

Officer Report On Planning Application: 23/01649/FUL

Proposal:	Construction of 49 dwellings and formation of vehicular access
Site Address:	Land North Of Broadway Hill, Broadway Hill, Horton, Ilminster, Somerset, TA19 9QU
Parish:	Horton
ILMINSTER Division	Cllr Val Keitch and Cllr Sue Osborne
Recommending Case Officer:	Catherine Tyrer (Principal Specialist)
Target date:	17th October 2023
Applicant:	Galion Ltd
Agent: (no agent if blank)	Mr Eric Telford, Wienerberger House, Brooks Drive, Royal Business Park, Manchester SK8 3SA
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

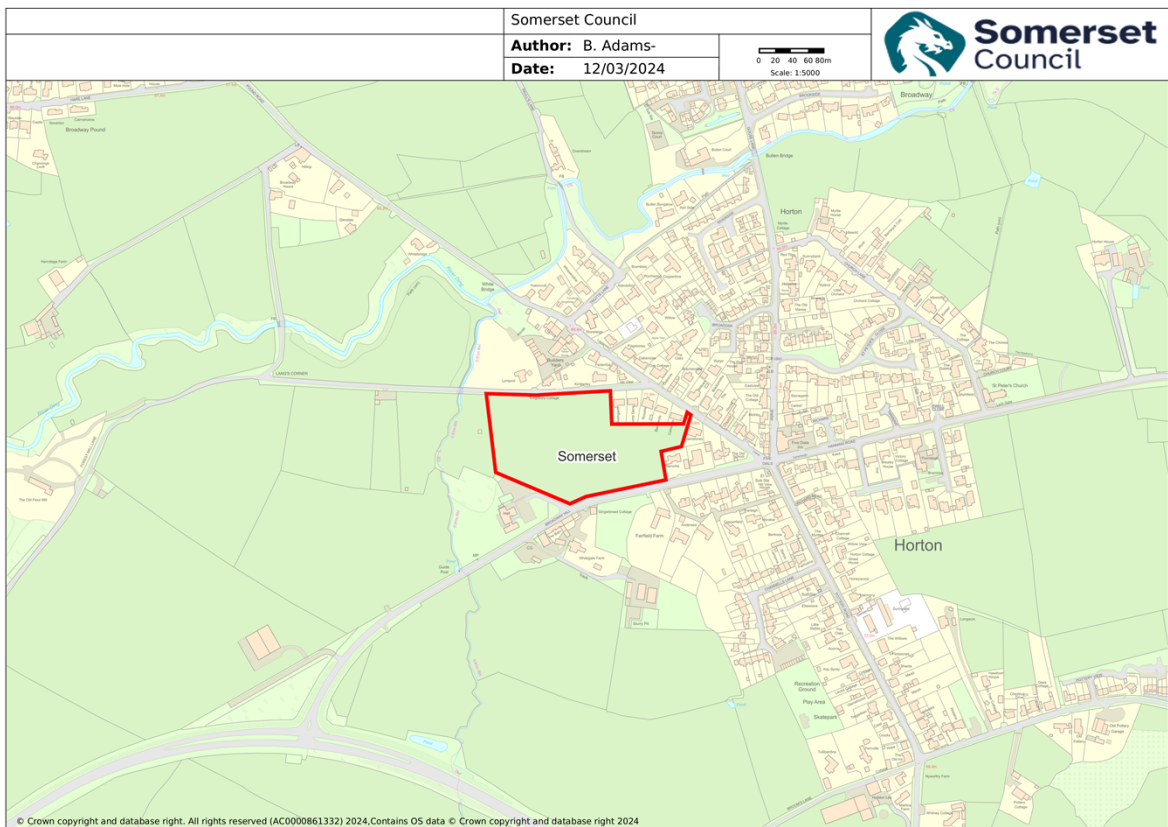
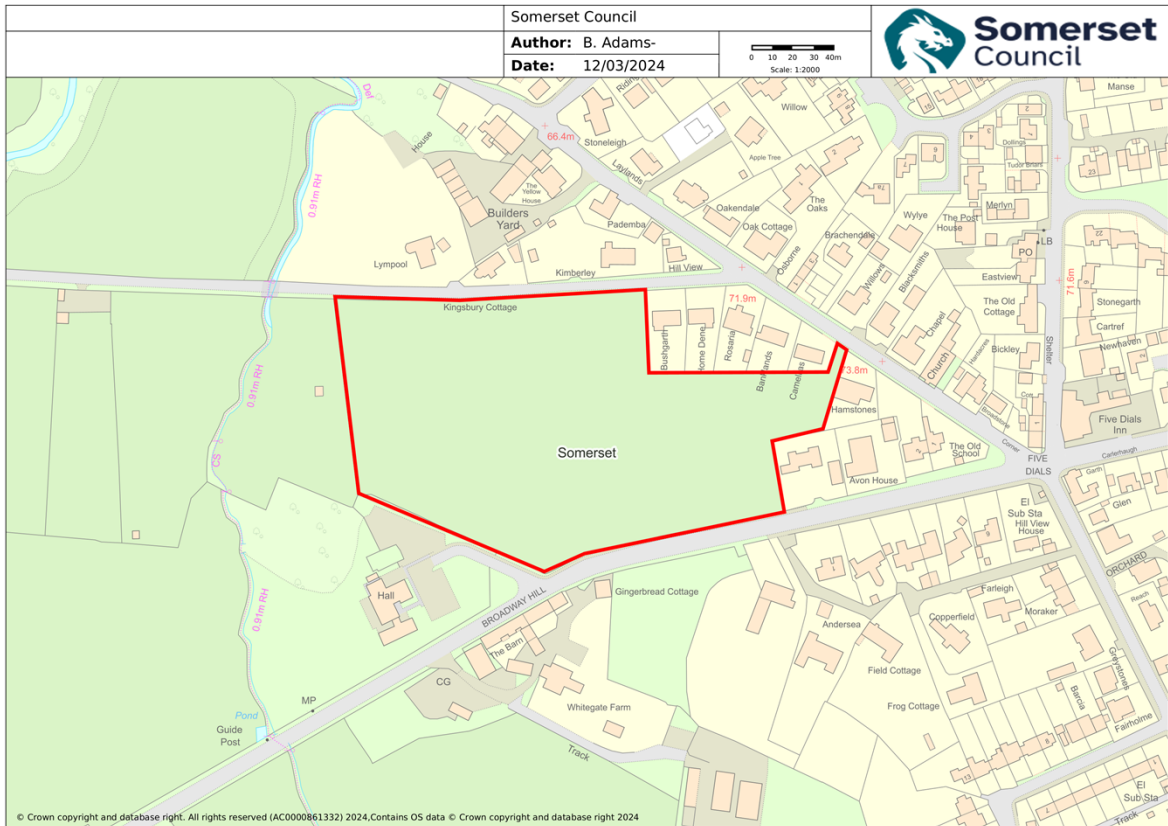
REASON FOR REFERRAL:

