



Regulation Committee

Tuesday 19th November 2019

10.00 am

**Council Chamber
Council Offices
Brympton Way
Yeovil, BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

For further information on the items to be discussed, please contact the Case Officer on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 11 November 2019.

Alex Parmley, *Chief Executive Officer*



This information is also available on our website
www.southsomerset.gov.uk or via the mod.gov app

Regulation Committee Membership

The following members are requested to attend the meeting:

Chairman: Peter Gubbins

Vice-chairman:

Jason Baker
Adam Dance
Henry Hobhouse
Tony Lock

Sue Osborne
Crispin Raikes
David Recardo
Paul Rowsell

Andy Soughton
Linda Vijeh
William Wallace
Neil Bloomfield

Any maps contained within this document are reproduced from/based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©, Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 - 2018.

Information for the Public

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Regulation Committee

Tuesday 19 November 2019

Agenda

Preliminary Items

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Public Question Time**
4. **Planning Application 19/00655/OUT - Land OS 9609 Brewham Road, Bruton**
(Pages 6 - 27)
5. **Date of Next Meeting**

The next scheduled meeting of the Regulation Committee will be held on Tuesday 17th December 2019 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 4

Officer Report On Planning Application: 19/00655/OUT

Proposal :	Outline planning permission is sought for the development of up to 60 residential dwellings (Use Class C3), together with associated highways and drainage infrastructure, public open space and landscaping. Details of access are submitted for approval with all other matters (Layout, Scale, Appearance and Landscaping) reserved for later approval.
Site Address:	Land OS 9609 Brewham Road Bruton BA10 0JD
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr Louise Trimnell
Recommending Case Officer:	Stephen Baimbridge
Target date :	5th June 2019
Applicant :	Acorn Property Group
Agent: (no agent if blank)	Mr Alex Cave Origin 3 Tyndall House 17 Whiteladies Road Clifton BRISTOL BS8 1PB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

The application was referred to the Area East Committee at the request of the Ward Member and agreement of the Area Chair.

This application was also 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

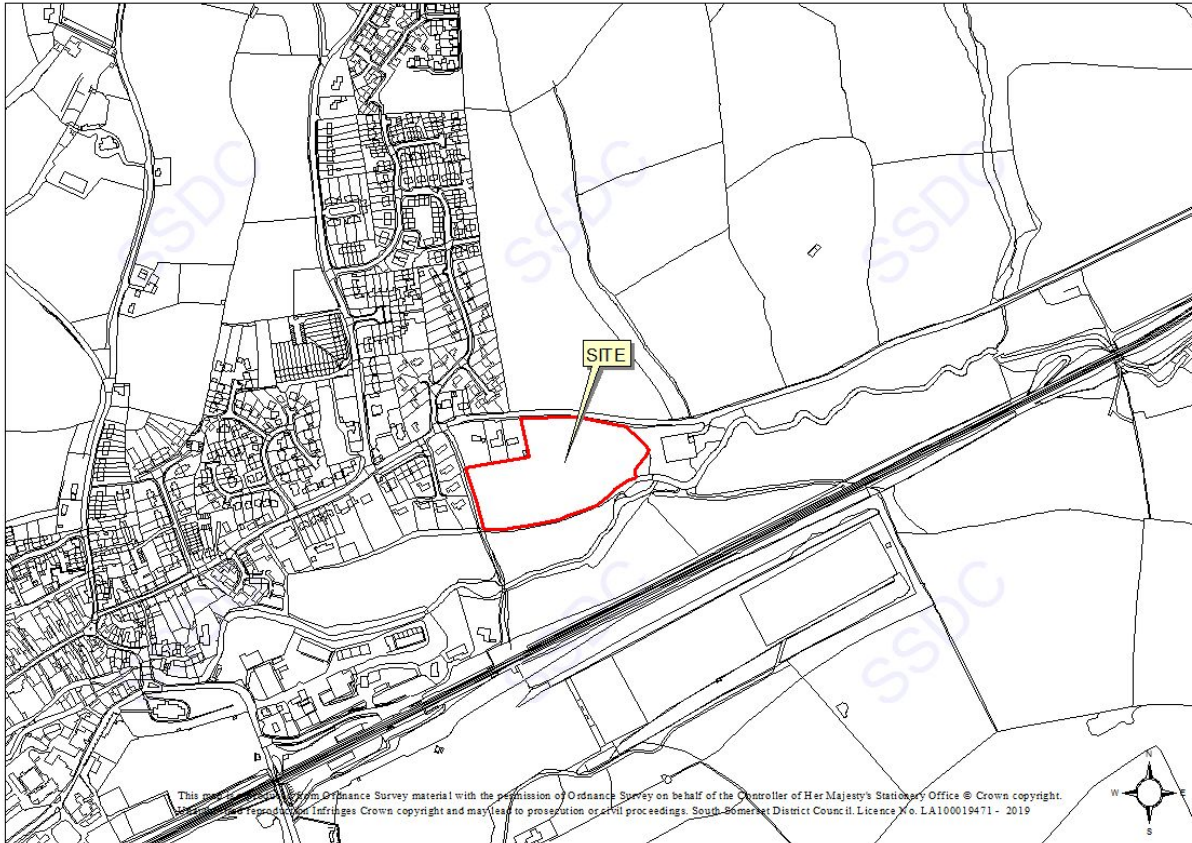
At the Area East Committee of 09/10/19, Members resolved that the application be refused for the following reasons:

