

## Officer Report On Planning Application: 18/01311/OUT

<b>Proposal :</b>	Outline planning application with all matters reserved aside from access for the erection of up to 35 dwellings and associated works (resubmission of 17/04239/OUT).
<b>Site Address:</b>	Land OS 4538 The Pound, Broadway Road, Broadway, Ilminster, Somerset
<b>Parish:</b>	Broadway
<b>ILMINSTER Division</b>	Cllr Val Keitch Cllr Sue Osborne
<b>Recommending Case Officer:</b>	Deborah McCann (Specialist)
<b>Target date :</b>	25th July 2018
<b>Applicant :</b>	Mr Nick Warfield
<b>Agent: (no agent if blank)</b>	Alder King Planning Consultants, Pembroke House, 15 Pembroke Road, Clifton, Bristol BS8 3BA
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO PLANNING COMMITTEE - AREA SOUTH

This application was brought to Committee in July 2023 as an update to Members following the resolution to approve this application at the Regulation Committee (of the former South Somerset District Council) meeting of 15 January 2019. As recorded within the minutes of the meeting, Members unanimously resolved to approve the application *"...as per the officer recommendation detailed in the agenda report, and subject to a meeting with Wessex Water prior to the planning decision notice being issued. The meeting with Wessex Water being to discuss and understand their action plan regarding Wessex Water's legal obligations regarding the development at the site"*.

Since then, Broadway Parish Council has issued a statement indicating they would challenge the Council's decision on the grounds that it considers the Planning Committee South acted *ultra vires* of its powers in resolving to grant consent without considering all changes in circumstance since the decision of the Regulation Committee of South Somerset District Council to grant consent in January 2019. The Parish Council raised a number of issues that it believed to be relevant to the decision-making process that were not covered by that report. This update report reviews the submissions made by the Parish Council and assesses their relevance to the decision-making process.

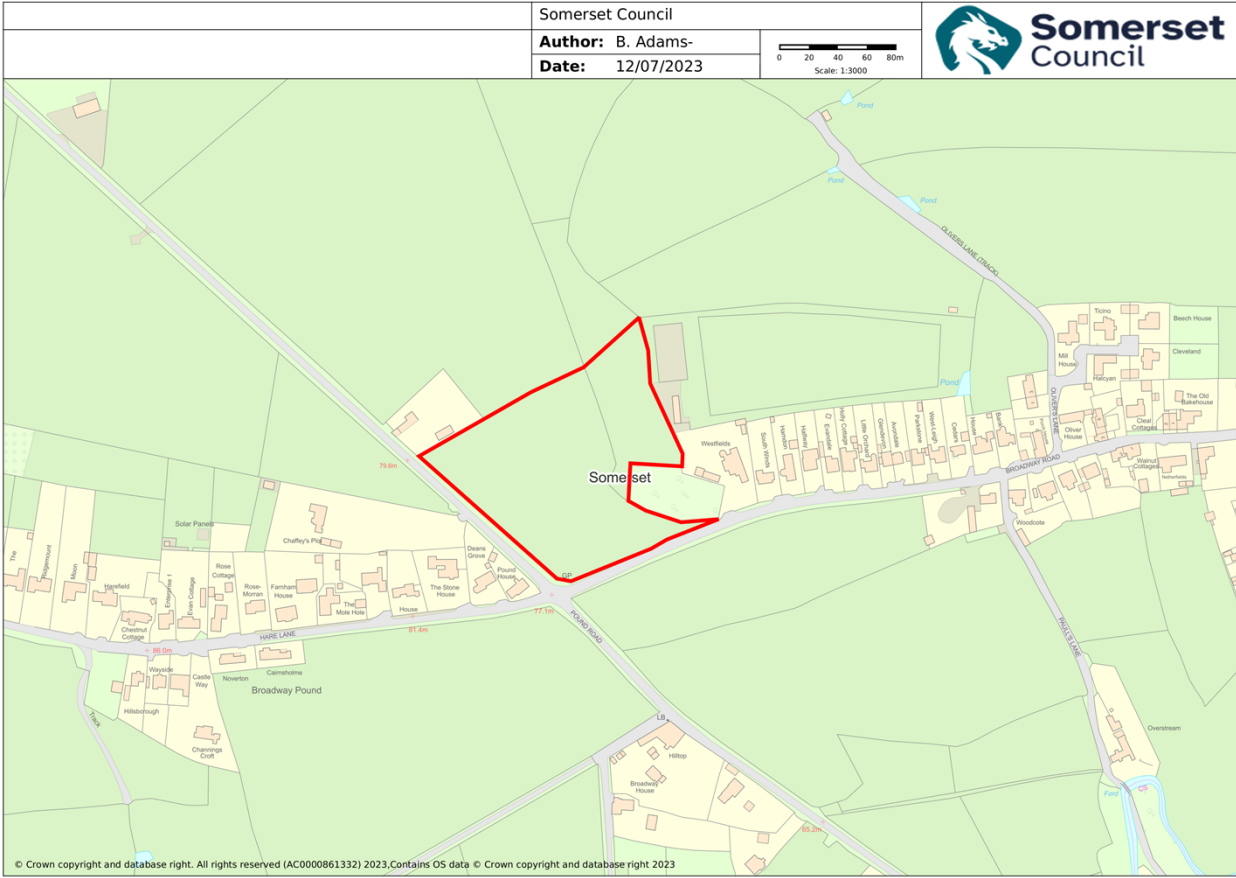
As such, this application is brought back to Committee, with this update report and a copy of the original 2019 Committee Report appended to it, for completeness. This