This application is referred to the South Area Planning Committee as there are objections from the Parish Council contrary to the Officer's recommendation, and therefore as a major planning application under the Council's Scheme of Delegation this is automatically referred to Committee for determination.

This application is a resubmission following the refusal of a previous application for a similar scheme (ref: 20/03277/FUL), which was refused for three reasons, relating to (i) lack of services to meet day to day needs and reliance on the private motor car, (ii) does not deliver social and community infrastructure, and (iii) design of dwellings at site entrance.

The scheme has been amended since that previously proposed, with changes proposed to the design and layout of properties close to the site entrance and other amendments intended to address concerns raised by local residents.

SITE DESCRIPTION AND PROPOSAL



Site Description:

The approx. 2.35ha. application site comprises an agricultural field, currently grassed used for grazing, with Broadway Hill bounding the site to the south and Forest Mill Lane to the north. The site is located to the rear (generally westwards) of a group of dwellings that front onto Pound Road, Broadway Hill and Forest Mill Lane.

The field is currently accessed by a track off Pound Road that leads between the row of dwellings. It is bounded largely by field hedges and some domestic curtilage hedging or fencing.

The dwellings adjacent to the site largely comprise relatively small, detached bungalows set in generous plots, with adjoining garages, of a post-war appearance, with pitched roofs covered by concrete interlocking tiles and with off-white painted render walls and yellow-coloured stone finish to the front elevation. Neroche is the exception being of two storeys, dark red brick elevations and a hipped, red plain tile covered roof.

The dwellings further from the site include more traditional, two-storey, pitched roofed dwellings with plain red tile or slate roof covering and off-white painted render with stone facing to the front elevation.

The front boundaries in the vicinity of the site commonly involve a grass verge and hedge or low-level stone wall.

