

Application Details	
Application Reference Number:	3/21/23/088
Application Type:	Variation of conditions
Earliest decision date:	23 November 2023
Expiry Date	26 January 2024
Extension of Time Date	
Decision Level	Planning Committee
Description:	Variation of Condition No. 02 (approved plans) and Condition No. 14 (ball stop netting) of application 3/21/21/015
Site Address:	Land off Seaward Way, Minehead
Parish:	21
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	NA
National Landscape (AONB):	NA
Case Officer:	Russell Williams
Agent:	Mr T Lewis,
Applicant:	MRS W LEWIS
Committee Date:	19 March 2024
Reason for reporting application to Committee	The application is made by Somerset Council for its own development.

1. Recommendation

1.1 That permission be GRANTED

2. Executive Summary of key reasons for recommendation

2.1 Officers have concluded that the proposed variations will address issues with the approved ball protection fencing being difficult to enforce and causing delays to the occupation of the development. The amended ball protection fencing will ensure that public safety is not compromised and there will be no significant harm to visual or residential amenity in the area as a result of the amendments.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

The conditions from planning permission reference 3/21/21/015 have been carried over to this Section 73 approval, with the exception of Condition 02 which has had the approved plans list amended and Condition 14, which has had its wording amended to reflect new details.

3.2 Informatives (full text in appendix 1)

- Proactive Statement

3.3 Obligations

NA

4. Proposed development, site and surroundings

4.1 Details of proposal

The application is made under Section 73 of the Town & Country Planning Act 1990 and proposes the variation of planning conditions previously imposed upon Decision Notice 3/21/21/015.

The original planning permission was granted on 14th July 2021 for the erection of 54 low carbon homes comprising 33 flats and 21 houses/bungalows on land to the south of Seaward Way, Minehead. The development has subsequently commenced and is nearing completion.

This application seeks to vary condition 02 and 14 of the original planning permission. The variations relate solely to the re-positioning of approved ball stopping protection in the form of rebound mesh fencing, which as approved would be located on Third Party Land. This was the result of an oversight on the original planning permission.

Despite attempts to deliver the fencing in the approved position, it has not been possible for the applicant to agree a position whereby Condition 14 can be complied with. As such, there is a need to reposition the protective ball stopping fencing within the application site and red line area, which is simply by moving it to the opposite side of the boundary fencing.

The proposal is to vary condition 02 to replace the approved protective fencing plan with an amended plan showing the new position.

Condition 14 will be amended to update the reference to the associated report, position of the fencing and date for installation.

4.2 Sites and surroundings

The application site is a regular shaped piece of land located to the south of Seaward Way (A39) at the eastern entrance to Minehead. It is approximately 1.2ha in size, although the rhyne drainage system that runs around the southern and eastern periphery of the site limits the developable part of the site to approximately 0.85ha. The site is relatively flat. A new access road, Rainbow Way, has been provided off Lutterell Way to the south-western corner of the site. This links, via a small roundabout, to a junction onto Seaward Way.

The surrounding area is of mixed character. Butlins holiday camp occupies a large site on the opposite (northern) side of Seaward Way; Sandpiper Close and Little Plover Close, part of an established residential area, are located to the south and

private sports facilities belonging to West Somerset Community College (secondary school) are to the south-west. The wider area, beyond the new commercial buildings, contains the Minehead Community Hospital and Premier Inn. Tesco's, Morrisons and Lidl supermarket stores are located to the north.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/21/21/015	Erection of 54 low carbon homes comprising 33 flats and 21 houses/bungalows on land to the south of Seaward Way, Minehead	Grant	14/07/2022
3/21/22/011	Variation to wording of condition 21	Grant	20/04/2022
NMA/21/23/007	Application for a Non-Material Amendment to application 3/21/21/015 for amendments to the roof scape and omission of brise soleil to blocks of flats 07, 08 and 09	Grant	15/12/2023

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

NA

8. Consultation and Representations

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

8.1 Date of consultation: 27 October 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 02 November 2023

8.4 Site Notice Date: NA

8.5 Consultees the following were consulted:

Consultee	Comment	Officer Comment
Minehead Town Council	The Committee could see no material planning reason to refuse this application.	Noted

Highways Development Control	No observation	Noted
Environmental Health Team	No comments received.	Noted
Leisure Development	No comments received	Noted
Landscape	No comments received	Noted
Sport England	<p>We have consulted with the England and Wales Cricket Board due to the specialist nature of application.</p> <p>This was their response:</p> <p><i>The Labosport Report dated 18/3/2021 recommends a minimum ball stop netting solution of 62m in length and 4m high to the North. However, to remove all risk, they indicated a height of 5m.</i></p> <p><i>In considering these recommendations and the applicants proposals as set out in 'Revised Boundary Treatment Plan 0001/A and the Planning Statement, the ECB supports the applicants proposal of a 63m in length and 4.8m high in addition to a further 3.6m high net as set out in the Planning Statement.</i></p> <p>Therefore, Sport England raises no objection.</p>	Noted. Considered within the report.

