

Application Number	2022/1427/FUL
Case Officer	Nikki White
Site	Land At Underhill Lane Ston Easton Wells Somerset
Date Validated	14 July 2022
Applicant/	Mr P Roberts
Organisation	Curo Enterprise Ltd, Thomas Rory St John Meadows and Rich...
Application Type	Full Application
Proposal	Demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure.
Division	Mendip Hills Division
Parish	Ston Easton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What 3 Words:

The application site can be found by entering the following words into the What 3 Words website/app (<https://what3words.com/>):

noble.interrupt.director

Scheme of Delegation:

In accordance with the scheme of delegation, this application is referred to the planning committee for a decision. This is because the proposal represents a departure from the Local Plan.

Description of Site, Proposal and Constraints:

The full planning application relates to the demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and associated infrastructure.

This is a cross boundary application. Detailed discussions have been had with officers in Bath and North East Somerset Council (BANES) through the life of this application. The main part of the proposal is within the Somerset boundary. Within BANES, Nos. 26 and 28 Orchard Vale are proposed to be demolished to make way for a new access - which is subject to planning application 22/02932/FUL which has not yet been determined.

The site is located on the western edge of Midsomer Norton, which is a well established suburban residential area, including flats to the south. Underhill Farm is sited to the east, with open countryside further east. The Orchard Community Hall is located to the south adjacent to a playing pitch and play park and a care home.

Underhill Wood is located to the north of the site which is a Local Wildlife Site (LWS) and subject to blanket Tree Protection Order (TPO) reference M1156. This application site is within the SSSI Impact Risk Zone. The land is shown as agricultural grade 3 (good to moderate) on the Natural England website.

Nos. 26 and 28 Orchard Vale (within BANES) are existing 3-bed social rent dwellings. It is proposed to re provide one of these dwellings within the BANES district, adjacent to the access (plot 1). A further dwelling is proposed to be included within the Somerset district with nomination rights to BANES (plot 8). Two further 4 bed dwellings are proposed within the Somerset boundary which are proposed to be delivered with nomination rights to BANES outside the scope of the planning legal agreement (additionality) (plots 6 and 7). These are subject to ongoing discussions with officers at BANES.

Procedural Clarifications:

Through the life application, revised plans have been received showing amendments to the design and layout, and reducing the quantum of development from 60 dwellings as originally proposed to the current 54. These changes have been subject to a full new round of consultation. Publication of this application has taken place in line with legal requirements, including advertisements in local press, site notices and letters to neighbours. The Council has met its obligations in relation to publication of the application.

The proposed development could only be developed if its access is permitted, which is subject to a separate planning application in BANES (22/02932/FUL). Following internal legal advice, it has been confirmed that if Somerset Council Planning Committee is minded to approve this application, it should include a Grampian condition requiring the access to be developed. In the event that BANES refuses the access application (and any appeal is dismissed) then the development could not proceed.

It is confirmed that a site visit has been undertaken and the site and proposal are fully understood to enable a recommendation to be made.

Allocation Status:

Further to the successful legal challenge of LLP2, the associated Order (December 2022) instructed that the allocated sites Policies MN1, MN2, MN3, NSP1 and BK1 of Local Plan

Part 2 (LP2), their supporting text and other related text, tables and diagrams should be remitted to the Council. The remitted parts of LP2 should be treated as not having been adopted as part of the local development plan, and have no weight in the planning balance. The rest of LP2 is unaffected by this order, and remains part of the adopted plan.

As such, the previous allocation for this site (MN2) is no longer in place and the site is considered unallocated. The proposal is therefore considered as open countryside and, if permitted, it would represent a departure from the development plan.

Since the removal of this allocation, revised plans have been submitted and the application subject to a new full round of consultation.

Relevant History on Application Site:

No relevant planning history

Summary of Comments:

Divisional/Ward Member(s): no comments received

Ston Easton Parish Council: (16.08.2022 and 20.06.2023)

- Some clarification points.
- Determination of the application to the planning officer.
- Contribution to Clapton Village Hall requested.
- Consideration should be given to investing into the adjacent community hall to support social objectives.
- Request consideration of connecting the village of Clapton to mains drainage via the new development. New drainage system could be left ready should mains drainage be installed in Clapton at a future date.
- Surface water management arrangements are important.
- Local designated footpaths should be signposted.
- Additional traffic.
- Outstanding matters include education contribution to be discussed with B&NES; allocation of affordable or shared ownership homes; waste and recycling collection; medical provision.
- Updated information submitted does not address points raised.

Coal Authority: No objection subject to standing advice informative.

Highway Authority: no objection subject to conditions/S106

- Access to passenger transport infrastructure
- No collision data reported for the immediate vicinity of the proposed access
- The traffic dissemination across the local network means there will be a limited impact on any one junction on the local network.
- Appropriate visibility splays can be provided for the new access road [subject to separate application in BANES].
- Parking facilities can be provided in accordance with current policy standards.
- Highways drainage - no objections in principle.
- Estates road - S38 agreement needed with the highway authority or Advanced Payment Code. The applicant should consider minor detailed design points – consider structural stability of path near pond; maintenance access to pond; culvert considered for adoption with additional maintenance costs; the diversion of the Wessex Water sewer to accommodate a road over it; provision of a further road gully.
- Travel Plan – updated travel plan is acceptable subject to minor amendments. To be included in the S106 legal agreement.

Ecology: no objection subject to conditions and legal agreement (summary of final comments following the submission of additional information)

- The development proposes open space and green corridors. Underhill Wood Local Wildlife Site designated for its broadleaved woodland is located directly adjacent to the application site along the northern boundary and the south western boundary. It has been confirmed that a proposed 10m landscape buffer along the northern boundary and western boundary will act as a buffer from the LWS as well as a proposed 5m buffer along the eastern boundary from the properties in Orchard Vale and High Meadow. A 5m buffer between the tree line and any private gardens have also been confirmed within the landscape masterplan.
- Recommended conditions Construction Environmental Management Plan (CEMP: Biodiversity); Landscape and Ecological Management Plan (LEMP); Biodiversity Monitoring Strategy; tree and hedgerow protections through construction; amphibians, reptiles and hedgehogs; badgers; lighting design for bats; tree removal to avoid bird nesting season; construction procedure for dormice; and on site biodiversity enhancements.
- Off-site 10% biodiversity net gain including a minimum habitat enhancement area of 2.07 hectares comprising the replacement habitat specified as mitigation within the submitted calculation shall be provided. Details on how this area will be managed to achieve the 10% net gain will be detailed in a submitted LEMP.

Trees and Woodland Officer: no objection subject to condition (summary of final comments following discussions and additional information)

- Have reviewed the updated information provided in the revised Arboricultural Method Statement and Tree Protection Plan and consider the information to be appropriate to demonstrate how the arboricultural features of the site / location have been taken into account documents in relation to the proposed development.
- Recommended condition: development must be in accordance with the Tree Protection Measures identified within the revised / up-dated Arboricultural Method Statement (Ref: D14 437 02 03) / Tree Protection Plan (Ref: D14 437 02 P4 Rev D) prepared by JP Associates dated September 2023

Contaminated Land: no objections subject to conditions

- Agree with the recommendations of a site investigation as set out in submitted 'Desk Study. Underhill Farm, Midsomer Norton' by Foxtree Solutions Ltd dated December 2021.
Standard conditions 1 to 4 required.
- If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

Environmental Protection: no objection subject to conditions (28.09.2023)

- Recommended conditions for electric vehicle (EV) charging and Construction Environmental Management Plan (CEMP) to include construction times
- Note potential amenity conflicts between parking and garden spaces

Housing Enabling: no objection subject to conditions/S106 (summary of final comments)

- A revised scheme layout has been submitted maintaining a policy compliant level of affordable housing
- In line with Policy DP11 a tenure split of 80:20 (Social Rented units and Shared Ownership units) has been agreed with housing enabling officers.
- Supportive of the delivery of this affordable scheme, and it is considered that the housing mix and tenure approach adheres to local demand and the latest housing needs evidence. This mix will be secured via a S106 agreement.
- The revised scheme includes 2 x replacement 3-bed (5 person) BANES affordable homes for social rent to accommodate the loss of existing homes as a result of the development, and we are supportive of the need to ensure these units are provided as part of the scheme. It is also proposed to provide 2 x additional affordable units for BANES. To be clear, any BANES affordable units must be provided in addition to the 30% requirement for the Somerset East area, for which 16 units is the requirement.

LLFA: no objection subject to conditions (summary of final comments)

- Following the submission of additional information and clarification by the applicant, the LLFA is satisfied with the information provided at this full planning application stage. The LLFA would advise for a planning condition to be set for further information being provided at detailed design stage.

Wessex Water: no objection

- Wessex Water Assets are located within the proposed site boundary: 150mm diameter public foul sewer dissecting the rear gardens of 26 – 28 Orchard Vale. Applicant will need to agree protection arrangements [outside scope of planning application].
- Foul Drainage - note applicant is proposing a pumping connection to the public foul sewer via a new manhole downstream of existing manhole. This is acceptable in principle, however, if the applicant is proposing to offer the pumping station and foul sewer network for adoption, it must be constructed to current adoptable standards. The point of connection to the public network is by formal application and agreement with Wessex Water. No surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.
- Surface Water Drainage - The applicant has stated the intention to discharge surface water runoff from the development to the watercourse located on the eastern boundary. Wessex Water has no objection to this strategy and would defer to the LLFA to approve the proposal. No surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.
- Water Infrastructure - Wessex Water is not the incumbent supplier in this area.

Education: no objection subject to obligations

- Following recently discussions with BANES it has been confirmed that it will have sufficient capacity within existing primary schools for this development so no need to request contributions on behalf of BANES.
- The Blue School is also forecast to have sufficient capacity, but as the school is more than the 3-mile statutory walking distance from the development a contribution for transport costs will be triggered.

Police – Crime Prevention Design: no objection

- Limited natural surveillance of parking spaces between some properties
- There are a number of examples where due to the layout vulnerable side and rear boundaries are easily accessed.

- Lighting needed in parking areas for reduction in crime and fear of crime. Bollard lighting is easily damaged and does not provide sufficient illumination at a height which makes of facial recognition easier. Concerns regarding levels of illumination in side parking areas, between properties.
- Electronic visitor door entry and access control system to the communal doors is recommended for the apartment blocks installed following Secured by Design guidance principles.
- Concerns of parking pressures associated with tandem parking.
- Fencing may be required to the rear of plots 5-12 to prevent access.

