

Officer Report On Planning Application: 22/02118/OUT

Proposal:	Outline application for the demolition of single garage, and the erection of 40no dwellings (26 market & 14 affordable); considering access only, with all other matters reserved at Land west of Silver Street, South Petherton.
Site Address:	Land West Of Silver Street, South Petherton, Somerset, TA13 5AN,
Parish:	South Petherton
SOUTH PETHERTON AND ISLEMOOR Division	Cllr Adam Dance and Cllr Jo Roundell Greene
Recommending Case Officer:	Colin Begeman (Principal Specialist)
Target date:	11th November 2022
Applicant:	Your Land Partner Ltd
Agent: (no agent if blank)	Mrs Merridy James, 4 Huxley Close, Shrewsbury SY2 6JQ
Application Type :	Major Dwlg 10 or more or site 0.5ha+

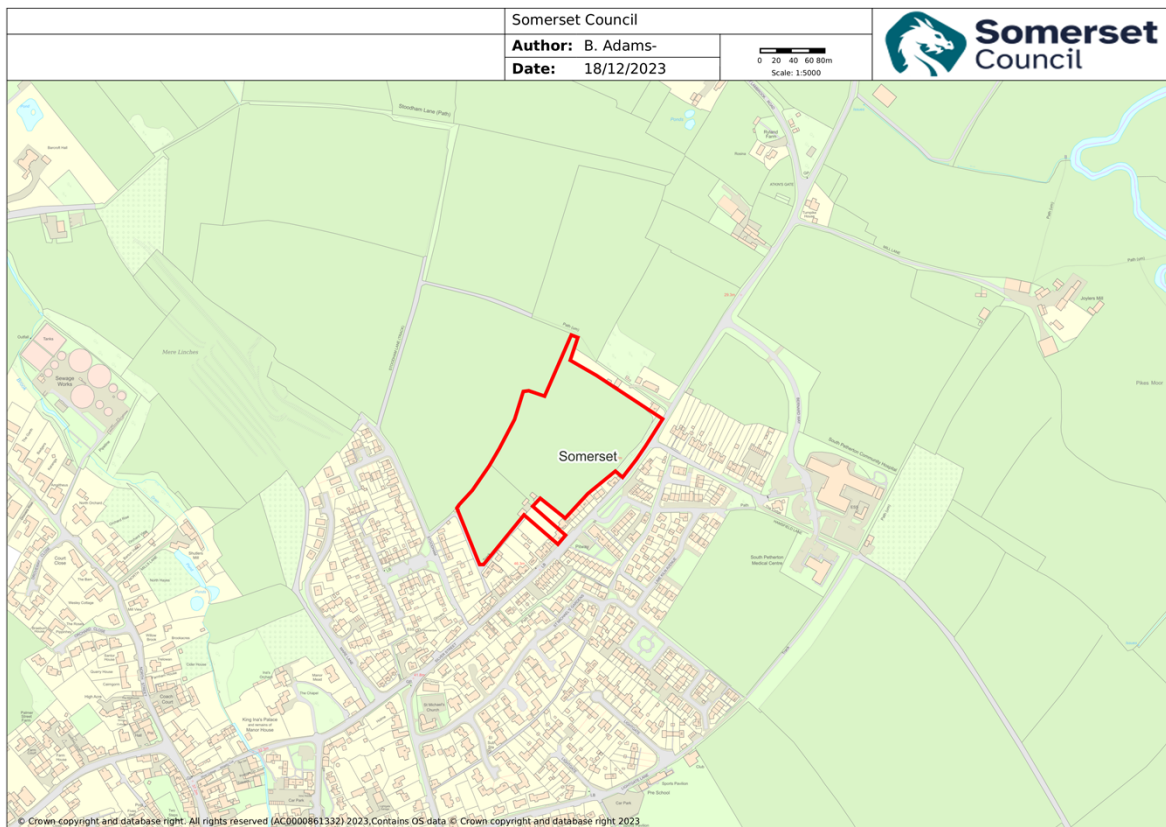
REASON FOR REFERRAL TO COMMITTEE

This application was deferred from the Planning Committee - South meeting of 30th January 2024 to allow for a landscape professional's appraisal of the applicants Landscape Visual Impact Assessment and the presence of a representative from the Highway Authority to attend the next committee meeting to assist the Committee.

An appraisal has been carried out and the Highway Authority have confirmed that a representative will be present.

In compliance with Somerset Council's Scheme of Delegation this is a major planning application and is required to be referred to the Planning Committee - South for determination on the basis that the officer recommendation is contrary to the Parish Council's views.

SITE DESCRIPTION AND PROPOSAL



The combined site spans approximately 3 hectares and is located in the village of South Petherton behind Silver Street. Positioned on the western/north-western side of Silver Street and northeast of Stoodham, the site is on the outskirts of the designated Development Area. It is a medium-sized, rectangular field with a southwest to northeast orientation, and the southwest end is narrower due to land taken for houses on Silver Street.

Bounded by Silver Street to the east, extending towards the next village of Martock, the site features open fields to the north, a disturbed-profile field to the north adjacent to Pitway Hill road, and another open field to the west leading to the residential road of Stoodham. To the south, residential properties off Stoodham lead back to Silver Street and the village centre.

The site, primarily used for agriculture and horse grazing, includes a few existing barns/storage units behind 51 & 51A Silver Street. The topography slopes upward from the southwest to the northeast, creating a steep bank down to Silver Street in the north-eastern section.

Surrounded by rural countryside to the north and northwest, the east, south, and southwest areas are residential with a mix of modern and traditional housing. South Petherton offers various amenities, including a hospital, doctors' surgery, pharmacy, recreation ground, sports clubs, shops, pubs, a supermarket, restaurants, library, vets, post office, churches, town hall, and school. Public transport is well-served, with bus stops along Silver Street and in the town centre providing links to larger towns like Taunton, Yeovil, and Ilminster through services like numbers 10C, 18, 4, 81.

In terms of planning designations, South Petherton is a Rural Centre and the site is situated outside but immediately adjacent to its Development Area, falls entirely within Flood Zone 1, and lacks listed buildings in its vicinity. The South Petherton Conservation Area is approximately 190m to the south-west. The site also falls within a Source Protection Zone, the buffer of a historic landfill zone, and the catchment area for phosphates that impact the Somerset Levels and Moors Ramsar/SPA.

The proposed development comprises the creation of a new access, construction of 40 dwellings, divided into 26 market houses (65%) and 14 affordable homes (35%). The Outline Application seeks consideration for the development's principle, including the number and mix of dwellings, affordable housing, and access. All other aspects are reserved for later consideration.

While the dwelling layout is indicative, it demonstrates the feasibility of achieving the

desired number and mix of units, along with appropriate landscaping and open space. The specific details of the proposal are outlined in the accompanying Design Statement. Key elements include the demolition of three existing storage buildings/barns in the southern part of the site, the erection of 26 market dwellings and 14 affordable homes, and the establishment of a new vehicular access point from Silver Street (northeast section) through excavation.