8.6 Local representations

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

1 letter has been received making the following comments (summarised):

- The proposed height does not seem anywhere near high enough to protect the new properties.
- Minehead first team play in a good standard of cricket and the fear is with some

quality batsman who can hit the ball a long way we will see the ball sailing over this fence.

- Whilst the building works have been taking place we often see balls from all teams clearing the current fence
- Having played at and visited other grounds where protective nets have been installed we see the height of these nets being a lot higher than what is proposed.
- Appreciate that who ever occupies the properties wouldn't want an ugly net at the bottom of the garden but in the summer months I think they would like some protection from hard cricket balls.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

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

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
NH13	Securing high standards of design
CC2	Flood Risk Management
ID1	Infrastructure delivery
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car

Neighbourhood Plans:

No Neighbourhood Plan

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

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

National Planning Policy Framework

10. Material Planning Considerations

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

10.1.1 The principle of development

The application site is under construction and nearing completion following the grant of permission 3/21/21/015. The principle of the development is therefore established.

The primary consideration for this application is the impact of changing the positioning and height of the boundary fencing upon public safety, the appearance of the area and residential amenity.

10.1.2 Public Safety

The original planning application was supported by a specialist report prepared by Labosport which considered the safety implications of siting residential properties and associated gardens along the southern boundary of the application site, which adjoins Minehead Cricket Club (MCC) sports field. This was the result of concern being raised by MCC and the public over the possibility of cricket balls clearing the boundary fence, resulting in safety issues for neighbouring residents.

The application therefore seeks to vary condition 14 of application 3/21/21/015 which states:

There shall be no occupation of any dwelling hereby approved until ball stop netting in the location and form recommended in the Labosport Technical Report dated 18th March 2021 has been erected.

Reason: To prevent cricket balls causing injury to people in the development or damage to property.

The 2021 Labosport report assessed the distance between the cricket wicket and houses/gardens, ball speed, flight etc. The analysis uses a cricket ball trajectory model that has been developed by Labosport, in collaboration with the England Cricket Board (ECB). Sport England have been consulted and they do not object to the proposals. As part of their consultation, Sport England consulted the ECB, the governing body for cricket in England and Wales. The ECB support the recommendations set out in the Labosport report.

The 2021 report concluded that for safety reasons, a 4.0m ball protection mesh

fence should be installed along a 62m length the southern boundary of the application site, along the boundaries of Plots 1-10. As noted above, the fence was indicated on the approved plan to be located within the cricket field, outside the red line area of the application site. As such, it cannot be delivered without Third Party Landowner agreement which has not been forthcoming.

The proposal seeks to move the ball protection fencing within the red line area to address this previous oversight. The application is supported by an updated Labosport report recommends that a 4m high fence will remove the majority of the risk and a 5m high fence removes all risks. The application proposes to erect a 4.8m high fence to the rear of Plots 1-6 and 3.6m to the rear of Plots 7-10. The reason for reducing the height for Plots 7-10 relates to the angle at which the gardens sit to the cricket square and the increased distance between the hitting point and rear garden boundary.

It has previously been determined by the local planning authority that protective fencing at a height of 4.0m to the southern boundary of the application site will provide suitable protection for public safety and residents of the dwellings located closest to the cricket ground. The proposed amendment largely increases the fencing height and the lower height to Plots 7-10 is justified given the increased distance from the cricket square.

Having regard to the above, it is considered that the amendment to the position and height of the protective ball fencing is acceptable and will not result in any increased harm to public safety. The amendment to the list of approved plans is therefore supported as is an amendment to the wording of condition 14 to reflect the new Labosport advice.

10.1.2 The impact on visual and residential

As noted above, fencing has already been approved along the southern boundary of the application site and the relocation of the fence line is less than 2.0m.

The increased height and new position for the fencing is not considered to result in any significant change to the visual impact of fencing in this position when compared to the previously approved scheme.