Somerset Waste Partnership: no objections

- All properties have suitable access to the highway to present their waste for collection and the roads within the development are all proposed to be adopted.
- Recommend shelves and individual wheelie bins for flats.

NHS: no objection subject to obligations

- No objection subject to obligations towards healthcare improvements – £24,140

Natural England: no objection

- The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Bath and North East Somerset Council (BANES): objection

- Given the proximity and relationship of the proposed development with B&NES and specifically Midsomer Norton, it is considered important that it is considered within the context of the Bath and North East Somerset Development Plan, particularly the Somer Valley policy framework.
- The B&NES Core Strategy (adopted in July 2014) sets out the spatial elements of the Council's vision and objectives and translates them into a plan. The Core Strategy is complemented by the Placemaking Plan (adopted in July 2017) and Local Plan Partial Update (LPPU) (adopted January 2023) which allocate specific sites for development and outlines a district-wide suite of Development Management policies.
- One of the key strategic issues the B&NES Core Strategy, Placemaking Plan and LPPU is addressing is an imbalance between jobs and homes resulting from recent incremental housing development and a decline in the manufacturing sector and a high degree of out-commuting. Therefore, the Core Strategy/Placemaking Plan facilitates more employment including allocating the Somer Valley Enterprise Zone

and only facilitates some additional housing primarily reflecting already committed sites (either permitted or allocated in the previous Local Plan).

- Permitting the proposed development site would be contrary to the adopted B&NES Development Plan, worsening the imbalance between jobs and homes and resulting in unsustainable levels of out commuting for work. Furthermore, the proposed development would add cumulative impacts on key infrastructure within Westfield and Midsomer Norton, including highways and, potentially, education.
- The principle of the proposed development within Somerset is therefore not supported.
- It is noted that the site was previously allocated as part of the Mendip Local Plan Part II, as allocation MN2. However, following a successful Judicial Review of this plan, this site allocation has been removed from the plan. The development therefore amounts to development within the open countryside. Given the location of development and the fact that the site is unallocated, B&NES would raise that the development within Somerset is contrary to Mendip Local Plan Part I. In principle therefore, the development is also considered by B&NES to be contrary to Mendip (now Somerset) planning policy.
- The Somerset Case Officer must decide how to weigh this in any planning balance.

BANES Education: no objection

- Proposed development is not currently anticipated to have a negative impact on primary or secondary school provision available for B&NES resident children in the Midsomer Norton/ Westfield area.
- Cumulative impacts of development should be considered.

BANES Highways:

- It is expected that Somerset Council would lead comments in regard to the internal road layout and parking, and Travel Plan.
- [They have now removed their objection subject to mitigation being provided – as summarised in comments on 22/02932/FUL].

BANES Parks and Green Spaces: (update following additional information, comments on 22/02932/FUL)

- The total demand for greenspace equates to 3922.88 m². The proposal includes 0.7 ha of open space which includes the network of green infrastructure (GI) around the edges of the site, surface water attenuation and landscaping within the scheme. This figure will need to be recalculated as some of the open spaces will only be acceptable in terms of their visual amenity.

- Curo is willing to accept a contribution for the investment in play equipment for older children and horticultural enrichment of the Greenacres Recreation Ground. The contributions listed below are fairly and reasonably related in scale and kind. The requirement has been worked out on a proportionate basis based on standards set out in the Green Space Strategy (2015) and in scale with the total net occupancy of the development. Capital Cost of greenspace enhancement (Green Space Strategy 2015 pg. 87) - £111,945.60
- Further information needed on details and quantities of different open space typologies.
- Pleased to see a reduction in the size of the attenuation basin to increase the amount of useable open space within the scheme, the relocation of the pumping station to the north west of the site, the introduction of a 'pocket park' located centrally within the development and the introduction of informal play areas.
- Opportunities for food growing encouraged
- Suggested S106 Definition for 'Off-site Public Open Space Contribution' Definition:

"Definition: An Off-Site Green Space Contribution of £111,945.60 to be applied towards the enhancement and maintenance of greenspace in the vicinity of the development.

Covenant: The Owner shall pay to the Council the Green Space Contribution prior to occupation of the development. The contribution will be indexed from the date of decision."
- Adoption will be subject to discussion with Highways.

BANES Ecology: (summary of comments before additional information submitted, updated comments on 22/02932/FUL pending at time of writing)

- Although the application includes land across two authority boundaries, in ecological terms, separating out these areas would not be a valid approach to an ecological impact assessment. As impacts are not separated by authority area in the ecology report, these comments apply to the scheme in its entirety. If comments from ecological/biodiversity representatives of Somerset Council, B&NES Council would welcome the opportunity to discuss any matters arising.
- Queries on buffer and protections of LWS and fencing [since further discussed, updated information received, Somerset Ecology confirmed overcome, BANES Ecology comments not available for 22/02932/FUL at time of writing this report]
- Bat activity and HRA - do not consider that a Habitats Regulations Assessment will be required, although Natural England should be consulted given that the site may be linked to SAC populations.
- Bats - it is accepted that there is negligible likelihood of bat roosts being present on site, but there is a high risk of roosting bats being present in adjacent woodland and buildings. Lighting Strategy is welcome but is not detailed enough.

- Biodiversity net gain – details of off site proposals needed [since provided]; on site measures required (bird and bat boxes)

Relevant comments on application 22/02932/FUL in BANES have been reviewed.

Mendip/Somerset East Planning Policy: no comments received

Biodiversity and Landscape Officer: no comments received

Local Representations:

32 objections were received, including some people who commented on more than one occasion, as summarised below:

- Local community object to proposals.
- Insufficient public enhancement.
- Insufficient affordable housing.
- Principle of development - unsustainable development; lack of local jobs; pressure on services; insufficient local services; contrary to BANES planning strategy; would set a harmful precedent; not respecting the outcome of the JR; JR ruled there should be no development on this site; there is not a duty for B&NES to cooperate with the access.
- Undermines commitment to tackling climate change.
- Flooding – on site and surrounding area concerns; maintenance of pumping station unclear; who will pay for on site maintenance; increased flooding controls will be required in BANES; the site is a flood plain.
- Harm to protected trees and other trees.
- Highway – highway safety; highway capacity; insufficient parking; existing on street parking problems locally; no improvements for pedestrians, cyclists and mobility impaired; increased pollution; insufficient access for emergency services and gritters.
- Amenity - harm to neighbouring amenity; increased noise; noise and disturbance during construction; play park will be unsafe during construction.
- Ecology - ecological harm including protected species; newts are present in local gardens; incomplete ecological work submitted; concern there could be a biodiversity loss.
- Other sites should be considered.
- Loss of green space.
- Council tax will be paid to Mendip/Somerset yet pressure on services in BANES.
- Visual harm.
- Proposed houses would be too small.
- Light pollution.

- Pumping station – risk of blocking, noise, smell.
- Harm to the amenity and safety of the nearby children’s play area and nursing home.
- Confusion over deadline for comments.
- Website difficult to navigate.
- No consultation letter received.
- Natural England and the Woodland Trust should be consulted.
- Please visit the site and neighbouring properties.
- Harmful to health of nearby residents.
- Occupants of 26 and 28 Orchard Vale would be made homeless.
- Who will maintain the site and manage rubbish dumping?
- Updated information has not addressed previous comments.
- Permission would be illegal and would trigger legal proceedings.
- Planning permission on neighbouring site was refused previously.

Additionally, the following issues not relevant to planning were raised:

- Loss of green belt.
- Loss of property values.
- Loss of private views.

Full details of all consultation responses can be found on the Council’s website www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council’s Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1 - Mendip Spatial Strategy
- CP2 -Supporting the Provision of New Housing
- DP1 - Local Identity and Distinctiveness

- DP4 - Mendip's Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP11 - Affordable Housing
- DP14 - Housing Mix and Type
- DP16 - Open Space and Green Infrastructure
- DP19 - Development Contributions
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (2017)
- Environment Agency Standing Advice
- Landscape Assessment of Mendip District (1997)
- Mendip District Landscape Character Assessment (2020)
- Somerset Electric Vehicle Strategy (2020)
- Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (2022)
- Relevant policies in BANES, as referred to in the BANES consultation response to this application

Assessment of relevant issues:

Principle of the Use:

Core Policy 1 (CP1) of the Mendip District Local Plan Part 1: Strategy and Policies 2006-2029 (LPP1) directs the majority of growth identified in Policy Core Policy 2 (CP2) of LPP1 to the 5 principal settlements to enable the most sustainable pattern of growth.

The site abuts the boundary with Bath and North East Somerset Council and is therefore closely related with Midsomer Norton and Radstock. These towns are not however included in this list of the principal settlements as they fall outside the administrative area of Mendip. These towns do however offer a good range of services and facilities and are accessible from the application site by means other than the private car. Whilst the site is considered to be well located in terms of services and facilities, it is noted that BANES and

other third parties have raised objections on the grounds of the impact upon the imbalance of jobs and employment in the area which runs contrary to BANES' spatial strategy. This must be considered as part of the overall assessment.

However, although close to local settlements, the site is outside of any development boundary and therefore must be considered to be located in open countryside. Policy CP4 explains that development outside development limits is strictly controlled and only permitted where it benefits economic activity or extends the range of facilities available to local communities. Given the location of the site the proposal would therefore conflict with Policies CP1, CP2 and CP4 of LP1.

However, the Council is currently unable to demonstrate a five-year housing supply. An Inspector dealing an appeal at Marston Lane, Frome on 16.02.23 concluded that supply is in the range of 2.87 to 2.94 years. Although this is a cross boundary application, as all but one dwelling is proposed within Somerset, the tilted balance is engaged for the proposed development within Somerset. The applicant has referred to appeal decisions (APP/J1860/W/22/3309338 and APP/R1845/W/22/3309343) which are argued to reiterate that the tilted balance is engaged, although this is not in dispute.

The National Planning Policy Framework (NPPF) advises that, where the Council cannot demonstrate a five-year supply, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the NPPF, applies. Paragraph 11(d) sets out that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, planning permission should be granted unless:

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The above is a significant material consideration that will be considered in the overall planning balance section at the end of this report.

