

Application Details	
Application Reference Number:	43/21/0061
Application Type:	Outline Planning Permission
Earliest decision date:	13 October 2021
Expiry Date	30 July 2021
Extension of time	31 March 2023
Decision Level	Committee
Description:	Application for Outline Planning, with all matters reserved, for the erection of 3 No. dwellings on land to the west of Haymans Mill, Westford, Wellington as amended by agents email of 15th September 2021 "Application for Outline Planning, with all matters reserved, for the erection of 2 No. dwellings on land to the west of Haymans Mill, Westford, Wellington"
Site Address:	LAND TO THE WEST OF HAYMANS MILL, WESTFORD, WELLINGTON
Parish:	43
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Successfully addressed - legal agreement is required to secure.
AONB:	N/A
Case Officer:	Denise Todd
Agent:	Collier Planning
Applicant:	MITCHELL PARTNERS
Committee Date:	30 March 2023
Reason for reporting application to Committee	Town Council and 4 comments received contrary to officers' recommendation.

1. Recommendation

1.1 That permission be GRANTED subject to conditions and a legal agreement to secure the phosphate mitigation measures.

2. Executive Summary of key reasons for recommendation

2.1 The proposal, which has been revised from 3 to 2 dwellings is in outline with all matters reserved. for the erection of two. The principle of the proposal is considered to be acceptable as the site is in a sustainable location within a settlement boundary. Details of phosphate mitigation measures have been provided and will be secured by a legal agreement. The local highway authority is satisfied that the site is capable of accommodating the necessary parking provision and vehicular access. It is therefore concluded the outline proposal complies with the relevant development plan policies.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Standard Timeframe
- Approved Plans
- Lighting for bats
- Construction Environmental Management Plan to be submitted.
- Landscape and Management Plan to be submitted.
- Biodiversity net gain – biodiversity enhancement plan to be submitted.
- Protection of existing trees
- No removal of vegetation between 1 March and 31 August due to nesting birds
- Vegetation to be reduced to 10cm initially to safeguard any reptiles.
- No obstruction to visibility greater than 600mm
- A properly consolidated and surfaced access to be provided prior to occupation
- Disposal of surface water away from the highway

3.2 Informatives (bullet point only)

- Wessex Water connection

3.2.1 Proactive Statement

3.3 Obligations

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is an application for Outline Planning, with all matters reserved, for the erection of 3 No. dwellings on land to the west of Haymans Mill, Westford, Wellington. This was as amended by agents email of 15th September 2021 to "Application for Outline Planning, with all matters reserved, for the erection of 2 No. dwellings on land to the west of Haymans Mill, Westford, Wellington"

4.2 Sites and surroundings

The site is located on the west side of Westford and to the north of the railway line. The site is accessed via Rackfield, which is a private access and the development site itself is a field. Residential dwellings lie to the north of the development site.

The development site is within the settlement boundary for Wellington and is not within a Conservation Area. The leat to the rear of the site is a non-designated Heritage Asset (31990 in the Historic Environment Record)

5. Planning (and enforcement) history - None

6. Environmental Impact Assessment - NA

7. Habitats Regulations Assessment

The site lies within the catchment for the Somerset Levels and Moors Ramsar site. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must, as competent authority, undertake a Habitat Regulations Assessment proceeding to a project level Appropriate Assessment where a likely significant effect cannot be ruled out. Natural England have identified certain forms of development affected including new residential development.

The site is within the catchment area of the Ramsar site and the proposed development relates to new residential units. Therefore the proposed development must be able to demonstrate nutrient neutrality before planning permission can be granted.

The planning application has been accompanied by a Nutrient Neutrality Assessment (NNA) setting out proposed mitigation measures to ensure that the proposed development would be 'nutrient neutral' in perpetuity. The NNA and mitigation proposals therein has been reviewed by the Council's Nutrient Neutrality Officer who has also prepared a HRA for the proposed development. Natural England has been consulted on the NNA and HRA and have confirmed that "having reviewed the documents we agree with your Authority's conclusion that the proposals submitted will make the development nutrient neutral and therefore not adversely affect the integrity of the Somerset Levels and Moors Ramsar Site".

