

Town and Country Planning Act 1990 (As Amended)

SEDGEMOOR DISTRICT COUNCIL hereby **GRANT OUTLINE PERMISSION** in respect of the application of: Mrs Hollis, Mrs Bourke and Mr Yorke as described in the plans and particulars received on 22/10/18

PARISH: Cannington

PROPOSAL: Outline application with some matters reserved, for the erection of up to 73no. dwellings (including 30% affordable) and the formation of access.

LOCATION: Land to the North of, Grange Farm, Main Road, Cannington, Bridgwater, Somerset, TA5

OUTLINE PERMISSION IS GRANTED SUBJECT TO THE FOLLOWING CONDITION(S):

- 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 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 before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 2 The development hereby approved shall comprise no more than 73 dwellings.

Reason: To ensure that the level of development is commensurate with the supporting information upon which it has been assessed.

- 3 With the exception of ground works and site clearance, no works to construct the dwellings hereby approved shall be commenced until details of measures for the enhancement and protection of biodiversity have been submitted to and approved in writing by the Local Planning Authority. Such enhancement measures shall include:-

- a) a lighting design for bats which shall:-
 - i. identify those areas/features on site that are particularly sensitive for

bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

ii. show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

b) bird boxes, to include:

i. Eight 'Habibat' roosts type 001 or 003 or similar to be installed under the eaves, at least 4 metres above ground level, and away from windows in the walls of the southern or western elevations of the new housing.

ii. Five 1SP Schwegler Sparrow Terrace or similar to be installed directly under the eaves and away from windows on the north, north-west or north-east aspects of dwellings.

c) hedgehog friendly fencing

Once approved such measures shall be implemented in accordance with the approved details prior to the occupation of the houses to which they relate unless otherwise approved in writing by the local planning authority.

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

- 4 No dwelling hereby approved shall be occupied until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard biodiversity in accordance with policies D2, D19 and D20 of the Sedgemoor Local; Plan 2011-2032.

- 5 No works to construct the dwellings hereby approved shall be commenced until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme shall include measures to prevent the run-off of surface water onto the highway and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

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

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

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

- 7 No works to construct the dwellings hereby approved shall be commenced until details of the finished floor levels of the dwelling(s) have been submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in complete accordance with the agreed details unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of visual amenity and to ensure that the property is not at risk of flooding in accordance with policies D1 and D2 of the Sedgemoor Local Plan 2011-2032.

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

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

Reason: To promote opportunities for the local population in accordance with policy D15 of the Sedgemoor Local Plan 2011-2032.

- 9 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 Management Plan (CMP) 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 CMP shall, amongst other things, include:-

- a) Measures to regulate the routing of construction traffic;
- b) Hours of construction and delivery
- c) Condition survey of existing public highway together with a statement as to how any construction damage will be remedied;
- d) A method statement for any piling to minimise noise;
- e) The importation and of spoil and soil on site;
- f) The removal /disposal of materials from site, including soil and vegetation;
- g) The location and covering of stockpiles;
- h) Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
- i) Control of fugitive dust from earthworks and construction activities; dust suppression
- j) Noise control plan (which includes control methods)
- k) A waste disposal policy (stating no burning on site)
- l) Details of any site construction office, compound and ancillary facility buildings;
- m) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto
- n) Fuel oil storage, bunding, delivery and use.
- o) How both minor and major spillage will be dealt with.
- p) Containment of silt/soil contaminated run-off.

- q) Disposal of contaminated drainage, including water pumped from excavations.
- r) Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.
- s) 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.

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

- 10 Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include:-

- an assessment of the potential for land contamination;
- steps to be taken in the event that any contamination is found during the course of the development
- measures to be taken to avoid any risk to the public and environment should contamination be encountered.
- a remediation plan to address any contamination found
- Any monitoring necessary to assess effectiveness of the proposed remediation
- Provision of reports as necessary to confirm the outcome of the remediation strategy

Unless agreed otherwise by the local planning authority the development be carried out in accordance with the approved measures.

Reason: To ensure that any risks from land contamination to are minimised in accordance with policy D24 of the Sedgemoor Local Plan 2011-2032.

- 11 Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation and recording, and 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: To safeguard the archaeological potential of the site in accordance with policy D26 of the Sedgemoor Local Plan 2011-2032.

- 12 No works to construct the new access to the A39 shall be commenced until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the proposed works on the A39 (as shown generally in accordance with IMA Drawing Number IMA-18-040-007 Dated Jan 2019) and its means of construction and surface water drainage. The approved on and off site highway works shall be laid out constructed in accordance with the requirements

of a Section 278 Agreement under the provisions of the Highway Act 1980.

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

- 13 The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 highways safety in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 14 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 highways safety in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 15 No dwelling hereby approved shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. One approved such Travel Plan shall continue to be implemented in accordance with the approved details unless agreed otherwise in writing by the local planning authority.

Reason: To promote sustainable transport and movement in accordance with policy D13 of the Sedgemoor Local Plan 2011-2032.

- 16 Prior to the commencement of any demolition or commencement of construction activity on site, an arboricultural method statement, tree protection plan and schedule of arboricultural supervision shall be submitted to and approved in writing by the local planning authority. Such statement shall set out the measures to protect the retained hedgerows and trees from mechanical damage, pollution incidents and compaction of roots in accordance with BS5834:2012 during construction. Unless agreed otherwise in writing the development shall be carried out in accordance with the approved details at all times.

