

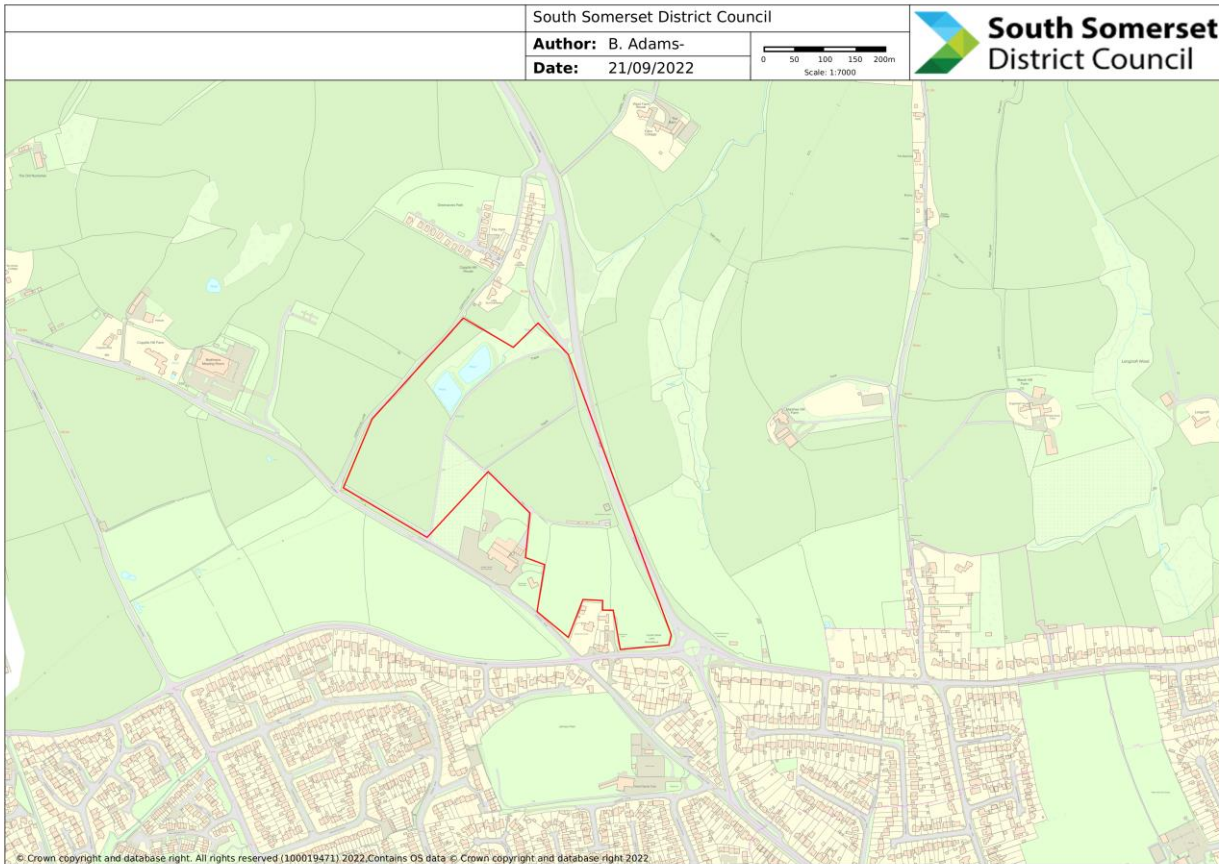
Officer Report On Planning Application: 19/03242/OUT

Proposal :	Outline application for the erection of up to 185 dwellings with public open space, landscaping, sustainable drainage system, and vehicular access point. All matters reserved except for means of access.
Site Address:	Land North Of Brimsmore, Tintinhull Road, Yeovil, Somerset,
Parish:	Yeovil Without
YEOVIL WITHOUT Ward (SSDC Member)	Cllr R Stickland Cllr M Lock Cllr G J Oakes
Recommending Case Officer:	Linda Hayden (Principal Specialist) Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	25th February 2020
Applicant :	Gladman Developments Ltd
Agent: (no agent if blank)	
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application was originally referred to committee in October 2020 by the Ward Members with the agreement of the Area Vice Chair to allow discussion of the planning issues. The item was deferred as the proposal did not have a phosphate solution but is now put back before members as a phosphate mitigation strategy has been agreed by Natural England.

SITE DESCRIPTION AND PROPOSAL



The site is situated on the northern edge of Yeovil. It is just over 13 hectares (32 acres approx.) and comprises a series of adjoining fields in a roughly triangular shape. A garden centre, farm shop and part of the field to the north west is indented into its south western boundary with Tintinhull Road. A group of residential properties are indented into the site's southern boundary, where Tintinhull Road joins with Thorne Lane, one of these houses is Grade II listed as is its front wall (Brimsmore House). To the south west and west of the site, between Tintinhull Road and Thorne Lane, is the Brimsmore Housing development a strategic housing allocation with planning permission for a total of 902 dwellings, associated landscaping and infrastructure works. The A37 adjoins the eastern boundary.

There is a public right of way (Y 31/4) opposite the western part of the site.

PROPOSAL

The submitted planning application seeks outline planning permission with all matters reserved apart from access for:

- o Residential development for up to 185 new dwellings (with 35% affordable housing).
- o A new vehicular access point off Tintinhull Road/Coppits Hill Lane.
- o Retention and strengthening of the vast majority of vegetation present within the Site, and along the Site boundaries.
- o New publicly accessible and landscaped open space, which will include a children's play area, and new recreational routes throughout.
- o Sustainable Drainage Systems (SuDS) features in the form of two attenuation basins, to help manage the flow of surface water during periods of heavy and persistent rainfall.

The application is supported by:

- o Planning Statement
- o Design and Access Statement
- o Landscape and Visual Impact Assessment
- o Transport Assessment
- o Travel plan
- o Ecological Appraisal
- o Arboricultural Appraisal
- o Flood Risk Assessment
- o Phase 1 GEO Environmental Report
- o Air Quality Assessment
- o Noise Assessment
- o Heritage Desk Based Assessment
- o Foul Drainage Analysis
- o Utilities Appraisal
- o Socio-Economic Sustainability Statement
- o Statement of Community Involvement
- o Shadow Habitats Regulation Assessment (HRA)
- o Affordable Housing Statement
- o Nutrient Neutrality Assessment and Mitigation Strategy

This application has been subject to lengthy delay due to the phosphates issue that is currently impacting the majority of South Somerset. The applicants and their environmental advisers have now produced a phosphate solution in the form of a wastewater treatment works (WwTW)

with wetland. This will be considered in more detail within the report.

A re-consultation has taken place in regard to the additional information that was supplied in relation to the phosphate mitigation.

HISTORY

The site comprises a number of fields that have been subject to various applications in relation to telecommunications equipment and equestrian development (to the east of the site), the most recent applications for both being in 2003.

Environmental Impact Assessment Regulation - the planning application falls within the scope of Schedule 2 Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). The Local Planning Authority is required to make a formal screening decision as to the requirement for Environmental Impact Assessment because the proposed development includes more than 150 dwellings, and the site exceeds 5 hectares. The screening opinion was issued on the 14th September 2020 and concluded that the development is unlikely to have significant environmental effects and therefore an Environmental Statement was not required (reference 20/02602/EIASS).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraphs 2, 11 and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA3 - Sustainable Travel at Chard and Yeovil

TA4 - Travel Plans

TA5 - Transport Impact of New development

TA6 - Parking Standards

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

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

Relevant Policy Material Considerations

National Planning Policy Framework

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

(Note: The Council published a Five-year Housing Land Supply 2021-2026 in September 2021 and is able to demonstrate a housing land supply equivalent to 4.7 years. As a result of the appeal decision on the proposed residential development of Land North of Ansford Hill, Ansford, South Somerset District Council now accepts that it has a housing land supply equivalent of 4.4 years - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site. The Council acknowledges that this means that the tilted balance in paragraph 11 d) of the National Planning Policy Framework, 2021 now applies to the decision-making process.)