As Natural England has found the NNA and HRA to be acceptable a legal agreement (Unilateral Undertaken or Section 106) is required to secure the proposed mitigation in perpetuity.

The applicant also owns two areas of land which are currently used for grazing sheep and cattle. These areas are mapped in Appendix G of the submitted NNA, and labelled as Area A and Area B. Area A has an area of 0.44ha and is located approximately 260 m south-west of the site and is centred around national grid reference ST 1181020061. Area B has an area of 0.33ha and is located approximately 140 m north-west of the site and is centred around national grid reference ST 11871 20422. As confirmed by the Soilscape database, the soils on both areas of mitigation land are not freely draining.

The preferred option for mitigation would be to temporarily fallow Area A and plant woodland on Area B. It is proposed that Area A will be removed from agricultural production and temporarily fallowed until the end of 2024, at which point the Wellington WWTW upgrades would have to be implemented. Similarly, it is proposed that Area B will also be removed from agricultural production and planted with woodland at a planting density of at least 100 trees per hectare as set out in Natural England's Stodmarsh guidance.

The Farmscoper model has been used to calculate the phosphate loading of current grazing and the net benefit of temporary fallowing and the outputs are included in Appendix G.

Currently, based on the stocking density of sheep and cattle, 1 ha of land has a phosphate load of 0.75 kg/ha/year.

As the areas of mitigation land are less than 1 ha, the Farmscoper model used an area of 1ha to avoid issues with rounding errors in the model, with the results being converted to the correct site area on a pro rata basis. The phosphate loading of 1 ha of grazed land is 0.75 kg/year. Area A is 0.44 ha and therefore has an existing phosphate load of 0.33 kg/year (0.75 x 0.44). The phosphate loading of 1 ha of

fallowed land is 0.27 kg/year (refer to Appendix G), therefore by fallowing Area A (0.44 ha) the phosphate load will decrease to 0.12kg/year (0.27 x 0.44). Therefore, fallowing Area A would reduce the phosphate loading and provide a net benefit of 0.21 kg/P/year (0.33kg–0.12kg).

Area B is 0.33 ha and therefore has an existing phosphate load of 0.25 kg/year (0.75 x 0.33). It is proposed that Area B is planted with woodland. Based on recent guidance issued by Natural England in March 2022, the phosphate soil leaching rate for woodland needs to be taken as 0.02 kg/ha/year.

Therefore, the phosphate load of Area B (0.33 ha) would decrease to 0.0066 kg/year if planted with woodland (0.02 x 0.33). Therefore, planting woodland on Area B would reduce the phosphate loading and give a net benefit of 0.24 kg/P/year (0.25 kg – 0.0066kg).

A Section 106 legal agreement will be required to secure the above mitigation.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 8 June 2021

8.2 Date of revised consultation (if applicable): 22 September 2021

8.3 Press Date: 11 June 2021

8.4 Site Notice Date: 28 June 2021

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
WELLINGTON TOWN COUNCIL	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • Concerns that the property is out of keeping with other properties in the area. • Risking the integrity of the Leat • Council echoed the public comments on the planning portal • Concerns over the access to the site • Concerns over the safety of children walking to school – no pavement on what is already a very busy 	