The development results in the loss of agricultural land. Whilst there is no local policy to retain agricultural land, the NPPF explains that decisions should recognise the wider benefits from the best and most versatile agricultural land. The loss of the land is recognised but it should be noted that the land is Grade 3 which is not the best and most versatile land. This is not considered a reason to withhold planning permission.

The recent successful legal challenge of LP2 and the deletion of the site allocation has been outlined above. This does not result in the development of the site being unlawful, but means that the site must be treated as open countryside and weighed in the tilted balance. This is how the application has been assessed.

Landscape:

Policy DP4 recognises the quality of Somerset East/Mendip's landscapes and suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and manmade features. The site is not highly visible in the local landscape and is not covered by any specific landscape designations.

The application has been supported by a Landscape and Visual Impact Assessment (LVIA), prepared by David Jarvis Associates. In relation to landscape effects, this concludes the following:

*“7.16. While it is acknowledged that the proposals would permanently change the sites character from agricultural to residential use, the proposals retain notable landscape features on Site such as specimen trees. Additional tree planting and wetland habitats would also be introduced. As a result it is considered the proposals would have a **low** beneficial effect on the local landscape condition, resulting in a **minor** benefit.*

*7.17 Woodland planting to the west and south of the Site would limit the effect on scenic quality to locations immediately adjacent the Site resulting in a **low** impact of **minor** significance.*

7.18 Due to distance and areas of woodland separating the Site from local Public Rights of Way it is considered the proposals would have no direct impact on their leisure value.

*7.19 The proposals would have no direct impact on the adjacent Greenacres play area and playing field. In the short-term, construction noise may impact the setting of the play space but it is likely the noise would not be out of context with noise generated by the current construction works at Woodside Flats. Consequently, it is considered the impact on the play area would be short term and of **negligible** significance and **neutral** in nature.*

*7.20 In the long term it is considered the impact on tranquillity would not be uncharacteristic of noises currently experienced within the site's locality and therefore of **minor** adverse significance.”*

These conclusions, which are informed by a thorough assessment of the landscape context and impacts of proposals, are agreed.

The proposals would have an urbanising effect as a result of the built form and the associated development. There would inevitably be a change in the character of the site and there would be some encroachment into the countryside, but this is not considered to be unduly harmful.

The key matters to address therefore are to ensure that the visual impacts are minimised, and any adverse effect is mitigated through an appropriate landscaping scheme. The landscape submission demonstrates that the development would be set back from the boundary trees and create a linear area of public open space with connections to the community centre and play park to the south.

Whilst there would be a landscape harm of developing a greenfield site, this needs to weigh in the overall planning balance, the local and wider landscape impacts are considered low and do not justify refusal.

Design:

Policy DP1 of the Local Plan states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 states that proposals should be of a scale, mass, form, and layout appropriate to the local context. Policy DP4 recognises the quality of Mendip's landscapes and suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features.

In addition to the NPPF, the National Design Guide was published in January 2021. The National Model Design Code was published in June 2021. Together they illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

The application has also been supported by a Design and Access Statement which confirms the overall design approach thus:

“The Vision for Land at Underhill Farm is to create a high quality, outward looking development which respects the surrounding built environment and integrates the existing green wooded edges to the site both for residents from within their homes and visitors to the scheme. This will ensure the development will become a natural extension to the existing settlement, celebrating the towns character, history, and existing landscape.”

Land should be used efficiently so that housing needs can be met while minimising the need for building on additional greenfield land. Mendip District Local Plan: Part 1 sets out broad guidelines for the net density of new housing development in paragraph 4.44 as follows;

- Sites within towns – 30-40 dwellings per hectare
- Site in rural areas – 25-30 dwellings per hectare

Higher densities will be considered in appropriate locations, where the local context allows and any impacts can be satisfactorily mitigated. The density proposed within the current application is on average 24 dwellings per hectare. This is considered acceptable in this edge of town location. There is sufficient green infrastructure including open space and an informal perimeter walk around the outer edges of the site.

The site is adjacent to a suburban area to the west of Midsomer Norton. The site and surrounding residential development are accessed off Northmead Road (B3355) and Paulton Road, and include residential roads Orchard Vale, Orchard Avenue and Pinewood Road. Residential development is typically post-war semi-detached, set back from the road in fairly generous plots. Many properties have been subject to alterations, including extensions and driveways. Along Orchard Vale, properties mainly have hipped roof structures and the local material palette includes light render walls and tiled roofs. Along Pinewood Avenue, houses are gable fronted and gable sided and materials include light render at first floor and recon stone at second floor level with Roman tiled roofs. Further north, Underhill Lane includes single storey dwellings of hipped and gable fronted design, and materials include light render, red brick, recon stone and Roman tiles. Immediately south east of the site is the Orchard Community Hall and community play park. South of the site is Greenacres Extra Care and Combe Lea Care Home, which are 2 and 3 storey buildings set in generous plots with car parking to the front; and finished in light render, recon stone and grey detailing on the walls and tiled roofs. Woodside is also to the south of the site and includes 2 and 4 storey residential properties. The 2 storey houses further south include mono and asymmetrical roofs and a mixture of light render and recon stone walling. Some properties are closer to the road and some have generous front gardens. 4 storey housing is immediately south of the application site, set into 2 blocks and is finished in a mixture of light renders.

A pathway running immediately south of the application site provides accesses to the properties and garages, with high levels of planting between the application site. There is an informal access into the application site here. The local area includes high levels of planting and greening, resulting in a well established suburban character. There are clearly parking pressures in the area, with high levels of on street parking on both sides of many of the surrounding roads.

The proposed development would be accessed from Orchard Vale, with 1 replacement house on the left of the access route, within the BANES boundary. The access consists of a slightly curved primary road, with a secondary shared surface road leading to the north which then splits east and west. Proposed dwellings are set off the road with some frontage planting. Configurations include 2 apartment blocks (each containing 6 x 1 and 2 bed dwellings); 1 row of 3 dwellings; various detached houses; and various semi-detached houses.

The applicant has confirmed that the overall design approach is an outward facing development. As such, other than one pocket, the public open space is not central to the proposal but on the outside. Dwellings are facing the public open space to reiterate this design approach, and also maximise natural surveillance opportunities. The public open space is generous in size and planting, and includes a footpath route through with play equipment and benches scattered within the site.

The proposal has been subject to design panel review as part of pre application discussions, and detailed design decisions with officers during the life of the planning application. Various changes have been agreed, including:

- A reduction in the quantum of development (from 60 as originally proposed).
- Introduction of an area of public space centrally within the development as well as on the edges.
- Reduction in the drainage pond in favour of additional public open space (which has been demonstrated to be acceptable in drainage terms as summarised below), reorientation of properties to face the public open space.
- Amendments to house types including more active side elevations.
- Revised layout of apartments to reduce the impact of parking and create a green entrance to the development.
- Relocation of the pumping station
- 1 dwelling moved away from the entrance, leaving a larger area for plot 1 and pedestrian connection to the Greenacres Road Recreation Area to the south.
- Enhanced planting on the western boundary in particular.
- Relocation of development away from the western boundary.
- Additional bends introduced in the proposed roads.
- Reconfiguration of parking.

The applicant has been proactive in discussions to try to reach an acceptable design outcome, which has now been achieved. Affording housing provision in Somerset to offset loss in BANES has been agreed with officers in both authorities. An informal increase in affordable housing provision for BANES within the Somerset site (plots 6 and 7) has also been proposed ('additionality') and it is understood the applicant is in discussions with

officers in BANES about delivery mechanisms. Regardless of the final tenure of these units, the proposal is acceptable in this regard. 30% affordable housing in Somerset (16 dwellings) has been confirmed.

Varied house types add a level of interest and variety in the proposal, and successfully reflect and enhance the design characteristics of the local area, including a mix of roof forms (gable fronted and gable sided); and material palette (render, buff bricks, recon stone and slate style tiles).

Proposed boundary treatments include 1.8m brick walls in locations most visible from the public realm; closeboard fences in rear gardens; hedging adjacent to the footway connection to the south; and black balltop railings north and east of the northern apartment block.

An element of good design is ensuring the development has good pedestrian and cycle connections with the locality including safe routes to school. The layout, alongside the highway works proposed, demonstrate that this can be achieved. Further works proposed in the local area are outlined in the highways section of this report below.

Although some parking is not most conveniently located, this must be balanced against other factors and not dominate design. Where parking to the rear of gardens and elsewhere is not immediately adjacent to front doors, paths are provided where possible. On balance, this design is acceptable.

The number of triple stacked parking bays has been significantly reduced following detailed design discussions. Although there are some on the southern part of the proposal, considering the design enhancements made elsewhere in the scheme and the context and scope of development, this is concluded to be acceptable.

Apartments include their own dedicated bin and cycle storage buildings. Houses are proposed to accommodate this within sheds in private gardens.

Permitted development rights should only be removed where it is clearly reasonable and necessary, in accordance with guidance contained within the NPPG, and then only when the rights to be removed are clearly defined. In this case, it is not considered reasonable or necessary to remove permitted development rights for design purposes – although outbuilding permitted development rights are recommended to be removed on plots 4-12 for tree protection purposes (see tree section below).

The Designing Out Crime Officer has made a number of comments on the detailed design in relation to reducing crime and fear of crime, with reference to Secured by Design guidance. Although some private parking spaces have lower levels of natural surveillance,

parking needs to be balanced against other elements of the proposal, and should not dominate the design approach. On balance, the parking layout is concluded to be acceptable. A condition is recommended to agree lighting details, which will need to be balanced between crime prevention and ecology. Recommended detailed visitor door measures should be noted and followed by the applicant, but inclusion of a condition covering such detail would not meet the national conditions tests. Although the Designing Out Crime Officer has outlined some concerns with potential parking pressures, the proposed parking is in line with the Somerset standards and there have been no objections from the Highway Authority. The proposed changes have been noted and on balance the application is considered acceptable in this regard. Finally, the Designing Out Crime Officer has recommended fencing to the rear of plots 5-12, and it has been confirmed on the proposed boundary treatments plan that this is proposed.

A materials condition is recommended to control the finish.

In conclusion on this matter, the proposal by reason of its design, detailing, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Trees, Woodland and Landscaping:

There is a blanket TPO (ref: M1156) on woodland to the north of the site, which includes ancient trees. There is also high quality woodland to the west of the site as well as high quality and established trees on the eastern and southern boundaries of the site.