National Planning Practice Guidance

Appropriate Assessment

Climate Change

Design

Historic Environment

Natural Environment

Planning obligations

Travel plans, transport assessments and statements in decision-taking

Water supply, wastewater and water quality

National Design Guide (NDG)

The National Design Guide is a material consideration when making planning decisions, and sets out how well designed places can be achieved and forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The NDG sets out the ten characteristics of well-designed places.

Legislative requirements for applications within setting of Listed Buildings

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Adopted Somerset County Council Parking Standards

CONSULTATIONS

Yeovil Without Parish Council:

In response to original application:

'RECOMMENDATION: REFUSAL - *the application is detrimental to the parish of Yeovil Without and its residents and considered premature.'*

Object on the basis of:

- o Full traffic impacts of the Brimsmore key site development are yet to be realised with some road improvements yet to be undertaken.
- o Concerned about the possible use of Coppits Hill as a rat run to the A37.
- o Proposal is dependent upon infrastructure to be provided by Brimsmore key site. The key site is yet to be fully developed and as such impact cannot be fully understood.
- o Proposal is for further housing to be squeezed into an already high density area and is disproportionate to areas in the south of Yeovil.
- o Surface water drainage - Coppits Hill has inadequate surface water containment. This development requires further evaluation in light of the impact that the key site will have.
- o Ecology - proposal will have a detrimental effect on the flora, fauna and wildlife on the site. May force animals closer to the A37 causing an accident hazard.
- o Archaeology - Due to close proximity of the Fosse Way a full archaeological evaluation should be completed prior to planning permission being granted.
- o Air/Noise Pollution - Increase in such pollution would have a detrimental effect on the area and a direct effect on Grade II listed Brimsmore House. Such an increase in emissions should not be encouraged when a climate emergency has been declared. Not able to assess such impacts until key site is complete.
- o Disagree with Travel Assessment report that states facilities are within 15 minute walk. So there will be increased traffic movements.

In response to re-consultation, the Parish Council advise that they remain opposed to the application for the same reason as set out in their original response and have further concerns in relation to:

- o Lack of facilities and infrastructure. There is no provision for the needs of the parish.
- o Phosphate Mitigation
- o South Somerset District Council should undertake a detailed Habitats Regulations Assessment.
- o Natural England's calculator should be used to calculate the phosphorus loads.
- o Concerned about the proposal for an on-site sewage treatment plant and the precedent it will set.
- o Have considerable doubts about the ability of Severn Trent to be able to deliver this safely.
- o Unhappy with the proposals to deal with spillage

County Highway Authority:

There have been lengthy discussions between the applicant's highways consultants and the County Highway Authority. This has resulted in the submission of an amended plan with regard to the proposed access arrangements.

The County Highway Authority have commented:

'To confirm, this Authority's previous comments highlighted the following aspects;

- o The access arrangement should be a ghosted right turn lane on Tintinhull Road.
- o A suitable footway should be provided along the north side of Tintinhull Road between the proposed development access and the proposed traffic signal-controlled pedestrian crossing.
- o Suitable and sufficient highway lighting should be provided.
- o A visibility splay will also be required for where the realigned Coppits Hill Lane joins the proposed new access road.
- o Minimum circular corner radius at simple junctions should be 10m to allow vehicles to clear the major road more quickly minimising the risk of shunt type collisions.
- o A Travel Plan will be required to be secured via s106 agreement

Further information has been supplied by the developer in order to provide confirmation of the vehicle visibility splays to be secured at the point of access onto Tintinhull Road. Drawing number P17033-20-08A has been supplied.

In addition to the previously noted highway mitigation package the following aspects are now added;

- o 2.4 x 43m visibility splays in both directions onto Tintinhull Road, and for Coppits Hill Lane onto the new estate road
- o Extension of the 30mph speed limit
- o New gateway feature to be agreed with this Authority to include new signage and lining

NOTE: Having regard to the fact that the extension of the speed limit is subject to its own legal process which entails a full consultation and therefore cannot be guaranteed confirmation should be confirmed prior to commencement of the development as it may impact on the provision of the visibility splays at the site access.

As a s106 agreement will be required in order to secure the Travel Plan it would be beneficial if the highway mitigation package could also be included in this agreement by citing s278 of the Highways Act 1980.'

In the event of permission being granted, the CHA would recommend that the conditions are imposed in relation to; a Construction Environmental Management Plan; disposal of surface water; estate details; details cycle and footpath connections; provision of parking spaces; and visibility.

In response to the re-consultation, advises that the CHA's position on this matter has not altered from no objection subject to the highway mitigation package previously discussed.

Highways England

Offer no objection but advise:

'In light of a number of large scale applications for development in the Yeovil area that Highways

England does not appear to have been consulted on, and proposals for additional development allocations set out in the South Somerset Local Plan Review, we strongly advise that the Local Planning Authority gives further consideration to the cumulative impact of planned development on the strategic road network to identify the timescales and development thresholds for any necessary improvements to ensure the residual cumulative impact of development on the highway network is not severe or unacceptable in safety terms.'

In response to re-consultation:

*'We issued no objections to original application 19/03242/OUT in February 2020 as set out in our attached response **subject to** the Local Planning Authority giving further consideration to the cumulative impact of planned development on the strategic road network to identify the timescales and development thresholds for any necessary improvements to ensure the residual cumulative impact of development on the highway network is not severe or unacceptable in safety terms.'*

We have reviewed the proposed amendments and are satisfied that these are unlikely to result in an unacceptable impact on the safe operation of the strategic road network. As such we consider our response of no objections, subject to the above advice, remains appropriate. '

Rights of Way (SCC):

No objections but request that a pedestrian crossing be provided across Tintinhull Road to link with public right of way Y 31/4. Advise that works should not encroach on the public right of way.

Ecologist (Somerset Ecology Services (SES):

Advises:

'CSA Environmental undertook an Ecological Impact Assessment (EclA) of the development proposal site at Land North Of Brimsmore, Tintinhull Road, Yeovil throughout 2019.

Results

Designated sites: The Site lies c.9.2km from Somerset Levels and Moors SPA/Ramsar site, certain bird interest of which may be susceptible to recreational pressure. Given the distance from the development site, no effect is identified in isolation, but the potential for an in-combination effect with other plans/projects, is identified

Habitat: The Site comprises an area of mixed farmland with additional habitats including ponds, woodland, hedgerows and ditches.

Species: Important ecological features at the Site are bats, badger, breeding birds and slow-worm.

Assessment

I am satisfied in principle with the proposal and the detailed mitigation hierarchy and net gain recommendations made by CSA Environmental. I am particularly in approval of the habitat to

be retained and created as part of the approval, including wildlife area within the northwest corner, SuDs, sufficient buffer zones around the sites boundaries and green corridor through the site.

Hedgerows and trees

Hedgerows and trees are targeted to be removed to allow for development and access proposals. These proposals include the removal of the entirety of hedgerow H3 (c. 150m), c. 60m of hedgerow H2, c.15m of hedgerow H8 and c.10m from hedgerows H6, H9, H10 and H13, for vehicular and pedestrian access. This results in a net loss of c. 265m of hedgerow. Scrub is also proposed to be removed from H11, with the mature trees retained. Existing gaps within hedgerows H4 and H12 have been utilised for pedestrian access points to avoid further impacts.

