



Appeal Decision

Hearing conducted on 29 November 2022

Site visit made on 28 November 2022

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2022

Appeal Ref: APP/V3310/W/21/3286963

Land at Steart Bushes, Wedmore Road, Cheddar, Somerset, BS27.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Litt, Highbridge Construction Limited, against the decision of Sedgemoor District Council (SDC).
 - The application Ref 17/20/00064, dated 11 September 2020, was refused by notice dated 5 November 2021.
 - The development proposed is the erection of 19 dwelling houses.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 19 dwelling houses on land at Steart Bushes, Wedmore Road, Cheddar, Somerset, BS27, in accordance with the terms of the application, Ref 17/20/00064, dated 11 September 2020, and the plans submitted with it, subject to the conditions set out in the Schedule appended to this Decision.

Procedural Matters

2. The application was originally for 20 dwellings but was amended to the erection of 19 dwellings to include a local area for play (LAP) before its determination by the Council.
3. Although the application and appeal are in outline, all matters of detail are nominated for consideration at this stage and only landscaping is reserved.
4. This appeal was originally to be decided by way written representations but the procedure was changed to a Hearing with agreement that supplementary statements would be submitted by 11 November 2022. The Council provided supplementary planning and viability statements by the due date but the Appellant failed to do so and requested that the Hearing be postponed. This request was rejected by the Planning Inspectorate with reference to established procedures and the Appellant relied upon the original appeal statement and final comments with updated viability and ecology information dated 10 August 2022.
5. Following the Hearing, the Appellant submitted by agreement documentary evidence that land presently occupied by Steart Farmhouse fronting Wedmore Road adjacent to the appeal site is in the same ownership as the appeal site. The Council, also by agreement, submitted details of an extant planning

permission for two dwellings on that adjacent land and also copies of an ecological appraisal for an extant permission for nine dwellings on the appeal site.

6. Following my unaccompanied inspection of the site and surrounding area on the previous day, it was agreed at the Hearing that no further accompanied site visit was necessary in this case, as the site is clearly visible from public viewpoints.

Planning Issues

7. The main issues in this appeal are:
 - i. whether, in terms of its financial viability, the proposed development should be required to provide 30% of the 19 dwellings as affordable homes, and
 - ii. the likely effects of the development on the ecology of the site.
8. It is also necessary to address other matters of highway safety, car parking, housing mix and design and the provision of the LAP.

Reasons

Viability and Affordable Housing

Introduction

9. The viability evidence of the Appellant comprises the financial viability assessment (FVA) which accompanied the application in 2020 with updating commentary of August 2022. The viability evidence of the Council comprises the critique of the original FVA by District Valuer Services with a comparison of the two assessments appended to the supplementary statement. The latter provides a convenient comparison of the respective positions of the Appellant and the Council and I take all the written evidence into account together with the oral discussion at the Hearing.
10. For a scheme with six of the 19 dwellings assumed to be affordable homes, discounted to 55% of market value, the Council calculates a current net scheme value of some £345,000. The Appellant calculates a negative value.
11. There is no disagreement on the methodology of the viability assessments undertaken, assuming 30% affordable housing, as required by Policy D6 of the adopted Sedgemoor Local Plan (SLP), subject to viability considerations. However, dispute arises with respect to several items of the input data, which I consider in turn.

Profit and Risk

12. With respect to developer profit and risk levels, national guidance broadly advises a target profit range of 15-20%, with 6% applied for the affordable housing element. This results in a blended rate in the region 15-17.5%.
13. The Appellant argued that, in the present uncertain economic climate, evidence of potential profit of at least 20% is required by potential lenders, especially to small-scale developers and developments, compared with more financially robust major developers of large-scale sites.

14. Generally, the risk attached to large-scale, long-term developments has been regarded as greater than for small, short-term schemes, such as that proposed in this case. However, it is widely accepted that the present economic situation is extremely uncertain, with high inflation affecting construction costs especially and property selling prices having risen sharply and then fallen back during 2022.
15. I consider that a profit rate of 17.5% for the 19 dwelling scheme with a 30% affordable contribution is reasonable for the purpose of assessment. However, it is also reasonable, in the current climate, to assume that the level of financial risk to small operators is equivalent to that borne by large developers, implying that a 17.5% target profit, assumed by the Council, is at the lower end of acceptability to lenders.