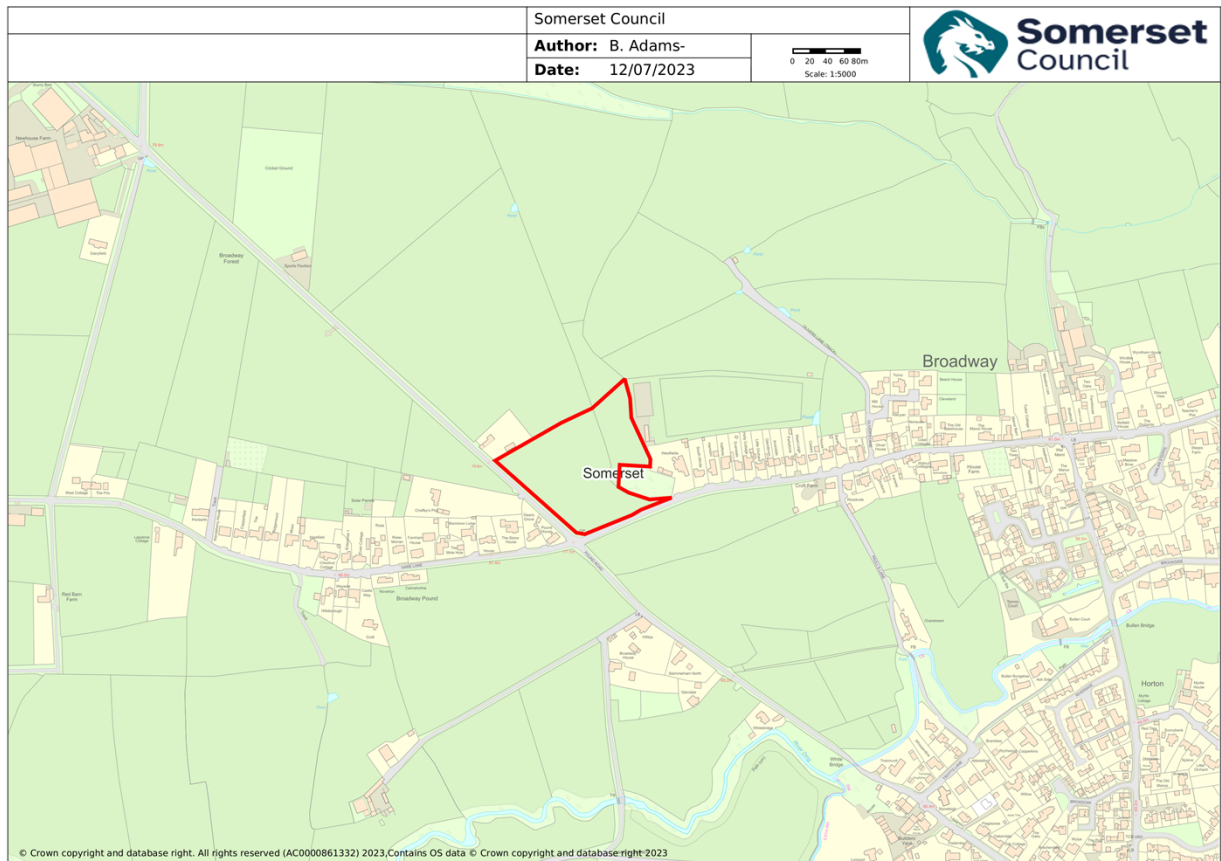
update Report outlines any changes in circumstance since the original 2019 Regulation Committee resolution and has been updated since it was reported to Committee on 25<sup>th</sup> July 2023 to respond to comments raised by the Parish Council.