In the absence of suitable protection and mitigation, there is potential for construction activities to result in damage to tree or hedgerow roots. The quality of the retained hedgerows and trees may also deteriorate during the operational phase due to improper management, littering or compaction.

Woodland

The woodland on-site is due to be retained in its entirety as part of an area of Public Open Space. In the absence of mitigation, demolition and construction works in the vicinity of the woodland could result in accidental damage of habitats, including to tree roots. The woodland currently experiences minimal visitor pressure although this is likely to increase as a result of the development. Without appropriate management, anthropogenic impacts such as compaction, littering and vandalism could result in an adverse effect significant at the Local level.

Ponds and Stream

In the absence of mitigation, demolition and construction works could result in pollutant run-off into the ponds and stream at the Site. During the operational phase, contaminated surface water could also cause a deterioration in aquatic habitat quality in the absence of sufficient mitigation. These potential effects could be significant at the Local level.

Bat Roosts

A total of 54 trees / tree groups were subject to assessment. Of these, 28 trees were determined to have negligible potential to support roosting bats, 21 were found to have low roosting potential, three were found to have moderate roosting potential (two within tree group G22, and T13) and two were found to have high roosting potential (T22 and T28)

No potential bat roosts are present within the trees to be removed.

Bat activity

At least nine species of bat were recorded at the Site during the transect surveys, comprising common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *P. pygmaeus*, Nathusius pipistrelle *P. nathusii*, noctule *Nyctalus noctula*, *Nyctalus* species, serotine *Eptesicus serotinus*, Myotis species, long-eared *Plecotus* sp., barbastelle *Barbastella barbastellus* and lesser horseshoe *Rhinolophus hipposideros*

The bat activity survey results demonstrate high levels of activity encountered on the transect

surveys which were dominated by common and soprano pipistrelle activity. The ponds and adjacent woodland area has been shown to support most activity during the surveys. Hedgerow H7 and H9 were found to be used by a small number of pipistrelle bats during the transect surveys (four to five bats).

Greater horseshoe bats were recorded at all Monitoring Points in very low numbers.

Twelve passes of lesser horseshoe bats, a nationally rare species have been recorded during the transect surveys, mostly in the northern tip of the Site, and predominantly during the September survey.

Similarly, fifteen barbastelle bat passes, were recorded along hedgerows H2 and H10 which is consistent with patterns observed during the automated monitoring. Detections of barbastelle are variable and may suggest the seasonal use of local roosts by this species. Bats have been recorded throughout the night suggesting that the hedgerows are used for foraging rather than commuting only.

Serotine and Myotis bats have been recorded consistently on most surveys and in all areas of the Site. Greater horseshoe bats were recorded at all Monitoring Points in very low numbers.

A residual adverse effect on foraging and commuting bats is acknowledged from the removal/breach of key hedgerows. This is considered to be significant at the Local levels whilst new habitats establish, however after this point strategic new planting is likely to provide alternative habitats for bats and reduce the impact of the proposed development to an insignificant level.

Badgers

Badgers are known to use the Site and one outlier sett has been found on-site (September 2019). Whilst the area containing the sett is due to be retained as public open space, in the absence of appropriate avoidance or mitigation measures the sett could potentially be impacted by machinery undertaking drainage or landscaping works resulting in an offence under the Protection of Badgers Act, 1992. There is also potential for badgers to dig new setts at any time.

Badgers may cross the Site during construction works and animals could become trapped within excavations or harmed by hazardous materials or equipment. This is unlikely to have a significant impact on the local badger population but it has animal welfare implications and could result in an offence under the Protection of Badgers Act.

Birds

The removal of lengths of hedgerow and small areas of scrub will result in the loss of suitable habitats for nesting bird species. Clearance works also poses a risk of killing and injury to birds.

There will be a net loss of arable and open grassland habitat used by foraging birds although these habitats were not found to support a significant interest.

During the operational phase of the development, nesting birds will experience an increase in disturbance due to the increased vehicle usage at the Site. This will likely continue during the operational phase as a result of increased human activity, vehicular movements, lighting, noise

and domestic pets. In the absence of mitigation, the proposed development is anticipated to have the potential for an adverse impact on breeding birds at less than Local level.

Reptiles

A small population of reptiles have been found at the Site. Suitable reptile habitat is to be lost in order to accommodate the proposed development, including areas where reptiles were found on the surveys. Given the small number of reptiles at the Site, these effects are unlikely to be significant to the local population, however construction works could result in the killing or injury of individuals, which is an offence under the Wildlife and Countryside Act, 1981.

Amphibians

Following a pond scoping and assessment exercise, full surveys for great crested newt were undertaken between April-May 2019 for the two onsite ponds and three local, off-site ponds. No great crested newt were found during these surveys although smooth and palmate newt *Lissotriton helveticus* were recorded. The on-site ponds were found to contain large numbers of fish and large specimens of signal crayfish which reduce their suitability for great crested newt.

Dormouse

A presence/absence dormouse survey was undertaken during 2019. No evidence of dormouse activity has been observed in either the nest boxes or nest tubes

HRA

A shadow HRA has been produced to inform the application. I agree with the findings regarding no likely significant effect to European Designated sites located within 10km of the site, therefore the HRA can be adopted and forwarded to Natural England for their comment.'

The ecologist recommends the imposition of conditions in relation to; Construction Ecological Management Plan; lighting details; mitigation compliance, Landscape and Ecological Management Plan; invasive species; and biodiversity enhancement. With an informative in relation to badgers.

Due to the age of the ecology reports an Ecological Survey Addendum was submitted by the applicant's ecologist. SES are happy with the updated walkover survey and have advised that given the unprecedented delays this application has suffered due to phosphates, and CSE Environmental's conclusions that the habitats remain unchanged, on this occasion SES feel it would be disproportionate to request a repeat of the Phase 2 surveys previously commissioned in 2019 by the applicant.

Ecologist for SSDC (appointed to carry out Appropriate Assessment (AA)) in relation to proposed phosphate mitigation:-

Summary of the conclusions of the Appropriate Assessment:

'(19/03242/OUT) Land North Of Brimsmore has been considered in light of the assessment requirements of regulation 63 / 105 of the Conservation of Habitats and Species Regulations 2017 South Somerset District Council of which is the competent authority responsible for adopting the project and any assessment required by the Regulations.

Having carried out a 'Screening' Assessment of the plan, the competent authority concluded that the Project would be likely to have a significant effect on Somerset Level and Moors Ramsar Site and SPA (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C - 127/02). Consequently, an appropriate assessment was required of the implications of the Project on the qualifying features of that Site(s) in light of its Conservation Objectives.

The Screening Assessment has shown that the Proposed Development will lead to 'Likely Significant Effect' (LSE) on the Somerset Levels and Moors Ramsar Site due to an increase of phosphorous as a result of an increase of residential development. The Screening Assessment has also identified the possibility of an LSE caused by an increase of recreational pressure from an increased population to the Somerset Levels and Moors Ramsar Site and SPA.

Following an Appropriate Assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of the Somerset Level and Moors Ramsar Site and SPA; either alone or in combination with other plans or projects.