The submitted Agricultural Constraints report confirms that T7 on the eastern side of the site should be considered a veteran oak tree *“that should be regarded as an essential ecological habitat in its own right and any adjacent proposals will need to reflect its significance.”* Veteran and ancient trees are protected via paragraph 180 of the NPPF.

The application has been supported by an Arboricultural Constraints Report and an Arboricultural Method Statement (AMS) including a Tree Protection Plan (TPP), and the applicant has been involved in detailed discussions with Tree Officers from both Somerset Council and BANES Council.

The AMS outlines the trees on and near the site, as well as protection measures and methods proposed, including barriers. Veteran tree T7 is shown to be protected, therefore meeting the requirements of the NPPF.

Footpaths are proposed in the root protection areas (RPA's) of trees along the eastern boundary. These are proposed to be constructed using 'no dig' methods in order to protect the trees (Cellweb).

A maintenance corridor is proposed along the southern boundary of the site, and fencing is proposed. In order to further protect these trees/hedges, permitted development rights are proposed to be removed for plots 4-12 which would require a planning application for any outbuilding. The AMS confirms that these trees will be managed and maintained at no more than 6m tall and 4m wide. Management is in line with good practice for tree health and retention - gap filling with native species, amenity screening with neighbouring properties at Woodside and biodiversity enhancements.

It is also acknowledged that amended layouts have moved development away from trees, and reduced pressure on trees.

The Council's Tree Officer has considered the final proposals and supporting agricultural information and has raised no objections to the proposal subject to the inclusion of a condition requiring the AMS and TPP are adhered to, which is recommended accordingly. A further condition is recommended which would require implementation of the protection measures before construction.

A generous planting scheme is proposed, as set out in the Landscape Masterplan as well as detailed planting plans and planting schedule which include new trees, hedging, grassland, bulbs and beds alongside retained trees and vegetation. A Landscape Management and Maintenance Plan has been submitted with the application which includes detailed outlines of planting and maintenance methods for the soft landscaping as well as maintenance arrangements for hard landscaping, including paths, play equipment and seating. All maintenance would be overseen by a management company. A condition is recommended which would require these documents are adhered to.

In conclusion on this matter, the proposal accords with policies DP1 and DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework, including para 180.

Impact on Residential Amenity:

Policy DP7 of the LP1 states that new development should protect the amenities of neighbouring occupiers and users and provide an adequate standard of amenity for the benefit of future occupiers. Policy DP8 states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

It is acknowledged that residential development of the site would have some impact on the amenity of the occupiers of those properties closest to the application site in respect of changing their existing outlook and environment.

Distances from houses are adequate to confirm there is no significant harm to neighbour amenity. Plans show distances well above 21m can be achieved from rear windows of existing properties.

Within the proposed development itself, due to the siting, design and overall layout it is considered that the inter relationship between future occupants and their residential amenity is acceptable. Plot distances and windows are adequately designed in this regard.

A degree of disruption is to be expected from any construction project. Although there would be some inconvenience, this is short term and case law has well established that this alone is not a reason to withhold planning permission.

The application has been supported by a Noise Impact Assessment, prepared by Clarke Saunders, which summarises noise impacts thus:

“1.3 Environmental noise measurements have been undertaken at a location suitably representative of nearby noise sensitive receptors which may be affected by vehicular noise associated with the development.

1.4 These measurements have been used to assess noise levels due to vehicles accessing the development site, based on predicted vehicle trips into and out of the development.

1.5 The assessment suggests that the access road will have a negligible impact on existing noise levels at the existing adjacent residential receptors.”

Based on the context of the site and scale and scope of development proposed, the proposal is concluded to be acceptable in relation to noise impacts. The Environmental Protection team has not objected on the bases of noise impacts.

The Environmental Protection team has recommended a condition requirement a Construction and Environmental Management Plan (CEMP), including construction times. A Construction Traffic Management Plan, including construction times is recommended, which meets the conditions tests.

Permitted development rights should only be removed where it is clearly reasonable and necessary, in accordance with guidance contained within the NPPG, and then only when the rights to be removed are clearly defined. In this case, it is not considered reasonable

or necessary to remove any permitted development rights for amenity reasons – although outbuilding permitted development rights are recommended to be removed on plots 4-12 for tree protection purposes (see tree section).

In conclusion on this matter, given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The proposal accords with policies DP7 and DP8 of the adopted Local Plan Part 1 (2014), the FNP and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

Underhill Wood is located to the north of the site which is a Local Wildlife Site (LWS), which is made up of ancient woodland habitat. The application site is also within the SSSI Impact Risk Zone. The application site itself includes semi-improved grassland, boundary trees and vegetation and ditches to the eastern and southern boundaries.

The application has been supported by a Landscape Masterplan, Landscape and Maintenance Plan, External Lighting Strategy, Ecological Impact Assessment (EcIA), Biodiversity Briefing Note; Biodiversity Net Gain Report; and External Lighting Strategy.

The EcIA included a phase 1 habitat survey, further surveys for bats and reptiles and an updated walkover survey. This considers the likely impacts of the development on ecological species and habitats nearby as well as those on the site.

In relation to bats, the EcIA confirms the site was being used foraging and commuting by a range of species (10 species recorded):

“The Site was found to be used for foraging and / or commuting by a range of bat species, including lesser horseshoe and greater horseshoe bats. Proposals for the site will retain and protect key habitat for bats at the Site boundaries, in particular by retaining undeveloped buffer zones from the woodland at the northern and western boundaries. A detailed lighting strategy will need to be prepared to ensure that any increase in artificial light does not preclude the Site from continuing to be available for foraging/commuting bats.”

The EcIA recommends a buffer between boundary vegetation, a sensitive lighting plan and installation of bat boxes (one box for every three dwellings).

Following onsite surveys, no evidence of reptiles were found, and the EcIA concludes these are likely absent. Other species are considered and assessed in the EcIA.

In relation to boundary habitats, the EcIA concludes as follows:

“The boundary habitats surrounding the Site were considered suitable for a range of notable species including foraging bats, dormice, nesting birds, and hedgehogs. All surrounding vegetation will be retained and protected with the exception of approximately 9m wide section of scrub at the south-eastern boundary which may be removed to facilitate new access onto the Site. A precautionary method for clearance of this habitat has been recommended to avoid potential impacts on dormice, nesting birds, and hedgehogs.”

The EcIA makes a number of recommendations and proposes a CEMP (Biodiverse) and LEMP are prepared. Other recommendations including vegetation clearance methods to safeguard dormice; avoiding vegetation clearance in the bird nesting season; installation of bird nesting boxes (one box per dwelling); hedgehog sensitive site clearance; and hedgehog holes in fencing to allow movement through the development.

Following discussions between the Somerset Council Ecologist and the applicant's ecologist, it has been confirmed that a 10m landscape buffer is proposed along the northern boundary and western boundary to act as a buffer from the LWS. A further 5m buffer along the eastern boundary from the properties in Orchard Vale and High Meadow is also proposed between the tree line and any private gardens (as shown on the Landscape Masterplan).

The Somerset Ecology team is satisfied with the survey work, conclusions and recommendations, and have recommended conditions including for a Construction Environmental Management Plan (CEMP: Biodiversity); Landscape and Ecological Management Plan (LEMP); Biodiversity Monitoring Strategy (to protect the LWS); tree and hedgerow protections through construction; amphibians, reptiles and hedgehogs protection measures; protection measures for badgers; lighting design for bats; tree removal to avoid bird nesting season; felled trees to be first checked for bats; construction procedure for dormice; and on site biodiversity enhancements.

The conditions for Construction Environmental Management Plan (CEMP: Biodiversity); Biodiversity Monitoring Strategy (to protect the LWS); and badgers have all been included, with minor wording edits to make them more precise etc.

Although a Lighting Strategy has been submitted, this does not appear to have informed the EcIA, and is concluded to be a good starting point but further information and commitment is required. Therefore a lighting condition is recommended. As above, this will need to consider public safety issues as well as bats.

The Landscape and Ecological Management Plan (LEMP) is recommended to be included in the legal agreement, which is now common practice for LEMPs. This is also necessary for the off site biodiversity net gain (see below). Recommended obligations to be included in the S106 include (wording may vary):

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 of the development.

The LEMP shall detail the following:

- a) Details on how the landscape buffers along the boundaries will reduce impacts (including recreational) to Underhill Wood LWS including use of thorny species and retain scrub along the northern boundary to provide a natural barrier. The buffers along the northern and western boundary will be a minimum 10m from any development and 5m from the southern and eastern boundary (comprising 5m buffer between the tree line and the private gardens on the southern boundary).*
- b) In line with BS42020 standard, where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance.*
- c) Details on how the biodiversity net gain on-site will be managed and secured for a minimum 30 years.*
- d) Details on how the biodiversity net gain off-site will be at least 2.07 hectares, and details of how it will be managed and secured for a minimum of 30 years.*
- e) Description and evaluation of features to be managed.*
- f) Ecological trends and constraints on site that might influence management.*
- g) Aims and objectives of management.*
- h) Appropriate management options for achieving aims and objectives.*
- i) Prescriptions for management actions.*
- j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- k) Details of the body or organization responsible for implementation of the plan.*
- l) On-going monitoring and remedial measures.*
- m) 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 LEMP 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 LEMP will be implemented in accordance with the approved details.

The trees and hedgerow condition recommended by the Ecology is not included as this would duplicate other conditions as summarised in the Trees and Landscaping section of this report.

The amphibian, reptile and hedgehog condition as recommended by the Somerset Ecologist does not meet the conditions test for enforceability. As precautionary measures are covered in the EcIA, instead a compliance condition is recommended to require the applicant to follow the recommendations in the EcIA.

The nesting bird condition recommended by the Ecologist is covered by other legislation, therefore an informative is included instead, reminding the developer of their statutory obligations in relation to nesting birds.

The dormice condition recommended by the Somerset Ecologist does not meet the enforcement test. As precautionary methods for checking for and protecting dormice are covered in the EcIA, this is also covered by the condition requiring compliance with the EcIA recommendations.

The onsite biodiversity enhancements condition recommended by the Somerset Ecologist go beyond the recommendations in the EcIA. It includes greater detail on the bird and bat boxes and hedgehog fencing holes, and introduces further measures including bee bricks on 20% of the dwellings and three log piles. These are considered reasonable inclusions and the condition is recommended accordingly, although wording is amended and the requirement to submit details to the Local Planning Authority has been removed.

The requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered. It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. It must therefore be determined whether the proposal is likely to have a significant effect on any European site, without considering any 'measures' intending to avoid or reduce harmful effects of a plan or project on a European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Given the conclusions of the Ecologist, it is considered that there is no likely significant effect on the European Site. It is also noted that the application site is outside of the Bat Consultation Zone.

Biodiversity Net Gain:

The proposal would result in a net loss of biodiversity on the application site itself. Whilst there is some requirement for net gain, as set out in the NPPF, the requirement for 10% net gain is not yet mandatory in Somerset, but there is a 10% policy requirement in BANES

(policy NE3a). Nevertheless, the applicant has committed to a 10% net gain. Due to the constraints of the site this is proposed off site, as outlined in the submitted Biodiversity Net Gain Report (BNGR) prepared by Clarkson and Woods. Land circa 95m west of the application site has been identified and proposed gains are summarised in the BNGR thus:

“3.4.1 In order for the scheme to achieve a 10% net gain in Habitat Units, it is proposed to enhance the Modified Grassland within Fields 1-3 and establish Other Neutral Grassland in at least ‘moderate’ condition. The Proposed Habitats Plan for the off-site land is provided in Annex D. This can be achieved through the cessation of intensive agricultural management and preparation of the land to create a disturbed sward with significant bare ground through (cutting/grazing and scarifying) to provide a suitable seedbed. Subsequently, an appropriate and diverse seed mix/green hay source can be sown or spread within the fields. The land can then be managed through a low-intensity hay-cutting or grazing regime, which over time will encourage the development of a species-rich and structurally diverse sward.

3.4.2 It is proposed that the details of the creation and management of Other Neutral Grassland within the off-site land will be set out within a Landscape and Ecological Management Plan (LEMP) prepared for the scheme. The LEMP must set out long-term management prescriptions, a monitoring schedule to enable progress to be measured against the target habitat type and condition, and mechanisms by which monitoring will be reported and remedial action implemented. The enhanced off-site land must be secured for a minimum of 30 years and the management and monitoring prescriptions set out with the LEMP must reflect this.

3.4.3 Prior to finalisation of any management plan, soil investigations would be essential to ensure appropriateness of seed mix/establishment techniques and promote a high likelihood of success. The seed mix would be selected to reflect the soil type, pH and nutrient levels in order to maximise the prospect of successful establishment.”

Following discussion with the applicant’s ecologist, this approach has been agreed by the Somerset Ecologist. This is proposed to be formalised in the S106 legal agreement, including the agreement of the LEMP (as set out above), setting out implementation and management measures, and retained for at least 30 years in line with guidance.

Ecology Conclusion:

Subject to the inclusion of conditions and obligations as recommended, the proposed development will not have an adverse impact on bats or other ecology. The proposal

accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Housing Mix:

LP1 policy DP14: Housing Type requires a suitable mix of types and sizes of dwellings. The proposed mix of this overall development (including BANES site) would be:

- 6 x 1 bed apartments
- 10 x 2 bed houses/apartments
- 26 x 3 bed houses
- 12 x 4 bed houses

The Housing Enabling team has not objected on the basis of the mix proposed.

The mix of the development is considered to be acceptable and in compliance with Policy DP14 of the Mendip District Local Plan.

Affordable Housing:

Adopted LP1 Policy DP11 sets out an expectation that 30 per cent of the dwellings should be affordable and provided on site. In this case the following affordable housing units are proposed:

Somerset:

- 3 x 3 bed houses; shared ownership; plots 2,3,4
- 6 x 1 bed apartments; social rent; plots 13,17,18,46,50,51
- 6 x 2 bed apartments; social rent; plots 14,15,16,47,48,49
- 1 x 4 bed house; social rent; plot 5
- 16 in total, which is 30%

BANES:

- 2 x 3 bed houses; social rent; plots 1 (in BANES) and 8 (in Somerset)
- 2 x 4 bed houses; plots 6 and 7 (in Somerset); offered as 'additionality' and subject to discussions with officers in BANES.

The Housing Enabling Team has confirmed that First Homes are not required in this case, instead affordable housing provision in Somerset should include 20% shared ownership and 80% social rent, as broadly proposed, which would better meet local needs.

The Housing Enabling Officer has discussed the proposals with counterparts in BANES and confirmed the proposed affordable housing provision in both Somerset and BANES are

acceptable (excluding plots 6 and 7, see below). Provision is proposed to be included as part of the legal agreement.

The delivery of plots 6 and 7 as affordable housing for BANES within Somerset outside the scope of the S106 legal agreement is known as 'additionality' which is sometimes referred to when affordable housing is delivered beyond policy requirements, and can facilitate greater delivery of affordable housing due to funding mechanisms. There is some uncertainty with the delivery of these as affordable units with nomination rights to BANES but within the Somerset area. It is understood that BANES officers are in discussions with the applicant on this matter. At this time there is no formal mechanism to secure these units are affordable so, notwithstanding these were to benefit the BANES affordable housing supply, they cannot carry any weight in the planning balance for either scheme. Regardless of the final tenure and nomination rights, the application is considered acceptable in this regard. Significant weight is added to the delivery of affordable housing in Somerset (16 units). Significant weight is added to the delivery of market dwellings in Somerset (at least 34 market dwellings).

It is understood that it is no longer best practice to 'pepper pot' affordable housing, but 'cluster' it to allow for maintenance and management efficiencies. The layout of the proposed affordable housing is suitably clustered. The design and materials make it sufficiently indistinguishable from market dwellings. The Housing Enable Team has not raised concerns in this regard.

In conclusion on this matter, the proposal accords with the requirements of DP11 and the NPPF in relation to affordable housing provision.

Assessment of Highway Issues:

The proposed access would be within BANES, and is subject to a separate planning application (22/02932/FUL). Following consultation comments, further information has been submitted including a Transport Assessment Addendum including proposed local highways improvements and results of on-street parking analysis. It is noted that following the submission of additional information, the Highway Authority at BANES has not objected to the proposal, subject to conditions and obligations.

The proposal includes a footpath through the landscaped areas of the site, to enhance pedestrian movements and public health and opportunities for public interactions. Following discussion with the applicant a footpath connection is also proposed to the south of the site allowing for safe and convenient connection to the community hall and play park. This is a noted benefit of the scheme.

Following the submission of an updated travel plan, the applicant has confirmed the travel plan measures as follows:

“A comprehensive Travel Plan has been prepared which includes (amongst other measures) provision of:

- *Travel Information packs to be distributed to 3 tenures of each dwelling for the duration of the monitoring period;*
- *Green Travel Vouchers to allow residents to purchase items related to sustainable travel, for example walking equipment or bus season tickets, available to 3 tenures of each dwelling;*
- *High Speed broadband to each dwelling to facilitate homeworking as an alternative to travel;*
- *Electric vehicle charging points for all those properties with on plot allocated spaces and 10% of unallocated parking spaces.”*

The Somerset Highway Authority has reviewed the application, including the updated travel plan, and raised no objections to the proposal on highway safety, highway capacity or parking.

The proposed estates road would be subject to a separate process for adoption by the Highway Authority. Although minor issues have been raised, it is considered likely detailed design would result in successful adoption. If not, the internal estates road would be a private road maintained by the developer, and subject to the Advanced Payment Code, which would see standards are met.

There have been no objections from statutory consultees on access by emergency services vehicles or gritters. The proposal is considered acceptable in this regard.

Mitigation / Off Site Improvements:

The applicant has agreed to pay the costs associated with a potential Traffic Regulation Order (TRO) which would see parking restrictions potentially introduced locally (within BANES). As TRO's are subject to separate legislation and implementation mechanisms, it is not possible to confirm at this stage whether the TRO will be implemented, but the applicant covering the costs to scope this is considered reasonable. This is recommended to be included as part of the S106 legal agreement, with £4,351 going to BANES to cover this work.

The applicant has also agreed to pay for local bus stop enhancements along Paulton Road. This includes a new shelter at the northbound Pine Wood Road stop and real time information (RTI) upgrades at two Orchard Avenue stops. £32,982 is proposed to be set out in the legal agreement paid to BANES.

The applicant has proposed a number of uncontrolled pedestrian crossings (Drawing 1652-003 Rev B) containing dropped kerbs and tactile paving, within a 500m radius of the site location, in order to improve connections to local the local network. This is also proposed to be included in a legal agreement with BANES.

A further contribution of £86,995.50 is proposed in BANES towards the Somer Valley Enterprise Zone Cycleway. This is a proportionate total when other developments are taken into account.

Parking:

As the application is proposing development on the edge of Midsomer Norton, it is concluded appropriate to consider the site against the Somerset parking strategy standards for the amber zone (B). This requires 1.5 spaces per 1 bed dwelling; 2 spaces per 2 bed dwelling; 2.5 spaces per 3 bed dwelling; and 3 spaces per 4 bed dwelling.

The table below sets out the policy requirements for parking for each plot, the parking proposed and the differences. This confirms that proposed parking is broadly in line with policy requirements.