Additionally, two new pedestrian access routes are proposed: a footpath alongside the vehicular access from Silver Street and another with stairs and a ramp between numbers 51 and 51A Silver Street (south-eastern part) after demolishing a garage. The plan includes 12 car parking spaces for Silver Street residents (southern section adjacent to Silver Street) and three additional spaces for number 51 Silver Street. A replacement storage building/garage for 51 Silver Street is also planned. The development incorporates public open space, an ecological habitat area, and landscaping with planting.

HISTORY

19/02700/PREAPP - Mixed use development including employment units, self-build or custom-build plots and residential dwellings

Response provided: 14/07/2020

The response concludes the need for alignment with relevant planning policies, particularly in the absence of a 5-year supply of housing land. While supporting the residential and employment elements in principle, careful consideration of site adjacency, pedestrian linkages, and noise mitigation is urged. Specific recommendations regarding on-site public open space provision, highways assessments, heritage asset protection, and adherence to rights of way considerations have been outlined. Pending feedback from additional consultees, the scheme stands a favourable chance if it incorporates the suggested measures, though the officer's informal opinion underscores that it does not commit the authority to a definitive decision at this stage.

Appeal Ref: APP/R3325/W/19/3231105 - Dismissed on November 26, 2019

The aforementioned appeal pertained to the development of six dwellings accessed via Stoodham, connected to Silver Street through a T junction. Notably, this site is situated to the northwest and distinct from the one currently under review.

The Inspector, upon examination, expressed concerns about the safety of the

Stoodham and Silver Street junction, deeming it unsuitable for additional vehicular movements and subsequently dismissing the appeal. Additionally, the Inspector held the view that the proposed development had an adverse impact on the area's character.

It is crucial to highlight that the present application seeks access directly onto Silver Street, positioned at a significant distance from the Stoodham junction and possesses a distinct character from the six dwellings subject to the dismissed appeal. Consequently, it is asserted that the dismissed appeal lacks comparability due to these inherent differences.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)
SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ3, EQ4

National Planning Policy Framework
Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15, 16

South Petherton Neighbourhood Plan 2015 - 2028

National Planning Practice Guidance
Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations
Somerset County Council Parking Strategy
Somerset County Council Highways Development Control - Standing Advice

National Design Guide

CONSULTATIONS

South Petherton Parish Council:

South Petherton Parish Council objects to the planning application for several reasons as summarised:

Non-Compliance with Neighbourhood Plan Policies:

The proposed development is not in alignment with South Petherton's Neighbourhood Plan policies, specifically TT3 (maintaining accessibility on local roads) and BEH3 (impact on rights of way and non-vehicular routes).

Access and Safety Concerns:

The new entrance contradicts the goal of providing safe accessibility on local roads. Issues with access, rights of way, and lack of pavements on routes to school will lead to increased pedestrian and vehicular traffic, compromising safety.

Rate and Scale of Development:

Development near South Petherton should ideally align with completion rates and design requirements specified in the Parish Design Guide.

The proposed rate of development and design materials are considered inconsistent with local standards.

Quality of Design:

The design materials suggested for the development are perceived as not in harmony with the local vernacular, contradicting the requirement for high-quality design.

Additional Concerns:

Loss of prime agricultural land.

Local infrastructure inadequacy to support increased demand on schools and GP surgeries.

Ecological impact on wildlife, including reported sightings of hares and badger setts near the boundary.

Highways safety concerns, particularly the creation of a dangerous crossroad with Hospital Lane.

Contradiction to Appeal Decision:

The objection asserts that the planning application is in direct contradiction to the appeal decision with reference to APP/R3325/W/19/3231105.

In summary, the objection is grounded in planning policy non-compliance, safety and access concerns, inconsistency with development standards, and potential adverse

impacts on the environment and local infrastructure..

Strategic Housing:

Strategic Housing requirements on this outline application.

Policy requires 35% affordable housing as this site would be a major application which would be split 75:25 Social Rent : First Homes. This would equate to 14 units based on a development of 40 dwellings. The split should be as follows: 10 dwellings for social rent and 4 dwellings for First Homes (this is a higher number of intermediate as the NPPF requires 10% of the site overall to be provided for affordable home ownership).

The development is proposed to consist of a mix of 1 - 4 bedroom dwellings. We suggest the following mix which differs slightly to what is currently proposed. This is based on the new South Somerset Local Housing Needs Assessment 2021 (LHNA) and also considers the expressed demand on Homefinder Somerset for the district of South Somerset and South Petherton:

- 4 x 1 bedroom house, flat or bungalow
- 5 x 2 bedroom house or bungalow
- 4 x 3 bedroom house or bungalow
- 1 x 4 bedroom house (to be provided for social rent)

I have detailed below our prevailing minimum internal space standards which should also be adhered to for all affordable dwellings on the site:

- 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 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 clusters of no more than 7 with social rented properties in each cluster (the affordable dwellings currently seem to be in a single cluster). These affordable dwellings will form an integral and inclusive part of the layout.

Although the proposed dwellings comply with the minimum space standards detailed above. I note that the 3-bedroom dwellings are only due to accommodate 5 people (plots 12, 14, 15, 16). We would expect all bedrooms to be able to accommodate 2 people and so would ask that the internal layout is amended to ensure that 6 people can be accommodated in all 3-bedroom dwellings. I could not see any plans for the 1-bedroom affordable dwellings so was not able to look these.

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:

Abri
LiveWest
Magna Housing
Stonewater Housing

LLFA

Based upon the information received, Somerset Council as the LLFA advises the LPA that the proposed development is considered acceptable for outline planning subject to conditions.

Planning Policy:

Summary of Planning Policy Consultation Response

Monitoring and Housing Data:

- The report outlines housing delivery in South Petherton from 2006 to 2022, with 309 dwellings delivered and 45 committed.
- With this application, the potential total rises to 394 dwellings, a 15% increase in the parish over the plan period (2006-2028).

Development Plan Compliance:

- The proposal aligns with South Somerset Local Plan 2006-2028 (Policy SS1) for Rural Centres, allowing permissive development adjoining Development Areas.
- Policy HG3 mandates 35% affordable dwellings, and Policy HG5 emphasises a mix of market housing, with the proposed 24 market and 12 affordable homes

complying.

- The proposed affordable housing mix does not fully align with the latest Local Housing Needs Assessment (2021).

Neighbourhood Plan and Heritage Considerations:

- The South Petherton Neighbourhood Plan supports development meeting criteria, including adherence to the Parish Design Guide and addressing local housing needs.
- Non-designated heritage assets along Silver Street raise the need for advice from the Council's Conservation Specialist.

Local Plan Review and Planning Balance:

- The emerging Local Plan Review is considered at an early stage, with limited weight attached, however work on the Review has now stopped.
- South Petherton, a Rural Centre, has already surpassed its Local Plan housing target.
- The tilted balance in paragraph 11 d) of the NPPF applies, given the Neighbourhood Plan's age, requiring consideration of all material considerations.