Reason: To ensure adequate protection for the retained trees for the duration of the development in accordance with policy D19 of the Sedgemoor Local plan 2011-2032. This is necessary as a pre-commencement condition as the development of the site needs to be informed by measures to protect the retained trees and hedges.

Dated: 12/08/2019



Stuart Houlet

Address: BRIDGWATER HOUSE,
KING SQUARE, BRIDGWATER

Development Manager - Inward Investment
and Growth

Schedule A - this decision is made in accordance with the following plans and documents

Location Plan Drg No. 2494-PL-01A

Indicative Site Plan Drg No. 2494-PL-02A

A fee is payable from 1st September 2008 where a written request is made for the discharge or compliance with one or more conditions on the same permission. The fee is payable for each request and not for each condition. If when the development has been completed you apply for confirmation of compliance with a condition or conditions then a separate fee will also be payable. Please see the Sedgemoor website www.sedgemoor.gov.uk/planning for more detailed information.

Site Notice - The Local Planning Authority is required to erect a Site Notice on or near the application site to advertise the development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Note(s) to Applicants:

Statement of Proactive Working

This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, the Local Planning Authority has endeavoured to work proactively in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

You are reminded that that, to ensure good connectivity to the adjoining residential development, it is expected that the reserved matters application for the layout of the development will provide for a footpath link to the northern boundary of the site.

As a Riparian Owner, you have a legal duty under the Land Drainage Act 1991 to maintain the watercourse within and adjacent to your boundaries. This includes the removal of obstructions from the bed, banks and weed screens, cutting back trees and vegetation and the maintenance of any retaining walls on the sides of the watercourse. In addition, any change to a ditch / watercourse / rhyne requires Land Drainage Consent from the Drainage Authority for the area; this is a requirement for the Land Drainage Act 1991 (Chapter 59 Part II section 23). A separate Application, made with the Internal Drainage Board / Somerset County Council, will need to be completed and granted on the proposed changes.

The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of the Cannington Flood Relief Channel, a designated main river. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to, and in addition to, any planning permission granted. Further details and

guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

You are reminded that Footpath 5/2 currently crosses the southwest part of the site and may need to be diverted or other arrangement made under the relevant legislation. You should contact the Somerset County Council Rights of Way Group for further advice on this issue.

ADVISORY NOTES

1. Other Consents

This **planning permission** certificate relates solely to the planning application submitted (including any amendments) and it may be necessary for other consents to be obtained, such as

- **Building Regulations Approval**

Advice may be obtained from Somerset Building Control Partnership, Bridgwater House, King Square, Bridgwater, Somerset, TA6 3AR. Telephone No. 0300 303 7790 or E-mail:- somersetBCP@sedgemoor.gov.uk, or by visiting www.sedgemoor.gov.uk/SomersetBCP

- **Works to the Highway**

For any work connected with the development that takes place within or immediately adjacent to a public highway, including footpaths and verges, piping of ditches, construction of waiting bays, the appropriate section within Somerset County Council must be consulted. The address is Roads and Transport, Environment Directorate, Somerset County Council, County Hall, The Crescent, Taunton, Somerset TA1 4DY. Telephone No. 0300 123 2224. E-mail: roadsandtransport@somerset.gov.uk. Alternatively access the County's Web Site www.somerset.gov.uk for further information.

- **Septic Tank Drainage**

Any discharge from a septic tank will require a separate consent from the Environment Agency, Rivers House, East Quay, Bridgwater, TA6 4YS. Telephone No. 01278 454669 or access their web site www.environment-agency.gov.uk

- **Consent to Stop or Divert a Public Right of Way**

This permission does not authorise you to stop up or divert a public right of way in order to enable the development to be carried out. Separate consent will be necessary for this. Advice can be obtained from Property and Income Department, Sedgemoor District Council, Bridgwater House, King Square, Bridgwater, Somerset, TA6 3AR. Telephone No. 0300 303 7800.

- **Caravans**

This planning certificate does not permit the occupation of a caravan and it is unlawful for the site to be used for human habitation unless a licence has been obtained. Advice can be obtained from Environmental Health and Strategic Housing, Sedgemoor District Council, Bridgwater House, King Square, Bridgwater, Somerset TA6 3AR. Telephone No. 0300 303 7800 or E-mail:- environmental.services@sedgemoor.gov.uk

Please be aware for any new buildings or where there are significant alterations to existing buildings you may require a new or amended postal address. Please visit www.sedgemoor.gov.uk/streetnamingandnumbering or call 0300 303 7800 for further information, including the fees payable and how to apply.

2. Floor Levels

Any new building(s) shall be constructed with a floor level not more than 300mm above original site level unless otherwise specified in the submitted plans.

3. Appeals

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

4. Community Infrastructure Levy

Sedgemoor has adopted our Community Infrastructure Levy and this introduces financial contributions required for new dwellings, hotels and some types of retail uses granted permission on or after 01 April 2015. You should check to see if the development granted under this permission is liable to pay CIL upon commencement of development by viewing our CIL Charging Schedule on our website www.sedgemoor.gov.uk/cil.

Where an application is submitted under Section 73 of the Town & Country Planning Act 1990 (as amended) to remove or amend a planning condition contained within this outline permission, the development may become liable to pay the Community Infrastructure Levy, where the last reserved matter approval or last pre-commencement condition relevant to that phase to be amended has not been discharged. This is in accordance with Regulations 8 and 40 of the Community Infrastructure Levy Regulations (2010), as amended.