of Clare Street. The area is proposed to become a pedestrian zone, limiting vehicular entry for access only.

## **AGENDA ITEM 7.2 – PLANNING APPLICATIONS**

Changes to surface treatments are proposed throughout to narrow the width of the carriageway and access from Castle Moat. New lighting, street furniture and trees are proposed as are pop-up power points for future use by markets/food trucks/events. Parking provision is being removed within the site to improve the experience for pedestrians and allow greater space for outdoor seating. New disabled parking spaces are proposed to be marked out on the adjoining Castle Moat. The proposals are part of the Council's wider 'Celebration Mile' project to deliver major public realm improvements along the full length of the route from the train station to the docks.

### **Relevant History**

Numerous within the immediate area of the town centre but none relevant to the proposal.

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

Planning, Design, Access and Heritage Statement

### **Consultation Responses**

Bridgwater Town Council – Support:

*'To support the application on the grounds that it would improve the amenity of the area.'*

South West Heritage Trust – No objection.

County Highways – No objection. Proposals subject to technical audits by highway authority previously. Will need to be subject to a legal agreement following grant of consent to cover Traffic Regulation Order.

Environmental Health – No comment.

### **Representations**

1 comment:

- No object but concern about how proposal may affect business (Nutmeg House café restaurant) during construction

### **Most Relevant Policies**

National Planning Policies

National Planning Policy Framework

Sedgemoor Local Plan (2011-2032)

B1 Bridgwater Vision Transformational Projects

B16 Transport

B18 Town Centre

D2 Promoting high quality and inclusive design

## **AGENDA ITEM 7.2 – PLANNING APPLICATIONS**

D13 Sustainable Transport and Movement  
D14 Managing the Transport Impacts of Development  
D18 Retail Hierarchy  
D25 Protecting residential amenity  
D26 Historic Environment

### **Other Relevant Documents**

Bridgwater Vision - December 2015  
Celebration Mile - Consultation and Feasibility Documents - 2014

### **Main Issues**

#### **Principle of development**

The Celebration Mile is a priority project within Sedgemoor's 'Bridgwater Vision'. The document sets a strategic spatial vision for Bridgwater to stimulate place transformation and create local distinctiveness and to re-vitalise the image and economic base of the town. The aim of Celebration Mile project is to provide a pedestrian priority route leading from the station to the Docks, celebrating the history of Bridgwater through coordinated high quality public realm. Changes proposed seek to strengthen the character of the area through introducing new public realm materials, street furniture, trees, building frontages creating an attractive street scene.

The route is comprised of a number of sections each comprised of their own project. Improvement works have already been undertaken at the station, whilst at the other end of the route the Northgate project is in the latter stages of construction. This application comprises works to a small section on Clare Street to the rear of the High Street. A planning application for improvements to Eastover/Salmon Parade/East Quay has also been submitted (but not yet determined), whilst a further application for the adjoining area of Angel Crescent is in the pipeline.

The proposal is therefore a strategic priority project for Sedgemoor. It also aligns with a number of policies within the Sedgemoor Local Plan which seek to support delivery of the Bridgwater Vision projects, the regeneration of the town centre, and provision of high quality public realm improvements including those which prioritise walking and cycling (policies B1, B16 and B18).

#### **Design and heritage impact**

Clare Street provides a key link between the main town centre and Angel Place Shopping Centre (via Angel Crescent) and the Northgate Yard development. The site is bounded by a number of buildings, many of which are listed. A number of business premises front on to Clare Street, including the Nutmeg Café Restaurant (a listed building), The Great Escape Restaurant (also listed), a hairdressers, and a Chinese restaurant. The Avenue, an arcade

## AGENDA ITEM 7.2 – PLANNING APPLICATIONS

which is also listed, provides a connection from the site on to the nearby High Street.

The area is currently dominated by vehicles, impacting on pedestrian and cycling connections and opportunities to make best use of the space. There are narrow pavements and areas of brick paving in poor condition. There are no existing trees and little in the way of planting.

To address these weaknesses and achieve the objectives of the Bridgwater Vision, a number of public realm improvements are proposed. A sense of place is to be created by narrowing the carriageway within the site and removing existing parking. This creates opportunities for flexible use of the space, such as for holding events or markets. The introduction of new street furniture will allow people to rest. There will be increased space for outdoor seating, such as that to serve the Nutmeg Café Restaurant. High quality paving materials will be introduced, including use of Pennant flags and granite setts. Three new specimen trees are to be planted near to the entrance to provide visual interest and provide a green and pleasant experience for people dwelling in the space.

Discussions have taken place with the Council's conservation officer about the scheme given the proposal is within the conservation area and in an area bounded by a high number of listed buildings. Overall, they consider the proposals will enhance the appearance of the area through removal of parking and introduction of high-quality public realm. They have requested a condition to require submission of details of the Pennant flags and Granite setts used and their means of laying. The Council's internal project team propose to involve the conservation officer in any method statement for works and therefore through that stage they can be involved in the detailed method of laying the paving works. A condition attached to the permission will solely secure details of the type and colour of paving used to ensure they are appropriate for the heritage setting.

The Council's tree officer is satisfied with the proposals and has made a recommendation to change the specimen of one tree put forward to one which is considered to be more appropriate to the area. This change has been made and a standard condition will be imposed to require the protection and replacement of the landscaping should it fail within the first five years following planting.

Subject to those conditions, the proposal is considered to deliver high quality improvements to the public realm, which will enhance the historic context and usability of the space and is therefore in accordance with policies D2 and D26.

### Highways and parking

Changes to surface treatments are proposed throughout to narrow the width of the carriageway and access from Castle Moat. Parking provision is being removed within the site to improve the experience for pedestrians and allow greater space for outdoor seating. The area will become a pedestrian zone only, with vehicle use limited to access and loading only. Three new disabled parking spaces are proposed to be marked out on the adjoining Castle

## **AGENDA ITEM 7.2 – PLANNING APPLICATIONS**

Moat.

The highway authority has commented on the scheme and noted that the proposals have already been subject of detailed pre-application discussions and a number of technical audits which have resulted in the proposals at hand. They raise no objection to the scheme, and note controls will need to be put in place post-planning through a s278 agreement under the Highways Act for supervision of the works.

The proposals would improve pedestrian and cycling connections and provision in the town centre, an objective supported by Local Plan policy.

Overall, the proposal is considered to be in compliance with policies D13 and D14 with regard to highway matters.

### **Other matters**

The operator of Nutmeg House has commented to state they clearly have no objection to the proposals but have concerns about whether construction works may impact on the daily functioning of their business. The Council team leading the scheme is in contact with the cafe operator and will continue to liaise as the project proceeds to its pre-construction phase to minimise and mitigate any impacts arising.

### **Summary and recommendation**

The proposal delivers part of the Council's Celebration Mile project as set out within the Bridgwater Vision. It will deliver a high-quality public space to the benefit of pedestrians and improve the visual qualities of the area. The recommendation is therefore to grant planning permission.

## **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 Prior to their installation, details of the proposed Pennant flag and Granite setts shall be submitted to and approved in writing by the local planning authority. The



## AGENDA ITEM 7.2 – PLANNING APPLICATIONS

development shall be carried out in accordance with the approved details.

Reason: To ensure the proposals enhance the character of the conservation area in accordance with Sedgemoor Local Plan 2011-2032 policy D26.

- 4 All landscape planting 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: To ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained and that planting schemes are established and managed into the future in accordance with Sedgemoor Local Plan 2011-2032 Policy D20.

### **Schedule A**

Site Location Plan Drg No. 47509/2001/000 Rev B  
Drainage Plan Drg No. 47509/2001/500  
General Arrangement Drg No. 47509/2001/001  
Section Location Plan Drg No. 1252-020 Rev P1  
Pavement Construction Drg No. 47509/2001/700  
Standard Details Drg No. 47509/2001/150  
Landscape GA Drg No. 1252-001 Rev P1  
Planting Plan Drg No. 1252-201 Rev P2  
Trees & Vegetation Protection & Removal Plan Drg No. 1252-010 Rev P1  
Proposed Trees & Underground Service Plan Drg No. 1252-100  
Landscape Section A-AA Drg No. 1252-021 Rev P1  
Landscape Section B-BB Drg No. 1252-022 Rev P1  
Landscape Section C-CC Drg No. 1252-023 Rev P1  
Typical Detail - Tree Pit Detail Soft Drg No. 1252-401 Rev P1  
Typical Detail - Tree Pit Detail Hard - Square Drg No. 1252-402 Rev P1  
Vehicle Tracking Sheet 1 of 2 Drg No. 47509/2001/160  
Vehicle Tracking Sheet 2 of 2 Drg No. 47509/2001/161

### **DECISION**

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## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

Case Officer: Liam Evans Tel: Sedgemoor Direct: **0300 303 7805**

East Brent

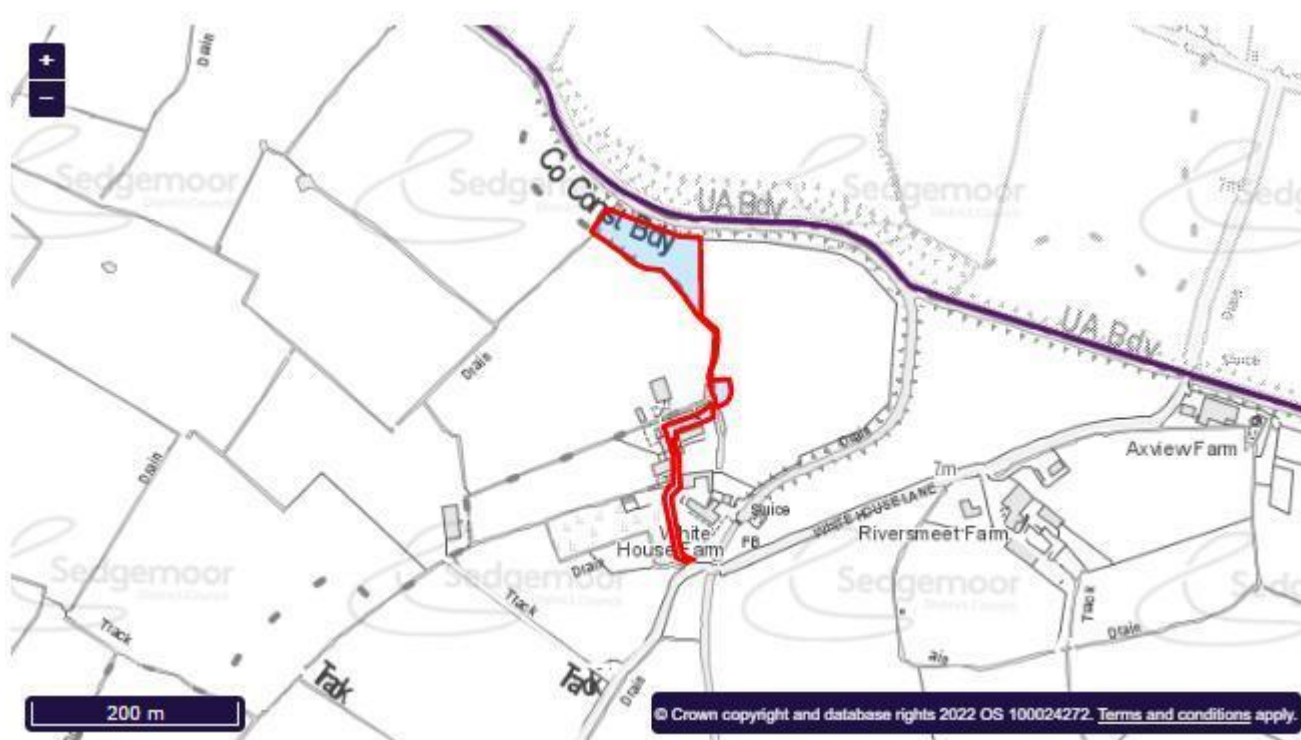
24/22/00010 registered 06/05/2022

Expiry Date 30/06/2022

(Full Planning Permission)

Proposal:

**Change of use of agricultural land to tourism with the erection of 3no. glamping tipis and associated works. at Wydale Farm, White House Lane, Loxton, Axbridge, BS26 2UU for Mr M & Mrs S Ayres (agent: Hill Reading Architects )**



### Committee decision required because

The views of the Parish Council are contrary to the officer's recommendation.

### Background

The application site is located to the north of White House Farm and Wydle Farm, a collection of rural buildings including a small number that have been approved for conversion into dwellings. The site is directly adjacent to the River Axe, which is to the north of the site. The land is currently lined by a river bank along the north boundary with land laid to grass. Access comes from the south off White House Lane, which serves as access to the other properties and extends northwards to the existing farmyard.