It is also relevant to note that since the recent (25<sup>th</sup> July 2023) Committee, the Council published its updated Housing Land Supply Statement in October 2023, which results in a further reduction from 3.7 years to 3.29 years.

### SITE DESCRIPTION AND PROPOSAL

#### Site Description





The site is located towards the north western side of Broadway, on the northern side of Broadway Road at its junction with Pound Road. The site comprises 1.73 hectares and is currently grassed and has been used to graze sheep. Mature hedgerows run around the boundary of the site along with a number of mature trees. A woodland copse is located to the south eastern corner. Residential properties front Broadway Road to the east of the site with 1 property adjoining the site. Additional residential properties then continue along Hare Lane to the west of the site on the other side of Pound Road. Fields adjoin the site to the north with a further field to the south.

## **Proposal**

The application seeks outline consent for the erection of up to 35 dwellings with only access being sought for approval at this stage. All other detailed matters in regard to layout, scale, appearance and landscaping will be submitted at any subsequent reserved matter stage. This application follows a previous outline application for 46 dwellings which was withdrawn following concerns raised in regard to the scale of development, harm to the character and appearance of the area, harm to ecological interests, impact on trees, and highway and pedestrian safety issues.

This scheme will provide 35 dwellings of which 35% (i.e 12 units) will be affordable units, including First Homes. A range of 2, 3 and 4 bed units will be provided along with five bungalows. The indicative layout plan, which shows how the site could be developed, was amended during consideration of the original application pulling dwellings away from the full extent of the northern boundary.

The existing boundary hedgerows and trees will be maintained other than a small section of hedgerow removal to provide the access point from Broadway Road and the internal road to serve the properties in the smaller field. Additional supplemental planting will also be undertaken in certain sections both within and along the boundaries of the site. An attenuation pond will be located in the north east corner of the site along with a bat roost.

The small copse to the south east, whilst outside of the application site, will be retained and maintained by the applicant who is the current owner, as a landscape feature and for ecological benefit.

## **POLICY**

The local planning policy context for the application has not changed with regard to the South Somerset Local Plan and the Parish does not have a Neighbourhood Plan.

However, the National Planning Policy Framework (NPPF) has been updated since the original Committee Resolution, with an updated NPPF published in 2021.

The most relevant chapters are:

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

## **REPRESENTATIONS**

**NB:** Representations received prior to the 2019 Regulation Committee are summarised within the original Committee Report, which is appended to this update report.

Since the July 2023 Committee meeting, Broadway Parish Council has issued a statement indicating it would challenge the Council's decision on the grounds that it considers the Planning Committee South acted *ultra vires* of its powers in granting consent without considering whether there had been changes to circumstances which would have been material to its decision since the decision of the Regulation Committee of South Somerset District Council to grant consent in January 2019. The Parish Council considers that the Committee should consider the application afresh, taking into account all material considerations. A summary of the points raised, and where necessary, the Officer's response to each point is set out below:

- The Committee's decision was *ultra vires* and liable for legal challenge in ignoring changes in circumstances.  
**[Officer Response:** This Update Report outlines changes in circumstances since the original 2019 Resolution. A copy of the original Committee Report was available on the Council's Planning Register, but a copy has now been appended to this report]
- At the Committee meeting the Parish Council raised concerns regarding potential impact on sewer infrastructure and connection of the waste water discharges. It was requested the meeting was deferred a decision until these discussions have taken place.
- Planning Officer's Report did not consider whether there had been any changes to Government Policy other than those relating to ecology. Debate at the Committee meeting focussed almost entirely on Parish Council's request for a postponement. Members did not ask questions about changes in circumstances which may have been material to consideration.