Housing Land Supply and Phosphate Issue:

- The Council demonstrates a housing land supply equivalent to 4.4 to 4.7 years, impacted by a phosphate-related situation.
- The tilted balance in NPPF is crucial, considering the nature and extent of the housing land supply shortfall.

Conclusion and Recommendation:

- The recommendation considers the context of paragraph 11 d) of the NPPF, acknowledging the weight given to Local Plan policies and the Neighbourhood Plan.
- The ongoing phosphate issue in the Somerset Levels and Moors catchment requires sufficient information for a proper assessment.

Public Open Space

A contribution of £2,805 per dwelling required to be secured through a s106 agreement.

Public Rights of Way

No objection subject to comments.

Highway Authority:

Summary of the Highway Authority's Response to Development Management Consultation for Planning Application 22/02118/OUT:

Overview: The Highway Authority has provided a detailed response to the outlined planning application for the erection of 40 dwellings in South Petherton. The council's comments cover various aspects, including pedestrian access, drainage, road construction, and visibility issues.

Key Points:

1. **Pedestrian Access:** The council notes the potential improvement in pedestrian access to the local public rights of way (PROW) network, suggesting a new link in the northern corner of the site.
2. **Travel Plan Statement:** The Travel Plan Statement is under assessment, and comments will be provided later. It is emphasized that details need to be secured through a Section 106 Agreement.
3. **Drainage:** The council raises no objection in principle to the proposed surface water management strategy but provides specific observations and recommendations related to drainage, gullies, and sewer considerations.
4. **Internal Layout:** Since no internal layout arrangement has been submitted, the full details of estate roads will need to be agreed upon during the Reserved Matters application process.

Conditions/Reasons:

If permission is granted, the Highway Authority recommends imposing conditions to ensure proper construction and maintenance. These include requirements related to road construction, gradients, visibility, parking spaces, turning space, disposal of surface water, and a construction management plan.

Specific Conditions / s106 Include:

1. The construction of roads, footways, and other elements must be completed to a specified standard before dwellings are occupied.
2. Detailed plans for various aspects, such as estate roads, footways, sewers, parking, and more, must be submitted and approved before certain development elements commence.
3. The gradient of the proposed access should not exceed a specified steepness.
4. Visibility must meet specific criteria to ensure safety, and a construction management plan must be approved.

5. A footway across the site frontage on Silver Street, measuring at least 2m wide, must be constructed before the first occupation.
6. The Travel Plan Statement is has been assessed and requires amendments which can be secured prior to the agreement of the s106 agreement.

The Highway Authority have reviewed the application following the presentation to the South Planning Committee of the 30th January 2024 and supplied a response 2nd February summarised as follows:

Assessments and Findings:

Travel Plan assessment was conducted.

Drainage and highway environment were found generally acceptable.

No collision data is present in the vicinity of the proposed new access.

Trip generation is estimated to be around 20 vehicles in peak hour, which is not considered severe.

Visibility splays are deemed acceptable at 49m.

Collision Data and Information:

Anecdotal suggestions of near misses were noted, but no recorded collisions were found.

Lack of collisions indicates that vehicle access and pedestrian safety aren't inherently dangerous at the proposed location.

Trip Generation Figures:

The expected vehicle movements are not considered significant.

Parking spaces for residents are provided, although they may be remote from the properties.

Comparison with a nearby refused development application (18/01481/OUT) was made, highlighting differences in visibility splays and safety concerns.

Access Details:

The new access road can meet standard visibility requirements.

A staggered junction is proposed, offset from Hospital Lane.

Suggestions for alternative junction configurations were considered, with objections raised against cross-roads due to higher collision risks.

Highway Authority Position:

Overall, the Highway Authority sees no reason to object to the proposal on highway grounds.

Conditions and agreements are requested to secure the access and ensure compliance with relevant regulations.

In conclusion, the Highway Authority, supports the proposed development, considering it acceptable in terms of highway safety and infrastructure.

Environmental Health:

No objection subject to conditions

Designing Out Crime

No objections subject to comments

Fire Service

Whilst we acknowledge this is a planning application, we take the opportunity to comment on the access and facilities for the Fire & Rescue Service. Please ensure that the requirement within ADB Volume 1: Dwellings Part 5 of the Building Regulations 2010 is complied with.

Education

We have the following observations on the education aspects of this proposal:-
A proposal of 40 dwellings in this location will generate the following number of pupils for each education type:

Early Years - 4 pupils

Infants - 6

Junior - 8

Secondary - 6

Education contributions will be required to provide additional places for the following early year setting:

South Petherton Infants Pre-School

In accordance with the current cost to build for early years of £17,941 per child, if this application is approved we would expect the following contributions to be agreed in a

s106.:

4 X 17,941= £71,764 for early years

Somerset Ecology Services:

No objections.

Approved the credit scheme and the HRA.

It is proposed that this development of 40 dwelling is served by a Graf Professional wastewater treatment plant with a phosphorous discharge rate of 0.4mg/l (with chemical dosing, adopted by Albion water). This, along with land use change, will result in a phosphorus load of 3.24 kgTP/yr. To mitigate for this increase 3.24 phosphate credits will be purchased from the Woodrow Farm Credit scheme.

The Appropriate Assessment has concluded that there will not be an adverse effect on the integrity of the Somerset Levels and Moors Ramsar subject to 3.24 Nutrient Credits being purchased by the applicant to mitigate for 3.24kgTP/yr of additional phosphorus loading resultant from the development which will subsequently discharge into the River Parrett catchment.

Archaeology:

The submitted geophysical survey and evaluation report show that there are archaeological features potentially relating to prehistoric mortuary practices on this site that will be impacted by the proposal.

For this reason, I recommend 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 205). This should be secured by the use of the following conditions attached to any permission granted.

"Programme of Works in Accordance with a Written Scheme of Investigation (POW)

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and

publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

NHS:

The application has been reviewed from a primary care perspective and the response has been informed by the Health Contributions for GP Provision (<https://www.southsomerset.gov.uk/media/5308/south-somerset-health-contributionstechnical-note-nov-2021-finaldocx.pdf>) which was jointly prepared with NHS England.

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, please be advised that this response from NHS Somerset is a snapshot of capacity assessment at the date of this letter and should there be any change to this position as a result of any current planning applications that may or may not affect the capacity at South Petherton Medical Centre being approved prior to a final decision on this particular development, then the NHS position could change.

Therefore, whilst at this time there would be no need for a Section 106 contribution towards NHS Primary Care from this development, we would advise that the estimated sum of £580 per dwelling towards NHS Primary Care is factored in to any viability assessments.

Accordingly, the NHS reserve the right to review and respond again when any future planning applications are received by the Council. The NHS cannot guarantee that the response will be the same once all the factors surrounding any future application are considered.

Natural England:

No objection

On the basis of the submitted information Natural England has no objection for its use as phosphorus credits to enable new development within the River Parrett catchment.