Consent is sought for the erection of 3 glamping tipis on wooden platforms to be used for holiday accommodation. The tipis would be 4.2m high and 8m x 6.5m in area. The external

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

appearance would be formed of timber and canvas.

To the south of each tipi would be a small outbuilding containing kitchen and shower facilities to be used by the guests. The external finish would be timber cladding with a monopitched roof and would be 2.6m high with a footprint of 5.2m x 2.6m.

It is also proposed to erect a smaller building containing a log and bin store alongside a sewage treatment plant. Access would come from a parking area further to the south of the site, which would be available for guests to use. A new copse of trees and hedgerows would be planted adjacent to the hardstanding area and on land to the east of the site.

### **Relevant History**

24/21/00034	DC	Erection of a dwelling and associated works.	GTD
24/21/00031	DC	Variations of Condition 2 of Planning Permission 24/18/00038 (Change of use, conversion and extension of barns at White House Farm to form 2no. dwellings and associated access track, parking and landscaping.) to amend the approved list of drawings.	GTD
24/21/00030	DC	Partial demolition and the conversion of barns into a dwelling, including the erection of single storey extensions to the North and South elevations.	GTD
24/21/00029	DC	Partial demolition and the conversion of barns into a dwelling, including the erection of single storey extensions to the North and South elevations.	GTD
24/21/00017	DC	Variations of Condition 10 of Planning Permission 24/18/00038 (Change of use, conversion and extension of barns at White House Farm to form 2no. dwellings and associated access track, parking and landscaping.) to amend the wording of condition 10 to allow commencement of the outbuilding to the rear of Barn A ahead of submission of a licence.	GTD
24/20/00008	DC	Notification for the prior approval of the change of use PRAA of agricultural building to 1 No. dwelling and associated operational development.	

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

Design and Access Statement  
Business Case

### **Consultation Responses**

Parish Council - Objection.

*"Following our Parish Council meeting held on June 6th 2022, it was agreed [to] unanimously to object to this application. As at that date, there is insufficient information on the portal*

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

*concerning:*

*River access*

*Sewage treatment*

*Disabled access*

*Gas tanks are being proposed which is not environmentally friendly."*

Internal Drainage Board - No comment.

County Highway Authority - Standing advice.

### **Representations**

4 received raising the following:

- disturbance of livestock.
- rubbish being left and no control over behaviour of clients.
- land should be used for producing food, not tourism.
- wildlife affected by leisure activities on river and impacted by human pollution in river.
- no need for more tourism accommodation.
- do not give permission for boating or fishing to take place or trespass on adjacent land.
- increase in road traffic on narrow lane increases highway safety issues and damage to highway takes a long time to be repaired.
- mud banks have already been altered.
- amenities located far away.
- low levels of employment.
- impact on access to river.
- floodplain.

### **Most Relevant Policies**

#### National Planning Policies

National Planning Policy Framework

#### Sedgemoor Local Plan (2011-2032)

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

D25 Protecting Residential Amenity

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### **Main Issues**

#### **Principle**

The site is located in the open countryside where development is appropriately controlled and the proposal is seeking consent for the siting of three tipis and associated structures to be used for holiday accommodation. The site is to the north of a collection of rural buildings which have permission to be used for residential purposes following the granting of separate planning consents. The site falls within flood zone 1 and therefore not at a high risk of flooding.

Policy D17 of the Local Plan states that in the countryside new accommodation should, where possible, be provided within or close to a settlement. The Council will expect all such proposals to be supported by a robust business case demonstrating they are viable.

In this case the proposal is small in scale and would be for the erection of low 'glamping' structures to be used for sleeping accommodation as well as amenity buildings for cooking and washing. The site would be used during the spring and summer months to support the local hospitality and tourism industry and would look to capitalise on the growing 'staycation' requirement for alternative accommodation. In this case it is considered that the proposal would improve the quality and diversity of the tourism offer and enhance the image of the area as a tourism location by offering a variation on camping and caravan accommodation. It would also take advantage of the location by promoting use of the natural environment through the setting of the site.

A business case has been provided with the application has provided details and realistic set up costs against which an income estimate has been provided based on realistic occupation rates. The business plan factors in a 10 year projected span, becoming profitable and achieving an income and return on investment in year 3 once the initial investment and start up costs has been covered in years 1 and 2. Based on the information provided the applicants have made a suitable business case and shown that it can be a viable enterprise.

Notwithstanding the rural location for the development it is considered that the business case has been made for an appropriate scale tourism development and therefore complies with Policies CO1 and D17 of the Sedgemoor Local Plan.

#### **Design and Visual Impact**

The proposed tipis and associated buildings would be grouped to the north of the existing barns that formed part of the former farm site. The tipis and decking would be positioned on top of the raised bank to the south of the river with the kitchen/shower buildings positioned on lower ground adjacent.

The tipis themselves would be small in scale and sited on top of a wooden platform, which would act as a level based for the accommodation provided. The small size of the tipis and the use of canvas and timber for the materials would not have a visually significant impact on the character and appearance of the locality. The timber clad kitchen/shower buildings

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

would also be of a small scale and appropriate rural materials that would blend with the natural surroundings and the backdrop of the existing landscaping, which would be supplemented by the additional planting proposed and already carried out by the applicants.

Views from the highway to the south would be restricted by the much larger agricultural buildings and dwellings present in this direction. Overall, based on the scale of the structures proposed and the small area of land that they would occupy it is not considered that there would be detrimental impact on the rural character of the area and complies with Policy D2 of the Local Plan.

### **Access and Parking**

The proposed tipis would be accessed from the highway via the existing entrance serving the existing and permitted dwellings. Vehicular access would come through the former farmyard, passed the applicant's own converted property and would lead to a hardstanding area for four vehicles.

The existing access opens out onto the inside of a bend in the road with good visibility in both directions. The alignment of the road would ensure that vehicle speeds passing the site would be relatively low and it is considered that based on the scale and number of tipis proposed that the development would not generate a significant amount of traffic in its own right and would not be detrimental to highway safety.

The type of vehicles expected to be generated by the development are unlikely to cause significant impacts to the condition of the highway.

The proposed parking area for 4 vehicles is considered suitable in terms of its location, size and number. The parking would be situated to the south of the tipis with visitors required to walk to the accommodation through the new copse of trees.

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Having 'due regard' to equality is the degree of regard that is proportionate in the circumstances taking into account the importance of the policy/legislation to achieve the statutory equality goals with the likely extent of its affects on protected groups.

While a concern has been raised regarding the lack of disabled access for the tipis it is the applicant's aim to avoid as much impact on the landscape as possible and therefore dedicated access provision has not been included within the proposal. The car parking area has been kept away from the accommodation so as to disturb as little of the visual appeal of the layout as possible. However, if dedicated disabled access is required in the future then the applicants would seek to provide this while having as little impact on the visual amenity of the site and surrounding area as possible.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

There is no indication or evidence that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

Taking into account the above it is considered that the proposal would comply with Policy D14 of the Local Plan.

### **Residential Amenity**

The site is located to the north of a cluster of dwellings either existing or in the process of being constructed. The applicant's own property is positioned the closest to the site with other properties located further south towards the highway. Based on the size and scale of the development it is not considered that there would be a detrimental impact on the amenity of those properties through noise or disturbance. The use of the shared access would not increase significantly due to the low number of tipis proposed and therefore would not result in a detrimental impact to those properties who are also served by it.

No other properties outside of the application site would be affected through overlooking, loss of light or visual domination based on the low height and position of the tipis.

It is not considered that the development would have a detrimental impact on the amenity of any nearby properties or land and therefore complies with Policy D25 of the Local Plan.

### **Other Issues**

The Parish Council have raised issues relating to a lack of information regarding sewage treatment, access to the river and the use of gas bottles. The applicants have provided the following information in relation to this:

Sewage would be disposed of by treatment plant. This is considered acceptable in principle and the detail can be secured by condition.

The plans submitted indicate that gas bottles would be used to heat the hot water supplying the showers, basins and sinks and would not used for heating and cooking. Water heating will be via newly installed and efficient gas boilers which would be serviced annually. Alternative means of heating and storing the hot water via an immersion tank would cause a visual impact as all 3 tipi's would require their own immersion tank thus envisaging a much larger construction for the facilities.

With regards to river access this is not proposed by the application and would not in any event need planning permission. Should it be proposed in the future it would be down to the applicant to secure any necessary approvals from the relevant bodies. However at present there are no plans to allow access and the topography of the site and the presence of dense reeds to the side of the river provide a natural barrier between the site and river.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

Concerns have been raised regarding possible littering and noise generated that could affect livestock. Littering is covered by other legislation and there is no reason to assume that future visitors to the site would behave in an antisocial way or disturb livestock. In any event the site is separated from the adjacent field (not in the ownership of the applicant) by a double fence line and hedgerow planting. The existing gate would remain padlocked due to the applicant's beehives and therefore access to the field would not be available. The field to the east is within the applicant's ownership with the river to the north and dense hedgerow to the south, therefore it would not be possible for direct access to fields with livestock.

### **Summary**

The proposed 'glamping' tipis and associated works would be of a small scale and would not have a significant impact on the character and amenity of the area. A business case has been made to support the proposal and it is considered that it would comply with the tourism policy of the Local Plan. The proposal therefore complies with Policies CO1, D2, D14, D17 and D25.

### **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 a) The holiday accommodation permitted under planning permission reference 24/22/00010 shall be used for holiday accommodation only and shall not be occupied as a person's sole or main residence.

b) The site operators and owners shall maintain a comprehensive up to date register of the names of the owners/occupiers, including their guests, of individual tipis on site and evidence of their main home addresses and dates of occupation of the holiday accommodation and shall make this information available at all reasonable times to the local Planning Authority.

Reason: The development is not considered suitable for a full residential development and in accordance with Policies CO1 and D17 of the Sedgemoor Local Plan.

- 4 Before the tipis hereby permitted are first occupied a properly surfaced parking area shall be constructed in accordance with details as shown on plan no.S6550 105A and



## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

shall be kept clear of obstruction at all times.

Reason: To ensure the development is served by adequate parking provision in accordance with Policy D14 of the Sedgemoor Local Plan

- 5 No part of the site shall be occupied until a sewage treatment plant has been installed and is operational in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the water environment in accordance with policy D1 of the Sedgemoor Local Plan

### **Schedule A**

Proposed Site Location Plan Drg No. S6550 105A

Proposed Site Plan Drg No. S6550 104B

Tipis Floor Plan & Roof Plan Drg No. S6550 100A

Tipis Elevations Drg No. S6550 101

Outbuilding Floor Plans & Elevations Drg No. S6550 102A

Outbuilding 2 Floor Plans & Elevations Drg No. S6550 103A

### **DECISION**

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## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

Case Officer: Liam Evans Tel: Sedgemoor Direct: **0300 303 7805**

Nether Stowey

36/22/00005 registered 12/05/2022

Expiry Date 06/07/2022

(Full Planning Permission)

Proposal:

**Demolition of agricultural buildings and the erection of 4no. dwellings at New Stowey Farm, Cannington Road, Nether Stowey, Bridgwater, TA5 1JR for Ms Arnold (agent: XL Planning Ltd )**



### Committee decision required because

The views of the Parish Council are contrary to the officer's recommendation.

### Background

The application site is located to the south east of Nether Stowey and is a former agricultural site adjacent to the local recreation ground. The site is accessed from the north with the farmhouse located adjacent to the east. The site is made up of a collection of agricultural buildings clustered in a tightly knit layout with the external finishes a combination of concrete blockwork, render, vertical cladding and concrete roofs.

Prior approval was granted under Class Q of the General Permitted Development Order 2015 for the conversion of the existing agricultural buildings to 5 dwellings. Works included the infilling of existing openings with matching concrete blockwork/render and installation of timber windows and doors with conservation rooflights above. Unit 1, which is detached from

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

the main block of buildings was to be single storey in terms of its accommodation while the remaining units were to have a first floor bedroom accommodation.

Planning consent is now sought to demolish the existing agricultural buildings and erect 4 detached dwellings in their place. The dwellings would be laid out in a court yard arrangement with each of the properties accessing the shared turning space, which would use the existing access point. The dwellings would be arranged in an 'L' shaped layout along the north and west boundaries of the site with each allocated gardens to the rear and parking to the front.

Each of the dwellings would be two storeys in height and would be finished in a combination of stone, brickwork and timber cladding with red profiled concrete roof tiles. The designs would incorporate windows to all elevations. Internally two of the dwellings would contain 3 bedrooms with the other two providing 4 bedrooms.