The Parish Council outlines a number of matters it considered should have been taken into account:

- Relevant planning decisions, 3 of relevance are cited, as being similar to that proposed. It is necessary for LPA's to demonstrate consistency and relevant where similar material considerations, particularly where applications are on nearby sites or adjoining settlements where social and economic infrastructures are mutually available/interdependent:
  - 20/00824/FUL: 9 houses at Pound Road, Broadway - refused 13 May 2020) and dismissed at appeal on 6 January 2021.

**[Officer Response:** The appeal decision, at para 9 specifically discusses the Pound Road site and its differences with the appeal scheme so in the LPA's view, it does not act as a "precedent". The appeal decision states "*...situated on the other side of Pound Road, that scheme would be closer to Broadway, which extends in a broadly linear form along Broadway Road towards that plot. I observed on my site visit that it therefore has a different context and*

*character and reads as more related to Broadway than the appeal site. Accordingly, the potential development of that plot does not indicate that the appeal proposal – which I have considered on its merits based on the submitted evidence – would be acceptable”*

- 20/03277/FUL: 49 houses at Broadway Hill, Horton – refused 24<sup>th</sup> May 2023

**[Officer response:** This was a Committee decision, which was an overturn of an Officers recommendation for approval and it is understood the refusal will be appealed. An amended planning application has been submitted (23/01649/FUL) which is pending consideration.

- 19/03070/FUL: 28 houses to on land to the rear of the Bell Inn, Broadway Road – planning permission granted.

**[Officer response:** The original outline application 15/04866/OUT was refused but allowed on appeal. There is a concurrent reserved matters application (21/01364/REM) running alongside the full application. The outline appeal decision was issued on 19<sup>th</sup> May 2017, and therefore had established the principle of residential development at the site prior to the initial (Regulation Committee) determination of the application at The Pound. Whilst the development at the Bell is being promoted by both a full and reserved matters application, the position has not changed between the initial committee resolution and today, that this is an approved housing site.

By way of background and for clarification, the original outline application form stated that application was for *“Outline application for residential development with associated vehicular access arrangements”*.

The former Council (SSDC) revised the description of development to read: *“Outline application for residential development (for up to 25 No. dwellings) with associated vehicular access arrangements, relocation of parking for Norbeth and The Bell Inn and creation of a pub garden.”*

The appeal Inspector used the appellant’s description of development *“The development proposed is residential development with associated vehicular access arrangements”* and did not apply a limit on housing numbers.]

- Somerset Council’s Climate Emergency – Officer’s updated report does not refer to the climate emergency report, as the Parish Council believes it should. In particular whether an increase of 10% of number of dwellings (and associated vehicle journeys) would work with or against the Council’s plans to tackle the climate emergency.

**[Officer Response:** The planning system operates a principle in favour of sustainable development, and the Local Plan and its associated policies have been drafted to reflect this. Likewise, the NPPF is a material consideration.

The adopted Local Plan recognises that South Somerset is a predominantly rural setting within which development at a hierarchy of settlements will be required to deliver the overall housing requirement. Broadway is relatively well served by facilities compared to a number of villages which, for the purposes of policy SS2 are considered suitable for development. The Climate Emergency does not overwrite the Local Plan, nor does it create a new development strategy where development only goes to the largest communities with the most facilities. The Council needs to deliver a sufficient supply of houses, with the Council's current 5 year housing land supply (5YHLS) considerably below 5 years, at 3.29 years (as published in October 2023).

Whether or not the site is in a sustainable location is one of the main considerations in assessing applications for new housing, with policy SS2 setting out specific criteria to be met. Other factors to consider, are the provision of electric vehicle charging points (which has now been added as a condition), the enhancement of biodiversity (a requirement for a Biodiversity Enhancement Plan is conditioned) and ensuring an appropriate surface water drainage system (as is also conditioned). There are also Building Regulation requirements in terms of energy efficient construction, water efficiency etc.

It is likely that the future Somerset Local Plan will go further in terms of the Council's response to Climate Change, and reflect national policy and guidance as it progresses.

It is also relevant that the Levelling up and Regeneration Act, which recently obtained Royal Assent, has not kept the Lords request for climate change to be a factor in decision making, but will keep it as an issue for policy making. ]

- Affordable housing – when combined with the 2017 St James's Close, the Committee should have considered whether 27 affordable houses in a village with housing stock of 350 was an over-provision, with the only effect of which would be to attract people with no connection to the village, thus reliant on car journeys.