	<p>road.</p> <ul style="list-style-type: none"> • The significant impact and load of traffic on an already dangerous road 	
SCC - ECOLOGY	<p>Confirmed that the matter of phosphates has to be address and requested conditions for :-</p> <ul style="list-style-type: none"> • Lighting for Bats • Construction Environmental Management Plan • Landscape and Ecology Management Plan • Bio-diversity net gain <p>Reviewed once phosphates had been successfully addressed and the following conditions requested:-</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan • Protection of retained hedgerows and trees • No vegetation removal works between 1 Mar -31 August unless competent geologist has checked trees, shrubs and scrub • Vegetation reduced to 10cm in height and left for 48 hrs before clearing • Landscape and Ecology Management Plan • Bio-diversity net gain 	
SCC - TRANSPORT DEVELOPMENT GROUP	<p>Requests conditions regarding visibility, properly consolidated access and the disposal of surface water drainage</p>	
WESSEX WATER	<p>No objection requests informative on new drainage and water supply connections</p>	

TREE OFFICER	Request for the standard tree-protection condition for the alders to the rear of the development. The protective fence will need to go along the rear boundary of the proposed plots, no less than 3.5 metres from the tree trunks.'	
DRAINAGE ENGINEER	None received	

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

6 objection have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
<ul style="list-style-type: none"> • Water voles are present in Mill Pond and Leat system • Dragonflies live in Mill Pond area • Grass snakes and slows are also seen entering and leaving Mill Pond area • Sluice is located at the corner of Mill Pond - Has this been taken into consideration • Increase in traffic and issues with satnav records • Road layout for 3 dwellings comes onto the highway close to a blind bend • There has been an increase in walker and wildlife since lock-down • No public footpath linking the development site to the village • Lack of neighbourhood notification and site notice • Site is part of a previous nature reserve • Proposal does not fit with existing community • Not a community suitable for high density, small dwellings with limited garden space • Development should reflect the existing development which has big gardens and lots of space 	See Paragraph 10.1.10

- Applicant has not used the land much for 30 years
- This proposal is not appropriate or in keeping with our community or our properties.
- The access, its a privately maintained vehicular surface with huge manoeuvring and visibility problems.
- We all share, in the upkeep and any properties developed here effect us very closely
- It is part of a complex web of wildlife that is Rackfield's community.
- Peregrines, water voles and both kinds of newts are common at neighbours bird feeding stations
- The neighbourhoods children have inadequate play space at Westford and they play on the corner in the road just before the proposed development.
- The land which is adjacent to the Leat Mill is a much valued local habitat which really should be preserved as a local amenity.
- Concern on run-off impacting on Rackfield and Payton Road
- A three story development would be completely out of character with this semi-rural location.
- The nearby Grange development has proved to be a planning disaster and demonstrate the difficulties of over-crowding and lack of amenity for the residents in the development.
- This application is immediately adjacent to the non-designated Heritage Asset of the Millpond and Leat (31990 in the Historic Environment Record) and therefore a Heritage Impact Assessment should be submitted.
- Unless protected the historic leat and millpond system will gradually lose its integrity and significance.
- Lost of bus service No.22 bus, due to vehicles causing an obstruction, due to over-development
- Over development on Rackfield as there is already planning for 8 dwellings on Hayman's Mill and a further planning application for two

<p> dwellings on Westford Drive</p> <ul style="list-style-type: none"> • I note that it is proposed to run water from the roofs of the proposed houses under Rackfield and into a ditch by the electricity pole by the entrance gates to the Environment Agency's Westford Flood Relief Reservoir. What guarantees will be made that Rackfield will be fully passable at all times, for residents for whom this is the only way in and out by vehicles. • Similar remarks apply to the connection to the water mains and sewers to the north of the proposed development site. 	
Support	Officer comment
None	

Some objectors have provided multiple comments, however they have only been counted as one objector

8.7.1 Summary of objections - non planning matters

8.7.2 Summary of support - non planning matters

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

Taunton Deane Core Strategy

SD1 - Presumption in favour of sustainable development
SP1 - Sustainable development locations
DM1 - General requirements
CP1 - Climate Change
CP4 - Housing
CP6 - Transport and accessibility
CP8 - Environment

Taunton Deane adopted Site Allocations and Development Management Plan (December 2016)

A1 - Parking requirements
A5 - Accessibility of development
D7 - Design Quality
D8 - Safety
D10 - Dwelling sizes
D12 - Amenity space
SB1 - Settlement Boundaries
14 - Water Infrastructure

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021
District Wide Design Guide, December 2021
Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans:

No neighbourhood plans in this location

9.1 National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The application has been reduced from three to two dwellings and is seeking 'outline' planning consent only, all matters of detail (access, layout, scale, appearance and landscaping), are reserved for future consideration.