Unit 1 as referred to on the plans would continue to be converted under the Class Q consent as its own dwelling, independent of the scheme now submitted but would utilise the existing access.

### **Relevant History**

36/21/00008     DC     Application to determine if prior approval is required for PRAA the proposed change of use of agricultural building to 5no. dwellings with associated works.

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

Design and Access Statement  
Ecological Report

### **Consultation Responses**

Parish Council - Objection.

- outside development boundary and does not offer affordable housing.
- proposed design incorporates larch cladding which is an unwelcome addition.
- does not provide opportunities for walking and cycling and little public transport so will add to traffic.
- limited job opportunities.
- parish already has sufficient supply of 3 and 4 bedroom properties delivered by Cricketers Farm development and does not meet criteria of Neighbourhood Plan which calls for properties to downsize to.
- not a brownfield site.
- always a beef cattle farm with generated little traffic.
- possible water contamination.

Environmental Health - Recommend contaminated land condition.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

Historic Environment Service - No objection.

Somerset Wildlife Trust - Support findings of ecological survey.

SCC Rights of Way - comments.

*"The revised block plan (ref. PP07 rev C) shows that the proposed development has moved back southwards so that the footpath BW 22/4 will now not be obstructed by the proposals. Therefore a path diversion for BW 22/4 will now not be required."*

County Highway Authority - No objection, recommend conditions.

### **Representations**

None received.

### **Most Relevant Policies**

#### **National Planning Policies**

National Planning Policy Framework

#### **Sedgemoor Local Plan (2011-2032)**

S2 Spatial Strategy for Sedgemoor  
CO1 Countryside  
D2 Promoting High Quality and Inclusive Design  
D14 Managing the Transport Impacts of Development  
D20 Biodiversity and Geodiversity  
D25 Protecting Residential Amenity

#### **Nether Stowey Neighbourhood Plan**

H1 Conversion of Redundant Farm and Other Buildings in the Countryside  
H3 Housing Type and Size  
E1 Design and Character of Local Development  
T3 Protecting and Enhancing Pedestrian, Cyclist and Horse Rider Routes

### **Community Infrastructure Levy (CIL)**

The application is for residential development in Nether Stowey where the Community Infrastructure Levy (CIL) is Non-urban Residential £104.57sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £64,745.75. 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.

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

### Main Issues

#### Principle

Policy CO1 of the Local Plan states that where development proposals in the countryside are not addressed by other policies of the Local Plan, new development must demonstrate that there are specific countryside needs, such as those of the local agricultural industry and local food producers, enhancement of the environment or where a countryside location is essential or more sustainable.

The site is located within the open countryside where development is appropriate controlled. The existing buildings on site were subject to a prior approval proposal under Class Q of the General Permitted Development Order 2015, which was granted and was therefore considered to be a suitable building for residential conversion to 5 dwellings in line with the criteria set out within the legislation.

It is noted that in that the judgement of *Mansell v Tonbridge and Malling BC* permitted development rights under Class Q of the General Permitted Development Order for the conversion of an agricultural building to three dwellings were taken into account when considering an application for the erection of four detached dwellings. In that case, although no prior approval had been granted, it was noted that the owner had expressed a clear intention to proceed with a Part Q scheme and there was no obvious impediment to doing so. Accordingly, it was concluded that in the light of a clear fallback position that would allow 4 dwellings via a change of use under Part Q there could be no reasonable objection to achieving the same outcome via demolition and the erection of 4 similar dwellings.

It is therefore appropriate to consider whether a similar fallback situation exists at this site. The site already benefits from a Class Q prior approval for the conversion of the existing buildings into 5 dwellings, one of which would be converted under that scheme. It is not disputed that this prior approval can be lawfully implemented. Accordingly, it is accepted that, as with the *Mansell* case, the applicant has a genuine fallback position that would create 5 dwellings on site through a change of use of the existing buildings and therefore achieving the same ends via the route of demolition and new build is not objectionable in principle subject to consideration of the detail.

Taking into account the building that would continue to be converted there would be no net increase in the number of dwellings on site as the existing buildings to be demolished would have provided four, 3 bedroom dwellings in their own right. Taking into account the Parish Council's comments regarding the size of the dwellings the Neighbourhood Plan calls for 3 and 4 bedroom dwellings to equate for between 55% and 65% of residential development locally and therefore the properties proposed are not considered to be wholly contrary to the aspirations of the parish. Due to the scale of the development, there would be no requirement for affordable housing under local policy.

While the design of the conversion was considered within the scope of that allowed under Class Q of the General Permitted Development Order, it is considered that there is an opportunity to improve the appearance of the site through a replacement development and

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

therefore provide a net planning gain in terms of betterment and securing a high quality design. The conversion has yet to be completed although it is considered that the extant permission is a material consideration that would enable support in principle to be given to a development of matching scale and use, with only a 1 bedroom increase in two of the dwellings compared to the permitted scheme.

Based on the plans submitted the proposal would replace an existing building currently benefitting from an extant prior approval consent and the new buildings would be sited on the footprint of that which it will replace as well as extending further south into the site where other existing buildings are to be demolished. The proposed dwellings would not be significantly larger than the buildings already on site. Given the removal of the existing structures to the south and replacement with the proposed dwellings the overall massing of the proposed development would be less.

With reference to the Parish Council's objection the proposal would not be for a rural exception site although in this case it is considered that the planning history in relation to the existing building is a material factor. While the proposal, if approved, would result in dwellings outside of the development boundaries as set out within the Local Plan, it would not result in the increase in the number of dwellings on site to that currently benefitting from permission. The current buildings have prior approval to be converted into 5 dwellings and the proposal would only replace this. Based on the plans submitted the proposed design would be an improvement over the extant permission.

With regards to the design of the dwellings complimenting the built form of the area this will be set out fully below.

Overall, it is considered that the principle of the replacement of the permitted agricultural building is acceptable as it would result in an enhancement of the local environment.

### Design

Policy D2 (Design) would also be relevant with regards to the demonstration of betterment as the development would need to be of a high quality, sustainable and inclusive design that reflects the local characteristics of the site and surrounding area and also incorporates design solutions with positive treatment of spaces around buildings.

Based on the plans and the elevations provided the development would result in an enhancement to the site and the character of the countryside overall. The proposed dwellings are designed in a rural vernacular reminiscent of a range of converted barns around a traditional farmyard, appropriate to the agricultural context to the site. The group of building would respect the architectural traditions of the surrounding area and the farming history of the location. The designs incorporate characteristics and materials typical to the local area and the buildings are arranged around a central courtyard space which adds further to the agricultural appearance of the development.

The general layout is also considered acceptable which would provide a simple interpretation of the existing layout of the buildings and immediate curtilage with detached dwellings of a

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

simple layout. It is considered that the dwellings will take on a rural appearance through the use of stone and brickwork to the external walls with timber cladding also present. The larger dwellings would display larger openings to the front and rear, which would be akin to barn style openings infilled with contrasting materials that are a common practice with the conversion of larger rural buildings

The materials proposed would also ensure that its character and appearance reflects the former use of this agricultural site while also being appropriate for a residential development.

Appropriate landscape planting along the boundaries of the site and contained within the curtilage would also lead to the development being successfully integrated into the natural surroundings.

Overall, it is considered that the development will preserve the agricultural character of the site and at the same time enhance the appearance of the wider locality with the replacement of the existing permitted buildings with a group of appropriately scaled and designed dwellings. The proposal complies with policy D2 of the Local Plan.

### Highways

The application site is located on a rural lane off of Cannington Road/A39 on the outskirts of the village and is a no through road with the site access half way along before coming to a dead end towards the east. The access lane also serves the recreation ground and play area to the north. Cannington Road is subject to the National Speed Limit at the point where the lane meets the highway. The junction onto Cannington Road is of sufficient width and benefits from adequate visibility splays in both directions. The lane itself would be subject to speeds of around 30mph or less given its alignment and width.

The average dwelling generates 6 – 8 vehicle movements per day which means that this proposal would generate approximately 40 movements per day based on the higher figure. It is considered that the traffic generated by the proposed development will not have a severe impact on the local highway network and would be off set by the movements potentially generated by the agricultural building, were it to be brought back into use or the conversion already approved.

Whilst it is acknowledged that the site does not benefit from a dedicate cycle lane the north boundary of the site is lined by an existing public right of way, which would be remain unaffected by the development in terms of its accessibility. Further north there is a further public footpath alongside a dedicated pavement alongside Cannington Road. All of these footpaths offer an alternative route into the village, which would avoid the need for private vehicle movements for all of the daily needs of potential occupants. The site is also directly adjacent to the recreation ground and the facilities available there.

The parking provided by the development is broadly in line with the Somerset Parking Strategy (SPS) together with sufficient space to allow vehicles to turn around within the site.

The proposal complies with Policy D14 of the Local Plan.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### **Residential Amenity**

The proposed dwellings are located within the open countryside and positioned to the west of New Stowey Farmhouse, which was formerly related to the application site but now falls outside the application red line. Due to the position of the proposed dwellings the two storey structures will not result in a significant loss of light to the farmhouse and will be separated by a distance of 13m from the existing property, with unit 2 representing the closest of the 4 dwellings. While the dwelling will be positioned with proximity of the dwelling it will be separated by the existing/proposed access into the site as well as being to the north west of the property and will therefore not lead to an impact on light or result in visual domination.

The windows proposed to the east elevation of plot 2 will serve a bathroom and landing area rather than living spaces and therefore will be infrequently used. In any case these windows would be obscurely glazed as is typical for such an opening and will be conditioned as such to avoid any perceptions of overlooking.

There are no other dwellings within the vicinity of the site that will be affected by the development as they are a sufficient distance away.

The proposal will comply with Policy D25 of the Local Plan.

### **Summary**

The proposal represents an alternative scheme to an extant consent to convert the existing agricultural buildings into 4 dwellings and it is considered that the proposal would represent an enhancement over the consented scheme. The proposal would have little impact on the surrounding area in terms of visual impact and would not result in harm to residential amenity. The proposal would utilise the existing access arrangements as previously approved and would effect accessibility to existing footpaths. The proposal is therefore considered to comply with Policies D2, CO1, D2, D14 and D25 of the Sedgemoor Local Plan.

## **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.



## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

- 3 No development shall take place above DPC level until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the character and amenity value of the site and surrounding area in accordance with Policy D2 of the Sedgemoor Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: In the interests of the amenity of nearby properties and the character and appearance of the dwellings in accordance with Policy D2 and D25 of the Sedgemoor Local Plan.

- 5 The bathroom windows to the east elevation of unit 2 shall be fitted with obscure glazing prior to the occupation of the dwelling hereby permitted and shall be retained as such thereafter.

Reason: In the interests of the amenity of the adjacent property in accordance with Policy D25 of the Sedgemoor Local Plan.

- 6 The area allocated for parking and turning on the submitted plan PP07 Rev C shall be properly consolidated/surfaced prior to the occupation of the development hereby permitted. The area 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: To ensure the development is served by adequate levels of parking in accordance with Policy D14 of the Sedgemoor Local Plan.

- 7 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The remedial works shall be carried out in accordance with the approved remediation scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

receptors.

- 8 1 no. Schwegler 1FF or 2FN bat box shall be installed as set out under paragraph 4.2.3 Quantock Ecology Preliminary Roost Assessment dated 15 January 2021 within the site before the accommodation hereby permitted is occupied and shall be retained on site as such thereafter, confirmation of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development preserves and enhances the ecological potential of the site in accordance with Policy D20 of the Sedgemoor Local Plan.