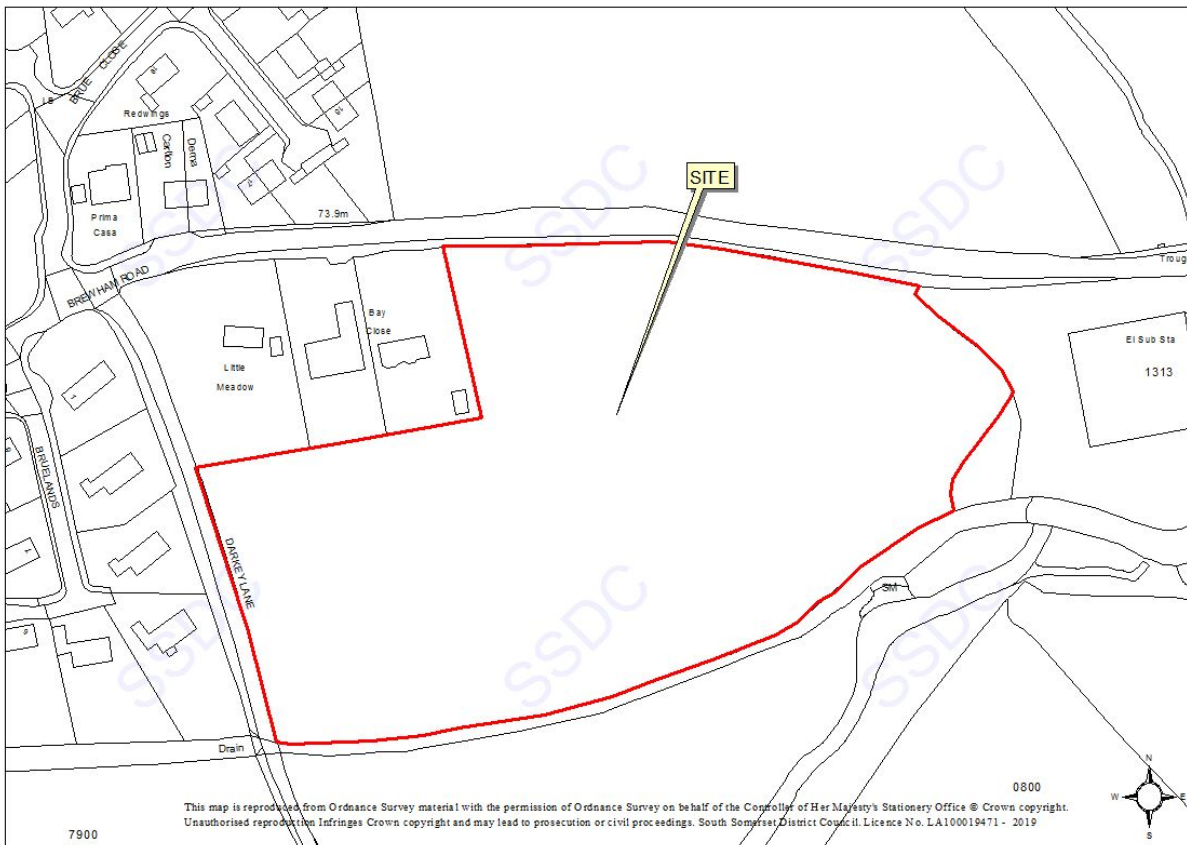
1. The proposal for up to 60 dwellings would take the level of growth for Bruton up to 253 dwellings over the plan period. This would represent a scale of growth which is 24.6% over the target for this Rural Centre as set out in Policy SS5 of the South Somerset Local Plan (2006-2028). As such, the development would be a significant increase over that envisaged in Policy SS5 and would be contrary to the intended growth strategy and settlement strategy and therefore contrary to Policies SD1, SS1 and SS5 of the South Somerset Local Plan (2006-2028).
2. The development fails to provide inclusive, safe and convenient access on foot and cycle by reason of a narrow footway and contrived routing via Darkey Lane, meaning pedestrians will be forced to walk in the highway east of Darkey Lane creating conflict prejudicial to pedestrian and highway safety. Furthermore the inclusion of a new footway narrows the useable carriageway, especially on the junction of Brewham Rd and Frome Rd, which would result in the overrunning and over-sailing of the footway by HGV and agricultural vehicles, prejudicial to pedestrian and highway safety. The proposal is therefore contrary to Policy TA5 of the South Somerset Local Plan (2006-2028), the National Planning Policy Framework and Manual for Streets.

3. The development, when taken with the existing use of Brewham Rd by existing residential, commercial and agricultural traffic would create a residual impact which is considered severe, contrary to para. 109 of the National Planning Policy Framework.

Therefore, the application is referred to the Regulation Committee.

Site Description and Proposal





The site is located immediately to the east of the town, located between the electricity substation to the east and Darkey Lane to the west, with three residential properties to the north-west corner. The site is accessed from Brewham Road to the north. On the other side of Brewham Road is the Brue Close housing area.

This is an Outline application with all matters reserved except for access, for the erection of up to 60 dwellings, together with associated highways and drainage infrastructure, public open space and landscaping. Thus, layout, scale, appearance and landscaping are matters reserved for later approval.