**[Officer response:** There has been a consistent under-delivery of affordable housing across the Plan period, so there is a particular need for affordable housing across the Authority. The policy requirement is for 35% to be affordable dwellings, with the NPPF requiring at least 10% of overall housing numbers to be First Homes. When this application was first taken to Committee (in 2019) there was no First Homes requirement.

Within the affordable housing tenure split, there will be mix of social rented, as well as those which are available to first time buyers at a discounted rate (First Homes), which will hopefully help those local to the area stay in the area. A proportion will also be available as shared ownership. ]

- Increase in the use of cars. While Broadway has grown in size, the number of businesses has declined, converting Broadway into a dormitory settlement. This is an outcome directly opposite the one required by the Council's climate emergency report and Local Plan.

**[Officer Response:** The sustainability of the settlement has been considered, in line with the current Local Plan policies. An increase in residents, is likely to help support/sustain existing (and new) businesses.

It is also the case that nowadays (and particularly since Covid) many people tend to work more flexibly, working from home on a regular basis, which reduces the amount of daily in/out commuting. Likewise, people rely much more on online deliveries for food, clothes and other provisions, with delivery drivers delivering to multiple households/businesses within a similar area, thus reducing individual trips.]

- Sustainability – policies SS1 and SS2 should be applied on basis of the particular circumstances of the rural settlement concerned and not applied generally. This has not been considered adequately. Previously consented schemes has put pressure on Neroche Primary School. This and closure of GP practices in Ilminster will increase patient numbers. Committee should have been invited to consider whether increase would be appropriate in the light of the pressure it will impose on services in the village.

**[Officer Response:** The Local Education Authority has confirmed more recently on other applications that there is no need for early years or primary contributions for school in the areas, as there is capacity in the schools to accommodate new children. Likewise, the NHS has confirmed that GP surgeries within the catchment currently have sufficient infrastructure capacity to absorb additional development.]

## **MAIN CONSIDERATIONS**

### **5 Year Housing Land Supply - update**

When the application was approved by the Regulation Committee in January 2019 it was acknowledged that the Council could not demonstrate a 5-year housing land supply (at the time it was 4 years).



The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. The most recent supply statement (published after the 25<sup>th</sup> July committee meeting, in October 2023), outlines that the supply position for the Somerset South Area (the former SSDC) has reduced further from 3.7 years to 3.29 years. As a result, the tilted balance and the presumption in favour of sustainable development set out in the NPPF is engaged, with an even greater shortfall in the housing land supply than when the application was last considered.

In determining the principle of residential development in this location, it is noted that the presumption in favour of sustainable development and how this should be applied to planning decisions is set out in paragraph 11 of the NPPF (2021). At 11 (d)(ii), the Framework states that where the policies most important for the determining of the application are out of date, planning permission should be granted, unless *"...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole"*. At footnote 8 it is confirmed that a failure to demonstrate a five-year supply of housing (with the requisite buffer set out in paragraph 74) will render policies relevant to delivering housing out-of-date. Where policies are rendered out of date, the weight to be attached to those policies and any potential conflict may be more limited.

### **Somerset Levels and Moors Ramsar - Phosphates**

In August 2020, following the 2019 Regulation Committee meeting, but prior to the issue of the decision notice, Natural England advised that in the light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, planning applications that give rise to additional phosphates within the catchment should not be determined until competent authorities have undertaken a Habitats Regulation Assessment (HRA) to confirm the development will not have a significant effect. As a result, this delayed the application in coming forward for determination until an appropriate proposal and mitigation measures could be agreed.

The proposed mitigation strategy is to update a septic tank that serves four dwellings with a Package Treatment Plant (PTP) and build a pond/ sustainable urban drainage system (SuDS) feature that will remove surface water run-off from the Waste Water Treatment Works (WwTW).

The shadow Habitats Regulation Assessment (sHRA) provided by HalpinRobbins (09 June 2023) demonstrates that the development will result in an increase of 3.02kgTP/yr to the catchment (post AMP7 upgrades to the WwTW). To mitigate for this increase, the applicant will upgrade an existing septic tank to a Graf One2Clean

Package Treatment Plant PTP within the same catchment. The septic tank upgrade will provide a reduction of 3.73kgP/yr which is sufficient to mitigate the construction of the proposed dwellings, provided the development is not occupied until after antimicrobial (AMP 7) upgrades have been implemented.