Natural England is also satisfied with the methodology used for calculating the annual phosphorus savings that would be generated by the permanent removal of the

farmyard and its subsequent conversion to an area of woodland.

Wessex Water:

Many thanks for your enquiry on the above proposal. The proposed foul points of connection is deemed acceptable subject to planning consent and an application to connect. The planning statement and FRA clarify that groundwater flooding, river flooding, and sea flooding risks are all 'negligible'; and surface water flooding risk is 'very low'. The included Drainage Strategy also illustrates how the indicative scheme can be accommodated appropriately with the Ground Investigation results also indicating that the site can accommodate soakaways, is suitable for construction, and is at limited risk from contamination however, the attached drainage strategy contradicts these statements.

The onus falls on the developer to agree on surface water flow rates and methodology which is in line with advice from the LLFA acting as the statutory consultee for surface water management before engaging with Wessex Water on capacity within the receiving system. Considering this application is for outline approval; it is anticipated that the developer will get in touch with Wessex Water as the site progresses should the approach direct conveyance to our piped system.

REPRESENTATIONS

37 letters of consultation were undertaken. 60 letters of objection and 2 supporting representations have been received.

The objections to the planning applications can be summarised as follows:

Overburdened Facilities and Services:

- Concerns about the strain on local amenities such as schools, hospitals, and GP surgeries, which are already oversubscribed.
- Doubts about the capacity of existing facilities to handle the increased demand resulting from the proposed developments.

Traffic Congestion, Road Safety, and Infrastructure Challenges:

- Predictions of increased traffic along existing roads, leading to congestion, accidents, and hazards for pedestrians.
- Emphasis on the inadequacy of the village's infrastructure to support the proposed developments, including concerns about access roads, lack of footpaths, and potential impacts on emergency services.

Environmental Impact and Green Space Preservation:

- Objections related to the negative environmental consequences, such as increased noise pollution, loss of wildlife habitat, and destruction of greenfield sites.
- Calls for sustainable development practices with a focus on preserving local wildlife and farming land.

Community Well-being and Anti-Social Behaviour:

- Concerns about the impact on the overall livability of the village, including an increase in anti-social behaviour and a lack of police presence.
- Calls for the preservation of green spaces to maintain the rural character of the area.

Affordability and Social Housing:

- Recommendations for prioritising the construction of social houses over affordable ones, with concerns that affordable housing might end up being rented at high rates by wealthier individuals.

Lack of Consultation:

- Some objections point out that certain residents were not included in the developer's list of consultations, raising questions about the adequacy of community engagement.

Property Values and Landscape Character:

- Concerns about potential negative impacts on property values, views, and the character of the village due to the proposed housing developments.

Pedestrian Safety and Lack of Provision for Solar Panels:

- Issues related to pedestrian safety, especially concerning the proximity of the proposed access points to existing residences and the junior school.
- Attention to the absence of provisions for solar panels on new builds, advocating for sustainable development practices.

Contrary to Local Plan:

- Some objections claim that the proposed developments go against the policies outlined in the adopted Local Plan, particularly regarding road safety, access points, and the capacity of local schools.

Construction and Engineering Challenges:

- Lack of consideration for major engineering works needed to address level differences between the site and existing infrastructure.

- Anticipation of adverse effects on views, safety issues, and strain on village infrastructure due to traffic and pedestrian movements.

These objections collectively argue against the planning applications, citing a range of issues related to infrastructure, traffic, environmental impact, and community well-being. The overall sentiment is that the proposed development is not suitable for the village of South Petherton.

Summary of support

The letter of support for the housing development can be summarized as follows:

The housing development is seen as a crucial asset for supporting the local community by addressing the need for affordable and accessible housing. This is believed to play a significant role in attracting and retaining residents, contributing to the town's overall quality of life and making it a more desirable place to live. The creation of work units is also highlighted as beneficial for small businesses.

Furthermore, the letter suggests that housing development has the potential to stimulate economic growth. This is envisioned through the creation of construction and homebuilding jobs, along with generating additional tax revenue for the local government. The economic benefits are expected to support essential services and amenities like schools, parks, and transportation infrastructure.

While expressing overall support for the housing development, the letter emphasizes the importance of careful planning and community engagement. It acknowledges the need to consider potential impacts on the environment, traffic, and existing residents to ensure that the development is carried out in a way that benefits everyone.

CONSIDERATIONS

Principle of Development

The principle of development for the proposed project is guided by planning regulations, particularly Section 38(6) of the Planning and Compulsory Purchase Act 2004. The current Local Plan for the area is the adopted South Somerset Local Plan March 2015. South Somerset lacks a five-year supply of housing land, and the existing Development Plan is considered out-of-date, regarding restrictive housing land planning policy.

Due to the outdated Development Plan, the proposal falls under the presumption in

favour of sustainable development, as outlined in Paragraph 11 of the National Planning Policy Framework (NPPF). This means approving development proposals that align with an up-to-date plan or, in the absence of relevant policies, granting permission unless there are clear reasons for refusal based on Framework policies.

The proposed development includes the construction of 40 dwellings, a mix of market houses (65%) and affordable homes (35%). The layout is indicative at this stage, with details to be agreed at Reserved Matters stage. The proposal involves the demolition of existing storage buildings, the creation of new access points, provision of parking spaces, ecological habitat areas, landscaping, and planting. The development is considered to accord with the adopted Local Plan, policies SS1, SS2, and SS5, and Neighbourhood Plan Policy NE2, making it acceptable in principle.

Highways

The Highway Authority have raised no objection regarding the creation of the access.

The creation of the access requires substantial engineering work to the existing bank which would form an immediate change to the character of Silver Street.

The Highway Authority reviewed the application following the presentation to the South Planning Committee of the 30th January 2024 and supplied a response 2nd February concluding that the Highway Authority supports the proposed development considering it acceptable in terms of highway safety and infrastructure.

Scale and Appearance

The proposed development involves the construction of 40 dwellings on a 3-hectare site and the creation of a new access. The key aspects related to the scale and appearance are:

Creation of a new access point: The proposed development necessitates the establishment of a new access point, involving extensive engineering activities on the bank. This modification to the landscape along Silver Street raises concerns about the potential alteration to the character and visual aesthetics of the area. The envisioned engineering works would be prominently visible over a short distance, however Silver Street already features other access drives, such as the one leading to No 71 to the north of the proposed site and the newly constructed access to the Hospital which are useful comparables to assess the visual impact of the proposed access.

To illustrate the visual impact, the applicant has provided imagery depicting the new access point and its associated retaining walls. While it is undeniable that these alterations are conspicuous, it is crucial to balance the perceived harm against the benefits of providing housing in a sustainable location. In particular, the visual disruption caused by the new access must be carefully weighed against the overall advantages of the proposed housing development.