The Water Environment Nutrient Neutrality Assessment and Mitigation Strategy (attached to email). The Assessment has shown that prior to the implementation of mitigation, 44.89kg/P/yr will need to be mitigated for (Rev B dated September 2022). The NNAMS shows that the provision of an onsite WwtW, run by Severn Trent Connect, which is designed to discharge at 0.2 mg/l, an additional grey water attenuation/SUDS pond, and an onsite SUDS system will enable the site to mitigate against the 44.89 kg/p/yr. The Proposed Development has demonstrated that the on-site landscaping can be developed to ensure that the increase of recreational pressure will be mitigated for on site; and as such, will not lead to an adverse effect to the integrity of the Site; either alone or in combination with any other plans or projects. Water Environment also calculated that the excess phosphorus could be fully mitigated using a bio retention/filtration system currently on the market (Silva Cell).

Subject to the inclusion of the proposed mitigation, which will reduce the adverse effects of recreational pressure and increased phosphorous loading to the Somerset Level and Moors Ramsar Site and SPA. The recreational pressure was based on information provided within the South Somerset Local Plan HRA and the phosphorous loading was based on Nutrient Neutrality Guidance provided by Natural England. Natural England have been consulted on the planning application throughout the projects various iterations.

Details of the WwtW strategy and the proposed adoption agreement has been provided by Severn Trent Connect and is attached as an appendix to this note. An adaptive treatment strategy is proposed and will ultimately comprise either a Severn Trent Connect designed and built onsite WwtW, or an ARM designed and built reed bed treatment system; neither system requires chemical dosing for effective treatment. Either system would be adopted, maintained and operated in the long-term by Severn Trent Connect in our [SIC] capacity as the local statutory wastewater undertaker. Surface Water Strategy: it is proposed to use a bio-filtration / bioretention product such as a Silva Cell system to treat surface water runoff. The Silva Cell Manual suggests that an 86.5% reduction in Total Phosphorous (TP) can be achieved. This manual is included in the appendix of this report. A peer reviewed study of Silva Cell systems²³ also found that a minimum 72% reduction in TP was found on development sites with Silva Cell bioretention systems installed. Therefore, a reduction in surface water loading of 58% is

achievable using products currently available on the market.

The proposed mitigation measures would ensure that there would be no adverse effect on the Conservation Objectives of the Somerset Levels and Moors Ramsar Site, either alone or in combination with other plans or projects, as a result of water quality (phosphorous) impacts. Accordingly, SSDC can conclude that there would be no adverse effect on the integrity of the Ramsar Site in respect to this impact pathway.

Various assumptions have been incorporated into the Natural England guidance on Nutrient Neutrality. These include using Office for National Statistics data on population densities of 2.4 person per household. The use of this figure was considered to be sufficiently reasonable and in line with the precautionary principle (Wyatt, R (On The Application Of) V Fareham Borough Council & Ors (Rev1) [2022] EWCA Civ 983). Similarly a standard water use per person has been incorporated into the calculations. The assumptions are to allow the competent authority to undertake Appropriate Assessment and determine if the application will lead to an adverse effect to the integrity of the site and fulfil their legal obligation under regulation 63 of the Conservation of Habitats and Species Regulations 2017.'

Natural England:

No objection subject to identified mitigation being secured

The amended documents and calculations submitted by the applicant address the points we advised needed to be resolved in our email dated 26 August.

Therefore Natural England agrees with conclusion of the Appropriate Assessment that you have undertaken on behalf of SSDC, namely that providing all of the necessary mitigation measures and legal arrangements are secured, the proposed developed will not result in an adverse effect on the integrity of the Somerset Level and Moors Ramsar Site. In this case those legal arrangements include that the new wastewater treatment facilities will be managed by Severn Trent Connect, an OFWAT-appointed statutory sewage undertaker, and regulated by the Environment Agency.

Note that advice here only relates to potential impact on Habitats Sites, and SSDC should ensure that other natural environment interests, including protected species, have been properly considered in step with national and local policy and legislation.'

South West Heritage Trust (archaeologist):

Advises:

'The Geophysical Survey report submitted in support of the application shows that there is archaeology on this site that most likely, represents prehistoric or Roman period occupation. The archaeology is likely to be of local significance and will require full investigation prior to development of the site. There will also be a requirement for trial trench investigation of the site to determine the scope and scale of an excavation. '

For this reason the archaeologist recommends that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured

by the use of the conditions attached to any permission granted.

Open spaces officer:

Advise:

'The plans shown on the "Development Framework Plan" identifies an amount of Public Open Space (POS) far in excess of the required amount for a development of this size.

The green corridors surrounding the site are an encouraging feature helping to incorporate the development with the existing surroundings as well as providing good green links throughout and around the site.

The larger areas of POS are again located to help link the site together and it is encouraging to not see them all in one place and at one end of the site. There are several areas of POS accessible to each section of built area with green corridors linking them.

The locations of the SuDS features makes sense for the site and they have not encroached on the POS provision. We would be encouraged to see further plans for these areas and how they will be incorporated with the open space surrounding them, enhancing the areas for the residents.

Overall we are happy for this application to progress with its current layout and are interested to see the POS designs progress too.'

Housing Officer:

Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 65 units, these would be split as 52 for social rent and 13 for shared ownership or other intermediate affordable solution.

I would propose the following mix detailed below:

- 22 x 1 bedroom flat/bungalow (2 person)
- 26 x 2 bedroom house/bungalow (4 person)
- 14 x 3 bedroom house (6 person)
- 3 x 4 bedroom parlour house (8 person)

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in at least 5 clusters with social rent properties in each cluster.

These affordable dwellings will form an integral and inclusive part of the layout.

I have detailed below our prevailing minimum internal space standards which should also be adhered to:

1 bedroom flat	2 Person	47 sqm	
2 bedroom flat	4 Person	66 sqm	
2 bedroom house	4 Person	76 sqm	(86 sqm if 3 storey)

3 bedroom house	6 Person	86 sqm	(94 sqm if 3 storey)
4 bedroom house	8 Person	106 sqm	(114 sqm if 3 storey)
4 bedroom parlour house	8 Person	126 sqm	(134 sqm if 3 storey)

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

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

LiveWest
Magna Housing
Stonewater Housing
Yarlington Housing Group

Environmental Health Officer:

Agrees with the conclusions of the air quality report and suggests conditions in relation to construction works.

Planning Policy:

The response to the original application is now out of date as it referred to older housing data and the Local Plan Review (no longer being progressed as there will be a new Development Plan(s) to be prepared in the future as part the single unitary council.

However, the advice regarding the local plan context, five year land supply and conclusion are still considered to be applicable:

'Planning Policy Context

Policy SS1 of the adopted Local Plan 2006-2028 (Local Plan) places each settlement a tier within the 'settlement hierarchy', based on their role and function within the district. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy. Yeovil, as the largest settlement in South Somerset is identified as a Strategically Significant Town.

Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. Yeovil is expected to deliver at least 7,441 dwellings. The policy takes a permissive approach to housing proposals in the SUEs.

Given that the proposal site is located outside of the "Urban Framework" of the town (the development area for Yeovil) and is not within either SUE, it is contrary to Local Plan policies SS5 and YV1.

Planning Balance

It is accepted that delivery of new homes in Yeovil lags behind what was anticipated in the Local Plan. This can mainly be attributed to market factors and the reliance on the large urban extensions, however as has already been noted these should now start to come forward; although it may still be a number of years before we see homes are on the ground.

The Council accepts that it is unable to demonstrate a five-year housing land supply and that a

presumption in favour of sustainable development exists. National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development and grant permission when decision taking where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites with the appropriate buffer), and therefore less weight can be afforded to policies that affect the supply of housing. Paragraph 11 is therefore a significant material consideration with regard to the tilted balance of the presumption of sustainable development.