As the tank is compliant with current regulations and is considered to contribute to the nutrient load of the Somerset Levels and Moors catchment and is considered a viable mitigation option.

Somerset Ecology Services (SES) raises no objection and has formally endorsed the sHRA.

Based on the above, SES concludes that these proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation (confirmed by Somerset Ecology Services adoption letter) subject to the following Section 106 provisions and conditions being secured.

Natural England was consulted on the submission of the shadow HRA and have raised no objection subject to appropriate mitigation being secured.

At the recent Committee Meeting, the Parish Council raised concerns regarding the capacity of existing infrastructure to accommodate foul sewerage. It was explained that the matter is the responsibility of Wessex Water to ensure there is sufficient capacity on the network and it falls outside the planning process. It is also noted that the AMP 7 wastewater treatment work upgrades required by has provided sufficient certainty for Natural England. However, to aid the Parish Council's understanding of matters, a meeting has been arranged with Wessex Water, the Parish Council and the LPA in early November to. An update will be given to the Committee verbally if required.

## **Ecology**

The protected species surveys identified that the boundary hedgerows are used by bats, dormice and breeding birds.

The Ecology surveys were originally carried out in 2017, which recorded dormice in the hedgerows, as well as commuting bats. Due to the length of time that has lapsed since the original consideration of the application, an update to the Preliminary Ecological Appraisal was submitted, which has not raised any new issues.

Somerset Ecology Services was reconsulted and not raised any objection, subject to

the inclusion of conditions, and as such the proposed development is considered to accord with policy EQ4 of the Local Plan.

## **Section 106**

A detailed s106 Agreement was agreed, but not signed (due to the delays caused by phosphates) and covered the issues required by the Regulation Committee's resolution (as documented within the minutes) in January 2019.

However, the s106 now needs to secure the following additional measures:

- Nutrient neutrality mitigation, to include the following:
  - I. Installation of the new package treatment plant must be complete before the commencement of construction works on the development site.
  - II. Installation of the package treatment plant must be undertaken in compliance with current building regulations.
  - III. If the package treatment plant requires replacement the replacement plant must provide an effluent load of 1.6mg/l or lower.
  - IV. No dwelling on the development site can be occupied until after December 2023.
  
- Updated affordable housing tenure mix to include first homes, as follows:
  - at least 67% (sixty-seven percent) of the Affordable Dwellings shall be Social Rented Dwellings;
  - at least 25% (twenty-five percent) of the Affordable Dwellings shall be First Homes and;
  - at least 8% (eight percent) of the Affordable Dwellings shall be Shared Ownership Dwellings;

## **Community Infrastructure Levy**

The application is CIL liable. This would be charged at £40 per sqm (Indexed from the date of introduction). 15% of the total received would go to the Parish Council.

## **Other matters**

There have been some slight amendments to the conditions listed since the application was previously reported to the Committee, to remove duplication and correct minor errors.

A condition requiring the provision of Electric vehicle Charging Points (EVCP) has also been added.

## **RECOMMENDATION**

The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, and would not harm ecological interests nor heritage assets and includes an acceptable phosphate mitigation strategy. The scheme is in accord with Policies SD1, SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

Grant permission subject to the following:

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, the said planning permission to cover the following terms/issues:

- i. The provision of 35% affordable housing with a split as follows: 67% social rented, 25% First Homes and 8% shared ownership
- ii. Contribution towards the provision of sport, play and strategic facilities
- iii. Submission of a Travel Plan Statement;
- iv. Highway Improvements to include a new footway along Broadway Road and traffic calming and gateway features along Pound Road; and
- v. Provision and maintenance of open space;
- vi. Phosphate Mitigation (Package Treatment Plant)

B) Subject to the following conditions:

### **SUBJECT TO THE FOLLOWING:**

01. Details of the appearance, landscaping, layout, and scale (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: To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended)

02. An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

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

7854-PL001 (Site Location Plan)  
1736/03/C (Proposed Site Access Arrangements)

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

05. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, scale, vehicular and pedestrian access arrangements, drainage and landscaping.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990. 06.

06. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

07. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of tree and shrub

planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-volumes and the approximate date of planting. The installation details regarding ground-preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included within the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

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

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Measures to prevent dust, mud or other debris from being deposited on the public highway;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: in the interests of highway safety and local amenity to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

09. The reserved matters application shall include submission of a construction environmental management plan for biodiversity (CEMP: Biodiversity). The CEMP: Biodiversity will be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, including vegetation clearance or ground works. 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), including nesting birds habitat clearance measures, dormice 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 Somerset District Council Local Plan - Policy EQ4 Biodiversity.

10. The reserved matters application shall include submission of a Landscape and Ecological Management Plan (LEMP). The LEMP will be submitted and 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 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 Somerset District Council Local Plan - Policy EQ4 Biodiversity.

11. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. 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. Habitat 001 bat boxes (or similar) will be incorporated into 50% of the dwellings, at least four metres above ground level and away from windows, on the south and/or west facing elevations.
  - B. Schwegler 1SP Sparrow terraces (or similar) will be incorporated into 25% of the dwellings, at least one metre apart directly under the eaves and away from windows on the north elevations
  - C. Installation of a cluster of 3 x Schwegler 1as swift bricks or similar built into the wall at least 3 of the dwellings, at least 5m above ground level, ensuring that there is an unobstructed access for birds to enter/leave the box on the east and/or north facing elevations.
  - 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. Tree and native shrub planting; 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](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.



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, and the Draft Environment (Principles and Governance) Bill 2018.

12. 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, 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.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

13. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is properly drained to accord with the NPPF.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

15. No work shall commence on the development site until details of the access junction have been submitted and approved by the Local Planning Authority.

Details of the access junction to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved access junction has been constructed. The visibility splays shown shall be constructed prior to the commencement of the development and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

16. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel and highway safety to accord with Policy TA5 of the South Somerset Local Plan.

17. No work shall commence on the development site until details of the footway have been submitted and approved by the Local Planning Authority. Details of the footway to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved footway has been constructed.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

18. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the site in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

19. The reserved matters application shall include submission of a Lighting Strategy for Biodiversity. The lighting design will be submitted to and approved in writing by the local planning authority prior to occupation. The strategy shall:

- a) identify those areas/features of the site that are particularly sensitive for bats, dormice, and other protected species, that are vulnerable to light

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;

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux . Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2021, ODPM Circular 06/2005 and policy EQ4 of the South Somerset District Council Local Plan. Lighting Design for Biodiversity

20. Tree & Hedgerow Protection Condition: Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the scheme of tree and hedgerow protection measures (as prepared by Greenman Environmental Management) shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

21. The reserved matters application shall include details for dormice mitigation including habitat compensation and landscape planting proposals. Adequate buffer zones will be required around the woodland and the hedgerows. A habitat replacement ratio of at least 2:1 will also be required.

Reason: To mitigate the loss of habitat and in the interest of the strict protection of a European protected species in accordance with Policy EQ4 of the South Somerset Local Plan

22. The approved development shall only be carried out in accordance with the approved documents:
- Shadow Habitats Regulation Assessment (sHRA)- provided by HalpinRobbins on 9th of June 2023.
  - Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) - provided by HalpinRobbins on 9th of June 2023.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the Somerset Levels and Moors Ramsar Site and associated potential impact on ecology. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity.

23. The maintenance of the package treatment plan shall accord in perpetuity with the detailed management plan contained within Appendix D of the NNAMS prepared by HalpinRobbins 9 June 2023.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity and Chapter 15 of the National Planning Policy Framework 2021.

24. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the South Somerset Local Plan Policy EQ1 and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021)."

25. Prior to occupation, all dwellings hereby approved shall not be occupied unless and until at least 1 Electric Vehicle Charging Point is provided per dwelling (in compliance with SCC's Parking Strategy 2013 and SCC's EV Charging Strategy Oct 2020) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The charging provision shall thereafter be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To achieve the sustainability objectives of the NPPF and to ensure the development will not prejudice highway safety nor cause inconvenience to other highway users in accordance with the NPPF and policy TA6 of the Local Plan.

**Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The proposal involves the construction of a footway/road widening, which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Highway Authority for details of the dedication procedure and they must be consulted regarding the specification and supervision of these works before they commence on site.

Details are available on the Council's website, or email  
HighwaysDevelopmentControl@somerset.gov.uk

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