The development site is located within the settlement boundary for Wellington and therefore is considered a sustainable location. The principle of development is therefore accepted, with a 'reserve matters' planning application being required for access, layout, scale, appearance and landscaping.

10.1.2 Design of the proposal

The application has been reduced from three to two dwellings and is seeking 'outline' planning consent only as stated above.

The submitted plans are indicative only to show how the development could be laid out on the site. The house type is also indicative however the agent has stated that these are the types of dwellings envisaged for the site.

The Planning Statement refers to the dwellings as "*townhouses situated over 3-storesys, with habitable accommodation on the first and second floors*". The Planning Statement also refers to the use of high-quality building materials and additional landscape planting to mitigate for the loss of hedgerow. The indicative plans show dwellings of a suitable size with appropriate amenity space to accord with policies D10 and D12 of the SADMP.

Whilst the aspirations of design and materials are noted the proposal is an outline application with all matters reserved. The matter of the 'final' design of the proposed dwellings, including landscape planting will therefore be assessed at the 'reserved matters' stage.

10.1.3. Access, Highway Safety and Parking Provision

The exact location of the access will be determined at the 'reserved matters' stage however there is a private road which is within the applicants ownership that provides access to the development site from the public highway which lies to the north.

Amended plans have been submitted to address highway concern including visibility. These plans also demonstrate the possible parking for the development site. The Highways Authority have confirmed that "*the whole of the parking area indicated allows for a roomy parking arrangement and potentially sufficient space to allow vehicles to turn into and out of the parking area in an efficient manner, which along with the turning area will enable vehicles to enter and leave the site in forward gear. On this basis it is accepted that sufficient and appropriate parking and turning provision can feasibly be provided. Given this is an outline application it is accepted that this is a sufficient level of detail for this stage*".

The Highways authority have requested conditions regarding the following matters:-

- No obstruction to visibility greater than 600mm above adjoining road level
- Before the dwelling are first occupied a properly consolidated and surface access
- Disposal of surface water so as to prevent its discharge onto the highways

The Highways Authority, following the submission of amended plans have no objection to the proposed development of this site. The site is capable of providing the necessary parking and visibility for the proposed development. There will be an increase in traffic, however as the proposal relates to two new dwellings this is considered to be minimal.

The proposed development is therefore considered capable of providing a suitable access and sufficient parking to address policies A1. The development sites location within the Wellington settlement boundary is considered to accord with policy A5 of the Site Allocations Development Management Plan (SADMP) as being within a 15 minute car journey fro shopping and education facilities. In terms of policies SP1 and CP6 of the Core Strategy the site is within an sustainable location and therefore accords with policy.

10.1.4. The impact on the character and appearance of the locality

The design of the proposed dwellings, and any possible overlooking, loss of amenity

will be assessed at the reserved matters stage and there no further comment can be made on design or materials etc.

10.1.5. The impact on neighbouring residential amenity

As this is an outline application, will all matters reserved it is not possible to comment on any adverse impact on residential amenity from the design of the proposed dwellings. The application has however been assessed by the relevant experts who have not objected to the principle of development on the site.

10.1.6. The impact on trees and landscaping

The loss of hedgerow etc, will be assessed at the reserve matters stage and any reasonable and necessary conditions will be imposed at that stage of the planning process.