Regarding residential amenity, the fencing will undoubtedly impact upon the enjoyment of gardens and outlook from habitable rooms serving Plots 1 -10, however, the increased height and new position of the fencing will not give rise to any increased harm compared to the approved scheme.

The proposals are considered to be acceptable in regard to the impact of the fencing on visual and residential amenity and the amended proposals comply with Local Plan Policy NH13.

10.1.3 Any other matters

The proposed development has been assessed as not giving rise to any material harm upon biodiversity, flood risk, highway safety or heritage assets in the area and

is considered to be acceptable in this regard.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

NA

12 Planning balance and conclusion

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

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

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

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 3/21/21/015 dated 14th July 2021.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

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

(A1) DrNo 901-03B Landscape proposals
(A1) DrNo ES17.71 DrNo 01.03 Rev.P3 Kerbing & Surface Layout
(A1) DrNo ES17.71 DrNo 02.02 Rev.P7 Highway Site levels Sheet 2
(A1) DrNo ES17.71 DrNo 02.15 Rev.P3 Section 38 Adoption Layout
(A1) DrNo ES17.71 DrNo 03.02 Rev.P6 Drainage Plan Sheet 2
(A1) DrNo ES17.71 DrNo 03.16 Rev.P1 Surface Water Catchment Overall Plan
(A1) DrNo ES17.71 DrNo 60.00 Rev.P4 Proposed Rhyne Layout & Cross Sections
(A1) DrNo ES17.71 DrNo 06.10 Rev.P3 Cut & Fill Layout Residential
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-005 Rev. P07 Site Access Plan
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010 Rev. P09 Site Plan GFL
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-015 Rev. P08 Site Plan 1FL
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-020 Rev. P07 Site Roof Plan
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-025 Rev. P08 Site Plan Parking
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-030 Rev. P02 Site Plan Boundary Treatment
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-001 Rev. P01 Existing Site Plan
(A1) DrNo2231-MAL-ZZ-ZZ-DR-A-100-100 Rev. P05 Elevations -Blocks
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-105 Rev. P06 Elevations Flats
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-130 Rev. P06 Site Sections
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-140 Rev. P06 Site Sections
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-180 Rev. P06 3D ORTHO SW
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-185 Rev. P06 3D ORTHO NE
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-190 Rev. P06 3D ORTHO NW
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-195 Rev. P06 3D ORTHO SE
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8EL Rev. P05 Block 7&8 Elevations
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8PL Rev. P05 Block 7&8 Plans
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK9 Rev. P05 Block 9 Flats
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-110 Rev.P05 Materials Board
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK01-PL Rev. P0 3 Block 01- Houses 1-2
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK02-PL Rev. P03 Block 02 – Houses 3-6
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 03 – Houses 7-10
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 04 - Houses 11-

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK05-PL Rev. P04 Block 05 Houses 14-16
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK06-PL(P05) Block 06 - Houses 17 – 21

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

- 3 No development shall be commenced, until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SUDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

- 4 No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Expedite FRA ref: ES17.71 Revision 2 dated January 2021 and in particular, the following mitigation measures detailed within the FRA:

1. Finished floor levels for the proposed affordable homes shall be set no lower than 7.425 Metres above Ordnance Datum (AOD).
2. Provision of safe pedestrian routes as a minimum into and out of the site, built no lower than 6.47mAOD, to an area outside the tidal flood risk area shall be provided/demonstrated.

The flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To reduce the risk of tidal flooding to the proposed development and future occupants over the lifetime of the development and to ensure safe access and egress from and to the site in the event of any flooding incident.

- 6 Prior to the first occupation of any of the dwellings hereby approved, the applicant shall prepare and submit for written approval, a Flood Warning and Evacuation Plan for the site. A copy of the Flood Warning and Evacuation Plan shall be provided to each household prior to the commencement of their tenancy / transfer of ownership. The Flood Warning and Evacuation Plan shall be reviewed every 5 years and households informed of any changes/updates.

Reason: The site is located in Flood Zone 3, where there is a high probability of flooding during the lifetime of the dwellings. The Local Planning Authority wishes to ensure that adequate warning and evacuation measures are in place in the event of a flood, in accordance with Policy CC2, Flood Risk Management, of the Somerset West Local Plan to 2032 and paragraph 163 of the NPPF.

- 7 If the solar panels hereby approved cease to produce electricity, they shall be safely removed and disposed of within 3 months of them permanently ceasing electricity generation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the long term appearance of the building within the urban landscape.

- 8 Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.

Reason: To safeguard the character and appearance of the buildings and the area.