This application is supported by:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Arboricultural Impact Assessment and Method Statement
- Landscape Assessment
- Transport Assessment incorporating Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Ecological Impact Assessment
- Outdoor Lighting Report and Drawings
- Sustainability Statement
- Archaeological report
- Energy & Sustainability Statement

Planning History

There is no relevant planning application history for this site though the applicant has engaged with the Local Planning Authority and Town Council in pre-application discussions prior to submission of the

application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law 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 the South Somerset Local Plan 2006-2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework - March 2019

2. Achieving sustainable development

4. Decision making

5. Delivering a sufficient supply of homes

8. Promoting healthy and safe communities

9. Promoting sustainable transport

11. Making effective use of land

12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and Enhancing the Historic Environment

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

Policy Related Material Considerations

Bruton Town Plan (2017)

Consultations

Bruton Town Council:

First Comments -

The Town Council -

Oppose the development unless proper provision is made for the safety of pedestrians and for highway safety more generally;

Recommend refusal as the potential scale and density of the proposed development would have a detrimental impact on the character, biodiversity and appearance of the area; and

Should be afforded an early opportunity to consider details of the proposed Layout, Scale, Appearance and Landscaping which have been reserved for later approval.

Second Comments -

The site is not allocated in the Local Plan - Preferred Options document.

Despite revision these proposals remain unsatisfactory and constitute grounds for refusal of the development because the proposals are contrary to the NPPF the Local Plan, and the Bruton Town Plan 2016.

The application is contrary to the NPPF paragraph 110, the first strategic objection of the Local Plan, or Policy TA5 as it does not '(a) give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas', '(b) address the needs of people with disabilities and reduced mobility' and '(c) create places that are safe, secure and attractive-which minimise the scope for conflicts between pedestrians, cyclists and vehicles' and does not deliver 'a health-enhancing environment, promoting walking, cycling and non-car-based transport'. This is delivered by Policy TA5 which requires new development to secure 'inclusive, safe and convenient access on foot, cycle... that addresses the needs of all'.

The proposal is contrary to the Bruton Town Plan envisages Bruton which wants the town to become 'a place where it feels safe and easy to walk around...where those residents and visitors who can do so choose to walk or cycle rather than getting in their car'.

Guidance on the width of footways is given in a number of publications, all based originally on Inclusive Mobility:

- A clear width of 2m allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances.
- Where this is not possible because of physical constraints, 1.5m could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another.

The footway width would vary from between 1m at either end to 1.2m for most of its length. The width of the carriageway varies from 4.5m at its western end, to a minimum of 3.5m for a distance of about 30m. It is clear that these proposals do not address the needs of people with disabilities and therefore do not meet NPPF 110(b). Whilst it is true that in much of Bruton the footway width is well below these standards, this is not a reason to repeat this.

The proposal prioritises motor traffic over the needs of cyclists and pedestrians, contrary to NPPF 110 (a) and Bruton's Town Plan. The lane should be narrowed to 3m or less to make it less likely that drivers will try to squeeze past cyclists' (MfS2 8.6.9). It would widen the footway to 1.7m for much of its length, creating a much better experience for pedestrians. (3m of carriageway is adequate for a Heavy Goods Vehicle and has the added benefit of discouraging speeding).

It is apparent that this forward visibility of the proposed new 'Give Way' marking, purportedly 43m, is critically dependent on effective maintenance of the hedge on the south side of Brewham Road

immediately to the east of Darkey Lane.

In the Council's view the arrangements for pedestrians at this junction are fundamentally unsafe and for this reason are unacceptable. If the hedge were maintained to an exemplary standard, a pedestrian on this section of footway would first become visible to westbound traffic less than 20m away, and with poor maintenance of the hedge even less. A driver approaching from the east has to contend in short order with a road junction on their right and Give Way markings slightly further away at the same time as reacting to the possible presence of pedestrians. 20m is of course less than the total stopping distance of a vehicle travelling at 30mph (23m on a dry road).

Manual for Streets 1 (6.2.1) 'infrastructure must not only be safe but be perceived to be safe', and (6.3.1) 'the propensity to walk is influenced not only by distance, but by the quality of the walking experience'. 'Evidence (MfS2 (5.2.5)... indicates that providing more generous and better quality facilities for pedestrians can lead to large increases in walking'. The proposal will ensure that most residents of this development choose to get in their car, compounding the problems for those who do not or cannot, and contrary to para. 110 (c) of the NPPF by failing to create a place that is safe... and which minimises the scope for conflict between pedestrians, cyclists and vehicles.

Third Comments -

This proposal along with another at pre-application stage, along with the Cubis development (at Marksdales on the Frome Road) currently under construction, will increase pressure on Bruton's overburdened infrastructure, and particularly on her narrow medieval streets (a fortiori Quaperlake Street) which already have great difficulty accommodating existing traffic. It was proposed and seconded that if SSDC were to permit any new housing development along Brewham Road, on either the northern or southern sites or both, it should impose an absolute ceiling of 60 dwellings in total, and ideally they would be split equally between the two sites.

County Highway Authority:

Local concern acknowledged.