Constraints include:

- Agricultural Classification Grade 3
- Archaeological potential
- Somerset Levels and Moors Ramsar Catchment Area
- SSSI Impact Risk Zones

Description of Proposal:

This application seeks permission for the erection of 49no. dwellings and formation of a new vehicular access off Broadway Hill.

The scheme would include 17 affordable housing units and 32 open market housing units. It proposes 1,349sqm of on-site public open space and associated landscaping.

The mix of market housing was amended during the course of the application, and is

now as proposed follows:

- 4 x 2-bed units
- 18 x 3-bed units
- 10 x 4-bed units

The mix of affordable housing proposed is as follows:

- 2 x 1-bed units
- 7 x 7-bed units
- 7 x 3-bed units
- 1 x 4-bed unit

Car parking is proposed in the form of allocated parking spaces to the front/side of properties, unallocated parking spaces and car ports, with a total of 165 parking spaces (including 49 electric vehicle charging points).

The majority of units would be detached, with some semi-detached and terraced properties. All houses have access to a private garden area. The majority of houses proposed are two-storey in height, with those in the in the centre/northern section of the site (B1 and B2 house types) being 1.5 storey dwellings.

There are two areas of public open space - in the north west corner of the site (513sq.m) and in a central location opposite the site entrance (736sq.m) and a small area (103sq.m) to the south of the main loop road.

Off-site phosphate mitigation is proposed in the form of the temporary fallowing of 52ha of agricultural land at Manor Farm, West Lydford until the Wessex AMP7 works are completed at the Broadway Waste Water treatment Works and permanently fallow or plant woodland on 6.6ha of land at Manor Farm post-completion of the AMP7 works.

This application is the resubmission of the previous application (ref: 20/03277/FUL) which was refused. While the scheme is broadly similar, some amendments have been made to the design and layout, which primarily relate to the following:

- Plots 4 and 5 redesigned so Plot 4 is parallel to Broadway Hill and the dwellings are set back to follow the informal building line on Broadway Hill and the dwellings on Plots 1-3.
- To enable this change, the 2 x 1-bed flats have been moved from within the site to Plot 4 and the dwellings on Plots 13 and 14 are now a pair of semi-detached properties.

- A number of plots (on the Broadway Hill frontage), Plot 12 and 10-13 have been redesigned with hipped ends. Plot 1 now also reflects the hipped roof design of Neroche.

As mentioned above, some amendments have been made during the course of the application to amend the housing mix.

HISTORY

20/03277/FUL - Erection of 49 dwellings and formation of vehicular access. Refused for following reasons:

1. Notwithstanding the acknowledged benefits deriving from the delivery of housing including policy compliant affordable housing, the site is located within a rural settlement the subject of Local Plan policy SS1 which defines such settlements as comprising part of the countryside and to policy SS2 which defines the circumstances under which development will be permitted and having regard to the provisions of paragraph 5.30 of policy SS2's preamble which explains that within the rural settlement tier there is scope to deliver higher levels of growth at larger settlements for instance with strong employment and good sustainable transport links. Despite the range of facilities that are available within Horton many of these do not meet day to day service needs and those within Broadway are sufficiently separate as to likely require access by private vehicles. As such, the scale of development proposed is likely to result in a significant reliance upon private modes of transport and departs from the provisions of Policies SS1 and SS2 of the Adopted South Somerset Local Plan 2006 - 2028 to manage the levels of growth within rural settlements and for development scale to be commensurate with the range of services and facilities that are available.
2. At the point of determination the application does not satisfactorily deliver social and community infrastructure and necessary nutrient neutrality mitigation required by developments within the Somerset Levels and Moors Ramsar site, and is therefore contrary to the provisions of policies SS6, HG3, HW1 and EQ4 of the Adopted South Somerset Local Plan 2006 - 2028
3. The design of the dwellings framing the site access represents an overly prominent built form that is alien to the more low density dwelling pattern that is located back from the highway reducing the impact of built form that characterises the entrance to the village along Broadway Hill. As such, this part of the development departs from the requirements of Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