### **Schedule A**

Site Location Plan Drg No. PP-8 Rev C

Proposed Block Plan Drg No. PP-07 Rev C

(Unit 4 & 5) Proposed Floor & Roof Plan Drg No. PP-03 Rev B

(Unit 4 & 5) Proposed Elevations Drg No. PP-04 Rev C

(Unit 2 & 3) Proposed Floor & Roof Plan Drg No. PP-05

(Unit 2 & 3) Proposed Elevations Drg No. PP-06 Rev B

### **DECISION**

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## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

Case Officer: Emma Chorley Tel: Sedgemoor Direct: **0300 303 7805**

Shapwick

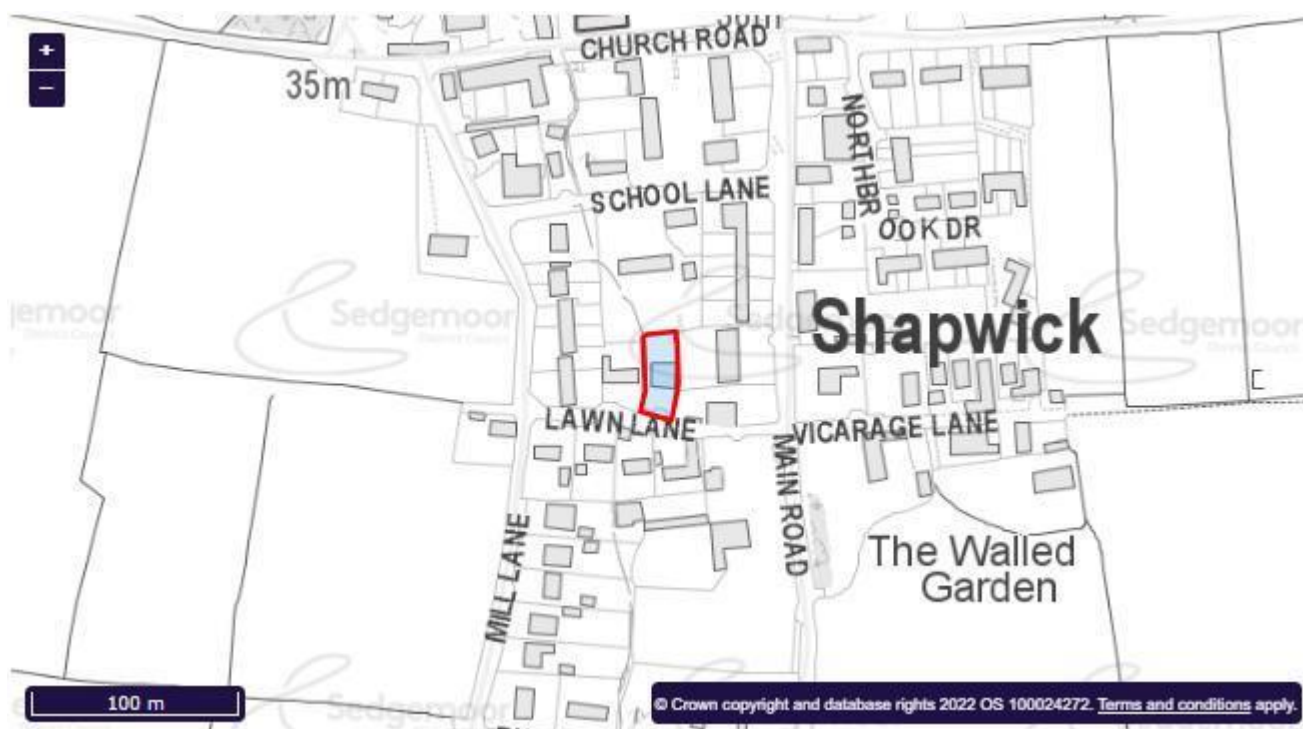
43/22/00002 registered 06/04/2022

Expiry Date 31/05/2022

(Full Planning Permission)

Proposal:

**Erection of detached garage, also erection of single storey front (South) extension. at New Lawn, Lawn Lane, Shapwick, Bridgwater, Somerset, TA7 9LU for Mr & Mrs Wall (agent: Architectural Design & Consultancy )**



### Committee decision required because

*The views of the Parish Council are contrary to officer recommendation.*

### Background

The application site is formed of a detached dwelling located within the village of Shapwick and to the north of Lawn Lane. The property is a detached dwelling house for which consent was granted in 1993, with blue lias stone to the elevations, UPVC windows and doors and roman tiles to the roof.

The application site straddles the conservation area for Shapwick, with the dwelling itself located to the north of the conservation area but the front amenity space sitting within it. There is a Grade II listed building to the south east, 2 New Lawns.

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

The proposal is for the erection of a detached garage to the front of the property on the south west boundary and would be built with blue lias stone finish to the elevations, metal garage doors and roman tiled roof. The roof is of a hipped design. The application also seeks consent for the erection of front extension to the hall on the southern elevation of the property and would be finished in materials to match the existing dwelling. There are some alterations to facilitate the conversion of the existing integral garage into living space in the form of replacement windows and doors to the front elevation, the partial infilling of an existing window to the side (west) elevation and insertion of a new window to the side (east) elevation. The window to the east is shown to be obscured glazed to the lower part with a fanlight opening.

This application is received following the withdrawal of a previously submitted scheme (43/21/00014) to address concerns from the officer and conservation officer that included the proximity of the detached dwelling to the highway, the window detailing to the front elevation, the materials and the level of detail shown.

### **Relevant Planning History**

43/21/00014	WDN	Erection of detached garage and single storey front (South) extension with internal and external alterations.
43/13/00006	GTD	Application for Non-material amendment to Planning Permission 43/12/00014 to change the size of the window in the South elevation, installation of velux window in East elevation
43/12/00014	GTD	Erection of two storey extension to side and front elevations
43/12/00008	RFU	Erection of two storey extension to front elevation and garage
43/93/00012	GTD	Erection of a detached house and garage and alteration of access thereto
43/93/00004	GTD	Erection of a detached house and garage and alteration of access thereto

### **Supporting Information**

- Design and Access statement
- Heritage Statement

### **Consultation Responses**

#### **Shapwick Parish Council: Object**

The size and scale of the proposed garage will impact on the open nature of the street scene contrary to the village design statement and policy D2 Sedgemoor Local Plan.

The shading of the neighbouring property is minimal however there will be overshadowing of the front garden for a good deal of the day during the winter months.

#### **Highways: Standing Advice**

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

**Environmental Heath: No comments**

**South West Heritage Trust: No objection. Recommends condition**

The site lies within the Saxon and medieval settlement area and it is likely that limited archaeology will be encountered during groundworks associated with this proposal. Any remains would be of local significance and due to the small scale of this proposal any impacts would not be significant. It is envisaged that any remains would be ditches or pits rather than structures. Earlier investigations in the immediate environs of the site have shown that this area may have been subject to disturbance and so only archaeological monitoring of groundworks would be required to ensure any remains are recorded.

**Programme of Works in Accordance with a Written Scheme of Investigation (POW)**

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."

**Conservation Officer: Support. Recommends condition**

The proposal asks to alter the appearance, footprint and to add a garage to the front elevation of a non-listed dwelling within the conservation area of Shapwick.

There has been extensive negotiations between the applicant, the applicant's agent and the planning department of Sedgemoor District Council to ensure that the proposed development will be compatible with the appearance of the conservation area and the character of the local built environment.

The proposal seeks to convert the extant integrated garage to be part of the living space to the primary dwelling that will also receive a modest hall extension that will improve the internal circulation of the primary building.

The new garage, which through the positive negotiations as to appearance will also improve the quality of life within this stone built dwelling house that straddles the conservation area border.

If the decision is to support this proposal. A condition recommending the control of materials is recommended

**Ecology: No objection**

Recommends condition to secure biodiversity enhancement

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### **Representations:**

A total of 5 representations have been received.

of objection received, summarised as:

- The proposed garage is too large.
- Concern the garage would not be used for parking a car.
- The location of the garage is not in keeping with the character of the country lane.
- The garage would result in loss of light and have a dominant impact upon No. 4 living room.
- Garage would have overbearing impact and be visually dominant in street scene
- View from neighbouring listed building will be affected
- Could jeopardise plans for garage/carport in garden of no.2
- Contrary to village design statement that seeks to preserve views
- Contrary to village design statement in that windows/doors to garage to be converted are picture windows
- Reference to similarly designed garage pre-dated village design statement and should not be used as precedent

### **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 Policy Framework February 2021**

### **Sedgemoor Local Plan 2011-2032**

D2 Promoting high quality and inclusive design  
D14 Managing the Transport Impacts of Development  
D20 Biodiversity and geodiversity  
D25 Protecting residential amenity  
D26 Historic Environment

### **Adopted Supplementary Planning document**

Shapwick Village Design Statement

### **Main Issues**

### **Visual Amenity**

Policy D2 Sedgemoor Local Plan sets out that development should demonstrate how it provides a high quality sustainable and inclusive design that responds positively to and reflects the

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

particular local characteristics of the site and the identity of the surrounding area.

Concerns have been raised that an outbuilding of this size and scale will have an unacceptable impact upon the street scene and the Parish Council object to the development on the grounds that the size and scale of the proposed garage will impact on the open nature of the street scene contrary to the village design statement and policy D2 Sedgemoor Local Plan.

The proposed garage will measure approximately 5.8m x 5.8m, 4.27m to ridge and 2.27m to eaves. The garage will be sited forward of the principal elevation of the property. Whilst this can be problematic in terms of interrupting and projecting forward of established build lines, in this case the nature of the development in Lawn Lane is that there is no clear linear build line. The listed building, no.2 Lawn Lane and the associated outbuilding sits adjacent to the highway, whilst the garage and car port of no.19 Mill Lane at the western end of Mill Lane projects out. On the opposite (south) side of Lawn Lane, there is a very similar garage set to the fore of no.5, whilst no.7 is an 'L' shaped building that projects towards Lawn Lane and is then also served by a detached garage. The proposed development therefore would not interrupt any established build line, nor would it be contrary to the existing pattern of development that exists.

As set out above, there are a number of existing examples of development of a similar scale and position. The material pallet is of materials to match the existing dwelling and the neighbouring listed building, with a blue lias finish to the elevations and roman tiles to the roof. A condition can be applied to any permission to secure details or samples of the materials to be used. Given the prominent siting and that this part of the site falls within the conservation area, such a condition is considered necessary and appropriate. Subject to such controls, it is considered that the proposed development will sit comfortably within the application site, following a similar arrangement of built form that exists within neighbouring plots and within the street scene of Lawn Lane.

It is noted that there are concerns that the window and door arrangement to the converted garage will create a "picture window" contrary to the Shapwick Village Design Statement. The style, design and detail of the windows has been amended from the previous submitted application and is considered to now reflect the dwelling and is not considered this will give rise to an unacceptable visual impact on the street scene.

The single storey front extension is modest and of appropriate dimensions that would not adversely impact the character and appearance of the property or surrounding area.

The proposal is considered to comply with policy D2 of Sedgemoor Local Plan 2011-2032.

### **Residential Amenity**

Policy D25 provides that development that would result in an unacceptable impact upon the residential amenity of occupants of nearby dwellings and potential future occupants should not be supported.

Concerns had been raised by interested parties regarding the impact in terms of light,

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

overshadowing, and a loss of views from the listed building. The concerns regarding loss of light and overshadowing of the neighbouring dwelling were echoed by the Parish Council who requested further information from the applicant in this regard. This information was subsequently produced which confirms that whilst the front garden/drive of the neighbouring property will be overshadowed particularly during the winter months, given the single storey nature of the building, this impact will be limited to the winter months when the sun is at its lowest point in the year and the overshadowing is to the front garden only. There is no evidence of overshadowing of the dwelling itself and as such it is found that the proposed garage would not result in an unacceptable loss of light or overshadowing that would warrant refusal of the application.

The Parish Council have noted the following in their comments; *“the shading of the neighbouring property is minimal however there will be overshadowing of the front garden for a good deal of the day during the winter months.”*

Concerns regarding the impact of and loss of views has been received with regards to the impact on No 4. There is no right to a view from a private dwelling, whether development has an unacceptable overbearing impact is assessed as part of the assessment of amenity impacts. The garage is sited back from the highway and whilst on the boundary it is a single storey building with a hipped roof, at distance of some 8m from the neighbouring window and so would not result in any significant adverse impact that would warrant the refusal of this application.

The submitted plans detail that the window being added to the east elevation at ground floor is to be obscured glazed to the lower part with a fanlight opening above. Whilst it may not usually be considered necessary to obscure glaze windows to ground floor (any harm from mutual overlooking or loss of privacy can be generally addressed appropriately by way of boundary treatments), given that the window is detailed as obscure glazed on the submitted plans, it is reasonable to consider that the neighbouring occupiers would have considered the proposal and its impacts on the assumption that the obscure glazing would be delivered, it is therefore considered appropriate to secure the detail by way of condition.

Subject to such a condition and for the reasons set out above, this in itself is not considered a reason for refusal of the development or to consider that the development should be found contrary to policy D25.