When compared to other sites, this scheme is not a large development and generally would not raise any concerns with regard to highway safety or efficiency. However, the matter which has created concern is the pedestrian infrastructure and how new residents who wish to walk to the local services are accommodated bearing in mind Brewham Road has no current infrastructure in place.

A number of solutions were suggested by the applicant's consultants including a pseudo-pathway which were not considered to provide safe refuge for vulnerable users by the SCC Safety Audit Team. A further proposal was presented and similarly sent for safety audit. It was suggested that a 1.2m wide footway with a full height kerb would provide a safe means of access for pedestrians which the Auditors accepted. The proposal did, however, create another concern; the narrowing of the carriageway over a length of Brewham Road. Through this length of road a priority working section was proposed.

This raised concerns that vehicles leaving Brelands may think that traffic heading westbound and giving way on Brewham Road are giving way to them, increasing the potential for side impact collisions. In order to ascertain the likelihood of such collisions occurring, this scheme has been compared to a similar layout on Higher Road, Woolavington which is shorter but has side roads within the section. Even with traffic data showing 1800 vehicles per day there have been no reported collisions. **The auditors are content therefore that the proposed priority working section could perform safely.**

The Authority has recently been advised that Brewham Road is subject to HGV traffic and large agricultural machinery which, when travelling eastbound, may need to use the full width of the carriageway in order to negotiate the junction of Brewham Road, and the A359. As such there is a risk of larger vehicles coming into conflict with pedestrians on the new footway.

Plan number 09637-HYD-XX-DR-TP-0109 Rev P02 shows the carriageway on the junction being

retained at 5.5m which is generally accepted as being suitable for larger vehicles to negotiate the junction. However, the developer has agreed to provide an autotrack drawing to show how larger vehicles can negotiate the junction.

In the event that permission is granted, a number of conditions are proposed to be conditioned, including:

- A programme of phasing for the development
- A construction environmental management plan
- Provisions to ensure surface water does not discharge onto the highway
- Prior to first occupation, provision of
- Surface improvements on Darkey Lane
- A pedestrian/cycling link into the site from Darkey Lane
- A new 1.2 m wide footway along the southern side of Brewham Road between junction of Darkey lane and the existing footway on the southern side of Frome Road with a suitable dropped crossing/tactile paving at the junction of Bruelands
- A section of priority working on Brewham Road including appropriate signage and lining
- A new gateway feature east of Darkey Lane to reinforce the 30mph speed limit
- Estate roads condition
- Each dwelling before it is occupied is served by consolidated and surfaced footpath and carriageway
- Provision of parking and turning areas
- Travel Plan
- Visibility splays (300mm, 2.4 back, 79m west, 84m east).

Following receipt of the tracking plans, the Highway Authority confirmed that this scheme is acceptable in highway terms provided the mitigation measures now shown are secured via an appropriate agreement.

SSDC Highway Consultant: Refer to SCC comments.

Environment Agency: No objections subject to a condition requiring compliance with the applicant's Flood Risk Assessment.

Lead Local Flood Authority: We have no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of 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. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- 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 sustainable 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.
- Any works required off site to ensure adequate discharge of surface water without causing

flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- 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 of the development

Reason: To ensure that the development is served by a satisfactory, sustainable 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 2018) and the Technical Guidance to the National Planning Policy Framework.

Ecologist: The Ecologist was satisfied subject to a number of conditions relating to -

- Dormice /licence issued by Natural England
- A Construction Environmental Management Plan, Biodiversity
- A lighting design/ strategy for bats
- A Landscape and Ecological Management Plan
- Biodiversity enhancements

Somerset Wildlife Trust: We fully support the finding of the Clarkson & Woods Ecological Impact Assessment. We also fully support the proposal for mitigation and enhancement as outlined in section 6 of their report. These measures must be incorporated into the planning conditions and implemented in full if it is decided to grant planning permission.

Natural England: Natural England has no comments to make on this application.

Strategic Housing Officer: Policy requires 35% affordable housing split 80:20 affordable: intermediate product. This new split is evidenced in the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016).

This would be 21 of the currently proposed 60 units and they would be split 17 for social rent and 4 for other intermediate affordable housing solutions.

After consulting with Homefinder Somerset and Help to Buy South West regarding demand for applicants wishing to rent and buy in Bruton I would like to propose the following property mix:

Social Rent

6 x 1 bed flats or houses
9 x 2 bed houses
2 x 3 bed houses

Other intermediate affordable

3 x 2 bed houses
1 x 2 bed houses

I would expect our prevailing minimum space standards should also be adhered to:

1 bedroom flat, 47 sqm; 1 bedroom house, 55sqm; 2 bedroom flat, 66sqm; 2 bedroom house, 76sqm

(86sqm if 3 storey); and 3 bedroom house, 86sqm (94sqm if 3 storey).

I would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing. I would prefer the flats to have the appearance of houses and expect the affordable dwellings to blend in with any other dwellings on the site.

I also expect that the rented units will be made available to anyone registered on Homefinder Somerset.

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units.

The Housing Development Specialist to be informed of the selected HA prior to commencement of the development.

Somerset Waste Partnership: At this outline stage my main concern on the indicative layout would be the number of properties which appear to be accessed via private driveway. Our vehicles collect from public land only and I would like to see greater detail about proposed collection points for those properties with no immediate access to adopted public highway.

It would also be beneficial to see a tracked path for the largest refuse vehicle as per our specification when the layout is agreed.