South Somerset Local Plan adopted March 2015

SD1 Sustainable Development

SS2 Development in Rural Settlements

SS4 District-Wide Housing Provision

SS6 Infrastructure Delivery

HG3 Provision of Affordable Housing

HG5 Achieving a Mix of Market Housing

TA1 Low Carbon Travel

TA5 Transport Impact of New Development

TA6 Parking Standards

HW1 Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

EQ1 Addressing Climate Change in South Somerset

EQ2 General Development

EQ3 Historic Environment

EQ4 Biodiversity

EQ5 Green Infrastructure

EQ6 Woodland and Forests

EQ7 Pollution Control

Other material considerations

National Planning Policy Framework (NPPF) 2023

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed and beautiful places

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

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Somerset County Council, Parking Strategy, September 2013
South Somerset District Council, Community Infrastructure Levy Charging Schedule, November 2016
South Somerset District Council, Five-Year Housing Land Supply Paper, November 2022
South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021
South Somerset District Council, Landscape Assessment, published 1993
South Somerset District Council, Local Housing Needs Assessment, (LHNA), October 2021
South Somerset District Council, Policy HG3 First Homes Position Statement, (FHPS), December 2021

CONSULTATIONS

A summary of the responses received is provided, full copies are available on the Council's online Planning Register.

Active Travel England:

No comment to make as application does not meet the statutory thresholds for its consideration.

Devon and Somerset Fire and Rescue:

No comment

Designing Out Crime Officer:

No objection subject to comments - consider 2 open spaces that could become informal play spaces. Details of lighting required. Consideration to boundary treatment required. Consideration to parking areas and natural surveillance required.

Highway Authority:

Revisited taking into account Highways Authority response to application 20/03277/FUL. Content that the previously noted conditions contained with the LPA committee report would satisfactorily secure the highway related matters. Highways authority therefore withdraws previous recommendations.

Highways Authority has no objections to the development as submitted, provided those conditions previously noted are applied to any permission granted. S106 Agreement should cite s278 Highways Act 1980 and should secure:

- All works either on or directly adjacent to land covered by highway rights

- The Travel Plan

South West Heritage Trust (Archaeology):

The site lies adjacent to an area known to be associated with the manufacture of Donyatt pottery and there is consequently some potential for the presence of associated features and kilns. The proposal is therefore likely to impact on a heritage asset. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest. Recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a geophysical survey and a field Evaluation.

Local Lead Flood Authority (LLFA):

Further comments 8 February 2024 [following submission of further information] - revised assessment which appears more representative of conditions and soil type. At detailed design stage, further consideration will need to be given to reducing the half drain time of tank 2 further and include plot-based source control and rainwater harvesting features (such as rain gardens etc).

LLFA has confirmed not objection in principle subject to use of conditions requiring submission and approval of further information relating to sustainable surface water drainage scheme and an informative.

Further comments 20 September 2023 [following submission of further information] - agreed that infiltration testing and certain calculations can be undertaken at detailed design stage, and if infiltration found feasible the drainage strategy should be amended to incorporate infiltration.

Further information/consideration required regarding the rate of QBAR and SuDs features. Confirmation that a new connection is feasible and details of third-party land ownership and consents. As the proposed drainage strategy depends on the use of attenuation crates, this needs to be updated now as it is not clear what the proposed strategy is. The applicant is advised to update the drainage strategy to match the Micro Drainage calculations and ensure the drawing is adequately labelled so the locations of surcharged manholes can be identified.

Initial comments 11 August 2023 - further information required before appropriate planning conditions can be set.

Natural England:

No objection subject to mitigation being secured and support Somerset Council's adoption of the sHRA. Agree that the development will not adversely affect integrity of Somerset Levels and Moors Ramsar.

NHS:

GP surgeries currently have sufficient capacity to absorb population increase. At this time no contribution is sought.

Somerset Ecology Services (SES):

Update: no further comments received in response to walkover survey.

Initial comments - 9 August 2023:

Additional ecology surveys are not available - need to see the results of the Great Crested Newt eDNA and badger monitoring surveys (both recommended by Clarkson Woods in 2021) and information regarding the offsite enhancements. Evidence to show there will be no net loss of biodiversity required. As surveys are 2.5-3 years old, a walkover survey will be required.

Conditions likely to be required, but will depend on results of surveys.

SES has already endorsed the sHRA.

Somerset Council - Education:

The development will generate 5 early years, 16 primary school and 7 secondary school places. There is no need for early years or primary contributions as the capacity in the schools will be able to accommodate new children. However, Holyrood secondary is required to have an expansion to accommodate all children from new development, and a contribution is required. The secondary expansion cost per pupil is £26,745 with 10% increase to £29,419.50. The contributions based on 7 secondary school places being generated are £205,936.50, which should be secured by a s106 agreement.

Somerset Council Strategic Housing Officer:

Policy requires 35%affordable housing which would be split 75:25 social rent: first homes. This would equate to 17 units (12 social rent: 4 first homes and 1 dwelling for other affordable home ownership such as shared ownership.)