### Historic Environment

The application site straddles the Shapwick conservation area and the detached garage will sit within the conservation area. The application site also sits adjacent to the Grade II listed building, 2 Lawn Lane. The application now submitted is supported by a detailed heritage statement that assesses the impact of the proposal on the conservation area and neighbouring Grade II listed building. The views of the conservation officer have been sought on this revised proposal and they have confirmed their support for the scheme providing that the *“proposed development will be compatible with the appearance of the conservation area and the character of the local built environment. The proposal seeks to convert the extant integrated garage to be part of the living space to the primary dwelling that will also receive*



## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

*a modest hall extension that will improve the internal circulation of the primary building. The new garage, which through the positive negotiations as to appearance will also improve the quality of life within this stone built dwelling house that straddles the conservation area border.”*

The concerns regarding the impact on views from the listed building are noted and the impact of the development proposed on the setting of the listed building has been assessed by the conservation officer and no concerns have been raised, rather they note that the development is compatible with the appearance of the conservation area and the character of the local built environment.

The site lies within the Saxon and medieval settlement area and South West Heritage Trust have been consulted. They advise that it is likely that limited archaeology will be encountered during groundworks associated with this proposal and that any remains would be of local significance and due to the small scale of this proposal any impacts would not be significant. It is envisaged that any remains would be ditches or pits rather than structures. Earlier investigations in the immediate environs of the site have shown that this area may have been subject to disturbance and so only archaeological monitoring of groundworks would be required to ensure any remains are recorded. They have suggested a condition to ensure that prior to the commencement of 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. Such a condition is considered necessary and will be applied to any permission that would be granted.

It is not considered that the development proposed results in any unacceptable impact in these terms and subject to conditions to secure a WSI and details or samples of materials it is not considered that the proposed development is contrary to policy D26 Sedgemoor Local Plan 2011-2032 or the village design statement.

### Parking and highway safety

The application has re-sited the proposed building slightly further back into the site than put forward in the earlier, withdrawn application. This assists in ensuring visibility splays are not so significantly affected by the development as to result in a concern for highway safety. Lawn Lane is an unclassified highway. The garage does provide sufficient space for the parking of a vehicle, in accordance with Somerset County Highways standing advice. The concern raised that there would be insufficient off-street parking if the garage is not used for parking are noted however the application details the garage will be used for parking a vehicle and thus the development that will see the conversion of the existing garage and erection of a replacement garage results in the same overall parking provision. There is no genuine reason to assume that the garage would not be used for parking and this is not a reason to refuse the application. Furthermore, there is sufficient space for parking up to 3 cars on the driveway of the property.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### Ecology

The application site does not lie within any bat consultation zone. Somerset County Ecology have been consulted and confirmed no objection. They have suggested that the installation of a sparrow nest box installed at eaves level on to the east or north facing aspect of the new garage would be an appropriate biodiversity enhancement and this can be secured by way of condition. Subject to such a condition the proposed development complies with the requirements of policy D20 Sedgemoor Local Plan 2011-2032.

### Other Matters

Comments regarding the protection of long-distance views referred to in the Shapwick Village Design statement have also been received and the impact on views from neighbouring properties. The development is formed of a single storey garage building that will be sited within the built-up area of Shapwick, where there exists other detached outbuildings in similar positions. The extract of the village design statement must be read noting that there is no right to a view in planning terms from a private dwelling. Given a combination of the size and scale of the development together with its setting within a built up residential area, it is not considered that any impact from the development proposed would result in any adverse impact in this regard.

Concern has also been raised that the permitting of this development may jeopardise future development that a neighbour may wish to undertake. Any application is considered on its own merits at the time of receipt and due consideration is given to the potential impacts on the existing pattern of development. It is not appropriate to assess against any possible future development that a neighbour may or may not wish to seek consent for. Any such application would be considered on its own merits and against the relevant planning policy framework at that time, but this could not be a reasonable ground for refusal of a planning application.

### Conclusion

The proposal is of an acceptable design and appearance that would have not result in any unacceptable adverse impact of the character of the existing site, the locality, residential amenity, or highways safety. As such the proposal complies with both local and national planning policy and 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).

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

- 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 Prior to the commencement of the development hereby approved 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: A pre-commencement condition is required as the site is located within an area identified as having a high archaeological potential. Archaeological excavation and recording is required in accordance with Sedgemoor Local Plan 2011-2032 Policy D26.

- 4 No development shall take place above damp proof course level until details and/or samples of the materials to be used on the external surfaces of the development 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 Policies D2 and D26.

- 5 Before the development hereby permitted is first brought into its permitted use the window in the east elevation (indicated as serving the sitting room on the submitted and approved drg no. AD & C - 0721-08) shall be fitted with a non opening obscure-glazed window to the lower level with only a fan light opening above, and shall be retained in that fashion thereafter in perpetuity.

Reason: To protect the amenity of local residents in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D25.

- 6 Prior to the first use of the development hereby permitted, the following biodiversity enhancement shall be installed at the application site and therefore after maintained and retained in perpetuity:

- 1 X built-in house sparrow nest box installed at eaves level on to the east or north facing aspect of the new garage.

Reason: in the interests of securing biodiversity enhancements in accordance with

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

policy D20 Sedgemoor Local Plan 2011-2032

### **Schedule A**

Location Plan Drg No. 01

Existing Floor Plans Drg No. AD&C-0721-001 Rev 1

Existing Elevations Drg No. AD&C-0721-01a

Proposed Block Plan Drg No. 02

Proposed Ground Floor Plans and Elevations Drg No. AD&C-0721-08

Proposed Garage Floor Plans and Elevations Drg No. AD&C-0721-09 Rev 1

### **DECISION**

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## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

Case Officer: Chris Mitchell Tel: Sedgemoor Direct: **0300 303 7805**

Shipham

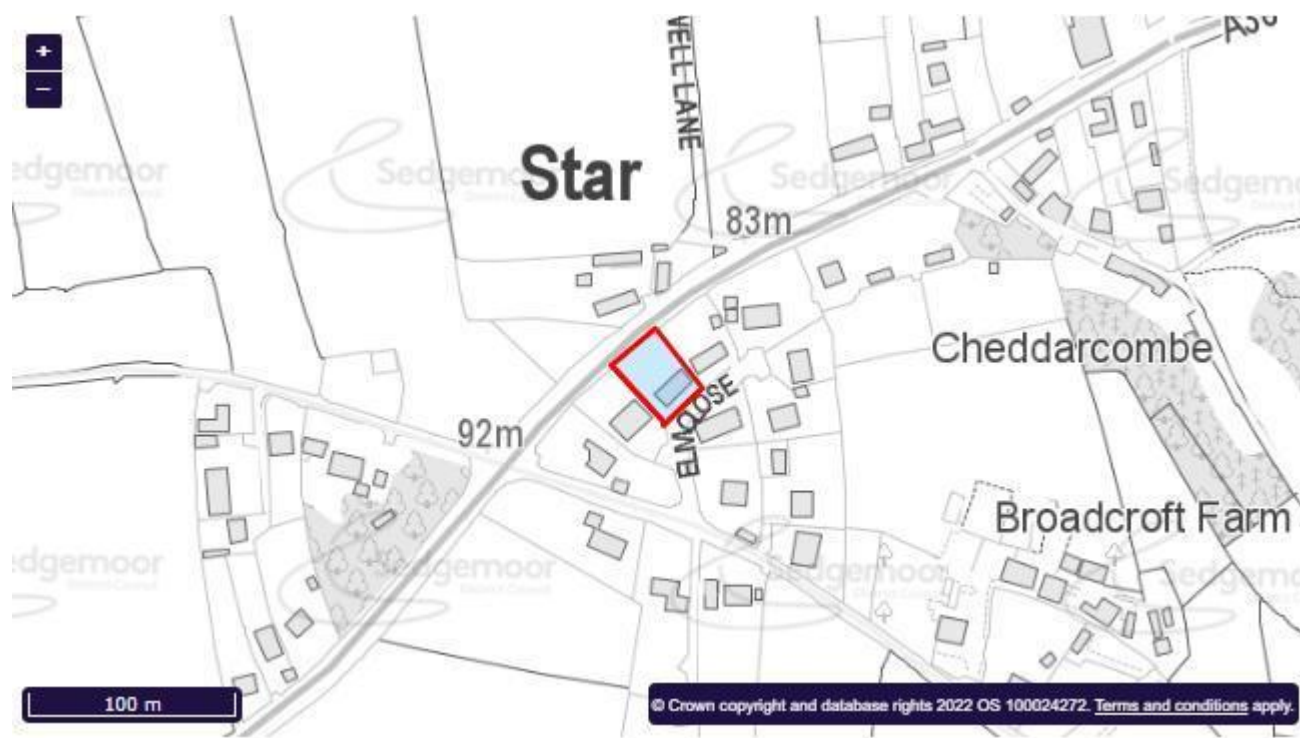
44/22/00002 registered 22/02/2022

Expiry Date 18/04/2022

(Full Planning Permission)

Proposal:

**Conversion of loft to living accommodation, installation of a dormer window and Juliet balcony to the rear (South) elevation and the installation of solar panels to the front (North) elevation. at 1 Elm Close, Shipham, Winscombe, Somerset, BS25 1UG for Mr J Barritt (agent: AMZAK Architechtural Design )**



### Committee decision required because

*The Officer recommendation is contrary to Parish Council comments*

### Background

The site is located in the hamlet of Star situated to the north west of the village of Shipham with access taken from Elm Close. The property is a detached bungalow built with rendered walls, UPVC windows and doors and concrete tiled roof.

The proposal is for the conversion of loft to living accommodation with the installation of two dormers on rear (south) elevation, one with window and the other with Juliet balcony. It also proposes the installation of solar panels on the roof slope of the front (north) elevation. The two dormers would be finished with rendered walls, UPVC windows and patio doors, railings

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

to Juliet balcony and concrete tiled roof.

### **Relevant Planning History**

None

### **Consultation Responses**

Parish Council: Council objects to this application on the grounds that the balcony would constitute an invasion of privacy to neighbouring properties as it overlooks their gardens.

SCC Ecology: Preliminary Roost Assessment submitted.

Requested Preliminary Roost Assessment

Highways: Standing Advice

Mendip Hills AONB: No comments received

Environmental Heath: No comments received

Representations: None

### **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.

#### **Sedgemoor Local Plan 2011-2032**

S2 Spatial Strategy for Sedgemoor

CO1 Countryside

D2 Promoting high quality and inclusive design

D14 Managing the Transport Impacts of Development

D19 Landscape

D20 Biodiversity and geodiversity

D25 Protecting residential amenity

#### **National Planning Policy Framework February 2021**

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### **Main Issues**

#### **Visual Amenity**

The proposed first floor rear dormers are considered to be of an appropriate scale, design and detailing that would respect the form and character of the existing building and identity of the locality. In this respect the proposal complies with policy D2 of the Local Plan (LP).

#### **Residential Amenity**

The Parish Council objection to the proposed first floor Juliet balcony and the potential issue of the loss of privacy raised by the Parish Council is noted. The balcony would only provide direct views over the rear garden of the property with oblique views towards neighbouring properties gardens. These oblique views, of which would be the same from a window would not result in significant overlooking into neighbour's gardens in officers' opinions and there have not been any objections raised by either neighbour to said balcony.

It is considered that the proposed first floor rear dormers would not prejudice the amenities of occupiers of the property and, in terms of its bulk, window arrangement and proximity to the neighbouring properties, would not adversely affect the amenities of the occupiers of the neighbouring properties. In this respect the proposal complies with policies D2 and D25 of the LP.

#### **Ecology**

The SCC ecologist was consulted on the application and requested that a Preliminary Roost Assessment required, this has been submitted and officers have considered the report that states no bats were found the roof space and recommends that the suggested ecological enhancement measures to be incorporated in the proposal. It is recommended that a condition for ecological enhancement measures to be installed with bat and bird boxes. An informative will also be placed on any permission stating if protected species are found the applicant or builder should contact Natural England and take advice.

Therefore, the proposal is considered acceptable in accordance with policies D19, D20 and D23 of the Sedgemoor Local Plan.

### **Conclusion**

The proposal is of an acceptable design and appearance that would have no adverse impact of the character of the existing building or the locality, residential amenity, or highways safety. As such the proposal complies with policies CO1 D2, D14, D19, D20 and D25 of the Sedgemoor Local Plan.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### **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 Prior to first occupation of the first floor extension hereby approved, the following biodiversity enhancement(s) will be installed on the/at the property:

- Installation of 1 standard woodcrete bat box on to a building or mature tree on site, facing south or west, at a height above 3m.
- Installation of 1 standard woodcrete bird box on to a building or a mature tree on site, facing east or north, at a height above 3m.

Once installed, the biodiversity enhancement(s) shall thereafter be retained.

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 Sedgemoor Local Plan 2011-2032 policy D20.