10.1.7. The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site

The county ecologist has assessed the proposed development and requested conditions for:-

- Lighting for bats
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Bio-diversity net gain

As the application is now able to progress through the planning system having successfully addressed the matter of phosphates, the county ecologist was asked to review the application. As a result of the review additional conditions for the retained trees and hedgerow, check for active birds nests, vegetation in the construction are to be reduced to a height of 10cm and no removal of vegetation between 1 March - 31 August unless a competent ecologist has checked the site. The ecologist confirmed the need for conditions for a CEMP and bio-diversity net gain. The lights for bats will remain, as per the original ecology advice.

10.1.8. Waste/Recycling facilities

The plot size is large enough to provide waste/recycling facilities without impacting on neighbours or the highway, however this will be assessed at the reserved matters stage when detailed design and layout plans are submitted.

10.1.9. Flood risk and energy efficiency

To the west of the proposed development site is a mill leat (pond), which once served the nearby redundant woollen mill. The agent has confirmed that *"There is a Mill Leat (designated as an 'ordinary watercourse') situated approximately 6m to the west of the application site. The water level in the Mill Leat is controlled by a sluice (situated on land within the applicant's ownership) that discharges water to the nearby Westford Stream."* The figure of 6m refers to the distance from the rear boundary of the plots to the edge of the leat, with the nearest rear wall of a dwelling being located approximately 8m from the leats edge.

As a precautionary measure, to address the possible failure of the control mechanisms that control the water levels within the Mill Leat, the ground floor of the proposed dwellings would not contain habitable rooms, however whilst this information is useful the design of the proposed dwellings will be assessed at the 'reserve matters' stage.

10.1.10. Any other matters

Objections have been received from the Town Council and 6 interested third parties

The Town Council have commented on the design which is a matter to be determined at the reserve matters stage and not a consideration for this outline application. Concerns have been raised on highway matters, however the Highway Authority have not objected to the proposed development. It is not possible to comment on issues with the planning portal, however the application is available to view online using the local planning authorities own website. The proposal's possible risk to the integrity of the leat would be a matter for the applicant to considered and construction matters are dealt with my building regulations. It is noted that the applicant is the land owner of both the development site and the sluice for the leat.

The interested third parties have raised the issue of design with three storey dwellings being out of keeping with the area. This is however an outline application and the elevational and floor plans that were submitted are only indicative of what could be erected within the development site should consent be granted. To be clear with this outline planning application all matters are reserved for the subsequent 'reserve matters' planning application.

Many objectors have raised concern about the ecology of the site, however the county ecologist as the relevant expert has not objected to the proposed development and has confirmed the use of relevant planning conditions. The application was recently reviewed by the ecologist once the phosphate matter had been successfully addressed .

It is not clear why the lack of neighbour notification have been raised as a site notice was erected on 13 July 2021 and neighbour consultation letters mailed on 27 September 2021.

The increase in walkers using area the highway and the lack of a public footpath appear to be at odds. It would however be a matter for the walkers to take appropriate care when walking along a highway as they would be aware of the lack of public footpath.

The applicant not using the land 'much' for 30 years would be a matter for the applicant and is not a planning consideration for this proposed development.

The matter of the access being 'privately maintained' does not prevent a planning application, however it is accepted that the occupiers of the dwelling (if successful at reserve matters stage) may have to be added to the private maintenance/upkeep agreement for the highway.

One of the objection related to the nearest bus-top being three-quarters of a mile from the development site, however as the site is within the settlement boundary for Wellington the development site is considered a sustainable location.

It is noted that objectors claim children play in the road, however that is a matter for parents/careers to address.

The wish of an objector to have the land adjacent to the Leat Mill as a 'local amenity'

is not a planning consideration of this application.

The concern on run-off impacting on Rackfield and Payton Road would be assessed at reserve matter stage for the dwelling, however the Highway Authority have requested a condition for the disposal of surface water drainage away from the highway. Building regulations will address the matter of drainage.