Considering the importance of housing in a sustainable location, it is acknowledged that the creation of the new access point may result in some visual impact. However, it is contended that this harm does not reach a level that would justify outright refusal of the proposal. The benefits of addressing housing needs in a sustainable manner outweigh the visual alterations along Silver Street, making the creation of the new access point an acceptable compromise.

Housing Density: The proposed development would result in a density of 13.3 dwellings per hectare. The density is considered appropriate, taking into account the more rural character to the north and aiming to reflect that of the residential areas to the south, east, and west.

Building Heights: The development primarily consists of two-storey homes with some bungalows. The buildings are intended to be in-keeping with the surrounding building heights.

Design and Character: The design is outlined in a comprehensive Design Statement, mentioning the use of various finishes such as brick, render, and cladding, with roof tiles and dark powder-coated aluminium windows. The proposed appearance is considered to be of high-quality design, in compliance with local and national design policies.

Site Layout: The scheme lays out 40 new dwellings primarily within the central part of the site. Landscape buffers, open space, and biodiversity areas are planned around the boundaries and at the eastern and western sides.

Access and Connectivity: The main vehicle access is proposed from Silver Street at the north-eastern part of the site, with an additional pedestrian-only access in the south-western part. The development aims to improve links and connectivity within South Petherton.

Parking: Adequate private and visitor parking is proposed for each dwelling, meeting County Parking Strategy standards. Additionally, a separate parking area is designated for existing residents along Silver Street which could provide a benefit in

reducing on street parking.

Landscaping: Both an Arboricultural Impact Assessment and a Landscape & Visual Impact Assessment have been conducted. The landscaping strategy includes extensive replanting, and the visual impact on the surrounding landscape is considered acceptable.

The supporting Landscape Visual Impact Assessment has, at the request of the Planning Committee - South, been appraised by a professional Landscape Architect who has concluded that:

Introduction: The LVIA methodology clear and appropriate.

Principle of Development: Considering the site's location and surrounding development, supports the principle of development on the site, seeing it as a logical extension of the village.

Landscape Character: The proposed scheme would change the character of the site from undeveloped to residential but believes it wouldn't cause undue harm to the landscape.

Visual Impact: While there will be changes in views for some local residents, the Landscape Architect doesn't consider visual impact a significant issue, especially with appropriate mitigation measures.

Layout: The Landscape Architect finds the layout logical overall but suggests improvements, such as retaining more space for tree planting and enhancing hedgerows.

Mitigation: Acknowledges the primary mitigation measures but suggests improvements in tree planting strategy, management of hedgerows, and quality of entrance areas.

Conclusion: The Landscape Architect concludes that the LVIA has properly assessed the scheme's effects, acknowledging some harms but deeming them generally acceptable within local levels.

In summary, the Landscape Architect supports the principle of development on the site, with some suggestions for improvements in layout, mitigation measures, and detailed design, emphasising the importance of addressing these points at the Reserved Matter stage.

While this is an outline application approving only access, given the feedback from the assessment, it is important to ensure that additional landscaping details for the vehicular entrance and the detailed design of the proposed pedestrian links to Silver Street are secured through a condition to be considered in the Reserved Matters application.

Affordable Housing: The proposal includes 35% affordable homes on-site, exceeding the emerging Local Plan requirement of 29%. The breakdown of affordable housing sizes aligns with local needs.

In summary, the proposed development aims to be in accordance with the Development Plan, providing a mix of housing types, addressing affordability, and incorporating design considerations to reflect the local area's character. The scale and appearance appear well-thought-out, with an emphasis on sustainability.

Residential Amenity

Amenity Impact on Existing Residents Along Silver Street:

The proposed development includes only 4 dwellings within the part of the site adjacent to Silver Street, with more than 40 meters of distance between the rear of these proposed homes and existing dwellings opposite.

A soft landscaped buffer zone or private gardens for existing residents along Silver Street (numbers 53-69) are proposed to mitigate any potential impact.

Landscape buffers and additional planting around the site aim to ensure that 40 dwellings can be accommodated without detriment to neighbouring amenity.

Amenity Levels for Future Occupiers:

The indicative layout of the scheme suggests that all proposed dwellings would meet and exceed national minimum space standards.

Each home is planned to have good-sized usable gardens to ensure adequate amenity levels for future occupiers.

Privacy Impact:

Although layout details are indicative at this stage, the Proposed Site Plan suggests

no development in the south-western part of the site, maintaining an undeveloped area.

For existing residents along Silver Street, only 4 dwellings are proposed in this part, with more than adequate distance and a proposed landscaped buffer zone.

The separation distance between the rear of the proposed homes and existing dwellings is stated to be in excess of 40m.

In conclusion, it is considered that careful consideration has been given to the impact on residential amenity and privacy. The proposed measures, such as buffer zones, landscaping, and appropriate distances between properties, aim to preserve existing residents' amenity and provide adequate privacy for both existing and future occupiers.

Affordable Housing

Strategic Housing have no objection to the proposed affordable housing in terms of numbers and tenures and request that this is secured by way of a s106 agreement.

The outline application for the proposed development has set out the strategic housing requirements, mandating 35% affordable housing. The split specified is 75:25 for Social Rent and First Homes, amounting to 14 units in total within a development of 40 dwellings. The proposed housing mix includes 1 to 4-bedroom dwellings, with suggested adjustments based on the 2021 South Somerset Local Housing Needs Assessment (LHNA) and demand from Homefinder Somerset. Minimum internal space standards have been outlined for each dwelling type. The expectation is for affordable units to be integrated throughout the site, resembling the overall housing styles, with a preference for houses or bungalows, and clustering in groups of no more than 7.

Strategic Housing emphasises the importance of accommodating 2 people per bedroom and proposes amendments to ensure all 3-bedroom dwellings can comfortably house 6 people. The s106 agreement is expected to incorporate trigger points for affordable housing provision, ensuring delivery even in the event of partial site development. Moreover, the agreement should specify approved housing association partners, including Abri, LiveWest, Magna Housing, and Stonewater Housing, for the implementation of affordable units.

Heritage

The Heritage Statement provides a comprehensive evaluation of potential impacts on heritage assets. The assessment considers several key elements:

Hamdon Hill Camp: The proposed development is evaluated to have a slight overall impact on the Scheduled Iron Age hillfort of Hamdon Hill Camp. This assessment considers the monument's very high significance and the negligible to minor magnitude of impact, primarily affecting panoramic views without noticeable effects on its immediate setting.

South Petherton Conservation Area: The overall impact on the South Petherton Conservation Area is deemed slight. The assessment takes into account the area's high significance as a medieval settlement and the negligible to minor impact magnitude. Local views remain unaffected, with potential peripheral changes to distant views from Hamdon Hill.

Nos. 31-35 Silver Street: The proposed development is assessed to have a neutral impact on these early to mid-19th century cottages, reflecting their low to medium importance as undesignated local heritage assets with no significant change anticipated.

Former Wheatsheaf Inn and Adjacent Cottages: The overall impact on this cluster of early to mid-19th century dwellings is assessed as slight, considering their low to medium significance and the negligible to minor impact on their setting.