Table 1: Parking

Plot	Bedrooms	Parking				
		Policy Requirement	Open	Garage	Total Proposed	Difference
1	3	2.5	2	0	2	+0.5
2	3	2.5	2	0	2	+0.5
3	3	2.5	3	0	3	-0.5
4	3	2.5	3	0	3	-0.5
5	4	3	3	0	3	0
6	4	3	3	0	3	0
7	4	3	3	0	3	0
8	3	2.5	3	0	3	-0.5
9	3	2.5	2	0	2	+0.5
10	3	2.5	3	0	3	-0.5
11	3	2.5	3	0	3	-0.5
12	3	2.5	2	0	2	+0.5
13	1	1.5	2	0	2	-0.5
14	2		2	0	2	-2
15	2	2	2	0	2	0

16	2	2	1	0	1	+1
17	1	1.5	1	0	1	+0.5
18	1	1.5	1	0	1	+0.5
19	3	2.5	3	0	3	-0.5
20	3	2.5	2	1	3	-0.5
21	3	2.5	3	0	3	-0.5
22	4	3	2	1	3	0
23	4	3	2	1	3	0
24	3	2.5	2	0	2	+0.5
25	2	2	2	0	2	0
26	2	2	2	0	2	0
27	3	2.5	3	0	3	-0.5
28	3	2.5	2	0	2	+0.5
29	2	2	2	0	2	0
30	2	2	2	0	2	0
31	3	2.5	2	1	3	-0.5
32	3	2.5	2	1	3	-0.5
33	4	3	2	1	3	0
34	4	3	2	1	3	0
35	4	3	2	1	3	0
36	3	2.5	2	1	3	-0.5
37	4	3	2	1	3	0
38	3	2.5	2	1	3	-0.5
39	3	2.5	2	1	3	-0.5
40	3	2.5	2	0	2	+0.5
41	3	2.5	2	0	2	+0.5
42	4	3	2	1	3	0
43	4	3	2	1	3	0
44	4	3	2	1	3	0
45	3	2.5	2	0	2	+0.5
46	1	1.5	2		2	-0.5
47	2	2	2		2	0
48	2	2	1		1	+1
49	2	2	1		1	+1
50	1	1.5	1		1	+0.5
51	1	1.5	1		1	+0.5
52	3	2.5	2	0	2	+0.5
53	3	2.5	2	0	2	+0.5

54	3	2.5	2	0	2	+0.5
			112	15	127	+1

The Somerset Parking Strategy also requires 0.2 visitor spaces per dwelling. For 54 dwellings this equates to 10.8 spaces. 10 visitor spaces are proposed through the development, which is broadly in line with policy requirements. These spaces are suitably located throughout the development.

Many local residents have referred to existing on street parking pressures in the area. The applicant has submitted the results of on street parking analysis and concluded there is on street parking capacity and, as the proposal meets Somerset Council’s parking standards, the proposed development is not anticipated to create further on street parking pressures locally.

Conclusion on Highways Matters:

As above, the access is subject to a separate planning application to be determined by BANES. This application is recommended for approval subject to a Grampian condition requiring the access to be delivered. In the event the access is not supported by BANES (and potentially a subsequent planning appeal), this development could not be implemented.

A suite of other highways conditions is recommended including highways estates road; delivery of access, parking and turning area provision for each dwelling; construction traffic management plan; electric vehicle charging; garages for private motor vehicles and ancillary storage only; bicycle storage provision; provision of footpaths.

Following the submission of revision to the travel plan, the highway authority has concluded this to be acceptable. Due to the scale of development proposed, a full travel plan is required, which is recommended to be included in the legal agreement.

In conclusion on this matter, the highway safety and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Public Right of Way:

There are no public rights of way within the site or immediately adjacent. Route CL19/27 is located circa 350m to the north west. Following review of the LVIA, it is concluded that impacts on leisure routes and views are acceptable in this case.

Archaeology and Conservation:

The site is not within an area of high archaeological potential, and there are no listed buildings, scheduled monuments or conservation areas nearby. The application has been supported by an Archaeological Desk Based Assessment, prepared by RPS, which confirms the site has low potential for archaeological remains. Given the previous agricultural use of the site and the lack of designation or nearby designations, this conclusion is considered reasonable.

The proposal is therefore acceptable in this regard.

Land Drainage:

The application site is in flood zone 1, which is an area deemed by the Environment Agency as having a probability of flooding of greater than 1:1000 years and meaning it is acceptable for development in principle drainage terms.

As the application site is greater than 1ha, a Flood Risk Assessment accompanies the submission to demonstrate that there will be no adverse effects from the proposal in relation to flood and drainage matters. This has been assessed by the Lead Local Flood Authority (LLFA). Wessex Water has also commented on the application.

Amendments were made through the life of the application to reduce the size of the attenuation pond on the northern part of the site in order to enhance the public open space. The applicant prepared and submitted updated drainage information accordingly, which has been subject to review and discussions with the LLFA. This includes an updated drainage strategy and a revised flood risk assessment, which confirms the following:

“The site is located outside of the 1,000-year flood plain and is therefore classed as Flood Zone 1.

Surface water runoff from the site will drain via gravity to a unnamed watercourse along the eastern boundary at the Qbar rate of 7.2l/s.

The surface water drainage network will be designed for up to and including the 1 in 100year event plus 45% allowance for climate change and an additional allowance of 10% for Urban Creep. A new detention basin will be provided with an approximate attenuation volume of approximately 740m³ depending on the ultimate total impermeable area.

The proposed foul water flows from the site will drain via gravity to a new foul pumping station via a new 150mmØ foul sewer. The point of discharge will be within the new access road and has been agreed with Wessex Water.

The proposed residential development is located entirely within Flood Zone 1. Therefore, on the basis of land use vulnerability, the development should be deemed appropriate in planning policy terms in its proposed location. The SuDS hierarchy has been followed to determine the most suitable point of connection. With infiltration not being possible, the proposed surface water network will discharge to the existing watercourse on the eastern boundary.”

The LLFA has confirmed it has no objections to the proposal, subject to the inclusion of standard conditions for detailed design of drainage. Installation and maintenance of SUDS features is recommended to be included within the legal agreement in line with good practice.

Wessex Water has also raised no objections to the proposals, and referred to necessary agreements and obligations on the developer, which sit outside planning legislation.

In conclusion on this matter, the proposed development would not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 14 of the National Planning Policy Framework.

Sustainability and Renewable Energy:

Policy DP7 of the LP1 requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for the use of sustainable construction techniques; the use of sustainable drainage systems; renewable energy generation on site; the use of water efficiency measures, recycling and conservation; and new residents to minimise, re-use and recycle waste, in addition to using locally sourced or recycled materials wherever practically possible.

The submitted Design and Access Statement confirms the proposal as follows:

“All homes will be built to high sustainability standards, and in line with the sustainability with the newly introduced 2021 Building Regulations as a minimum, with a minimum saving of 31% of CO2 emissions compared to 2013 Building Regulations. The likely energy strategy for the homes will be gas boilers with solar panels on all homes. This strategy will be continually reviewed in advance of the scheme being completed and consideration of other methods of building heating.”

An Energy and Sustainability Statement has also been submitted, which considers various options for carbon reduction and concludes as follows:

“It is currently proposed that the whole site will incorporate gas heating systems supplemented by solar PV to meet Part L 2021 standards and reduce running costs. PV system designs will be worked up once final SAP software is available, however it is provisionally assessed that all dwellings will be specified with solar PV systems of between around 0.5 – 4kWp, depending on the specific characteristics of the homes. Full PV system designs will be developed once the calculations can be completed. “

A condition is recommended to require solar panels on the roof of each dwelling, with details to be submitted and agreed with the local planning authority prior to occupation.

Electric vehicle (EV) charging is recommended via condition. Although some provision is required under building regulations, the technical specification is set out in the Somerset EV Strategy.

A further condition for water efficiency is proposed, to ensure that each dwelling is provided with rainwater harvesting measures such as water butts.

In conclusion on this matter, solar panels and high construction standards are proposed. Although gas boilers are proposed, there is currently no policy restriction on them. On balance the measures proposed are considered acceptable. A number of conditions are recommended.

Public Open Space:

Policy DP16 Open Space and Green Infrastructure of LP1 and supporting text requires that proposals for new residential development make provision for different open space typologies. Following amendments to the design, the final public open space proposals include areas to the edge of the development as well as a pocket area more centrally. These areas include footpaths through the site and connecting the neighbouring community hall and play park. Play equipment and benches are proposed to be scattered across the development. Overall, the design and layout are considered to accord with relevant design policy. There are opportunities for community interactions, overlooked and green areas of green infrastructure which allow the design approach of an outward looking development to be achieved.

DP16 requires development to make provision for formal public open space (POS) on the basis of the National Playing field Association's (NPFA) long standing standard of 2.4ha of new space per additional 1,000 people. Based on this standard and an average dwelling occupancy of 2.3 persons per dwelling, this equates to approximately 124 people living on site (2.3 persons x 54 dwellings) meaning that the required area of POS, based on the proposed population of the development, is 0.3ha (2.4ha/1000 x 124). The area of public

open space proposed is approximately 0.7ha, which is in excess of this requirement.

In order to secure the ongoing management of the public open space within the site, the S106 should also secure the inclusion of a Landscape Ecological Management Plan (LEMP).

'Fields in Trust Guidance for Outdoor Sport and Play' states that developments between 10-200 dwellings require both a LAP (Local Area for Play) and a LEAP (Locally Equipped Area for Play) as well as a contribution towards a MUGA (Multi-Use Games Area). The application does not include a LAP or LEAP.

As noted above, the site is located on the boundary with BANES and the future occupiers of the development are likely to use local green spaces within the BANES area, particularly the Greenacres Recreation Ground which abuts the south east corner of the site.

BANES Green Space Strategy 2015 has been considered by the BANES Parks and Recreation Team in its response to BANES application 22/02932/FUL. Here it is confirmed that a contribution of £111,945.60 is agreeable for enhancement and maintenance of greenspace in the local area. This may be delivered on play equipment for older children and horticultural enrichment of the Greenacres Recreation Ground site.

Given where this application is site located, and where the impact will be felt, no further contributions are required above the £111,945.60 which will be secured by BANES by S106.

In conclusion on this matter, with on site provisions and off site contributions towards greenspace improvements spaces within BANES, the development is considered acceptable in relation to open space and compliant with DP16.

Refuse Collection:

The proposed plans show the dwellings would have sufficient room to store waste containers.

The application has been considered by the highway authority in relation to access for waste trucks to access and manoeuvre within the site, and the proposal is concluded to be acceptable.

Following comments from the Somerset Waste Partnership, which recommended individual wheelie bins and shelves for the flats, a condition is recommended which would

see details of waste storage for the flats to be submitted to and agreed to the Local Planning Authority prior to their occupation.

As such, the application is concluded to be acceptable in this regard.

Contaminated Land:

The application has been supported by a desk based land contamination report which concludes there is a possibility of contamination due to historic agricultural uses on the site.

The Contaminated Land Officer has reviewed the application and agreed that due to the historic agricultural use of the site, there is some risk of contamination. The four standard contaminated land conditions are therefore recommended. Provided these conditions are included, the Contaminated Land Officer has not objected to the proposal. As such, the application is considered acceptable in this regard.

Coal:

The Coal Authority has confirmed the site is within the defined Low Risk Area. An informative is recommended reminding the applicant of reporting protocols in the event unexpected coal mining features are encountered during development.