Conclusion

This proposal is contrary to Local Plan Policies SS5 and YV1 however, housing delivery in Yeovil is behind that expected at this point in the Plan period and the lack of a five-year housing land supply means the presumption in favour of sustainable development is a significant material consideration.

Designing Out Crime Officer:

No comments.

Local Lead Flood Authority:

Provide advice on the provision of SUDS and recommend the imposition of a detailed drainage condition that requires the submission of details including; SUDS details; discharge rates and volumes; and a management and maintenance plan.

Environment Agency:

Advise that the application falls outside the Environment Agency External Check List, so they will have no comments to make.

County Education:

Updated advice:

186 dwellings will generate a need for:
17 Early years places (£304,997)
60 Primary School places (£1,076,460)
26 Secondary School places (£667,602)
2 SEN Schools places (£234,672)

MOD:

In response to re-consultation advises:

'The application site occupies the statutory safeguarding zone(s) surrounding RNAS Yeovilton and RAF Yeovil. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 1.8km from the centre of the airfield at RAF Yeovil and approx. 5.9km from RNAS Yeovilton.

Aerodrome heights

The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches, and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.

Birdstrike

Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and, or flocking birds close to the aerodrome. The proposals include new planting and attenuation basins.

On reviewing the documents there is not enough information for the MOD to determine whether we have any concerns.

Therefore, the MOD would like to be consulted at the next stage of this application, where details of the heights of the dwellings and proposed landscape planting, drainage are available.

Noise

The MOD advises that the proposed development will be exposed to noise from aircraft activities from RAF Yeovil, RNAS Yeovilton, which some residents, when living on the development, may find disturbing. My colleagues in the DIO Town Planning/Land Management Services section will be submitting separate representation on noise issues in respect of this application

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed above the developer's documents titled 'Site Location', 'Landscape and Visual Impact Assessment', 'Amended Flood Risk Assessment' and 'Amended Development Framework' dated March 2019 - June 2022. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.'

Sport and Play Officer

Have calculated:

Equipped play - on-site	£138,354
Commuted sum	£79,916
Youth Facilities - off site	£27,166
Commuted sum	£10,044
Changing room provision - off site	£128,225
Commuted sum	£10,315
Overall contribution total	£394,020
1% Locality Service Administration Fee	£3,940
Overall Level of Planning Obligation to be Sought	£397,961
Overall contribution Per Dwelling	£2,151

In response to the re-consultation, they confirm that there has been no change to the standards applied to the original application so their comments remain as above.

REPRESENTATIONS

70 residential properties were notified of the application, a site notice was displayed and an advert was placed in the local newspaper to advertise the application.

Over 20 letters of objection have been received in response to the original application.

The comments of the objectors are summarised as follows:

- o Road infrastructure will not cope with additional demand from another 200 homes as well as the Brimsmore key site
- o Site is not allocated for development as part of the HELAA 2018 plan
- o Local services (doctors, schools etc.) will not be able to cope with additional demand from Brimsmore key site and the proposal
- o The proposed entrance is unworkable and therefore dangerous. A Planning Inspector has previously noted that the Coppits Hill Lane junction is substandard.
- o The social structure in the area is already at breaking point and the proposed development can only have a negative impact.
- o Wish to see that the works proposed at the Coppits Hill Lane junction with the A37 (as agreed as part of the Brimsmore key site development) are respected.
- o Suggest that the site should only be developed once the agreed roundabout for the Brimsmore key site has been constructed on Tintinhull Road.
- o The sloping nature of the site means that sewage disposal will be more costly. Existing sewer may not be able to cope with the additional demand.
- o Concerned about made up land and previous pollution incident (2003)
- o Question supporting documents in relation to surface water disposal and attenuation ponds
- o Query who will be responsible for hedge maintenance.
- o Coppits Hill has suffered from surface water flooding in the past and concerned that this will be exacerbated by additional development. Could also affect Yeovil Marsh.
- o Concerned about the use of SuDs and risk of drowning
- o Suggested that section of Tintinhull Road near Coronation Avenue be closed to prevent use as a rat run or traffic calming introduced
- o Site should only be developed once the Brimsmore key site is complete in order that all impacts can be assessed.
- o Concerned about use of Coppits Hill as a rat run
- o Detrimental impact upon Grade II listed Brimsmore House, setting must be respected and appropriate screening and planting provided. Existing drainage to property must be accommodated. Developer should provide extension to existing stone boundary wall.
- o Disruption caused by construction works
- o Increase in noise and disturbance
- o Suggest a link from Brimsmore key site to A37 with a new roundabout to divert traffic away from current bottlenecks
- o Increased danger to pedestrians
- o Proposed development relies on infrastructure that is yet to be built on the key site.
- o Proposal is detrimental to wildlife, disagree with findings of ecological report
- o Archaeological survey needs to be carried out prior to permission being granted.
- o Along with the other approved development in the Parish the proposal represents overdevelopment
- o Agree with highways analysis provided by adjacent landowner. And that developer

should be required to pay equivalent contributions as the key site.

- o Development would adversely impact upon the landscape of Yeovil's north escarpment
- o Increase in light pollution
- o New development should be on brownfield land within the town.
- o Disagree with findings in the FRA

Coppits Hill Residents Association are concerned about the potential rat run status of Coppits Hill Lane. They support the offer from the adjacent landowner to work with the developer on the highways aspects of the scheme and suggest that the best solution to the highways issue would be to wait for the agreed roundabout for the Brimsmore key site to be provided

The developer of the adjacent site (Brimsmore key site) has provided a review of the transport impacts of the development prepared by a highways consultant. He advises that he has no objection to the principle of the proposed development but feels that the developer should contribute its fair share to the community highway infrastructure being provided in the area, from which it would derive benefit.

The CPRE object to the application on referring to the paragraphs 170 and 174 of the NPPF and on the grounds that the site is outside of the settlement boundary of Yeovil, the development is likely to put further pressure on the transport system and is contrary to Policy EQ2 of the Local Plan.

In response to re-consultation (letters sent 27 June 2022) a further five letters of objection were received making the following comments:

- o Wish to see a comprehensive detailed independent review and study of this new proposed waste water drainage and treatment strategy. These type of installations are a significant contributor of microplastics (MP) to the environment
- o More time should have been given for comments
- o Query the efficacy of the proposed phosphate mitigation and the potential for agreement to this solution to set a precedent for the whole of Somerset. Is the whole scheme sustainable and energy efficient?
- o Presence of a waste treatment plant may impact upon enjoyment of open space. Potential for noise and odours from the plant
- o Query the proposed drainage solution and applicant's control of adjoining land
- o Concerns about how spillages will be handled
- o Concerns about future controls if operators cease to exist
- o Concerned about increase in traffic and potential for rat running.