No. 51 Silver Street: The impact on the setting of No. 51 Silver Street is considered slight, accounting for the low to medium importance of this undesignated heritage asset. The proposed demolition of a garage extension is expected to result in a noticeable change to the external appearance but is deemed a minor impact.

Mere Linches: The impact on the setting of Mere Linches is assessed as neutral, recognizing its medium significance as a series of cultivation lynchets with no anticipated change.

It is considered that the overall impact of the proposed development on nearby heritage assets and the South Petherton Conservation Area is slight. This assessment reflects the limited impact on the settings of specific designated and undesignated heritage assets, both in the immediate vicinity of the site and the wider surrounding area.

Flood Risk

The flood risk assessment for the site, conducted in accordance with the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), indicates a very low baseline flood risk from various sources. The site, currently used for agriculture, is proposed for the construction of 40 residential dwellings, landscaped areas, an access road, and an ecological habitat area. The assessment identifies the following flood risks:

River (Fluvial) and Sea (Coastal/Tidal): The site is located within a fluvial Flood Zone 1, indicating a low probability of flooding. The Risk of Flooding from Rivers and Sea (RoFRS) map shows a very low risk of flooding from rivers and the sea.

Surface Water (Pluvial) Flooding: The site has a very low risk of pluvial flooding according to the Environment Agency's mapping.

Groundwater Flooding: GeoSmart's Groundwater Flood Risk (GW5) mapping confirms a negligible risk of groundwater flooding.

Other Flood Risk Factors: No other flood risk factors are present on the site.

The LLFA have indicated that while there are a number of matters that require clarification this can be assessed at reserved matters stage and are otherwise content.

Ecology

Ecology have indicated that it is content with the proposal subject to conditions.

The ecological assessment for the site reveals a diverse habitat composition. The 2.98-hectare site, mainly used for horse-grazed pasture, features habitats such as semi-improved grassland, tall ruderal vegetation, scrub, scattered trees, linear habitats (hedgerows), and buildings. Notably, five hedgerows, comprising a mix of native woody species, are identified as priority habitats. The predominant grassland is characterised by perennial rye-grass dominance with various forbs.

The assessment also highlights the absence of significant protected or notable plant species due to the current grazing regime. Invertebrates, amphibians, reptiles, and birds are found to have limited presence, and the report suggests no further surveys are required for these groups. The habitats may not be suitable for certain species due to grazing practices and habitat fragmentation.

Regarding bats, none were observed during the assessment, and no features suitable for roosting bats were identified in the existing structures or trees. Recommendations include a fingertip search for brown hairstreak eggs before vegetation clearance and a precautionary approach to adder mitigation. Overall, the ecological assessment provides a comprehensive understanding of the site's biodiversity, emphasizing the need for habitat preservation and cautious planning to mitigate potential impacts on local wildlife.

Conditions:

Species:

Provide specific mitigation strategies for identified species, such as brown hairstreak and birds.

Undertake a fingertip search for brown hairstreak eggs and translocate shrubs if needed.

Ensure vegetation clearance outside peak nesting season and check for active nests if clearance is necessary.

Implement a sensitive lighting strategy to minimize impact on bats.

Opportunities for Ecological Enhancement:

Erect bird and bat boxes on new houses or retained mature trees.

Use native or wildlife-benefitting shrubs in landscaping.

Augment botanical diversity in parkland through plug planting/over-seeding of native plants and grasses.

Somerset Levels and Moors - Phosphates

The Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitats Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention. The Ramsar Site consists of a number of Sites of Special Scientific Interest (SSSIs) within what is the largest area of lowland wet grassland and wetland habitat remaining in Britain, within the flood plains of the Rivers Axe, Brue, Parrett, Tone and their tributaries. The site attracts internationally important numbers of wildlife, including wildfowl, aquatic invertebrates, and is an important site for breeding waders.

Natural England has written to various Councils in Somerset advising about the high levels of phosphates in the Somerset Levels and Moors that are causing the interest features of the Ramsar Site to be unfavourable, or at risk, from the effects of these

high levels. This is as a result of a Court Judgement known as the Dutch N case, which has seen a greater scrutiny of plans or projects by Natural England, regarding increased nutrient loads that may have a significant effect on sites designated under the Habitats Regulations 2017 (including Ramsar Sites).

The phosphate mitigation has been endorsed by SES and Natural England.

The mitigation strategy comprises of.

It is proposed that this development of 40 dwelling is served by a Graf Professional wastewater treatment plant with a phosphorous discharge rate of 0.4mg/l (with chemical dosing, adopted by Albion water). This, along with land use change, will result in a phosphorus load of 3.24 kgTP/yr. To mitigate for this increase 3.24 phosphate credits will be purchased from the Woodrow Farm Credit scheme.

The Appropriate Assessment has concluded that there will not be an adverse effect on the integrity of the Somerset Levels and Moors Ramsar subject to 3.24 Nutrient Credits being purchased by the applicant to mitigate for 3.24kgTP/yr of additional phosphorus loading resultant from the development which will subsequently discharge into the River Parrett catchment.

The mitigation strategy is to be secured by way of a s106 agreement.

Community Infrastructure Levy

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

CONCLUSION

In conclusion, the proposed development project, involving the construction of 40 dwellings with a mix of market and affordable housing, has undergone a thorough evaluation across various dimensions, including Highways, Scale and Appearance, Heritage, Residential Amenity, Affordable Housing, Flood Risk, Ecology, and Somerset Levels and Moors Phosphates. The planning application takes into account the outdated Development Plan, taking into account the presumption in favour of sustainable development outlined in the National Planning Policy Framework (NPPF). The project aligns with local planning policies and addresses the housing needs in South Somerset, which currently lacks a five-year supply of housing land.

The comprehensive assessment of the proposal, considering aspects such as visual impact, housing density, building heights, design, amenity impact, and ecological considerations, reveals a carefully balanced approach. While acknowledging potential visual alterations due to the creation of a new access point on Silver Street, the proposal demonstrates a commitment to sustainability. Measures such as buffer zones, landscaping, and adherence to minimum space standards contribute to preserving residential amenity and privacy for both existing and future occupants. Additionally, the affordable housing component complies with local requirements, emphasising Strategic Housing goals. Mitigation strategies for flood risk and phosphates, endorsed by relevant authorities, further strengthen the proposal's environmental considerations. Overall, the application represents a well-considered and balanced response to the local housing needs, incorporating design quality, and ecological responsibility.

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 range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, heritage, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. 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 40 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028, South Petherton Neighbourhood Plan and the aims and objectives of the NPPF.

RECOMMENDATION

Approve subject to conditions and a s106 agreement that secures:

Phosphate mitigation

Travel Plan

Affordable housing

35% affordable housing. The split specified is 75:25 for Social Rent and First Homes, amounting to 14 units in total within a development of 40 dwellings. The proposed housing mix includes 1 to 4-bedroom dwellings, with suggested adjustments based

on the 2021 South Somerset Local Housing Needs Assessment (LHNA) and demand from Homefinder Somerset. Minimum internal space standards have been outlined for each dwelling type. The expectation is for affordable units to be integrated throughout the site, resembling the overall housing styles, with a preference for houses or bungalows, and clustering in groups of no more than 7.