The proposal is concluded to be acceptable in this regard.

Education:

The application has been assessed by Education Officers at Somerset Council and BANES. Although within the Somerset local authority area, it is likely that families would look to secure places within BANES, which are closer to home. It has been agreed that the early years and the primary children from this development would likely be able to be accommodated within BANES as there is capacity within the council area.

There is predicted to be insufficient capacity within BANES secondary schools (Norton Hill) to accommodate the proposed development. Children in BANES would have prioritised places above those within Somerset. The catchment school would be the Blue School in Wells which has capacity. The applicant has agreed to an obligation of £57,480 transportation for children expected to arise from the development to go to Wells Blue School for a 5-year period.

Assessment is based on the other development coming forward in the area.

Subject to the inclusion of obligations towards transport costs, the proposal is acceptable in relation to education provision.

Health Services:

NHS Somerset has confirmed that obligations are triggered for GP services as part of this proposal which total £24,140 to improve local healthcare services, potentially in Oakhill Surgery. No further obligations have been requested in BANES.

Subject to the inclusion of this obligation in the S106 legal agreement, the application is concluded to be acceptable in this regard.

BANES Targeted Training and Recruitment:

Policy in BANES requires a contribution towards Targeted Training and Recruitment. As the site is on the edge of Midsomer Norton, it is reasonable to include this contribution payable to BANES. BANES officers have confirmed this totals £3685. This will be included in the S106 legal agreement.

Planning Obligations:

In accordance with LP1 Policy DP19, the proposed development triggers obligations in Somerset in the following regards:

Somerset Planning Obligations

- Affordable housing (30%):
 - 3 x 3 bed houses; shared ownership; plots 2,3,4
 - 6 x 1 bed apartments; social rent; plots 13,17,18,46,50,51
 - 6 x 2 bed apartments; social rent; plots 14,15,16,47,48,49
 - 1 x 4 bed house; social rent; plot 5
 - 16 in total, which is 30%
- Travel plan
- Transportation for children expected to arise from the development to go to Wells Blue School for a 5-year period - £57,480
- Management company including maintenance of communal areas
- Programme of implementation and compliance
- SUDS delivery and maintenance
- Off site 10% biodiversity net gain
- Landscape and Ecological Management Plan – including management of off site biodiversity net gain
- Contributions towards local healthcare services – £24,140

The following obligations have also been agreed to be provided in BANES:

BANES Planning Obligations

- Affordable housing:
 - 2 x 3 bed houses; social rent; plot 1 (in BANES) and plot 8 (in Somerset)
 - 2 x 4 bed houses; plots 6 and 7 (in Somerset); currently offered as additionality (subject to discussions between the applicant and BANES officers)
- £4,351 for a Traffic Regulation Order
- £32,982 for bus stop enhancements including a new shelter at the northbound Pine Wood Road stop and RTI upgrades at two Orchard Avenue stops
- £80,955.75 – contribution towards the Somer Valley Enterprise Zone Cycleway
- £111,945.60 – off-site green space contribution to be applied towards the enhancement and maintenance of green space within the vicinity of the development.
- £3,685 - Targeted Training and Recruitment contribution

If the application is approved these matters can be secured via a legal agreement. The scope of the legal agreement has yet to be confirmed. It is likely it will either include both Somerset Council and BANES as signatories; or it will include a clause prohibiting commencement of development until the developer has signed a legal agreement with BANES covering these matters.

Given the LP1 policy requirements and infrastructure needs arising from the development all of the above obligations are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Ston Easton Parish Council has requested obligations towards Clapton Village Hall. Due to the location of the site, the obligations as agreed are considered reasonable and necessary to make the development acceptable. Further contributions towards Clapton Village Hall have not been secured.

The application is concluded to be acceptable in relation to agreed planning obligations.

Cross Boundary Considerations:

An important consideration is the 'duty to co-operate'. Although relating primarily to Local Plan production, the NPPF advises that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to the

strategic priorities, including the homes and jobs needed in the area and provision of community facilities.

BANES' objection to the development has been considered. This focusses, amongst other things, on Midsomer Norton's job/homes imbalance. Officers have liaised with BANES Officers and the applicant to secure measures to improve the sustainability of the site. Given its location on the edge of Midsomer Norton, it is readily accepted that any pressures on infrastructure from the development will be more significant in Midsomer Norton and surrounding area within BANES than within Somerset. For this reason, the infrastructure impacts and contributions have been agreed jointly between BANES and Somerset. These matters have been addressed within the report and it is noted that the BANES Highways Officer has removed their objection to the scheme.

Financial obligations have been agreed and will be secured through a S106 between BANES and the applicant, as outlined above.

Other Matters:

The following is offered in response to neighbour and parish council comments not covered elsewhere in this report:

- Ston Easton Parish Council has requested a review and of the drainage in the village of Clapton and strategic drainage approach as part of this application. This is beyond the scope of this application, or the obligations of the applicant.
- Some neighbours have requested comments from Natural England and the Woodland Trust. Comments from Natural England have been received (no objection) and are summarised in this report. Whilst comments from the Woodland Trust have not been received as part of this application, it is noted that the Woodland Trust has commented to BANES associated with application 22/02932/FUL. Whilst this outlines an objection, the Council's Tree and Woodland Officer has reviewed the application in detail, met with the applicant and, following the submission of additional information, raises no objection. The application is concluded to be acceptable in relation to trees and woodland, as outlined above.
- This recommendation has taken into account relevant planning decisions. Each application is considered on its merits.
- If approved, the legal agreement would include a management company, who would manage the site including communal areas.
- Any fly tipping would be subject to the same controls as any other site.
- It is understood that 26 and 28 Orchard Vale are owned by Curo (the applicant), who would manage rehoming the occupants.
- It is noted that the site is not within the green belt.

- Loss of private views and property values cannot be considered in the planning balance.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

The proposal, including traffic associated with construction and occupation, is not considered harmful to the health of nearby occupants to warrant refusal of the application.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conclusion:

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

It is accepted that the Council cannot demonstrate a 5 year land supply and the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies (the 'tilted balance'). This advises that permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

The application proposals would deliver simultaneously, economic, social and environmental benefits. Whilst limited in time, the development would generate economic benefits through the construction period. Economic benefits would also be associated with

the future spending of occupants of the development in local shops and services and council tax receipts.

The provision of 52 homes (or 50 homes if plots 6 and 7 are transferred to BANES as affordable units), including 16 affordable units in Somerset, is given significant weight in the planning balance, particularly in the context of the significant lack of 5 year land supply in the district. Public open space and ecological enhancement measures above Somerset Council's policy requirements are also provided which will offer potential biodiversity enhancements.

The proposals have been developed to achieve a sustainable extension to Midsomer Norton. It is noted however that some harm will be caused to the imbalance of jobs and homes in the area, but this would in part mitigated be by the local infrastructure improvements. Whilst there would be a landscape impact, particularly before the mitigation is fully established, this harm is not significant given the surrounding built form in the context of the site. The development would result in the loss of agricultural land, but this is not the highest quality or most versatile land.

Overall, the adverse impacts identified are not considered to significantly and demonstrably outweigh the benefits. In accordance with para 11 d of the Framework, the application is therefore recommended for APPROVAL, subject to a number of conditions and planning obligations secured by legal agreement(s).

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Plans List (Compliance)

This decision relates to the following drawings:

PL-01 REV B - Site Location Plan - 13.07.2022

PL-01.2 - Site Location Plan Mendip - 13.07.2022

PL-01.1 - Site Location Plan BANES- 13.07.2022
0768-C-P-0370 D - Vehicular tracking - 12.10.23
A125/12033/1A REV C and A125/12033/1B REV C - Topographical Survey - 13.07.22
0768-C-P-0381 B - DRAINAGE CONSTRUCTION DETAILS SHEET 1 - 07.06.23
0768-C-P-0382 A - DRAINAGE CONSTRUCTION DETAILS SHEET 2 - 07.06.23
0768-C-P-0390 B - FOUL MANHOLE SCHEDULE - 07.06.23
0768-C-P-0391 B - STORM MANHOLE SCHEDULE - 07.06.23
0768-P-D-0360 B - ROAD & DRAINAGE LONGITUDINAL SECTIONS SHEET 1 -
07.06.23
0768-P-D-0361 B - ROAD & DRAINAGE LONGITUDINAL SECTIONS SHEET 1 -
07.06.23
0768-C-P-0300 D; 0768-C-P-0301 D; 0768-C-P-0302 D - DRAINAGE STRATEGY
SHEETS 1-3 - 12.10.23
0768-C-P-0305 D - DRAINAGE AREAS PLAN- 12.10.23
0768-C-P-0330 D; 0768-C-P-0331 D; 0768-C-P-0332 D - ENGINEERING LEVELS
SHEETS 1-3 - 12.10.23
0768-C-P-0340 D - HIGHWAY ADOPTION PLAN - 12.10.23
0768-C-P-0350 D - HIGHWAY MATERIALS LAYOUT - 12.10.23
PL-03 REV M - Planning Layout - 13.07.23
PL-04.REV B - Materials Layout - 07.06.23
DR-5000 - LANDSCAPE MASTERPLAN - 11.10.2023
DR-5001-P6, DR-5101-P6, DR-5102-P6, DR-5103-P6 - SOFTWARES PROPOSALS 1-
4- 11.10.2023
DR-5104-P6 - HARD SURFACE, FURNITURE & PLAY PROPOSALS - 11.10.2023
PL-04.1 REV B - Boundary Treatments - 11.10.23
PL-06 C - Storey Heights Layout - 11.10.23
PL-07B - Refuse Strategy Plan - 13.07.23
SE-01A - Site Sections - 11.10.23
SS-01A - Street Scenes - 11.10.23
OVCURO003 - EXISTING FLOOR PLANS AND ELEVATIONS - 13.07.2022
OVCURO002 - EXISTING FLOOR PLANS - 13.07.2022
OVCURO001- EXISTING ELEVATIONS- 13.07.2022
HT-GAR-01 - Garage Types - 07.06.23
HT-BIN&CYC-01 - BIN & CYCLE STORE - 07.06.23
HT-THO-01 - Thomas Housetype - plots 25, 26, 29, 30 - 17.10.23
HT-WTBG-01 - Westonbirt Gable Fronted Housetype - plots 9, 10, 11, 19, 21 -
17.10.23
HT-WTBG-02 - Westonbirt Eaves Fronted Housetype - plots 40, 53 - 17.10.23
HT-AVE-01 - Avebury 1 Housetype - plots 24, 45, 52 - 17.10.23
HT-AVE-02 - Avebury 2 Housetype - plot 27 - 17.10.23
HT-AVE-CT01 - Avebury Corner Turner 1 Housetype - plot 12 - 17.10.23
HT-AVE-CT02 - Avebury Corner Turner 2 Housetype - plot 28 - 17.10.23