Construction Costs

16. According to discussion at the Hearing, based upon accepted Building Cost Information Service (BCIS) rates, the Council calculates an overall construction cost of £1,800sqm, including an allowance for abnormal costs. That is compared with a figure of £2,260sqm assumed by the Appellant. The Appellant gave specialist oral evidence that, in practice, the prices of construction materials for active development sites are currently resulting in build cost rates in the order of £2,700sqm. In present economic circumstances that assertion is credible but it is not documented. I consider that, for the purpose of this viability assessment, an overall construction cost of £1,800sqm is appropriate but noting the present upward trend.

Contingency Allowance

17. The 3% contingency allowance assumed by the Council appears modest by any standard and a range of 5-10% is widely regarded as appropriate. For this relatively small scheme, where abnormal costs have been taken into account, a contingency sum equivalent to 5% of development costs would seem to be more appropriate.

Interest Rates

18. The assumed rate of 6-6.5% for finance costs is widely accepted. However, with high levels of market uncertainty and risk, an upward trend seems likely in present circumstances, as the Government and the Bank of England seek to stem current inflation running at around 10%, compared with a published national target of about 2%.

Gross Development Value (GDV)

19. The Council bases its estimate of the GDV of the appeal scheme on a comparison with an ongoing scheme by a major housebuilder not far from the appeal site. Here, asking prices for 3-bedroom houses were between £430,000 and £470,000 per unit.
20. The Appellant questions these figures by comparison with reference to asserted but undocumented actual sales values for those units at some 12% below asking prices. Given the relatively modest size of the proposed appeal dwellings and marked uncertainty in the housing market, with high national inflation and recent price fluctuations, a range of £370,00 to £410,000 appears to me to be more realistic. That is equivalent to £60,000 less being

realised for each open market unit. It is accepted that, for the tenure mix required, the mean value per affordable unit should be taken as 55% of the open market value, or about £236,000 according to the Council (£430,000 x 55%) and £204,000 at the more realistic lower price (£370,000 x 55%), equivalent to £32,000 less per affordable unit.

21. Applying those figures in the same way as the Council to the appeal scheme, the GDV of the scheme with 30% affordable homes would reduce by some £972,000 (£60,000 x 13 + £32,000 x 6).

Benchmark Land Value (BLV)

22. The Council and the Appellant also differ widely with respect to the BLV of the land, varying between site values of £366,000 and £600,000 respectively, depending on which comparable site sales values and economic assumptions taken.

Overview of Viability

23. If GDV is based upon the realistic sales values I identify above, the net scheme value, even according to the viability assessment of the Council, falls into a deficit of £627,000 (£345,000 - £972,000). I accordingly share the view of the Appellant that, on the evidence available in this case and at this time, the proposed development would not be viable if it were required to contribute the 30% affordable homes sought by Policy D6.
24. I also note that if the six affordable units were returned to the open market at the values I have assumed, the GDV would rise by some £996 (£370,000 - 204,000 x 6), returning to profit but only in the order of the net value predicted by the Council for the policy-compliant scheme.
25. I note that a number of other development proposals in the Cheddar area have been able to meet the affordable housing requirements of Policy D6. However, I am primarily informed by the evidence specific to this appeal in current circumstances.
26. Overall, I am persuaded that this proposed development would be insufficiently viable to contribute any affordable homes and that the proposed development meets Policy D6 taking account of viability considerations.
27. The upward-trending values for developer profit, construction costs, contingency allowance and interest rates all add further support to this view.
28. Accordingly, I consider that, on individual merit, the development proposed in this appeal would be compliant with Policies D6 of the SLP and BE2-3 of the CNP regarding viability and affordable homes.

Ecology

Introduction

29. Submitted ecological information indicates that seven statutory sites and ten non-statutory sites of significance to biodiversity are located within a 2km radius of the appeal site and, more particularly, that the site falls within the Consultation Zone of the North Somerset and Mendip Bats Special Area of Conservation (SAC).