Include a schedule of approved housing association partners for delivery of the affordable units:

Abri

LiveWest

Magna Housing

Stonewater Housing

Education

4 X 17,941= £71,764 for early years

Public Open Space

A contribution of £2,805 per dwelling required to be secured through a s106 agreement.

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 range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, heritage, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. 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 40 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028, South Petherton Neighbourhood Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Approval of appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

02. 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 not later than the expiration of two years from the final 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: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

04. The development hereby permitted shall be restricted to no more than 40 dwellings.

Reason: To avoid any ambiguity as to what is approved.

05. Unless otherwise indicated by other conditions attached to this decision, the development hereby permitted shall accord with the following approved plans in respect of the extent of application site to which this grant of outline planning permission relates and also the proposed access details:

Site Location Plan

1205 SAP XX 00 DR A 10102 SO 01 - Proposed Entrance - Site Plan

1205 SAP XX 00 DR A 10100 SO 18 - Proposed Site Plan

1205 SAP XX 00 DR A 20201 SO 02 - Site Entrance and Access Road Section

ARBORICULTURAL IMPACT ASSESSMENT- MARCH 2022

Flood Risk Assessment - 25-02-2022

Heritage Statement - August 2022

LANDSCAPE AND VISUAL IMPACT ASSESSMENT - March 2022

Method Statement for Forming Site Entrance

Planning Statement - July 2022

Preliminary Ecological Appraisal Report - May 2022

TRANSPORT STATEMENT - March 2022

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

06. The landscaping scheme submitted in accordance with condition 01 of this outline grant of planning permission shall include details of:
- (a) Planting plans (to a recognised scale) and schedules indicating the location, numbers of individual species, density, spacings, sizes, forms, root types/root volumes and size of proposed tree, hedge, and shrub. All planting stock must be specified as UK-Grown, unless otherwise previously agreed in writing by the Local Planning Authority.
 - (b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geo-textile, tree pit design, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.
 - (c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment.
 - (d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).
 - (e) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge (banks)), where appropriate;
 - (f) An on-going management and maintenance plan of all the approved landscaping features; and
 - (g) A timetable for the implementation of the approved hard and soft landscaping scheme.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation (within the dormant planting season between November to February inclusively) and shall thereafter be protected, managed, and maintained in accordance with the approved scheme.

Reason: To clarify the level of detail of landscaping to form part of any subsequent application for reserved matters in order to safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Prior to commencement of development hereby permitted, the applicants or their agent or successors in title shall secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has previously been submitted to and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological excavation, the recording of any 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: The agreement of archaeological works prior to the commencement of development is fundamental to enable the recording of any items of historical or archaeological interest, having regard to the requirements of Policy EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. 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 enable the recording of any items of historical or archaeological interest, having regard to the requirements of Policy EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. Prior to commencement of development and before any vegetative clearance, groundworks, entry of heavy machinery onto the site, or on-site storage of materials commences, the following conditions must be met:

- (a) A comprehensive scheme outlining measures for the protection of trees and hedgerows must be developed by an experienced and qualified arboricultural consultant, adhering to the specifications detailed in British Standard 5837: 2012 - 'Trees in relation to design, demolition, and construction.' The scheme, as outlined in section 6.3, should include a sequenced plan for supervisory monitoring during the installation and maintenance of protective measures. This plan should be supervised by a competent Arboriculturalist. The scheme must be submitted to and approved in writing by the Local Planning Authority.

- (b) The installation of the approved tree and hedgerow protection measures must be fully completed as per the details sanctioned in writing by the Local Planning Authority. Confirmation of completion, as stated in the approval, must be provided in writing to the Local Planning Authority within 21 days from the applicant/developer's notification of finishing the endorsed protection scheme.

The approved tree and hedgerow protection scheme must remain entirely installed throughout the construction period of the development, inclusive of any landscaping activities. Any movement, removal, or dismantling of these protective measures requires prior written consent from the Local Planning Authority.

Between 1st March and 31st August, there shall be no removal of hedgerows, trees, shrubs, or demolition of buildings or structures unless a competent ecologist has conducted a detailed examination for active birds' nests immediately before the vegetation clearance or building works commence. The ecologist must provide written confirmation to the Local Planning Authority that no harm will be caused to birds or that appropriate measures are in place to protect nesting bird interests on site. The submission of this written confirmation by the ecologist and obtaining written agreement from the Local Planning Authority is mandatory.

Plastic bird netting obstructing bird access to specific areas or features is strictly prohibited, as it can lead to bird entrapment.

Reason: The submission and agreement upon a comprehensive tree and hedgerow protection scheme by a qualified arboricultural consultant, followed by the complete implementation of approved protection measures before development commencement, are essential. These measures aim to safeguard existing landscape elements (trees and hedgerows), preserving visual amenity and biodiversity, aligning with Policies EQ2, EQ4, and EQ5 of the South Somerset Local Plan, and pertinent guidance within the NPPF

10. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with 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. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than

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

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory 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.

11. No development shall commence, including any demolition, groundworks, or vegetation clearance, until a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the

Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include the following:

- (a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day, temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements to and from the site, and suitable off-highway parking for all construction related vehicles.
- (b) 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.
- (c) Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- (d) A plan showing the location area(s) to be used for the parking of vehicles of site operatives, contractors and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.
- (e) A schedule and location plan for the delivery, removal, loading and unloading of all plant, waste and construction materials to and from the site, including the times of such loading and unloading; details of how deliveries and removals, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application site; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway with guidance of a trained banksman.
- (f) Arrangements to receive abnormal loads or unusually large vehicles.
- (g) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours. Procedures for emergency deviation of the agreed working hours shall be in place, the details of which shall be agreed with the Local Planning Authority.
- (h) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.

- (i) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process unless prior written approval is obtained from the Local Planning Authority.
- (j) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use, together with the regular use of a road sweeper for the local highways.
- (k) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.
- (l) Details of any piling together with details of how any associated vibration will be monitored and controlled.
- (m) The location and noise levels of any site electricity generators.
- (n) Management of surface water run-off from the site in general during the construction period.
- (o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
- (p) A scheme to encourage the use of Public Transport amongst contactors.
- (q) Contact telephone number/s and email address/es of the site manager(s) and/or other person/s associated with the management of operations at the site.
- (r) Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses and procedures for maintaining good public relations including complaint management, public consultation and liaison (including with the Highway Authority and the Council's Environmental Protection Team).

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to residents; the prevention of harm being caused to the amenity of the area; and in the interests of highway safety during the construction process, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

12. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice and Land Contamination Risk Management (CLR11 Replacement)
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice and Land Contamination Risk Management (CLR11 Replacement) The report should include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme including remedial options appraisal detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on going monitoring should also be outlined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

13. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 08.00-18.00 Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy and in accordance with the provisions of Circular 11/95.