HT-AVE-CT03 - Avebury Corner Turner 3 Housetype - plots 41, 54 - 17.10.23
HT-PEN-01 - Pensford Housetype - plots 20, 31, 32, 36, 38, 39 - 17.10.23
HT-ASHF-01 - Ashton Front Housetype - plots 22, 42 - 17.10.23
HT-ASHS-01 - Ashton Side Housetype - plots 23, 33, 35, 43 - 17.10.23
HT-CLIF-01 - Clifton Housetype - plots 34, 37, 44 - 17.10.23
HT-BECK-01A - Beckford Housetype - plots 3, 4 - 17.10.23
HT-BECK-02 - Beckford Special Housetype - plot 2 - 17.10.23
HT-PUL-01 - Pultney Housetype - plot 5 - 17.10.23
HT-APT-01A - Apartment 1 Housetype Elevations - plots 13-18 - 17.10.23
HT-APT-02A - Apartment 1 Housetype Floorplans - plots 13-18 - 17.10.23
HT-APT-03A - Apartment 2 Housetype Elevations - plots 46-51 - 17.10.23
HT-APT-04A - Apartment 2 Housetype Floorplans - plots 46-51 - 17.10.23
HT-KEN-01 - Kensington 1 Housetype - plot 1 - 17.10.23 (within BANES)
HT-KEN-02 - Kensington 2 Housetype - plot 8 - 17.10.23 (within Somerset, nomination rights to BANES)
HT-COT-01A - Cotswold Housetype - plots 6, 7 - 17.10.23

Reason: To define the terms and extent of the permission.

3. **Access (Grampian)**

No development shall take place until it has been demonstrated and agreed in writing with the local planning authority at Somerset Council that planning permission has been granted for the site access within the Bath and North East Somerset administrative area.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Erection of Means of Enclosure (Compliance)**

No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained.

Reason: In the interests of privacy and/or visual amenity in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Estate Roads (Bespoke Trigger)**

The proposed estate roads, footways, footpaths, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Access, Parking and Turning Areas (Pre-occupation)**

No individual dwelling shall be occupied until it is served by a properly bound and compacted footpath, carriageway and turning space(s) where applicable to at least base course level between the dwelling and the highway. The vehicular access, parking and turning areas shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Construction Traffic Management Plan (Pre-Commencement)**

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) Construction vehicular routes to and from site.
- b) Expected number of construction vehicles per day.
- c) The parking of vehicles of site operatives and visitors.
- d) Locations for loading/unloading and storage of plant, waste and construction materials.
- e) Storage of plant and materials used in constructing the development.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) Delivery and construction working hours.
- i) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
- j) A scheme to encourage the use of public transport amongst contractors.
- k) 24 hour emergency contact number.
- l) Measures to protect vulnerable road users (cyclists and pedestrians).
- m) Any necessary temporary traffic management measures.
- n) Arrangements for turning vehicles.
- o) Arrangements to receive abnormal loads or unusually large vehicles.
- p) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- q) confirmation no noise generating construction activities shall not occur outside of the following hours:
 - Mon to Fri 08:00-18:00
 - Sat 08:00-13:00
 - All other times, including Sundays, Bank and Public Holidays there shall be no noise generating activities.
 - All other times, including Sundays, Bank and Public Holidays there shall be no noise generating activities.

The development shall thereafter be constructed in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

9. **Electric Vehicle Charging (Pre Occupation)**

No dwelling shall be occupied until it is served by at least 1no. active electric vehicle charging point in line with the requirements set out in Somerset Council Electric Vehicle Charging Strategy 2020. Each active charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging. Charging provision shall be retained permanently thereafter.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with the Somerset County Council Electric Vehicle Charging Strategy (2020), Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

10. **Garage Use (Compliance)**

The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006- 2029 (Adopted 2014).

11. **Bicycle Storage (Pre-Occupation)**

No occupation of any individual dwelling shall commence until secure and accessible bicycle storage in accordance with the Somerset Council standards has been provided. The bicycle storage shall be retained permanently thereafter.

Reason: To ensure that sufficient bicycle storage is provided to serve the approved development in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Footpaths (Pre Occupation)**

Flat footpaths shall be implemented as shown on Layout Plan PL-03N received 11.10.23 prior to occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority.

Reason: To ensure that suitable access is provided in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Surface Water Drainage (Pre-Commencement)**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

14. **Drainage - Foul (Pre-Commencement)**

No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy.

15. **Contaminated Land 1 - SITE CHARACTERISATION INVESTIGATION (Pre-Commencement)**

No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)'. The assessment and written submission shall include:

- (i) a survey of the nature, extent and significance of any contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal and justification for the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors and in accordance with the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application (undertaken in accordance with the relevant national guidance). This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

16. **Contaminated Land 2 - SUBMISSION OF REMEDIATION SCHEME (Pre-Commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled waters, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures;
- (iv) where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- (v) where required, additional contingency measures designed to safeguard future users and receptors

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development (other than those works required to carry out remediation) or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover or affect pathways

for harmful contamination. Therefore these details need to be agreed before work commences.

17. **Contaminated Land 3 - VERIFICATION REPORTING (Pre-Occupation)**

No occupation shall commence, or where the site is subject to an already approved phasing plan, there shall be no occupation of any part of each phase, until a verification report has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance the National Planning Policy Framework.

18. **Contaminated Land 4 - REPORTING OF UNEXPECTED CONTAMINATION OR CONSTRAINTS (Bespoke Trigger)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with the National Planning Policy Framework.

19. **Solar Panels (Pre-occupation)**

Prior to first occupation of any individual dwelling, solar panels shall be installed on the respective dwelling in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To maximise opportunities for renewable energy generation on site in accordance with Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

20. **Provision and Storage of Recycling and Waste Containers (Pre-occupation)**

No occupation of plots 13-18 and 46-51 shall commence until the storage of recycling and waste containers has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Development Policies 3, 7 and 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

21. **Water Efficiency - Rainwater Harvesting (Pre-Occupation)**

No individual outbuilding shall be occupied until it is served by rainwater harvesting including guttering and water butts. The development shall thereafter be maintained as such in perpetuity.

Reason: In the interests of water efficiency in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014)

22. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting for the development and the character and appearance of the area, and that the proposal does not impact on highway safety or flood risk in accordance with Development Policies 1, 3, 4, 7, 9, 10, and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

23. **Arboriculture - Compliance with Arb Method Statement (Compliance)**

The development hereby approved shall be carried out in full accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: To ensure that trees which contribute to the character and appearance of

the area, and are to be retained, are not adversely affected by the development proposals in accordance with Development Policy 1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

24. **Tree Protection Plan - Implementation (Compliance)**

No development activity shall commence until the protective measures as stated in the approved Tree Protection Plan are implemented. The Local Planning Authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policies DP1 and DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

25. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, outbuildings or other free standing buildings or hardstanding shall be erected within the curtilage of the dwelling(s) hereby approved on plots 4-12, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings or hardstanding requires detailed consideration by the Local Planning Authority to safeguard the nearby trees and planting.

26. **Construction Environmental Management Plan (CEMP: Biodiversity) (Pre Commencement)**

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 provide details of how adjacent designated sites (including any hydrologically connected sites) as well as retained and enhanced habitats and protected species will be protected from the development during construction. The CEMP will therefore 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, including nesting birds habitat clearance measures, any badger buffer zones, reptile/amphibian sensitive habitat clearance, hedgehog sensitive habitat clearance, dormice sensitive habitat clearance and safeguarding measures for bats.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local Plan. This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

27. **Biodiversity Monitoring Strategy (Pre-Commencement)**

No development shall take place, including demolition, ground works and vegetation clearance, until a Biodiversity Monitoring Strategy has been submitted to and approved in writing by the local planning authority. The purpose of the strategy shall be to ensure Underhill Wood Local Wildlife Site is protected long term, and that recreational impacts as well as lighting impacts are continually minimised and mitigated for. The content of the Biodiversity Monitoring Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

The Biodiversity Monitoring Strategy shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The Biodiversity Monitoring Strategy will be implemented in accordance with the

approved details.

Reason: To prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

28. **Compliance with Ecological Recommendations (Compliance)**

The development hereby approved (including demolition, ground works, and vegetation clearance throughout the construction period) shall be carried out in strict accordance with the recommendations set out in the approved Ecological Impact Assessment.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006- 2029 (Adopted 2014).

29. **Badger Survey (Pre-commencement)**

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

Reason: A pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with Development Policy 5 of the Mendip Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014).

30. **External Lighting (Bespoke Trigger)**

No new external lighting shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated, and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife and to balance public safety, in accordance with Development Policies 5 and 6 of the Mendip District Local Plan

Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

31. **Tree Checks for Bats (Compliance)**

Any trees to be removed which have been identified as having potential for roosting bats will be inspected by a suitably qualified ecologist immediately prior to being felled. If it is further considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is confirmed, then felling will need to be delayed and an EPS licence sought from Natural England.

Reason: To avoid harm to bats and wildlife and to balance public safety, in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

32. **On Site Biodiversity Enhancement (Pre-Occupation)**

No occupation shall commence until the following have been installed (in line with the recommendations of the Ecological Impact Assessment in relation to locations and models as relevant) within the application site:

- a) 18 x bat boxes to be integrated into the design of dwellings.
- b) 1 x bird box to be integrated into the design of every dwelling.
- c) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 10% of dwellings.
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of 20% of dwellings.
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs.
- f) 3 x log piles as a resting places for reptiles, hedgehog and/ or amphibians to be constructed within the boundaries of the site.

The enhancements shall be retained thereafter in perpetuity.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in the National Planning Policy Framework.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

2. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.

4. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
5. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
6. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
7. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.
8. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>
9. Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

10. **Legal Protection Afforded to Badgers**

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.