Designing Out Crime Officer: No objections. No comments at this stage.

Rights Of Way Officer: Although there are no recorded Public Rights of Way (PROW) at the site, we have received a modification application (ref. 853) to add a restricted byway to the Definitive Map over Darkey Lane which abuts the site (please see attached plan). This application is currently awaiting investigation. Further details on the modification process can be found on the relevant SCC's webpage: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-to-add-delete-or-upgrade-a-public-right-of-way/>

Senior Historic Environment Officer (Archaeology): Following discussions with the applicant's archaeological consultant, we can advise that the archaeological issues for this application can be dealt with by condition.

We therefore recommend that the developer be required to carry out a programme of archaeological investigations. This should initially comprise a field evaluation (geophysical survey and trial trench evaluation) to be followed by archaeological mitigation (archaeological monitoring/excavation where appropriate) as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

"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."

Education Authority: There are enough space in the early years setting and in Bruton Primary School, as well as secondary to accommodate the children which will be generated from 60 dwellings in this location.

Bruton Primary has a capacity of 277 pupils, and its number on role for September 2018 was 236, with

a falling role towards 2023 where the estimated number would be 194. The school has the added benefit of a space/classroom (netted off space) which could be brought back into use if the number of pupils require it. 60 dwellings could generate the following number of pupils for each education stream:

0.05 x 60 = 3 early years pupils

0.32 x 60 = 19.2 (20) primary pupils

0.14 x 60 = 8.4 (9) secondary pupils

Sports, Arts, & Leisure: The following provisions sought through a S106 Agreement -

Financial contributions of £2,370 per dwelling to be paid to South Somerset District Council Sports, Arts, and Leisure, an overall level of obligation for 60 dwellings of: £142,202. Requirements comprised of:

- On-site - centrally located LEAP with minimum area of 500m² (capital contribution: £50,928; commuted sum: £29,417)
- Off-site - enhancement to Skatepark facilities at Jubilee Park (capital contribution: £10,000; commuted sum: £3,697)
- Off-site - enhance changing facilities at Jubilee Park recreation ground as per Council's adopted PPS (capital contribution: £43,271; commuted sum: £3,481)
- No current play pitches requirement
- 1% Locality Service Administration Fee (£1,408)

Neighbour Responses

7 letters of support, 6 letters of general representation, and 134 letters of objection (including a petition of 596 names)

The letters received make the following points:

- Bruton doesn't need this many new homes
- Houses should be in Yeovil and Chard
- Homes should be truly affordable as house prices are too high in Bruton
- Not enough jobs in Bruton
- Covenant on land to prevent development
- Town Council shouldn't have initially supported this scheme
- If these are approved then larger site to the north of Brewham Road is inevitable
- Schools can't cope with additional burden
- Loss of greenfield
- Highway safety. Proposed footpath won't be safe and may require 3rd party land.
- Darkey Lane not a suitable pedestrian access.
- Lorries turning into Brewham Road from Frome Road need lots of space
- New priority system may cause delays/disruption.
- Impact on ecology
- Impact upon adjoining properties
- Doctors surgery is already full
- The land floods in this location
- Toxic emissions from vehicles
- Scheme needs more parking
- Lack of public transport in Bruton
- Construction will crat disruption
- Gardens and houses too small
- Houses too large and expensive for local people
- Sewers and drains can't cope with additional demand
- Too many people for town.
- Already losing too many shops in High Street
- Lack of parking in town
- We moved to Bruton because we like the way it is.

- There should be lots of affordable homes, 2 and 3-beds
- The Design and Access Statement appear to be missing from the website
- There is a housing crisis and we need to provide more homes
- Acorn are a quality developer who will provide the right type of homes for Bruton
- More residents will be good for local shops and services.
- I understand that there will be a range of housing with an emphasis on sustainable living and construction, in accordance with Bruton Town Councils requirements.
- The developer has provided impressive mitigation plans of local concerns, regarding safety, environmentalism and infrastructure.
- Wessex Water have confirmed there are no issues and the surface water issues have been addressed by a strategy to the satisfaction of the Environment Agency.
- A new bypass for Bruton would solve the main issue
- The author at 1 Bruelands was contacted by the developer to ascertain whether there was interest in some of their land being purchased. The author was interested in accommodating an improvement to the pedestrian infrastructure but the developer did not respond.

Applicant's Case

This is a well-designed scheme, providing quality houses that are appropriate for the town. There is a clear demand for housing within the town. The schools and other businesses provide employment. A recent application for commercial units in the town has been supported. No affordable homes have been delivered in the town since 2012. Over 70 applicants for affordable units that are being built at Cubis site. Increase in house prices in Bruton are making it increasingly unaffordable for local people. The average age of residents has also increased sharply. Scheme is proposing policy compliant 35% affordable housing of a range of sizes. Site is providing a pedestrian link that will benefit existing residents of Brue Avenue area who currently walk on the carriageway on their way to town. The site is very close to the railway station and other facilities thereby encouraging less car use. There are no technical objections from any statutory consultee. Highways, Ecology, Archaeology, Drainage, Conservation etc. have all confirmed that they have no objection to the proposed scheme. Acorn are committed to sustainable construction and design and will exceed Building Regulation requirements.