It is not clear why the Grange development has been called a 'planning disaster', however at the time of that planning applications approval consideration would have been given to dwellings size/types and amenity space.

It would appear that the No. 22 bus service has been lost, however this appears to be the result of inconsiderate owners parking vehicles so as to cause an obstruction. Planning applications can only assess proposals against the relevant planning policies. The matter of parking causing highway obstruction would be a police matter.

The proposed development of 2 dwellings is not considered to be an overdevelopment of Rackfield and whilst mention of other development in the area has been made and noted, each planning application is assessed on its own merits.

This application is immediately adjacent to the non-designated Heritage Asset of the Millpond and Leat (31990 in the Historic Environment Record) however a Heritage Impact Assessment has not been submitted or requested as this is an outline application.

The issue of guarantees of access have been made in relationship to the proposal to run water from the roofs of the proposed houses under Rackfield and into a ditch by the electricity pole by the entrance gates to the Environment Agency's Westford Flood Relief Reservoir. The phasing of construction works would be a matter for the applicant who may or may not have to seek a temporary closure of the highway.

Similar concerns have been made regarding the connection to the water mains and sewers to the north of the proposed development site, however Wessex Water have not objected to the proposed development. Wessex Water have however requested informatives for applying for new drainage and water supply connections

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of dwellings is CIL liable and the application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and

demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to condition for Lighting for Bats, Construction Environmental Management Plan, Landscape and Ecology Management Plan, No removal of vegetation between 1 March - 31 August, Vegetation to be reduced to 10cm in height and left for 48 hrs, protection of retained trees and hedgerow, Bio-diversity net gain, visibility, properly consolidated access, disposal of surface water drainage and tree protection.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Conditions

1. Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) DrNo 18-56-03 Indicative Site Layout Plan
(A3) DrNo 18-56-01 Location Plan Westford_
(A3) DrNo 18-56-02 Rev A Block Plan
(A3) DrNo 18-56-04 Rev A Indicative House Type
(A1) Existing Site Plan

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

3. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design

should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. 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 Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - (a) Risk assessment of potentially damaging construction activities.
 - (b) Identification of "biodiversity protection zones". *Note: During construction, the pond should be buffered by at least 5m to protect the area from pollution and for management, and appropriate mitigation measures should be followed as detailed within a Construction and Environmental Management Plan.*
 - (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), including nesting birds habitat clearance measures, badgers buffer zones etc.
 - (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) *Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, 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 policy CP8 Local Plan Core Strategy.

5. 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 Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

6. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority 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 BEP shall include the following:
 - a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter on 2x plots
 - b) One no. Schwegler 1B and one no. Schwegler 2H bird boxes will be installed on retained trees at the boundary and maintained thereafter.
 - c) A bee brick will be built into the wall about 1 metre above ground level on the south or southeast elevation of each plot
 - d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
 - e) One log pile as a resting place for reptiles and or amphibians constructed on the northwest boundary.
 - f) 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.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

7. Before any part of the development hereby permitted is commenced, the Alder

Trees to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed along the rear boundary of the proposed plots, no less than 3.5 metres from the tree trunks and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered.

Reason: A pre-commencement condition is required to avoid potential harm to the root system of any hedge leading to possible consequential damage to its health in accordance with policy CP8 of the Taunton Deane Core Strategy.

8. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given.

9. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with policy CP8 Local Plan.

10. 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 24 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

11. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing

by the Local Planning Authority. The access shall be constructed in accordance with the agreed details and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety.

12. 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 the access is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Wessex Water offer the following additional advice:-

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found on our website : www.wessexwater.co.uk

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the map attached to our full response, available to view at www.somersetwestandtaunton.gov.uk, for advice on what to do if an uncharted pipe is located.

The surface water strategy

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via the existing ditch, this is subject to agreement with the local authority.

There must be no surface water connections into the foul sewer network.