RESPONSE OF APPLICANT TO REPRESENTATIONS

The applicant has provided the following responses to the concerns of local residents:

- o Full ecological surveys have been undertaken to identify any protected species and propose extensive mitigation measures to ensure flora and fauna is enhanced as part of the proposals
- o Flooding has been carefully considered within the Flood Risk Assessment, with on-site proposals limiting and controlling surface water 'run off' to ensure the existing 'greenfield run off rate' is improved. No objections have been received from the LLFA regarding

- o flooding concerns associated with the proposals.
- o Noise and air quality reports have indicated no detrimental impact on the proposals or surrounding area, with statutory consultees raising no concerns.
- o Highways matters including traffic flows, speed restrictions etc. have been reviewed by County Highways and following minor amendment to the site access found to be acceptable with no objections.
- o All statutory consultees have been consulted as part of the application process and have indicated appropriate financial contributions to be made to ensure current and future services are adequate for the number of dwellings proposed.
- o The site is a preferred option for development in the emerging South Somerset Local Plan.
- o Early pre-application discussions with County Highways indicated a preferred access via Tintinhull Road.
- o School capacity has been discussed with the CC and, where capacity is not available, financial contributions have been agreed.
- o The Heritage Desk-Based Assessment recognises the setting of Brimsmore House and proposes open space is retained to the west, which has been reflected within the Framework Plan and Design and Access Statement.
- o Further evidence has been presented to the case officer regarding why Coppits Hill Lane would not be a preferred 'rat run'.
- o The site does accommodate sloping topography, the design and retention of ground levels would be considered at detailed design stage.
- o Foul and surface water solutions have been presented as part of the application with no objections received from statutory consultees. Exact details would be considered at detailed design stage.
- o A phase 2 site investigation would be conducted as part of a reserved matters application, in addition to Building Regulations approval to fully detail any issues associated with landslip.
- o SuDs basins will be designed and managed to current regulations, specific details provided part of a reserved matters application ensuring all health and safety requirements are adhered to.
- o Archaeological investigations would be 'conditioned' with further investigations undertaken if deemed necessary by the LPA.
- o We believe there is some misunderstanding in relation to the point of discharge. As can be seen in the FRA submitted on 21st June 2022 the point of outfall is within the application site red line boundary (shown on page 79)
- o In terms of concerns about noise, the applicants have suggested that a condition be imposed to secure noise levels on the site.

CONSIDERATIONS

Principle of development

The site lies outside the defined settlement area of Yeovil as shown in the adopted Local Plan. It is not currently allocated or identified for further residential development.

The Council's five-year housing land supply is referred to in the applicant's submission as justification why development should be allowed in this location. The Council can currently

demonstrate 4.4 years and as such acknowledges that the presumption in favour of sustainable development and the 'tilted balance' are in play. The application will be determined on the basis that the policies most important to the determination of the application are out of date and that the application should be approved unless:

'i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

However, whilst the current deficiency in the housing land supply situation is one significant planning consideration to take into account it is not necessarily an overriding factor. Appropriate development plan policies remain relevant. A proposal is required to demonstrate that it will result in sustainable development and comply with relevant policies, and it is insufficient to simply argue that the Council's five year land supply position and the nation's housing situation are of more importance than all other sound planning considerations.

In this case, given the site's location directly adjacent to the Brimsmore key site, it is considered that the site can be considered a sustainable location. Taking into account the development plan and the Council's five-year land supply situation, the principle of development on this site is accepted.

Highway issues

The proposals would see the creation of a new access to the site along with the closure of the existing junction to Coppits Hill Lane which will be re-provided within the site as a branch of the main estate road. The plans also include the provision of a new right turn lane for the site on Tintinhull Road.

A Transport Assessment was undertaken and submitted with the application which has been assessed by the Highway Authority and additional/amended information has been submitted at their request to ensure appropriate consideration of the impacts of the development. The main concerns relate to visibility at the access and the speed of traffic using the road. These aspects have been addressed through the submission of amended plans.

The County Highway Authority have advised that there have been no recorded collisions that have resulted in injury casualties along Tintinhull Road within the limits of this scheme in the previous 5-year period.

The details submitted with the application have been assessed by the County Highway Authority and they have confirmed the following;

- o Trip generation figures acceptable
- o Trip distribution data acceptable
- o Traffic survey timings suitable
- o Committed developments included
- o Brimsmore Urban Extension
- o Lufton
- o Lyde Road

- o Mudford
- o Keyford
- o Growth factors have not been applied, with the fact that the growth from the committed development is already greater than the TEMPro forecasts cited.
- o Peak hours suitable
- o Capacity modelling of the following is considered reasonable;
- o Thorne Lane / Tintinhull Road double-mini roundabout - to be replaced
- o Proposed Tintinhull Road / Link Road 3-arm roundabout - operates within capacity
- o Proposed Thorne Lane / Tintinhull Road 3-arm roundabout - operates within capacity
- o A37 / Combe Street Lane roundabout - within capacity although some queues due to high RFCs but these can be accommodated and is not considered to be a major issue
- o A37 / A359 / Preston Road roundabout - high RFC values but it is evident that the proposed development traffic will not have a significant impact on the operation of the junction.
- o A37 / Tintinhull Road - operates within capacity
- o A37 / A30 / Clarence Street roundabout - Again high RFCs but the proposed development traffic will not have a significant impact on the operation of the junction.
- o Proposed access / Coppits Hill Lane off Tintinhull Road - Operates within capacity

The County Highway Authority have noted the concerns raised regarding 'rat-running' at the junction of Coppits Hill Lane and the A37, however, they have advised this was not noted by the Safety Auditors as being a potential issue. It is noted that works to prevent access to the A37 from Coppits Hill Lane are included in the road improvements works agreed as part of the Brimsmore key site development.

With regard to the submission of the report by the highways consultant for the developer of the Brimsmore key site, this has been assessed by the County Highway Authority, and they are content that it does not require them to change their recommendations.

In terms of the actual access arrangements, the County Highway Authority have agreed that the proposed access is acceptable in highway safety terms subject to the imposition of appropriate highways conditions including the required visibility splays at the access and the extension of 30 mph speed limit zone to include the new site access.

Therefore, on the basis that the Highway Authority have not objected, it is considered that the overall impact on the local highway network could not be considered severe, and is therefore acceptable at this location given the requirement of paragraph 111 of the NPPF which states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Impact upon setting of Listed Building

The site sits adjacent to the boundary of the Grade II listed Brimsmore House and associated boundary walls and as such a Heritage Assessment was submitted to support the application. This concludes that the most important elements of the setting of Brimsmore House that positively contribute to its significance will be preserved. As such, there would be only a small degree of harm to the setting and this equates to the lowermost end of less than substantial

harm.

The NPPF advises that in the case of a development proposal leading to less than substantial harm to the significance of a designated heritage asset (paragraph 202), this harm should be weighed against the public benefits of the proposal. In this case, it is not considered that the setting of the listed house and boundary walls would be significantly affected and appropriate layout, landscaping and screening can be secured at the reserved matters stage to protect the setting of the heritage assets.

Furthermore, the lack of a five year supply of housing land has to be weighed in the balance and, as such, appropriate weight has to be given to the provision of housing on a sustainable site.

Therefore, it is considered there are public benefits to the scheme that weigh in the schemes favour which allow for a favourable recommendation despite the harm (less than substantial) caused to the heritage asset.

It is therefore considered the site can be developed in a manner to safeguard the setting of the listed building in accordance with the NPPF and Local Policy EQ3.

Impact on the local landscape, visual amenity and density

The site comprises an edge of settlement agricultural fields which directly adjoins the Brimsmore key site development. The site is well screened with mature hedgerows and trees and is well contained.

It is felt that the conclusion of the Landscape and Visual Impact Assessment neatly summarises the landscape impact of the development:

'The effects on the wider landscape will be limited, due to the relatively well contained nature of the Site, provided by tree belts and other mature vegetation. Where views of the new housing are possible in the wider landscape, it will be seen in a similar way to that of the existing development which is visible on the scarp head. As with this existing development and as described in the Yeovil Peripheral Landscape Study, it will appear of small scale, with limited parts of the development visible on the escarpment, due to the mature trees and landform variation and will be subservient to the scale of the escarpment.'

The application is in outline permission at this stage and as such, the layout plan provided is indicative only, however, it sets out how a scheme of this density/scale might be achievable on the site and how it would relate to surrounding development. The scheme indicates the retention of the existing field hedgerows with increased planting where required to help filter views of the development from the wider landscape.