Bats

30. The original application was accompanied by a biodiversity survey, now some three years old, but which the Council then accepted as indicating that Lesser Horseshoe Bats commuting over or foraging at the appeal site would suffer no significant impact from the development due to the small size of the site and its lack of suitable habitat and prey. At the same time, the Council identified that the south eastern boundary hedge should be enhanced as potentially suitable for commuting and foraging Greater Horseshoe Bats. Agreed biodiversity mitigation measures include a 3m landscaped buffer inside the southern site boundary, as proposed on the amended application plans.
31. However, a bat activity survey of October 2020 noted that the site is not a significant dispersal route or foraging location for bats emerging from roost. Nor is it likely to be an important commuting or foraging route associated with the SAC, given the relative infrequency of bats passing over the site.
32. In August 2022, the Appellant provided a further Ecological Assessment, following a further survey of the site in February 2022. In summary, this noted that the site comprises mainly unmanaged, semi-improved grassland with patches of dense scrub, mostly of bramble. Boundary hedges and fences are in a state of neglect and disrepair.
33. The Assessment notes, with respect to bats, that there are no strong linear features across the site to provide good commuting routes but that the surrounding hedgerows have the potential to be used as bat flyways. Bats are unlikely to be directly foraging on the site but may use the hedgerows for navigating the surrounding areas. No further surveys were recommended at this stage.
34. However, as the site falls within the Somerset and Mendip SAC, the Assessment recommends that any lighting should be designed to minimise impact on the potential bat commuting route or foraging territory. Any future lighting should comply with Bat Conservation Trust and Institute of Lighting Professionals guidance and be of low level with downward deflectors to ensure that lighting changes are minimised. Similar conclusions were reached in the HRA in connection with the previous nine dwelling scheme on the appeal site in 2017.
35. In response to the latest ecological information, the Council ecologist has expressed reservations that it cannot be concluded that there would be no likely significant effect, in the absence of a lighting plan demonstrating that there would be no light spill detrimental to any potentially foraging bats present. A meeting with Natural England was suggested with a view to the preparation of a shadow ecological assessment but that has not been forthcoming.

Other Species

36. With regard to nesting birds, the 2022 Assessment finds no evidence of their presence at the time of the survey but notes that any removal or pruning of hedgerows could have an impact on nesting birds, in season from March to August, when careful inspection should be undertaken to avoid any work within 5m of any nests in use. It is further recommended that two bird boxes

be included in the development, mounted on suitable perimeter trees or buildings and also an insect box and hibernacula.

37. Further survey work is recommended to determine the presence or absence of protected reptiles. This can appropriately be secured by planning condition, alongside other agreed protection measures.
38. No other potential impacts are detected by the submitted Ecological Assessment.

Overview of Ecology

39. The duty under section 28G of the Wildlife and Countryside Act 1981 to further the conservation and enhancement of the SAC applies to this Decision, with the Inspector as Competent Authority under the Conservation of Habitats and Species Act 2017.
40. I take into account the original and updated ecological information as the latest available evidence, informed also by the ecological assessment submitted after the Hearing for the still-extant permission for nine dwellings on the appeal site. Overall, I am satisfied that there are no likely significant effects on bats or any other species due to the proposed development. That is subject to suitable mitigation measures being secured by way of planning condition to ensure that an appropriate lighting scheme is submitted and approved prior to the development commencing and that the development will include biodiversity ecological enhancement, including by means of bird boxes, an insect hotel and badger-friendly fencing. However, bat boxes are not to be included, given the presence of bats is anticipated to relate only to commuting and foraging.
41. In the circumstances, I consider on the best available evidence that the proposed development is not likely to have a significant effect on the North Somerset and Mendip Bats SAC and that, accordingly, the outline approval sought can properly be granted in accordance with the relevant HRA Regulation 63.
42. Accordingly, I also consider that the appeal proposal is compliant with Policies D20 and D23 of the SLP with respect to the protection of ecology and bats in particular.

Other Material Considerations

Highway Safety and Car Parking

43. There is no substantive dispute that the proposed site access road and its junction with Wedmore Road would be acceptable in terms of highway safety; but that is subject to the 2.4m by 43m vision splays required for the prevailing 30mph speed limit being provided.
44. The left-hand vision splay requires land at the frontage of Steart Farmhouse, outside the boundary of the appeal site and not indicated on the application plans as being within the ownership or control of the Appellant. However, there is extant planning approval for two houses to replace the farmhouse and the land is documented to be owned by the Appellant in the present case.
45. In the circumstances, it is appropriate for the vision splays to be secured by way of a negative (Grampian) planning condition.

46. There is local concern that the proposed development could give rise to overflow on-street parking on Wedmore Road, detrimental to road safety. The Council is satisfied that the development just meets adopted parking standards for a development of 3-bedroom houses. Cheddar Parish Council (CPC) and the SDC Ward Member point to the potential for the three-bedroom units, in effect, to acquire a fourth bedroom by conversion of their studies, increasing parking demand. However, the dwellings would be of relatively modest design and their studies commensurately small.
47. I consider that the on-site parking provision is reasonably to be regarded as acceptable. Moreover, it is within the power of the highway authority to initiate parking restrictions on Wedmore Road where appropriate.
48. Overall, I consider that the appeal proposal is compliant with Policies D14 of the SLP and BE4 of the CNP with respect to highway safety and parking.