### **Schedule A**

Location and Existing Block Plan Drg No. EC01.01

Existing Ground and First Floor Plans Drg No. EC01.03

Existing Elevations Drg No. EC01.04

Proposed Floor Plans Drg No. EC01.06

Proposed Elevations Drg No. EC01.07

### **DECISION**

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## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

Case Officer: Emma Chorley Tel: Sedgemoor Direct: **0300 303 7805**

Stawell 46/22/00001 registered 16/03/2022  
Expiry Date 10/05/2022  
(Full Planning Permission)

Proposal: **Change of use of agricultural land to equestrian, including menage arena, stables and store (part retrospective). at Land South Of, Stawell Road, Stawell, Bridgwater, Somerset, TA7 for Ms J Richardson (agent: Tamlyns )**



### Committee decision required because

The views of the Parish Council are contrary to officer recommendation.

### Background

The site is located to the south west of the village of Stawell with access taken from Crendge Lane that runs south from Stawell Road. The site is formed of a parcel of agricultural land that sits to the rear of Hill House. The site is agricultural land bounded by hedges along all boundaries.

The proposal is for the division of the top part of the land with post and wire fence with field access gate and for the construction of a L shaped stables, menage, access and turning area. The works have been started on site and as such the application is part retrospective. The stable building would measure 14.5m in length by 14.5m in width by 3.65m to ridge and

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

provide two stables, store, hay store and feed store. The stables would be built with horizontal timber cladding and anthracite grey plastisol roof.

The menage would measure 20m by 40m and surrounded with a 1.45m high post and rail fence with a silicon and sand mix for the surface. It also details that the placement of horse box and waste management trailer to the south of the stables.

### **Relevant Planning History**

None

### **Consultation Responses**

#### **Parish Council: Object**

- Overlooking and loss of privacy
- Visual dominance
- Detrimental impact on landscape
- Impact on West House (listed building)
- Buildings should be sited further south
- Lighting should be restricted
- Waste management plan to prevent impact on neighbours
- Personal use only
- Height of vegetation needs to be controlled to prevent loss of light

#### **Somerset County Public Rights of Way: No objection**

Recommend informative regarding consents should work affect right of way

#### **Somerset County Highways: Standing advice**

On the basis private use only

#### **Environmental Health: Comments**

Recommends condition to secure undertaking not to burn any straw and dung on site and that any external lighting must only directly illuminate the application site and shall be fully adjustable and shall be maintained as such thereafter. Confirms that if the application site gains approval and thereafter raises complaints of noise, light or waste from the approved activities, Environmental legislation can be utilised to investigate and action (if required) outside of the planning regime.

#### **Somerset County Ecology: No objection**

Recommends conditions to control lighting and to secure biodiversity enhancements as detailed on the site plan. Recommends informative reminding applicants of the protection afforded to nesting birds

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### **Representations**

Representations were received from 11 different addresses.

Support x 7 raising the following:

- Benefit horses
- Necessary as applicant competes regularly
- Safe place to exercise/ride
- Few alternative facilities
- Well laid out site
- Utilises existing access, alternative not possible due to topography of site
- Drainage/waste details provided
- Site well screened and will provide wildlife enhancement
- No detrimental impacts
- High quality development
- Laid out to minimise light pollution
- Surface run off would have been worse when cultivated field

Objection x 4 raising the following:

- Detrimental impact on drive from increased traffic
- Noise impacts from traffic
- Noise from use of menage
- Visual impact of stable block
- Light pollution
- Loss of privacy
- Overlooking
- Odours from waste
- Detrimental impact on wildlife
- Existing access was overgrown/little use
- Existing access has been widened
- Surface water management
- Alternative livery facilities in area
- Abundance of stables in the village not used by residents
- Use results in traffic movements all times of the day
- Level of use now far greater
- Impact on listed building
- Ownership of boundary
- Buildings can be seen from the south on the horizon

### **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.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### Sedgemoor Local Plan 2011-2032

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

D19 Landscape

D20 Biodiversity and geodiversity

D22 Trees and Woodland

D25 Protecting residential amenity

### National Planning Policy Framework February 2021

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

### **Main Issues**

#### Principle

The application seeks consent for the change of use of an area of agricultural land to equestrian use. The application is submitted part retrospectively as works have already commenced on site. The application site includes the private access lane that leads to the highway and Certificate B has been completed to confirm that notice has been served on the legal owner.

The area of land to the north is where the menage and stable block will be sited whilst the area to the south will be left for pastureland for the applicants' horses.

The applicant does not reside at the application site as is highlighted by a number of representations received, they live approximately 3 miles away. Whilst there would reasonably be expected to be vehicular movements associated with the applicant coming to and from the site to tend to their horses, this is a relatively short distance and they advise there was not alternative land in closer proximity available with any DIY livery facilities being a further distance. The distance is not such as to consider that the movements cannot reasonably be made or so far as to be considered unsustainable.

Policy CO1 sets out that in accordance with the spatial strategy (policy S2), development outside of identified settlements is appropriately controlled in accordance with national policy. The policy states that this approach "reflects the environmental and landscape constraints, more limited local services and fewer opportunities for sustainable transport in many countryside locations. 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. Where development proposals in the countryside are not addressed by other policies of the Local Plan, new development must demonstrate that there are specific

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

countryside needs, such as those of the local agricultural industry and local food producers, enhancement of the environment or where a countryside location is essential or more sustainable.”

As set out above the applicant provides that there is no available site within the settlement boundaries and within closer proximity and no available DIY livery within a closer distance. Equestrian activity is a common countryside activity and in this case, permission is sought on a personal and private basis only and not for any commercial activity. The movements associated would reflect this use.

Small scale equestrian use and associated development is considered to be acceptable subject to a detailed assessment of the site-specific constraints.

### Visual Amenity

Permission is sought for the change of use of an area of land totalling 0.9ha. The northern element of the site measures approximately 56 x 50m, this is the area to be developed, whilst the remainder is to form grazing paddock. The stable block proposed is in an ‘L-Shaped’ configuration and the accompanying supporting information states it is sited to provide the most shelter from the prevailing South-Westerly wind. The stables measure approximately 14.5m x 14.5m x 3.65m with an eaves height of 2.65m and a ridge height of 3.19m. The menage arena is proposed to measure 40 x 20m. The menage is to be enclosed with a 1.45m high timber post and rail fence. Two landscaped/grassed areas are proposed to the west and north of the site, to include new tree planting along the northern boundary to provide some degree of screening. The site is bounded by existing hedgerow to the west.

The greatest visual impact will be to the occupiers of the nearby Hill House, that sits immediately to the north of the site. The topography of the site is such that it is on higher ground than Hill House. The landscaped area will serve to provide some degree of screening however undoubtedly the development will remain visible. It must be borne in mind that the site has an existing agricultural use and as such activities and development associated with such use could reasonably have been expected to come forward on the site and there are indeed permitted development rights that exist for such development. The development proposed is not of a size or scale that is considered to result in an unacceptable visual impact. The siting of the stable block is at its closest 35m from the neighbouring dwelling with the menage set to the south west of the dwelling. Whilst the development will change the previous views over agricultural land, the development is not to such a scale that there is an unacceptable visual dominance and there is no right to a view in planning.

Representations set out that the development will be seen on the horizon from the south. The public right of way that runs for the beginning of Crendge Lane heads west away from the site. There are no public rights of way to the south in the vicinity and as such any views are likely to be distance, where the development will be seen against the backdrop of the existing built form of Stawell. The proposed development is not considered to result in an unacceptable visual impact to be considered contrary to policies D2 and D19 Sedgemoor Local Plan 2011-2032.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

### Residential Amenity

Policy D25 provides that development that unacceptably impacts upon the residential amenity of occupants of nearby dwellings will not be supported. Particular consideration will be given to (but not limited to) the extent that the proposal could result in unacceptable impacts relating to: loss of privacy and overlooking, overbearing and visual dominance, loss of light, noise or disturbance and odours, fumes or vibrations.

Concerns have been raised that the development proposed will result in pollution in the following forms: noise, light, odours and a loss of light to the neighbouring Hill House as well as overlooking and a loss of privacy.

Issues of overlooking from the site to the neighbouring Hill House exist already and are by virtue of the topography of the site. The issue is therefore whether the change of use of the land and the development proposed would give rise to a greater degree of overlooking than that that could already reasonably be expected from the existing agricultural use. The stable block and menage are set to the south east of the neighbouring dwelling. There is a landscaped area proposed to provide a degree of separation and screening and a condition can be imposed on any permission to secure a detailed landscaping scheme to be approved by the Local Planning Authority. By virtue of the siting of the menage, the 'L' shaped footprint and siting of the building the majority of activity associated with the development would reasonably be expected to be to the east. It is noted overlooking from agricultural activity into the neighbouring dwelling could also be expected. The access to the site is at the existing entrance to the site, whilst there may have been little activity in recent years, an increase in agricultural use could have taken place without the need for further planning consents.

The development is located to the south east of the neighbouring dwelling with the built form located approximately 35m away from the nearest dwelling. It is not considered that the development will therefore result in any unacceptable loss of light to the dwelling.

Concern has also been raised regarding increased noise regarding the number and nature of vehicular movements associated with the equestrian use. The site makes use of an existing access to an existing agricultural field parcel. Vehicular movements could reasonably be expected to be of a similar nature and number. The use is for private use only and no commercial activity, thus limiting movements to and from the site. It is not considered that the equestrian use would give rise to unacceptable noise impacts.

Concern has also been raised regarding odours from the use. Details of an existing waste management system have been provided and Environmental health have been consulted. No objection has been received and it has been confirmed that the details provided are sufficient at this time subject to a condition preventing any burning of materials within the site. In the event of any issues arising this is provided for adequately under existing Environmental Health powers and it is therefore not necessary for a further planning condition which would, in effect reiterate powers that exist already. A condition to prevent any burning of materials at the site will be applied.

Regarding light spill from the development, Environmental Health have been consulted and

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

suggested that subject to a condition to ensure that the lighting illuminates the application site only there are existing environmental health powers regarding light pollution and therefore they would not consider a further planning condition necessary. As set out below in greater detail, a lighting plan is required in any event and as such a single condition that secures a detailed lighting design should be sufficient to address any concerns. Such condition would prevent any additional external lighting without the prior consent of the Local Planning Authority.

Subject to conditions, the proposed use is not considered to result in such amenity impacts that would give rise to a reason for refusal in this regard.

### Ecology

The application site lies within open countryside but outside of any designated bat consultation zone or the catchment for Somerset Levels Moors and Ramsar. Somerset County Ecology have been consulted and confirmed that they have no comments on the application. The supporting information does propose a series of biodiversity enhancements to include the installation of 2no. Schwegler Bat Box 2F along the established North-South boundary and on the stable block itself, 2no. Schwegler Façade Nest No. 11 For House Martins / Swallows, one on the North gable, the second on the Eastern gable. A condition will be applied to secure the delivery of enhancements although this has been varied slightly from that suggested based on the response from County Ecology.

Details of the proposed external lighting and options available are included in the supporting statement. Somerset County Ecology have suggested a condition is applied to ensure a detailed lighting design and plan is submitted and approved. This is considered necessary and appropriate given the countryside location of the application site.

Subject to conditions, the proposed development complies with the requirements of local and national planning policy.

### Highway safety

The application site derives access via Crendge Lane, a public right of way which leads to Stawell Road. Both Somerset County Highways and Somerset County Public Rights of Way have been consulted. No objections have been received. An informative regarding the public right of way will be added to any permission. The applicants have confirmed that notice has been served on the relevant owner of Crendge Lane. The nature and level of vehicular movements are not likely to be significantly greater than those that could reasonably be associated with an agricultural use and therefore it is not considered that a refusal of highway safety grounds would be warranted.

### Other Matters

Concern has been raised regarding the impact on the listed building, West House. West House is situated over 80m from the application site, where it forms part of the frontage development along Stawell Road. It is not considered that the proposed development will

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

result in any unacceptable impact on the setting of a listed building.

### **Conclusion**

The proposal is of an acceptable design and appearance that would have no adverse impact of the character of the existing area, residential amenity, or highways safety. As such the proposal complies with policies with both local and national planning policy and the application is recommended for approval.

### **RECOMMENDATION**

#### **GRANT PERMISSION**

- 1 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.

- 2 The equestrian use of the land and the stable block hereby permitted shall be limited to private and personal use only; there shall be no commercial use of the land or stables.

Reason: The impacts of the development are acceptable only on the basis of the above limited use and the location would not be appropriate for any commercial activity. In accordance with policies CO1, D14 and D25 of Sedgemoor Local Plan 2011-2032.