Planning Considerations

Principle of Development

Policy SS1 classifies Bruton as a Rural Centre because of the facilities and services that it offers. The policy states that the town should play a role in delivering a minimum of 203 dwellings.

The Council's latest monitoring data suggests that 118 dwellings have been completed in the Plan period, with commitments for a further 75. That leaves a residual requirement of 7 dwellings to reach the minimum target. Should this application be approved, Bruton will have potential to provide 253 dwellings in the Plan period, a baseline exceedance of only 26.5%.

In making a decision on this application, the Council's under supply and under delivery of housing must be kept in mind. Paragraph 11 of the NPPF explains that decision should apply a presumption in favour of sustainable development, and that for decision-taking that means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7, page 6, of the NPPF states that the policies which are most important for determining the application are out-of-date if "...for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites..."

The Council is currently only able to demonstrate a 4.5 year supply of deliverable housing land. Therefore, the policies which are most important for determining this housing application must be considered out-of-date, and the application should be approved unless points i and ii apply.

According to the Supreme Court judgement, *Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)*, "[i]f the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan policies has to be taken."

Recent decisions suggest that whilst a notable exceedance of the minimum housing target may constitute 'harm' - to the Council's settlement strategy (SS1) - it is not in isolation so significantly and demonstrably harmful that it would outweigh the benefits of the scheme, namely new dwellings to help redress the Council's undersupply of housing land.

Highways

As aforementioned, the site is considered to be in a sustainable location in relation to its connectivity and accessibility to key services. The site is adjoined by Darkey Lane, a public right of way that provides pedestrian and cycle access to the station and town centre, and Brewham Land which runs along the north of the site terminates to the west at Quaperlake Street / High Street and the town centre.

Currently, Brewham Road does not benefit from a pavement so concerns have been raised about the pedestrian journey to the town centre. It is proposed to be controlled by condition that a suite of mitigation measures be provided to limit the speed of the road and provide a pavement on the southern side of the road. The mitigation scheme requires -

- Surface improvements on Darkey Lane;
- A pedestrian/cycling link into the site from Darkey Lane;
- A new 1.2 m wide footway along the southern side of Brewham Road between junction of Darkey lane and the existing footway on the southern side of Frome Road with a suitable dropped crossing/tactile paving at the junction of Bruelands;
- A section of priority working on Brewham Road including appropriate signage and lining; and
- A new gateway feature east of Darkey Lane to reinforce the 30mph speed limit

The two main local concerns in this respect appear to be the safety and inclusivity of the proposed footpath, and the width of the Frome Road / Brewham Road junction.

Though the pavement does not meet the 2 metres or minimum 1.7 metres sought by the Town Council to allow for two wheelchair users to pass, or one to pass beside a pedestrian on foot, it provides pedestrians with a sufficiently useable and safe method of travelling to the town centre. It is also an improvement on what exists for existing users. Moreover, the lack of width is not considered sufficient to justify refusing the application given that the bar set by paragraph 11 of the NPPF is that the harm must be significantly and demonstrably more than the benefits of the scheme.

It has been suggested that the mitigation measures, including the new footpath, could not be implemented due to the need to use third party land. However, the agent has confirmed that the proposed highways and pedestrian improvements along Brewham Road have been designed to be contained wholly within the adopted highway (Somerset County Council highway maintained at the public expense). These proposed works therefore do not impinge upon third party land. Weight it added

to this argument due to the support of the Highway Authority who will maintain a record of their land ownership.

The Highway Authority and their safety audit process has deemed this revised highway layout to be acceptable. The presence of tyre marks on the verge are noted. However, this does not demonstrate that the revised junction width would be too small. Rather, it shows that if there is additional space to be used for turning then it can and will be used. A swept path analysis has been prepared which shows that the junction width is capable of accommodating turning of HGV and other large vehicles. The Highway Authority has seen the analysis and has confirmed its acceptability.

It is understood that there are local concerns about the width of the pavements on the main road through the town (A359) and the proximity of pedestrians to vehicles and larger lorries. Bruton, as with many other small historic towns, is positioned on a busy main road. The town's historical layout was not designed with larger vehicles in mind and therefore there are certain pinch points and locations where the pavement is of restricted width. There is no current policy requirement for development to address the pedestrian experience throughout the town and it is not considered that this matter warrants the refusal of the application.

At this stage there is no reason to believe that on-site parking will necessarily present an issue. This will be scrutinised further at the reserved matters stage.

Notwithstanding the objections received, the scheme, as amended, has the support of the highway authority and is considered not to prejudice highway safety, in accordance with policy TA5.

Landscape

The site is located immediately to the east of the existing built up area of the town, so forms a nature extension to the town. With three dwellings having already been erected within this plot to the east of Darkey Lane and south of Brewham Road, and with built form to the north, an electricity substation to the east, and the Brue to the south, the site reads as a sensible development plot.

The Council's Peripheral Landscape Study shows that the site has a moderate capacity to accommodate built form. A landscape assessment has also been submitted that demonstrates that the development, with a comprehensive planting scheme, could be achieved without undue harm to landscape character.

In line with the Tree Survey & Arboricultural Impact Assessment submitted, it is not considered that the development would result in an undue loss of vegetation.

Character and Appearance

To the east of the site is an electricity substation that serves Bruton. To the east is a development, likely to be from the 1970's that uses reconstructed stone and tiles.