14. The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

15. There shall be no burning of any waste or other materials on the site, except in an incinerator, the details of which shall be approved in writing by the Local Planning Authority before the development is brought into use. The use approved shall be carried out strictly in accordance with the details agreed.

Reason: To ensure that, in accordance with Local Planning Policy, to ensure any concentration of air pollutants in the vicinity is minimised and/or a nuisance is not caused. The incinerator itself may need planning permission.

16. No deliveries shall be taken at or dispatched from the site outside the hours of 08:00-18:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy

17. No development shall commence, including any demolition, groundworks or vegetation clearance, until a Construction Environmental Management Plan (CEMP: Biodiversity) and a Risk Avoidance Measures Method Statement (RAMMS) have 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), including nesting birds habitat clearance measures, badgers buffer zones, etc.
- (d) Details of the pre-works walkover surveys (badger, otter, etc), as recommended in the EcIA provided by EAD (Dec 2022).
- (e) The location and timing of sensitive works to avoid harm to biodiversity features.

- (f) The times during construction when specialist ecologists need to be present on site to oversee works.
- (g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- (h) 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's Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases).
- (i) Use of protective fences, exclusion barriers and warning signs.
- (j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The RAMMS shall detail a strategy to prevent adverse dust levels, run off from chemical liquids such as petroleum and detergents into the nearby watercourse which is adjacent to the application site along the southern boundary, and using bunded storage for example when refuelling vehicles and storing oil and fuel accordingly.

The approved details within the CEMP (Biodiversity) shall be strictly adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved RAMMS strategy.

Reason: The agreement of details of a Construction Environmental Management Plan (Biodiversity) and a Risk Avoidance Measures Method Statement strategy prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection and prevention of harm being caused to the amenity of the area, having regard to Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF, and 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.

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

Reason: This condition must be a pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with policy 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
 - g. rolled forward over a five-year period).
 - h. Details of the body or organization responsible for implementation of the plan.
 - i. 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 policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

20. The Development shall not commence until a Lighting Strategy for Biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and 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 thereafter in accordance with the strategy.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with NPPF, ODPM Circular 06/2005 and Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

21. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation [or specified phase of 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:
- 1) 20 Habitat 001 bat boxes or similar will be built into the dwellings (one on each of the 20 dwellings) at least four metres above ground level and away from windows of the west or south facing elevation

- 2) 20 Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation (one on each of the 20 dwellings)
- 3) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- 4) Three log pile as a resting place for reptiles and or amphibians constructed on the southern boundary.
- 5) 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" 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.
- 6) 10 bee bricks built into the wall about 1 metre above ground level on the south or southeast elevation of the dwellings (one on each of the 10 dwellings).

REASON: In the interests of biodiversity in accordance with the NPF and Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

22. No removal of hedgerows, trees or shrubs, or works to or the demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provided 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 and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF

23. The proposed access shall be constructed in accordance with details shown on the submitted plans, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

24. 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 further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

25. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, 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 further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

26. No more than 25 dwellings of those permitted shall be occupied until the construction of cycleway and footpath connections within the and to the development site has been completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: This condition aligns with sustainable development practices. Occupancy of dwellings beyond the initial 25 units is contingent upon the completion of the specified cycleway and footpath connections within the development. This measure supports highway safety and is in accordance with Policies TA5 and TA6 of the South Somerset Local Plan, as well as relevant guidance within the NPPF.

27. The dwelling hereby permitted shall not be occupied until parking spaces for the dwellings, and suitable turning heads have been provided in a position approved by the Local Planning Authority. The said spaces and turning facilities, and access thereto, shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

28. 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 59 metres either side of the access. Having regard to the size of vehicle to use the access 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 in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

29. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan (Biodiversity), approved pursuant to condition 16, have been completed to his/her 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 that Policy EQ4 of the South Somerset Local Plan has been complied with.

30. The proposed roads, including footpaths, footways 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 and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

31. All garaging, vehicular and bicycle parking and turning spaces shall be provided, laid out, properly consolidated, surfaced, drained and (where appropriate) delineated in accordance with plans to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business purposes.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining roads, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

32. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each

dwelling within its associated garage and/or parking space. Such provision shall be in accordance with details indicating siting, numbers, design, rating and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

33. No dwelling hereby permitted shall be occupied until refuse and recycling storage areas have been provided to serve each dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting, area and means of hardening, draining, and screening of such refuse/recycling storage areas. The refuse/recycling storage areas shall thereafter be retained and maintained as such unless the Local Planning Authority gives prior written approval to any subsequent variations.

Reason: To provide adequate provision of on-site refuse and recycling storage to serve the proposed dwellings to ensure that any impact on visual and residential amenity is kept to a minimum, having regard to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

34. 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.

35. Prior to the commencement of development, detailed landscaping plans for the vehicular entrance to the site and the pedestrian link to Silver Street shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plans shall include specific details regarding the design, materials, planting schemes, and any necessary alterations to ensure coherence and integration with the surrounding environment. These landscaping plans shall form part of the approved development and shall be implemented in full

accordance with the approved details prior to the occupation of any dwellings on the site.

Reason: To clarify the level of detail of landscaping to form part of any subsequent application for reserved matters in order to safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

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

All works within the highway will be designed in agreement with this Authority and contained within an appropriate Agreement under s278 Highways Act 1980, or s106 Town and Country Planning Act

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.

02. Pollution Prevention During Construction
- Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
 - wheel washing and vehicle wash-down
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds

- the control and removal of spoil and wastes.

Environment Management

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Car Parking

The operator should install a petrol interceptor if the discharge serves any of the following areas to prevent pollution to the water environment:

- Car parks typically larger than 800m² in area or for 50 or more car parking spaces.
- Smaller car parks discharging to a sensitive environment.
- Areas where goods vehicles are parked or manoeuvred.
- Vehicle maintenance areas.
- Roads.
- Industrial sites where oil is stored or used.
- Refuelling activities.
- Any other area at risk from oil contamination.

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf

If waste is to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...'. Meeting these criteria means the material is not waste and permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed as (insert <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>)

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL: ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

03. CIL

Please be advised that approval of this application by Somerset 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 2 - 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. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. Somerset Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details Somerset CIL (<https://www.somerset.gov.uk/planning-buildings-and-land/south-somerset-cil/>) or email cil@somerset.gov.uk

04. Biodiversity Net Gain

This is a large development and consideration should be given to making contributions for environmental gains, either on or off-site. This aspiration already in the NPPF is now further supported by the 25 Year Environment Plan. This sets an expectation for development including housing and infrastructure, by all organisations and individuals, that will help deliver Biodiversity Net Gain.

05. Birds

The developer/applicant is reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

In the event that vegetation removal will be taking place then further consultation must be sought prior to this.

Bats

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