- 3 No later than 6 months from the date of decision, a landscape planting scheme shall be submitted to the Local Planning Authority for approval. The approved planting scheme shall be implemented no later than the end of the first planting season thereafter. Notwithstanding the submitted details and for the avoidance of doubt the landscape scheme shall comprise a landscape plan which identifies the trees and/or hedgerows to be retained, removed, proposed or enhanced. The proposed planting scheme shall include a plant schedule and planting specification of native species. 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: To ensure that the development site is appropriately landscaped in accordance with Sedgemoor Local Plan 2011-2032 policies D2, D19 and D20.

- 4 Waste management shall take place in accordance with the details submitted in the supporting supplementary planning document dated February 2022. No burning of any straw, dung or other materials shall take place within the application site.



## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

Reason: To protect the neighbouring occupiers from unacceptable pollution impacts in accordance with policy D20 Sedgemoor Local Plan 2011-2032.

- 5 Within 6 months of the decision date, a plan detailing the external lighting design shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (with the provision technical specifications and operation) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or resting places. 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 those approved under the lighting design for bats shall be installed without the prior written consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of local populations of European protected species, the protection of the dark skies of the countryside and to prevent unacceptable light pollution to neighbouring occupiers, in accordance policies D19, D20 and D25 Sedgemoor Local Plan 2011-2032.

- 6 Within 6 months of the decision date, the following biodiversity enhancements shall be installed within the site. The enhancements set out below shall thereafter be retained and maintained in perpetuity.

2no. Schwegler Bat Box 2F mounted on poles at a location to be directed by a qualified ecologist

2no. Schwegler (or similar) House Martins nest boxes at a location to be directed by a qualified ecologist

Reason: To ensure biodiversity enhancements are delivered through development and in accordance with policy D20 Sedgemoor Local Plan 2011-2032.

### **Schedule A**

Location Plan & Existing Layout Drg No. 5114-01

Proposed Site Layout & Stable Block Drg No. 5114-02

### **DECISION**

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## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

Case Officer: Ian Lloyd Tel: Sedgemoor Direct: **0300 303 7805**

Weare

49/21/00020 registered 08/12/2021

Expiry Date 01/02/2022

(Full Planning Permission)

Proposal:

**Change of use of land and part of agricultural building to a mixed use as a cider brewery tap room (Sui Generis) , retail sale of juice, cider and locally produced ale, cheese and snacks (Class E(a)) , creation of small outside area for sitting and drinking, use of premises for occasional private functions (Sui Generis) and erection of lean-to extension to the side (SW) elevation (Revised Description/Retropective application) at Orchardleigh Farm, Notting Hill Way, Stone Allerton, Axbridge, Somerset, BS26 2NG for Orchard Cider Farm (agent: Whiteacre Planning Ltd )**



### Committee decision required because

The Local Member requests Committee consideration to ensure that sufficient controls are in place to ameliorate the impact of this business to the residents in the locality.

### Background

Orchardleigh Farm comprises approximately 5.2 hectares of land including a dwelling, holiday let cottage, cider barn, agricultural buildings and extensive orchards. The main part of the village of Stone Allerton lies to the west of Orchardleigh Farm within the Parish of Chapel

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

Allerton. Footpath AX 26/37 crosses the farm along part of an existing driveway.

The cider barn subject of this application lies to the western part of the site and sits alongside an agricultural building and another building in use for holiday accommodation.

This application is for the change of use of land and part of agricultural building to a mixed use as a cider brewery tap room (Sui Generis), retail sale of juice, cider and locally produced ale, cheese and snacks (Class E(a)), creation of small outside area for sitting and drinking, use of premises for occasional private functions (Sui Generis) and erection of lean-to extension to the side (SW) elevation. This description has been revised during consideration of the application and re-consultation undertaken. Since the submission of the application the use has commenced so is part retrospective.

The scheme also includes an area of outside seating immediately adjacent to the barn and the erection of a lean-to extension to provide customer toilets. The application site lies within the Parish of Weare. Both Parish Councils have been consulted.

Access is proposed via the existing access to the northwest of the cider bar, part of which is also a PROW. This is a long-standing access which also has permission for use in connection with the holiday accommodation. Parking is proposed to the north of the adjacent agricultural buildings which in turn lie adjacent to the cider barn.

There has been close involvement of SDC environmental specialists since the use has given rise to noise complaints, about which more is said in the report below. The premises has a licence, which is separate from the planning process. However, agreement has been sought to ensure hours are consistent with licensing for clarity.

### **Relevant History**

49/13/00024	NM	GTD	Erection of 3 No. Holiday Cottages on site of existing farm store (to be demolished)
49/96/00010	SHH	GTD	Change of use and conversion of barn and part of cow shed to holiday accommodation, parking for 2 vehicles and demolition of remainder of cow shed
49/95/00013	JSA	GTD	Erection of single and two storey extension

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

Application form

Planning Statement

Location Plan Drg No. 01 revised received 4.5.2022

Existing Site Plan Drg No. 02A

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

Existing Elevations Drg No. 03  
Existing Floor Plans Drg No. 04  
Proposed Elevations Drg No. 06  
Proposed Floor Plan Drg No. 07

Proposed site Plan revised received 4.5.2022

Noise Management Plan, Annex 1 to Noise Impact Assessment and Noise Management Plan by Soundguard Acoustics (Report Ref: 91253/0.1 dated 4<sup>th</sup> June 2022/Annex 1 updated version received by email dated 1<sup>st</sup> July 2022)

### **Consultation Responses**

Weare Parish Council: unanimously support the planning application, but also agree with Highways comments.

Chapel Allerton Parish Council: (adjoining Parish) Support application but make the following comments:

We are concerned over the safety of car drivers, pedestrians, especially children who use these narrow roads and horse riders as the access into and out of the Cider Barn at Orchardleigh Farm into Allerton Lane is not safe as visibility is very limited and we believe that Highways should investigate this before Sedgemoor Planning makes a judgement on this application. It would make better sense to have the entrance off the main road at Notting Hill Way rather than bringing traffic through Dunkery Lane and Allerton Lane where two cars cannot pass each other at the best of times. With the increase in traffic this will cause major problems for the village.

Local Member Cllr Liz Scott: has received several letters of complaint from local residents following an event at the Cider Barn. The residents are concerned about their residential amenity and right to enjoy the peace and tranquillity of the area. The incidence of late night outside noise including music, loud voices and vehicles turning and leaving premises at speed. PPG 24 indicates planning considerations will take into account the noise of vehicles leaving a premises late of night as well as noise at outdoor events. There is also an Ecological and Environmental impact to consider.

Also notes the license condition restricts the tap room to Friday and Saturday 17.00 – 23.00 hours where live music is permissible indoors only from 18.00 – 23.00. Live music only permissible at Private Functions. It would appear an event advertised on the 14th May is in breach of these conditions

Therefore request that this application is brought before the Development Control Committee to ensure that sufficient controls are in place to ameliorate the impact of this business to the residents in the locality.

SDC Environmental Health Officer: Has had a chance to look at the premises licence condition and any history of complaints.

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

The Licensing Committee were satisfied that the licence could be issued with conditions attached, some of which controlled hours permitted for recorded and live music and the supply of alcohol. It would seem reasonable to recommend the same hours of operation.

From discussions with EHO, the NMP will ensure roller doors remain closed during performances and others are on a self-closer. Noise will be monitored during live music events and steps taken to control noise levels inside to minimise impacts at noise sensitive boundaries.

No music is to be played outside, the seating area should be restricted to that identified in purple on the proposed layout plan and the NMP is sufficient.

SCC Highways: The proposed access was approved as part of a holiday let application in 2013 and an earlier application in 1996. At the time of the site visit the access was a rough unsurfaced track from a field gate on to Wheatsheaf Lane. The lane is subject to the National Speed Limit, however due to the alignment and narrow nature of the road, speeds are unlikely to exceed 30mph. The visibility splays from the access on to Wheatsheaf Lane are acceptable. The local highway network was assessed, Chapel Allerton Parish Council having indicated a preference for the existing Notting Hill Way but has restricted visibility when leaving this access due to the presence of high established hedgerows. Conditions are suggested.

PROW: confirm there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access to the site (public footpath AX 26/37) at the present time (plan attached for your information).

No objections to the proposal, subject to specific comments

SES: The application site lies within Band C of the Bat Consultation Zone for the North Somerset and Mendip Bats SAC which is designated for its horseshoe bat features. Having been provided with details of the lighting string, the ecologist confirmed the proposed development is highly unlikely to have an effect on horseshoe bats no Habitats Regulations Assessment is required for the application.

Biodiversity Enhancement was requested comprising the installation of 1x invertebrate box, such as a Schwegler Reed Insect Block, on to a south facing elevation of suitable tree.

SERC: Statutory & Non-statutory sites & species at the application site

### **Representations**

57 representations have been received with 13 letters of objection and 44 letters of support (from 31 households), summarised as follows:

#### **Objections**

- The best access to the Cider Barn is from the top main road by simply using some of the applicants' land to construct a layby and Splay entrance
- Support but reservations about access. Unclassified Wheatsheaf Lane is single track

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

and two cars cannot pass

- Wheatsheaf Lane is particularly treacherous during frosty weather
- Applicant does not own the drove
- Stone Allerton Front Street and the street through Badgworth do not have footpaths and are both heavily used by pedestrians (including school children and dog walkers), bicyclists and horses
- Any planning consent should have conditions that the tap room and shop are only accessed from Notting Hill Way
- A car park for 10 cars is shown on the plans but planning permission for the car park is not part of the current planning proposal
- Such use will cause excessive noise, particularly if permission is given for outside gatherings with music
- Create a hazard with extra traffic
- addition of a tap room/bar/shop is not essential from a commercial point of view
- Use of the PROW is contrary to the policy set out in the Somerset CC Rights of Way Improvement Plan dated April 2014
- new vehicular access would cause a danger to pedestrians, horse riders and cyclists
- will effectively create a rat-run
- This narrow, single-track lane has two blind 90-degree bends and already has a sign designating it as 'unsuitable for heavy vehicles
- discrepancy between the application form and the planning statement as to whether the toilet block will use the existing septic tank or whether a new sewage treatment plant will be installed
- the current open-ended application relates to a shop, a tap room, private functions, educational tours and a tourist destination. Therefore the potential traffic from the current application would be drastically different in terms of type, volume and frequency
- None of the roads in the vicinity of Orchard Cider Farm have pavements or lighting
- erosion of grass verges would only increase with the traffic demands of Orchard Cider Farm
- concerned about the desire to host educational visits and large events which could necessitate minibuses and coaches
- Signage for Orchard Cider Farm should be discreet and kept to a minimum as is appropriate for this rural conservation area
- Any increase in volume of traffic would have a disastrous impact on this already challenged stretch of road
- I do not want cars, or lorries reversing onto my property and damaging my driveway
- The road width from the Wheatsheaf end entry is approximately 2.70 meters for a distance of at least 90 meters and therefore totally unsuitable for access to the Cider Barn lower entrance
- Recent event had bouncy castle, children screaming and windows open

### Support

- Community asset since local pub closed
- Brings local community together
- Local produce to be sold is fantastic

## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

- Have not heard any noise or light pollution and my property is 210m away
- Most people walk
- Pleased with the informative and consultative approach with local residents and authorities that have been adopted to date by the applicants
- If the cider barn was able to provide proper toilet facilities and serve food, then this was a great improvement

### **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.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of Sedgemoor District Local Plan 2011-2032.

### **Sedgemoor Local Plan 2011-2032**

S1 Presumption in Favour of Sustainable Development  
D2: Promoting High Quality and Inclusive Design  
D3: Sustainability and Energy in Development  
D14: Managing transport impacts of development  
D20: Biodiversity and Geodiversity  
D24: Pollution Impacts of Development  
D25 Protecting Residential Amenity

### **National Planning Policy Framework**

Section 2 - Achieving sustainable development  
Section 4 – Decision-Making  
Section 6 - Building a strong, competitive economy  
Section 8 - Promoting healthy and safe communities  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment

National Planning Practice guidance

### **Main Issues**

The main issues are the effect of the proposed development, notably noise impacts, on the residential amenity of neighbouring occupiers and on the character of the area generally, any effects of using the access on highway safety and ecology.

## AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS

### 1 Effect on the Amenity of Neighbouring Occupiers and the Character of the Area

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 considerations of noise and disturbance arising from music and patrons inside, outside and from traffic on the amenities of nearby occupiers.