It is not considered that development of this type and at this density is inappropriate in principle in this location. The layout, house types, density and landscaping proposals would be fully considered at the reserved matters stage.

For the purposes of this outline application, having regard to the above, it is considered that the proposed development would not result in significant and demonstrable harm to the wider

landscape subject to appropriate mitigation. Notwithstanding local concern, the density of the proposed development is considered to be acceptable and to accord with local character. Consequently, it is considered that the proposed development complies with Policy EQ2 of the Local Plan.

Residential Amenity

The site shares boundaries with only a few dwellings and it is considered that a layout can be agreed at reserved matters stage that would allow for future residents and existing neighbouring residents to enjoy a good level of residential amenity. As such, there is no apparent reason why an acceptable scheme could not be achieved that would avoid causing any demonstrable harm to existing local residents in this regard. Overall this outline scheme raises no substantive residential amenity concerns.

For these reasons the proposal is not considered to give rise to any demonstrable harm to residential amenity that would justify a refusal based on Policy EQ2 of the Local Plan.

Phosphates

On 17 August 2020 Natural England (NE) advised that the Somerset Levels and Moors Ramsar protected site was in an unfavourable condition. This meant that there was a greater need for scrutiny of the effects of plans or projects likely to, either directly or indirectly, increase nutrient loads to this site. Residential development, such as that proposed, is one of the development types that could give rise to such likely significant effects in terms of increased phosphate levels.

In response the affected Councils, which included South Somerset District Council, prepared a Phosphate Calculator, in conjunction with Natural England and the Environment Agency, to inform the calculation of likely phosphate generation arising from any development.

The applicants have submitted proposals to reduce the total phosphorus load, these include:

- o Use of an on-site Wastewater Treatment Works (WwTW) to process waste water generated by new residents
- o On-site wetland systems to store and treat surface water

The WwTW will process wastewater produced on-site before discharging treated effluent to the watercourse north of the site. The WwTW will be designed to discharge treated effluent with a TP concentration limit of 0.2mgP/l and will be adopted, operated and maintained in perpetuity by Severn Trent Connect (an Ofwat regulated company).

The detailed design and controls for future maintenance of the WwTW can be secured via a planning obligation to ensure that all wastewater from the development is discharged on site at the required phosphorus discharge concentration limit of 0.2mgP/l. The discharge from the WwTW will require an Environment Agency permit which will be secured once planning permission has been agreed and the detailed design of the on-site WwTW and the wider foul water drainage network has been finalised.

Severn Trent Connect will apply to the Environment Agency for the required permit.

In addition, the Site will incorporate constructed wetland habitats, likely in the form of dual-use bio-retention wetland areas of a minimum size of 0.2ha which will both attenuate and treat excess surface water generated by the development. These will be permanently wet features and include a variety of native plant species/vegetation types to filter and clean the water.

The Shadow HRA indicates that the proposed approach (WwTW plus 0.2ha wetland habitat) was found to achieve nutrient neutrality using the methodology adopted by applicant's environmental advisers (Water Environment Ltd), i.e. the proposed development has an equal or lower phosphorus loading than the existing land-use. Therefore adverse impacts on the Somerset Levels and Moors Ramsar resulting from the development scheme could be ruled out, as a betterment on the current situation would be achieved. In this instance, the impact of the development site alone would be fully mitigated and no additional incombination effect would need to be assessed.

However, under the 'Generic Guidance' from Natural England (2022) it is also now necessary to consider alternative leaching rates. With these rates, the development proposals require an updated mitigation strategy in order to achieve nutrient neutrality, where the level of phosphorus removal from surface water runoff would need to be improved. The applicant's environmental advisers have calculated that this would be readily achievable through the inclusion of small-scale SuDS features such as permeable paving, swales or bio-retention features such as rain gardens and green roofs. It is understood that specific guidance relating to the removal of nutrients by SuDS features is due to be released imminently by Natural England/CIRIA, after which point the nutrient budget could be recalculated to determine more precisely what features could be added to achieve nutrient neutrality. In lieu of this information, Water Environment also calculated that the excess phosphorus could be fully mitigated using a bio retention/filtration system currently on the market (Silva Cell).

Following the submission of the Shadow Habitat's Regulation Assessment, the Council's appointed phosphate consultants carried out an Appropriate Assessment which was then considered by Natural England.

Natural England agrees with conclusion of the Appropriate Assessment that providing all of the necessary mitigation measures and legal arrangements are secured, the proposed developed will not result in an adverse effect on the integrity of the Somerset Level and Moors Ramsar Site. In this case those legal arrangements include that the new wastewater treatment facilities will be managed by Severn Trent Connect, an OFWAT-appointed statutory sewage undertaker, and regulated by the Environment Agency.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The ecologist at Somerset Ecology Service (SES) considered the reports on behalf of the Council and concluded that the proposals were acceptable subject to the imposition of a number of conditions. Given the age of these reports, the applicants commissioned updated reports and these have been further considered by the ecologist (SES) who has confirmed that given there have been no material changes at the site, there remains no objection to the development of the site subject to the imposition of the conditions recommended in 2020.

Subject to the inclusion of the recommended mitigation, compensation and enhancement

measures, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

Flooding/Drainage

A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. The LLFA have thoroughly considered the proposals for surface water drainage and has no objections subject to the imposition of a detailed condition to require drainage details before commencement of work at the site. As such, whilst recognising local concerns regarding surface water issues, it is not considered that the proposal could reasonably be refused on the grounds of flooding/drainage issues.

The Environment Agency has advised that it does not wish to make any comments.

Taking into account the above, it is considered that the application accords with the requirements of Local Plan Policy EQ1 and relevant guidance within the NPPF5

SECTION 106 PLANNING OBLIGATION

If the application is approved it will be necessary to seek the prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) to cover the following terms/issues:

- 1) The provision of 35% affordable housing;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan safeguarding sum and any required highways works; and
- 5) Provision and maintenance of open space.
- 6) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality. The scheme shall either (a) include a WwTW to be managed by Severn Trent Connect (or similar OFWAT-appointed statutory sewage undertaker), a wetland and scheme for phosphorus removal from surface water runoff, which have all successfully passed a Habitat Regulations Assessment demonstrating nutrient neutrality, or (b) an alternative scheme which the Local Planning Authority (in consultation with Natural England) consider also passes a Habitat Regulations Assessment demonstrating nutrient neutrality.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

The application is liable to CIL.

CONCLUSION

With no five year supply of housing land in South Somerset, footnote 8 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where "...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.".

As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development include the proposal bringing forward several contribution towards education provision, community, sport and leisure provision, through S106 obligations and CIL.

Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Further benefit of the scheme would be that the proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping SSDC towards a five year housing land supply.

Weighed against the benefits outline above, the scheme would also cause some harm. The proposal will result in some harm to the setting of the adjacent Grade II listed Brimsmore House and associated boundary walls. However, as highlighted above, this harm is assessed as being less than substantial and there are clear public benefits that would accrue from the development in terms of the provision of both market and affordable housing that have to be weighed against the very limited harm. Further areas of some harm, albeit limited, are the disturbance likely to be caused during the construction phase of the development.

Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the County Highway Authority, or by any of SSDC's officers consulted. Material planning considerations in respect of highways, drainage, ecology, phosphates, landscape and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions.

Given all of the above, and having due regard to the 'tilted balance', it is considered that the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, planning permission should be granted.

In conclusion, the application is recommended for approval subject to completion of a Section 106 Agreement and various planning conditions and informatives, which include those recommended by consultees.