- 9 Prior to the first occupation of any of the dwellings, the applicant shall submit a green travel plan to the Local Planning Authority. The green travel plan shall set out in detail the measures to be adopted to encourage the use of sustainable transport (walking, cycling, public transport, car sharing etc.). Written approval of the Local Planning Authority shall be secured before first occupation. It shall subsequently be implemented in accordance with the approved plan.

Reason: To promote sustainable transport, as an alternative to reliance on the private motor car, in accordance with Policy TR2 (Reducing reliance on the private motor car) of the West Somerset Local Plan to 2032.

- 10 (i) The landscaping/planting scheme shown on the submitted plan, DRNO 901 03B (Landscape), shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be

approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 11 Prior to the commencement of development, the applicant shall investigate the history and current condition of the site, to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

- 12 The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate bin storage facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 13 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard

Green Ecology's Ecological Appraisal dated June 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the bats, nesting birds and reptiles
4. Arrangements to secure the presence of an Ecological Clerk of works on site
5. Measures to prevent pollution of the ditch

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and reptile hibernacula and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

- 14 The ball stop netting shall be erected in accordance with the recommendations set out within the Labosport Technical Report (dated 2nd August 2023) before 3rd May 2024. Thereafter the ball stop netting shall be maintained in perpetuity, in a suitable condition with any damage to the netting being repaired/replaced on a like for like basis.

Reason: To prevent cricket balls causing injury to people in the development or damage to property.

- 15 No part of the development hereby permitted shall be occupied until the access works have been carried out generally in accordance with a design and specification that shall first have been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Local Highway Authority.

Reason: To ensure a safe access is provided.

- 16 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 first have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: To ensure surface water does not impede traffic movement and in the interest of highway safety.

- 17 The gradients of the proposed drives to the dwellings hereby permitted, shall not be steeper than 1 in 10 and shall be permanently retained at that gradient

thereafter at all times.

Reason: To ensure gradients are satisfactory and useable.

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

Reason: To encourage walking and cycling as an alternative mode of transport to the private car.

- 19 Prior to first occupation of the development hereby permitted, 126 covered cycle spaces (70 communal) and 11 motor cycle parking spaces, shall be provided, in accordance with the details submitted and they shall then be maintained for cycle/ motorcycle parking throughout the duration of the use, unless otherwise agreed in in writing by the Local Planning Authority.

Reason: To ensure provision is made for motorcyclists.

- 20 Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will need to be available to all dwellings through charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that infrastructure is provided and in place to support the use of electric vehicles in order to contribute towards the sustainability of the development and mitigate the impact of climate change.

- 21 The proposed estate roads, footways, footpaths, tactile paving, 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 in writing by the Local Planning Authority prior to first occupation of any dwelling unit on the site. 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. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

Reason: To ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority.

- 22 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it

is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure satisfactory roads and footpaths are provided.

- 23 During the construction phase, the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the public highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of works, and thereafter maintained until construction of the site ceases.

Reason: To ensure that the construction process does not result in deposits of waste on the public highway.

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

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

Reason: To ensure that the impact of the development upon neighbours is minimised.

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

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working

- practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
 - h) Use of protective fences, exclusion barriers and warning signs; and
 - i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure appropriate protection and mitigation for European and UK protected species, especially the UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:

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

The Landscape and Ecological Management Plan (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 West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

27 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by the Local Planning Authority, prior to occupation of the first dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation on 5x dwellings;
- a) A cluster of 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north or northeastern facing elevation on 5x dwellings;
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on 3x dwellings;
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 3x dwellings;
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation on 5x dwellings;
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site; and
- f) 2x hibernacula log piles as a resting place for reptiles and or amphibians constructed on the south eastern boundary.

The approved features shall remain in place to serve biodiversity at all times thereafter.

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

28 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;

- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2019 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing, with reference to the provisions of Policy SC4 (Affordable Housing) and Policy ID1 (Infrastructure Delivery) of the adopted West Somerset Local Plan to 2032.

- 29 A Travel Plan detailing measures to encourage the use of sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling hereby approved. The provisions and associated fees of the Travel Plan shall be fully adhered to in accordance with the timetable contained therein, unless, otherwise varied in writing by the Local Planning Authority.

Reason: To promote sustainable travel and mitigate the impacts of climate change upon the environment, in accordance with the provisions of Policy TR1 (Access to and from West Somerset) of the adopted West Somerset to 2032.

Notes to applicant.

- 1 In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