Housing Mix and Design

49. Whilst the Council takes no issue with either the mix of house types within the proposed development or their design, CNP and the Ward Member consider that the mix is too limited, as all the units would be of three bedrooms and the chosen standard design fails to take account of the character of the surroundings of the appeal land, which they regard as a gateway site to Cheddar. They advocate a more innovative, individual design including some smaller, lower-priced dwelling units.
50. On consideration, I agree with the Council that the land, being enclosed by boundary vegetation and largely surrounded by commercial development, is not to be regarded as a gateway to Cheddar. I also agree with the Council that the housing mix is acceptable because the units would be comparatively modest in size and price. I therefore regard the architectural design of the development as acceptable in context.
51. As a result, I consider that the appeal proposal is compliant with Policies D2 of the SLP and BE1 and BE4 of the CNP regarding housing mix and design.

Local Area for Play

52. According to the Council's Open Spaces Officer, the appeal development is of sufficient scale to require the inclusion of a local equipped area for play (LEAP or LAP). The Appellant does not dispute this and is willing to provide the LAP, as indicated on the detailed appeal drawings. It was this that in part led to the reduction of the initially proposed 20 units to the present 19.
53. The Council seek a planning obligation to provide the LAP and to include its ongoing management. This is preferable but I consider that the same provisions can properly be secured by a negative (Grampian) condition, for which there is some precedent.

Planning Conditions

54. In addition to the conditions I have discussed above relating to the provision of access vision splays, external lighting, the LAP and the protection of reptiles, other conditions suggested by the Council and agreed by the Appellant are required, as set out in the Schedule appended below and for the reasons there stated.

55. That is with the single exception that I do not consider that a suggested requirement for a Traffic Regulation Order to be established for parking restrictions on Wedmore Road meets the national policy tests for conditions of necessity, precision, reasonableness and enforceability. Such a requirement is not necessary on current evidence and would seek actions and approvals outside the control of the developer and the planning authority.

Conclusions

56. Having taken into account every matter raised at the Hearing and in writing both for and against the proposed development I reach the overall conclusion that proposal in this appeal represents sustainable development that accords with the development plan, taken as whole, and that the appeal should accordingly be allowed, subject to the conditions set out in the Schedule below.

B J Sims

Inspector

Appendix - Schedule of Planning Conditions

Time Limit

01. Approval of the details of the landscaping (hereinafter called "the reserved matter") shall be obtained from the local planning authority in writing before any development is commenced.

Plans and particulars of the reserved matter referred to above, relating to the landscaping, shall be submitted in writing to the local planning authority and the development shall be carried out only in accordance with the landscaping details approved.

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

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

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

Approved Plans

02. The development hereby permitted shall be carried out in accordance with the following plans:-

- Location Plan Drg No. 20.011-99 Rev A
- Existing Site Plan Drg No. 20.011-001 Rev A
- Proposed Site Plan Drg No. 19.016-002 Rev G
- House Type A - Proposed Plans & Elevations Drg No. 20.040-021
- House Type B - Proposed Plans & Elevations Drg No. 20.040-022
- House Type C - Proposed Plans & Elevations Drg No. 20.040-024
- House Type D - Proposed Plans & Elevations Drg No. 20.040-024
- Proposed Street Scenes - Sheet 2 - Drg No. 19.016-004
- Proposed Street Scenes - Sheet 2 - Drg No. 19.016-005A
- Drainage Strategy Drg No. 7030501/Rev D

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

Materials

03. With the exception of ground works, no works to construct the dwellings hereby approved 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 as part of the development unless agreed otherwise in writing by the local planning authority.

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

Drainage

04. The development hereby approved shall not be brought into use until a surface water drainage scheme has been implemented in accordance with details that have 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.

Archaeology

05. Before the commencement of the development hereby permitted, there shall have been secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The WSI shall include details of the archaeological investigation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To safeguard the archaeological potential of the site in accordance with policy D 26 of the Sedgemoor Local Plan 2011-2032.