The applicant has expressed their intention to provide a scheme that seeks to reflect Bruton's local character. They state that the proposal is for traditionally designed 2 storey buildings with pitched roofs and gables, using a palette of materials. Though this may reflect the intention of the developer at this stage, this will be for further consideration at the reserved matters stage.

It is not considered that the proposal would have an unduly adverse impact on the character and appearance of the area, in accordance with policy EQ2.

Impact upon Heritage Assets

The site is not close to the town's Conservation Area and this scheme would not have no clear impact upon the historic centre of Bruton.

There are no listed buildings within the immediate vicinity of the site. The Dovecote is visible from the

site, as it is from most of Bruton, but the distances involved mean that this scheme would not affect the Dovecote's setting.

The proposal is not considered to result in harm to the historic environment and is compliant with policy EQ3.

Flooding and Drainage

The very southern edge of the site falls within Flood Zone 3 however the indicative information has shown how the layout can be achieved without development being located in that area.

The Lead Local Flood Authority and Environment Agency are satisfied with the scheme subject to a condition to agree detail prior to commencement. A requirement of the detail is that it is evidenced that *"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."*

The SuDS compatible scheme should ensure that the site achieves better attenuation than at present, resulting in a reduction in discharge rates into the Brue. Despite being located downstream from the Bruton alleviation scheme, the proposal should not be seen as having potential to result in increased flood risk to Bruton.

Subject to the imposition of the proposed condition, it is not considered that the proposal will result in harm to flooding or drainage, in accordance with EQ1.

The agent has provided a copy of correspondence between them and Wessex Water in relation to this scheme. It shows that the utilities provider do not object to the proposal but stress the need to review capacity further as the site progresses. The agent advised that they have been in discussions with Wessex Water since the pre-application stage and that they had suggested the site connect to 'MH7102' (via rising main up Darkey Lane), further west in Brewham Road than the developers initially proposed. The developers have agreed to follow Wessex Water's advice and state that although the local foul sewer network has current local capacity available to serve the proposed development, they will endeavour to liaise with the utilities provider as necessary to review capacity further as the site progresses.

Residential Amenity

Though further details will be provided at reserved matters stage, it is not considered that the proposal for up to 60 dwellings would result in demonstrable harm to residential amenity, in accordance with policy EQ2.

Ecology

The applicant's ecologist has been working closely with the County Ecologist to ensure that the proposal is acceptable. Various changes have been made to the detail of the scheme to reflect the comments of the Council. Subject to the conditions proposed, it is considered that the proposal will have an acceptable impact on biodiversity, in accordance with EQ4.

Archaeology

The applicant has submitted a robust archaeological assessment of the site.

The County Archaeologist has confirmed that they are agreeable to the approach adopted by the consultant archaeologist and recommend that an appropriate condition be imposed.

Affordable Housing and Contributions

The proposal accepts the policy HG4 position of 35% affordable housing. For a 60 dwelling scheme,

this would provide 21 affordable dwellings to be secured by the Local Authority in an '80:20' split of 17 dwellings for social rent and 4 for other intermediate affordable housing solutions.

The delivery of affordable housing in Bruton over the last 10 years has been very low and no unit has been delivered since 2012. During this period house prices have risen and affordability is becoming an increasing issue.

The developer has agreed to an on-site LEAP (play area) which will either be maintained by a management company or the local authority (subject to a payment). Contributions will also be paid for enhancements of the skate park facilities and changing facilities at Jubilee Park.

Somerset County Council has confirmed that there is adequate capacity at all levels of education within Bruton. The Primary school has seen a downturn in numbers of new children and has a significant amount of space within the existing building.

The proposal will be CIL liable at the reserved matters stage.

Climate Emergency

The Energy & Sustainability Statement provided sets out opportunities for sustainable dwellings to be provided that would accord with the Council's aims to combat the 'climate emergency'. Detail can be secured at the reserved matters stage but given the statement's conclusion that "*sustainable construction principles are to be applied to the proposed dwellings, with a fabric specification which exceeds the minimum elemental requirements of Part L1A of the Building Regulations*", that this material has been submitted to be considered in the planning balance, and with the agreement of the applicant and agent, it is considered reasonable to secure this by condition.

Other Issues

Reference has been made to the presence of a covenant that prevents any development taking place behind the adjoining properties on Brewham Road. It is important to stress that this is a civil matter between the applicants and the relevant householders. The interpretation of a legal covenant is not a matter in which the planning process should become involved.

Many of the GP surgeries across the district (and the country) are perceived to have little to no capacity to take on additional patients.

The Infrastructure Delivery Plan that has been produced by SSDC in liaison with the NHS has not revealed any critical areas within South Somerset. The current health infrastructure is not therefore considered to be a justified reason to refuse this application.

The Council will continue to review and update its Infrastructure Delivery Plan, working with expert bodies including those pertaining to healthcare to address the issues they may raise.