RECOMMENDATION

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) before the decision notice granting planning permission is issued to cover the following terms/issues:

- 1) The provision of 35% affordable (to include the provision of First Homes) which would be split 80:20 social rent: intermediate product equating to 65 units, split as 52 for social rent and 13 for shared ownership or other intermediate affordable solution;
- 2) Contribution towards the provision of sport, play and strategic facilities (£397,961);
- 3) Contribution towards education provision (£1,961,084);
- 4) A travel plan safeguarding sum and required highways works; and
- 5) Provision and maintenance of open space.
- 6) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality. The scheme shall either (a) include a WwTW to be managed by Severn Trent Connect (or similar OFWAT-appointed statutory sewage undertaker), a wetland and scheme for phosphorus removal from surface water runoff, which have all successfully passed a Habitat Regulations Assessment demonstrating nutrient neutrality, or (b) an alternative scheme which the Local Planning Authority (in consultation with Natural England) consider also passes a Habitat Regulations Assessment demonstrating nutrient neutrality.

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon the visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Furthermore, the proposal would result in less than substantial harm to the setting of the heritage assets and the public benefits of the proposal outweigh this harm. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 185 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, HG5, TA1, TA3, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping, layout, and scale of the development hereby permitted (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

- Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.
03. The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

- Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.
04. The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan - ref. CSA/4226/106 Rev. A
Access Plan - ref. P17033-20-08 Rev. A

- Reason: For the avoidance of doubt and in the interests of proper planning.
05. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number P17033-20-08A and shall be available for use before first occupation of the dwellings hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

- Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.
06. The proposed footway along the northern side of Tintinhull Road shall be constructed generally in accordance with details shown the submitted plan, drawing number P17033-20-08A and shall be available for use before first occupation of the dwellings hereby permitted. Once constructed the footway shall be maintained thereafter in that condition at all times.

- Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.
07. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements
 - o Construction operation hours
 - o Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route
 - o Construction delivery hours
 - o All construction deliveries being made off highway
 - o On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
 - o Expected number of construction vehicles per day
 - o All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
 - o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice
 - o A scheme to encourage the use of Public Transport amongst contractors
 - o On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

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

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

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

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028

10. Prior to the commencement of development, a scheme for the construction of the network of cycleway and footpath connections shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed details.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

11. No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and be approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: To ensure appropriate parking provision on the site in accordance with Policy TA6 of the South Somerset Local Plan 2006-2028.

12. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 82 metres to the east of the access and 43m to the west of the access Having regard to the size of

vehicles to be attending the site during the construction phase such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

13. No part of the development shall be first occupied until a detailed Travel Plan has been submitted to and been approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department of Transport or as advised by the Local Highway Authority.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

14. No works shall commence on the site until the Traffic Regulation Order to extend the 30mph speed limit on Tintinhull Road beyond the Coppits Hill Lane junction has been secured by the Local Highway Authority.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

15. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (February 2019) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include the following: -

- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- o Information (confirmation of outfall locations, discharge rates etc.) demonstrating that the surface water design for the adjacent permitted developments do not impact on this proposed development.
- o Detailed layout drawings that demonstrate the inclusion of sustainable drainage (SuDS), where appropriate, with levels, location, size of key drainage features with supporting attenuation volume calculations. Details of proposed features such as infiltration structures, attenuation features, conveyance features, pumping stations, outfall structures and any land drainage requiring consideration.
- o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters. Should infiltration be

proposed, confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels.

- o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant). Calculations to be provided to inform the assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere.

- o Flood water exceedance routes both on and off site, note, the drainage system shall be designed to prevent surcharging of any below ground drainage up to and including the 1 in 2 year event, and no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties. Overland flow route plans to demonstrate how these have influenced the development layout and design of the drainage system with an assessment of the residual risks to downstream receptors and proposed mitigation and management measures. Calculations to be provided to support this using hydraulic modelling software.

- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development for all drainage features.

- o Evidence of a permission to discharge. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

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

- a. Risk assessment of potentially damaging construction activities.

- b. Identification of "biodiversity protection zones".

- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitats (trees, hedgerows and field edges) and protected species (bats, birds, badgers, reptiles and amphibians), followed by appropriate mitigation, as required.

- 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 (including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)).
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Provisions for monitoring (with agreed time scales), 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

17. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP: Biodiversity have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner.

Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with the CEMP and South Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

18. Prior to occupation, a lighting design for bats and biodiversity for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats (hedgerows, trees, scrub, ponds and grassland) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed through the provision of lighting contour plans and, if appropriate, technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and Locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

19. 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 content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

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

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

20. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement or prior to commencement of construction works.

Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation.

The content of the BMEP shall include the following:

- a) The mitigation measures outlined with the Land off A37, Yeovil Ecological Impact Assessment (CSA environmental, 2019).

- b) A (Habibat 001) bat box or similar will be built into the structure of 50 houses, positioned at least four metres above ground level and away from windows of the west or south facing elevation
- c) A cluster of five Schwegler 1a swift bricks or similar will be built into the structure of 10 houses, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation (of Plots to be confirmed)
- d) A cluster of three Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation of 10 houses.
- e) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart mounted on 10 houses or garages, away from windows on the north elevations.
- f) 10 Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- g) A bee brick built into the structure of 20 houses or garages, located 1 metre above ground level on the south or southeast elevation.
- h) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- i) One reptile hibernacula and 3 log piles as a resting place for reptiles and or amphibians constructed within the north west corner of the site.
- j) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.
- k) The new hedgerows will be planted with a minimum of 5 of the following species: hazel, field maple, hawthorn, blackthorn, dog rose, bird cherry and spindle. Hedgerow should be coppiced and layed on reaching maturity.
- l) The two SuDS basins, and associated potential swales and rain gardens, are to planted up with native wetland plants comprised of grasses, rush, sedge and marginal vegetation.
- m) New wild flower grassland areas are to include a seed mix containing species native to the area, and which provide benefits to pollinators and associated biodiversity.

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

21. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Signal Crayfish on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: Under the Wildlife and Countryside Act 1981 (as amended), it is an offence to release, or allow to escape, any non-native species into the wild in the UK except under licence.

22. Prior to commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of a Trial Trench evaluation and the nature of the further work required based on the results of the trenching, as well as detailing the methods utilised for

archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure appropriate consideration of heritage assets in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice within the NPPF.

23. No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: To ensure appropriate consideration of heritage assets in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice within the NPPF.

24. Prior to the first occupation of the dwellings hereby approved the applicant shall submit a noise report that demonstrates compliance with the noise levels cited in BS8233:2014, namely: to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night), 45 dB LAmax (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas.

Reason: In the interests of residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028 and advice within the NPPF.

25. Prior to the occupation of the dwellings hereby approved a scheme for the inclusion of water efficiency measures to ensure 110 litres / per person per day are provided shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed prior to the occupation of any dwelling and shall be retained and maintained as agreed.

Reason: To ensure the provision of water efficiency measures as required by Policy EQ1 of the South Somerset Local Plan 2006-2028.

Informatives:

01. 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 implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
02. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
03. The application site is located close to a military airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft

may overfly the site. The mitigation of noise in external areas may not be possible. Future occupants should also be made aware that aircraft types, flight paths and ground-based activity can vary over time and this may cause disturbance.

In the interest of good practice it is recommended that noise levels for the scheme should aim to achieve Leq 16hr 35dB within living rooms during daytime (07.00 - 23.00) and Leq 8hr 30dB within bedrooms during night-time (23.00 - 07.00).

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

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

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