Noise

06. Prior to the commencement of development a suitably qualified acoustics consultant shall be appointed to assess noise and vibration impacts to residential properties and other land and make appropriate recommendations for mitigating such impacts. The consultant shall submit a written report to the local planning authority for approval. The report shall detail all measurements taken and results obtained, together with any sound reduction scheme and the calculations and reasoning upon which any scheme is based. Once approved the development shall be carried out only in accordance with the approved recommendations.

Reason: To safeguard the amenity of future occupiers of the development given the proximity of the industrial estate to the South East.

Contaminated Land

07. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include:-
- an investigation and assessment to identify the extent of contamination;
 - a remediation plan to address any contamination found;
 - measures to be taken to avoid any risk to the public and environment when the site is developed;
 - steps to be taken in the event that any unexpected contamination is found during the course of the development;
 - any monitoring necessary to assess effectiveness of the proposed remediation; and
 - provision of reports as necessary to confirm the outcome of the remediation strategy.

Unless agreed otherwise by the local planning authority the development shall be carried out only 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.

Construction Management

08. 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, including on any nesting birds, 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.

Local Labour Agreement

09. 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; and
 - v. the steps that will be taken to ensure that the above is implemented;

The operator shall maintain a record of matters 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.

Highways

10. No work shall commence on the construction of the dwelling houses hereby approved until the proposed access junction with Wedmore Road has been constructed including vision splays in accordance with approved Drawing No 19.016-002 G and in accordance with construction details which shall have been submitted to and approved in writing by the local planning authority. There shall be no obstruction to visibility greater than 600mm above adjoining road level.

Reason: In the interests of highway safety and the promotion of sustainable travel.

11. No part of the development shall be occupied unless a Measures-only Travel Statement has been submitted to and approved in writing by the local planning authority and the agreed measures have been implemented in accordance with the agreed Statement. Such Measures-only Travel Statement shall include measures to promote sustainable travel and a timetable for implementation of the measures.

Reason: In the interests of highway safety and the promotion of sustainable travel.

12. The proposed driveways to plots 1 and 2 shall incorporate pedestrian visibility splays on both their sides to the rear of the existing footway based on co-ordinates of 2.4 metres x 2.4 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and the promotion of sustainable travel.

13. Before the development is occupied the electric vehicle charging points and parking bays shown on approved Drawing Number 19.016-002 G shall have been constructed. Thereafter, the charging points shall be maintained and kept free from obstruction and available for the purposes specified in perpetuity.

Reason: In the interests of highway safety and the promotion of sustainable travel.

14. Before the development is occupied the cycle parking facilities shown on Drawing Number 19.016-002 G must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of the promotion of sustainable travel.

15. The proposed roads, footpaths and turning spaces shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and amenity.

16. The proposed 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 approved by the local planning authority in writing before their construction begins. Such details shall indicate as appropriate the design, layout, levels, gradients, materials and method of construction.

Reason: In the interests of highway safety and the promotion of sustainable travel.

Ecology and Biodiversity

20. Notwithstanding details shown on the approved plans, the dwellings hereby approved shall not be occupied until measures for the enhancement and protection of biodiversity have been implemented in accordance with details

that have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include:-

- Bird boxes
- Bee bricks
- Hedgehog friendly fencing to incorporate accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- Protection to any reptiles found to be present on the land by a reptile survey the results and recommendations of which shall have been submitted to and approved in writing by the local planning authority.

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

17. No development shall commence until a scheme detailing all external lighting to the development hereby approved has been submitted to and approved in writing by the local planning authority. Such scheme shall comply with guidance by the Bat Conservation Trust and Institute of Lighting Professionals: <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>, such that any future lighting shall be of low level and on downward deflectors.

Reason: To ensure that any changes to the lighting regime of the site will have minimal impact on any foraging habitat.

21. No development shall take place until arrangements are in place to secure the provision in accordance with the approved plans and maintenance in perpetuity of the local area of play (LAP).

Reason: To ensure that appropriate local play facilities are provided within the development.

APPEARANCES

FOR THE APPELLANT:

Mr H Leithead of Counsel	No 5 Chambers
Mr K Stokes	Agent for the Appellant
Ms H Eshelby BSc (Hons) MRICS	JLL Financial Consultants
Mr G Carpenter	Avec Design
Mr L Barker AssocRICS FFB FQSI	Quantec Surveyors
Mr S Litt BEng (Hons) MBA	Highbridge Construction Limited Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Noon	SDC Planning Officer
Mr D Coate	DJC Housing Consultants

INTERESTED PERSONS:

Mr C Panchaud	Cheddar Parish Council
Cllr P Fineran	Ward Member for Cheddar