Orchard Cider Farm is a working farm where activity on the site relates to that established agricultural business. This includes cider making and sales of cider products from the farm. The application to provide a tap room and small shop with outdoor seating area and aims to expand the business activity of the site, centered around maximising opportunities from making use of the apples grown on the land.

Whilst there are no immediate neighbours bordering the barn (other than the applicant’s own holiday letting accommodation - about which more is said below under Other Issues), residential properties exist bordering/close to the wider land to the east along Notting Hill Way [circa 140m], south along Wheatsheaf Lane (Allerton Lane) [circa 135m] and in the main village of Stone Allerton to the west [circa 175m]. There is also sporadic development to the north on Dunkery Road [circa 245m]. Of these, the closest unrelated properties are circa 130m to the south east on Allerton Lane [circa 135m].

That the operation of the use has given rise to noise complaint is testimony to the potential for such a use to adversely impact residential amenity. If doing so over a broad area, and for significant periods, that has the potential to impact wider rural tranquillity.

In conjunction with the planning permission sought, a Premises Licence has had to be obtained to regularise the activity and this has been granted with the following restrictions:

*Live Music*

*Indoors only from 1800hrs - 2300hrs (on two occasions in any week.)*

*Recorded Music*

*Daily indoors only from 1800hrs - 2300hrs.*

*Supply of alcohol*

*Daily from 11.00hrs to 23.00hrs.*

*All licensable activities are permitted until 0100hrs on New Year’s Eve.*

Whilst the granting of the licence is separate from any grant of planning permission, the issue of noise disturbance is a consideration for both regimes. The licensing committee were satisfied with the restrictions imposed that no loss of amenity should arise to neighbouring occupiers. That said, noise complaints have arisen from live music events held and impacts fall to be addressed through the planning process as a material planning consideration. The permitted hours under planning reflect the parameters of the license but do not discern between the activities.



## **AGENDA ITEM 7.3 – REMAINING PLANNING APPLICATIONS**

The hours recommended, consistent with the overall licensing hours are 11:00 – 23:00 7 days a week and up to 01:00 on New Year's Eve to be consistent with licensing.

An outdoor seating area and small smoking area have been identified in purple on the plan and the Noise Management Plan (NMP) restricts outdoor activities to this area. A condition precludes music outdoors as does a condition restricting the seating area to that identified in purple on the proposed layout plan.

The outdoor seating area has been shown on the submitted plan adjacent to the barn, is tapering and is circa 22m long x average 9m wide (varies circa 6m – 11.5m in width) with seating shown on the plan for approximately 6 tables.

The cider barn itself is circa 17m x 17m, but this is partially taken up with the cider making equipment. As such, there is capacity to hold quite a number of people.

In terms of noise and disturbance to neighbouring occupiers both live music and recorded music would have the potential to create disturbance. Live music events have resulted in complaints. As such it is recommended that the same limitations on the starting and finishing times through a condition should be imposed. Furthermore, no music (background or otherwise) should be allowed externally or from speakers located externally. Moreover, a noise assessment was requested, the parameters of which were agreed in discussion with SDC's environmental specialists. This includes at Annex 1, a Noise Management Plan (NMP).

Details of the NMP include measures in respect of amplified music and outdoor seating. Roller doors and windows will be kept closed during music performances. Other doors are to be fitted with door closers to ensure doors close automatically if patrons enter or exit the barn at any time, but particularly important when there is amplified or live music performances inside the barn. Under the licence the number of such events is controlled and will not occur more than twice per weekend in accordance with the premises license.

Noise levels limits are set under the NMP, to not exceed 50dB LAeq,T (T-15minute) at the boundary of any noise-sensitive premises. A check on noise levels will take place during events as to whether music noise can be heard, and action taken as necessary. To be clear, this isn't a requirement for activities to be inaudible, but at low volumes over a measurable period. Environmental officers advise this approach is proportionate and acceptable. As such, every effort has been made through the NMP to ensure measures are in place to limit impacts to within acceptable level, and safeguard amenity consistent with policies D24 and D25. Other measures within the NMP relate to other activity noise and good housekeeping practices to keep general noise to a minimum.

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.

The application involves a small single-storey addition (22.5sqm) to the existing west elevation of the cider barn to contain toilets. Proposed materials are timber cladding and a

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metal sheeting roof mono-pitch roof. This will have minimal impact and is considered acceptable.

### **2. Car parking/Highway considerations**

The access to the cider barn was at the time of the site visit a rough unsurfaced track from a field gate on to Wheatsheaf Lane (Allerton Lane). The lane is subject to the National Speed Limit (60mph), however due to the alignment of the road, speeds are lower. The visibility splays from the access on to the lane are acceptable to the Highway Authority. This is an established access to and from the lane for the agricultural activity on the farm and was considered suitable as an access to the farm's self-catering holiday accommodation when a previous planning permission was granted.

It is noted that there are a number of concerns and objections raised as to the use of the access and potential danger to pedestrians and other users of the road due to the lack of footpaths and the narrowness of the lanes in parts. As a result of the concerns raised, the Highway Authority were requested to visit and provide bespoke advice. Highway officers subsequently concluded that visibility was more restricted from the alternative access off Notting Hill Way and ultimately raise no highway safety concerns. Third party concerns were raised the traffic using the lanes has over time artificially widened them to create informal passing places on private land. The highway authority is satisfied with the width of the adopted highway on the approach lanes to the development. Given the likely level of traffic to the site, the proposed access is considered acceptable. Some of the conditions recommended are not necessary given the access is existing and its use for the holiday accommodation already approved, though consolidating the entrance to prevent material being deposited on the highway is required.

In terms of vehicle parking, this is shown on the drawings, car parking can be provided with adequate turning and manoeuvring for a minimum of 12 cars including a disability driver's space. This complies with Somerset parking standards and is considered acceptable.

The access is a long-standing access, and already has permission for use through an earlier consent for holiday use. The comments of the PROW officer regarding the applicant's responsibilities are to be drawn to their attention in an informative.

Notwithstanding the local concerns about safety, the approach roads are typical Somerset rural lanes and, having considered the issue of safety in detail, the highway authority raise no objections.

### **3. Ecology**

The ecologist confirmed a habitats regulation assessment was not required to be undertaken. They initially recommended a lighting condition but having been provided with photographs of the lighting string and confirmation it is warm light, they are satisfied, subject to a condition that any further lighting would require approval. The condition restricting further lighting is recommended to safeguard bats, neighbours and the character and visual amenities of the area generally, including dark skies.

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Biodiversity enhancement in the form of an invertebrate box was requested and is conditioned, subject to which no ecology concerns arise.

### **4. Other issues**

Drainage – will be addressed under Building Regulations

Holiday Letting Accommodation – the barn is adjacent to the applicant's own holiday letting accommodation. In theory, while the proximity of the bar to the accommodation could result in noise, being close to such a facility is also potentially an asset. Some holiday makers will not desire to be in such close proximity, to others it will be an attraction. It is considered this is a commercial matter for the applicants.

### **5. Summary/Conclusions**

This application, while having the support of both Parish Councils, has given rise to some concerns and raised objections from nearby residents. That the application is retrospective is always regrettable, but live music events result in noise complaints, as a result of which the application has been called to Committee by the Local Member to allow for detailed consideration of impact issues.

That the use is in operation has provided the opportunity for environmental specialists to engage, request a noise assessment report, and to propose a bespoke Management Plan to address noise concerns.

Subject to a condition requiring the use operates in accordance with the Noise Management Plan and subject to the other conditions set out below, including aligning hours of use with the license, notwithstanding local objections, approval is recommended.

### **RECOMMENDATION**

#### **GRANT PERMISSION**

- 1 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.

- 2 The use hereby permitted shall operate in perpetuity in accordance with the Noise Management Plan, Annex 1 to Noise Impact Assessment and Noise Management Plan by Soundguard Acoustics (Report Ref: 91253/0.1 dated 4<sup>th</sup> June 2022/Annex 1 updated version 007 received by email dated 1<sup>st</sup> July 2022) hereby approved.

Reason: In the interests of the amenities of neighbouring occupiers and the area generally.

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- 3 The use of the outdoor areas shall be restricted to those coloured purple on the plan hereby approved, and there shall be no music outdoors.

Reason: In the interests of the amenities of neighbouring occupiers and the area generally.

- 4 The use hereby permitted shall not operate outside the following hours:  
11:00 – 23:00 seven days a week and 11.00 to 01:00 on New Year's Eve.

Reason: In the interests of the amenities of neighbouring occupiers and the area generally.

- 5 Other than the existing lighting and the lighting hereby approved shown on Proposed site Plan 05A revised received 4.5.2022, no additional external lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interests of the Favourable Conservation Status of local populations of European protected species in accordance with Sedgemoor Local Plan 2011-2032 Policy D20 and in the interests of the amenities of neighbouring occupiers and the area generally, including dark skies.

- 6 Within one month following the date of this decision, 1 x invertebrate box, such as a Schwegler Reed Insect Block or equivalent shall be installed on to a south-facing elevation of suitable tree.

The box shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of biodiversity

- 7 Within three months following the date of this permission, the access onto Wheatsheaf Lane over at least the first 6 metres of its length (of a minimum width of 5 metres), as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

- 8 The area allocated for parking and turning on the submitted site plan shall be kept clear of obstruction 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.

- 9 Any entrance gates erected shall be hung to open inwards, shall be set back 6 metres from the carriageway edge to allow for all vehicles required to open the gates to stand clear of the highway and shall thereafter be maintained in that condition at all times.

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Reason: In the interests of highway safety.

### **Schedule A**

Location Plan Drg No. 01 revised received 4.5.2022  
Existing Site Plan Drg No. 02A  
Existing Elevations Drg No. 03  
Existing Floor Plans Drg No. 04  
Proposed site Plan 05A revised received 4.5.2022  
Proposed Elevations Drg No. 06  
Proposed Floor Plan Drg No. 07

Noise Management Plan, Annex 1 to Noise Impact Assessment and Noise Management Plan  
by Soundguard Acoustics (Report Ref: 91253/0.1 dated 4<sup>th</sup> June 2022/Annex 1 updated  
version received by email dated 1<sup>st</sup> July 2022)

### **DECISION**

**Application No:** 08/22/00006

**Proposal:** Erection of a dwelling on site of existing building to be demolished.

**Appeal Received:** 24-May-2022

**Appeal Procedure:**

**Location:** 7A Trevor Road, Bridgwater, Somerset, TA6 4PU

**Final decision level:** Delegated

**Applicant:** Mr S Baker

**Application No:** 33/21/00035

**Proposal:** Certificate of Lawfulness for the existing use of dwelling as residential without any agricultural or horticultural tie.

**Appeal Received:** 30-May-2022

**Appeal Procedure:**

**Location:** The Bungalow, Waggon Nursery, The Causeway, Mark, Highbridge, Somerset, TA9 4QJ

**Final decision level:** Delegated

**Applicant:** Mr Gowan

**No. of Appeals received:** 2

**AGENDA ITEM 8.2**  
**CERTIFICATE OF LAWFULNESS - EXISTING USE**  
Between **18/05/2022** and **06/07/2022**

**Application no.:** 41/22/00008

**Case officer:** Liam Evans

**Decision:** Granted Permission

**Location:** Land At, Puriton Road, Pawlett, Bridgwater, Somerset

**Proposal:** Certificate of lawfulness to confirm commencement of planning permission 41/13/000022.

**No. of applications:** 1

**Application No:** 28/20/00006

**Case Officer:** Dean Titchener

**Location:** Mill Farm, Watery Lane, Fiddington, Bridgwater, Somerset, TA5 1JQ

**Proposal:** Erection of a building to comprise reception, offices and two dwellings to be used as managers accommodation. Formation of MUGA, tennis courts and a skateboard park.

This permission has been granted subject to an Agreement under Section 106 of the Town and Country Planning Act 1990.

**Application No:** 25/22/00011

**Case Officer:** Amelia Elvé

**Location:** Hillview, Withy Road, East Huntspill, Highbridge, Somerset, TA9 3NW

**Proposal:** Erection of two storey side (East) extension with the installation of a rear (South) juliet balcony, partially on site of existing outbuildings (to be demolished).

This permission has been granted subject to an Agreement under Section 106 of the Town and Country Planning Act 1990.

**Application No:** 08/20/00202

**Case Officer:** Dawn de Vries

**Location:** Land Between Friarn Street And, Broadway, Bridgwater, Somerset

**Proposal:** Erection of 43 Flats within two blocks with associated access and parking areas, amenity space and landscaping.

This permission has been granted subject to an Agreement under Section 106 of the Town and Country Planning Act 1990.

**No. of applications:** 3