Conclusion

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the settlement hierarchy, historic environment, visual amenity, residential amenity, highway safety, flood risk, or ecology/biodiversity. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 60 homes (35% of which will be affordable) to the Council's under-supply. The proposal is considered to be in accordance with policies SD1, SS5, SS6, HG3, HG5, TA1, TA4, TA5, HW1, EQ1, EQ2, EQ3, EQ4, and EQ5 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted subject to -

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:
 - i. A Travel Plan to the satisfaction of the Highway Authority;
 - ii. The provision of 35% affordable housing with a split of 80:20, social rent : intermediate product;
 - iii. Financial contributions of £2,370 per dwelling to be paid to South Somerset District Council Sports, Arts, and Leisure;
 - iv. Provision of a centrally located area of 500m² for a LEAP;
 - v. Details of the management company to maintain the informal open space
- b) planning conditions

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the settlement hierarchy, historic environment, visual amenity, residential amenity, highway safety, flood risk, or ecology/biodiversity. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 60 homes (35% of which will be affordable) to the Council's under-supply. The proposal is considered to be in accordance with policies SD1, SS5, SS6, HG3, HG5, TA1, TA4, TA5, HW1, EQ1, EQ2, EQ3, EQ4, and EQ5 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the scale, layout, appearance, and landscaping of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

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

Site Location Plan (Drg 200)

Drawing No. 09637-HYD-XX-XX-DR-TP-0101 revision P04

Drawing No. 09637-HYD-XX-XX-DR-TP-0109 revision P03

Drawing No. 09637-HYD-XX-XX-DR-TP-0110 revision P02

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

04. The dwellings hereby permitted shall be constructed to accord with sustainable construction principles with a fabric specification which exceeds the minimum elemental requirements of Part L1A of the Building Regulations.

Reason: To provide low energy, sustainable dwellings, in accordance with policy EQ1 of the South Somerset (2006-2028) and the provisions of the NPPF.

05. Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety, efficiency, and for the encouragement of modal shift, in accordance with policies TA1 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

06. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for all contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors;
- Measures to avoid traffic congestion impacting upon the Strategic Road Network;
- On-site vehicle wheel washing facilities

Reason: In the interests of amenity and highway safety, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

07. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interests of proper surface water management and highway safety and efficiency, in accordance with policies EQ1 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

08. Prior to first occupation of any dwelling a package of mitigation measures shall be constructed entirely at the developer's expense. These measures, as shown on plan number 09637-HYD-XX-XX-DR-TP-0109 rev P02 shall include;

- Surface improvements on Darkey Lane
- A pedestrian/cycling link into the site from Darkey Lane
- A new 1.2m wide footway along the southern side of Brewham Road between the junction of Darkey Lane and the existing footway on the southern side of Frome Road with a suitable dropped crossing/tactile paving at the junction of Bruelands
- A section of priority working on Brewham Road including appropriate signage and lining
- A new gateway feature east of Darkey Lane to reinforce the 30mph speed limit

Reason: In the interests of highway and pedestrian safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

09. The proposed estate roads, 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, car, motorcycle and cycle pavement, 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 creation of quality places, in accordance with policies TA5 and EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

10. 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: To allow future occupants to traverse the site safely and conveniently during the construction phase.

11. The development hereby permitted shall not be occupied until parking spaces for each dwelling are properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To secure adequate on-site parking and turning provisions and in the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

12. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 79m to the west and 84m to the east of the new access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

13. 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.

Reason: To secure a programme of archaeological work and record any heritage assets, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

14. The works (including ground works and vegetation clearance) 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; or
 - b) a statement in writing from the licensed hazel dormouse ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: A pre-commencement condition in the interests of the strict protection of a European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

15. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - 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 and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

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.

The CEMP will also include details of protection measures to be put into place to protect roosting bats, breeding birds, badgers, reptiles, amphibians and all retained boundary habitat during the construction phase in addition to measures to prevent damage to the drain of the River Brue and sensitive ecological habitats and also pollution prevention measures to protect the water courses in line with the Environment Agency guidelines.

Reason: To safeguard ecology/biodiversity, in accordance with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

16. Prior to the first occupation for any reason, a lighting design for bats shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) 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.

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 policy EQ4 of the South Somerset Local Plan.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement or occupation of the development [or specified phase of 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. [biodiversity enhancements including]
 - 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 the Favourable Conservation Status of populations of European protected species, UK protected species and biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan.

18. The following will be integrated into the structure of the dwelling or mounted on trees:
- a) Five Schwegler 1A swift bricks or similar not less than 60cm apart under the eaves, away from windows and at least 5m above ground level of northerly elevations of five houses
 - b) A Schwegler 1SP sparrow terrace or similar under the eaves and away from windows of northerly facing elevations on five house
 - c) Five Schwegler 1B nest boxes (32mm hole) mounted accordingly on suitable trees
 - d) A bee bricks will be installed 1 metre above ground level on a south or southeast facing elevation of each house

A scheme showing the locations of the installed features will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the structural works. The features will be installed in accordance the approved scheme.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

19. 1. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of 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. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than

greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- 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 sustainable 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.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- 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 of the development.

Reason: To ensure that the development is served by a satisfactory, sustainable 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 2018) and the Technical Guidance to the National Planning Policy Framework.

20. The development shall be carried out in accordance with the submitted flood risk assessment (Hydrock, Reference BRB-HYD-XX-XX-RP-D-5001) and the following mitigation measure it details in paragraph 6.2.1 'Flood Resistance and Resilience':

- Finished floor levels shall be set no lower than 62.5Maod

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

Informatives:

01. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

02. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

03. Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.

04. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

05. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>.