Based on local housing needs assessment this should be as follows:

2 x 1 bed flat
7 x 2 bed house
7 x 3-bed house
1 x 4 bed house (rent)

These should meet stipulated minimum internal space standards, they should be pepper potted throughout the site and units developed to blend in.

S106 to include appropriate trigger points.

Somerset Council - Public Open Space Officer:

Developments of this size not required to provide public open space, but instead, ask for a contribution of the CIL payment towards POS offsite, paid to the Parish/Town Council.

Somerset Council Planning Policy Officer:

Monitoring demonstrates that over :Local Plan period, to end of March 2023, 42 dwellings have been delivered within Horton and there are commitments for a further 6 dwellings. With this development that is 90 dwellings.

The 2021 Census data for the built up area of Horton, which includes Broadway, indicates there are 571 address points, which at 2.21 people per household (ONS projections) would equate to 1,262 people (rounded). The proposed development and additional 6 commitments would increase the population by a further 122 people, giving a percentage increase of 10%.

[Officer comment: It is noted that since 31st March, there has been a committee resolution that outline Planning Permission be granted for 35 dwellings at The Pound, ref 18/01311/OUT, which would equate to an additional 77.35 people (but planning permission has not yet been issued. The combined total would therefore be a 16% increase over the Plan period.]

Horton benefits from a range of community facilities. If this were granted, along with other current commitments would equate to 4 dwellings a year over the Plan period [or 5.7 a year if the outline application for 35 dwellings subject to a recent committee resolution to approve were to be included].

The application proposes 35% affordable housing, although it is not supported by evidence to show how local housing need will be met.

The Council does not have a 5YHLS so the titled balance is engaged.

Somerset Council Outdoor Playing Space, Sport and Recreation Planning Obligations:

Council has calculated infrastructure required. Local assessments show deficiencies in equipped play space, youth facilities and playing pitches. Off-site contributions are required to mitigate the impacts. The cost of maintaining each provision has been calculated and a commuted sum is required to cover a period of maintenance for ten years.

Off site contributions required:

- Equipped play space - off-site contribution towards enhancement of equipped play area within Horton - Channells Lane and Child Play area on the Village Hall Grounds - £39,894 and commuted sum of £23,043
- Youth facilities - off-site contribution - £7,833 and commuted sum of £2,896
- Playing pitches - off-site contribution towards play pitches at Channells Lane - £19,074 and commuted sum of £11,577
- Total = £105,360 (£2,150 per dwelling)

Wessex Water :

Further Response (Nov 2023):

Following correspondence with Case Officer, confirmation that conditions can be used to deal with foul sewerage strategy (as per condition 29 of previous application recommendation). With amendments to condition 29 used on previous application, amended to take into account that the connection to the sewer network already in force for the properties listed in 29a. These properties are not currently on septic tanks and are no longer relevant for any nutrient mitigation scheme.

Initial Response:

There are sewers shown as crossing the site which must be located by private survey and shown on deposited drawings. There must be no construction within 3 metres either side of the sewer or rising main and no significant planting with 6 metres. The sewers must remain in public space and be easily accessible. Subject to application, engineering agreement and at the developer's expense it may be possible to divert these sewers to achieve the proposed layout. Where sewers are diverted into new on site foul sewers they must be proven to be carrying foul sewerage only.

Section 6 of Curtins FRA and Drainage strategy noted (26/10/2020). It appears that the sewer record has been updated since the FRA was written and the 5 properties in the north eastern corner described are shown to be connected to the public sewer network via a small sewer in the north eastern corner. Easements as above, due to the

size of this sewer connection is not available for a development of 49 dwellings (subject to agreement a connection can be made to a sewer of 150mm or above). Where needed the crossing of third party land will be through agreement with the landowner(s) or through the requisitioning the sewer from Wessex Water.

The applicant will need to review the size of the plot provided for the foul pumping station. This will need to be in accordance with Industry Guidelines for adoption (Sewerage Sector Guidance) and Wessex Water's pumping Addendum. There are specific access and security requirements. Access will be required by a 3000 gallon tanker; no parking or manoeuvring of this vehicle over the proposed attenuation tank. Security will depend on the need for chemical dosing which due to the length of the rising main is considered likely. The pumping station must be 15 metres from the nearest habitable dwelling to avoid complaint due to noise, smell or vibration.

The strategy does not include any above ground SuDs to demonstrate multi benefits. There is limited capacity within the foul sewer network to accommodate new development Wessex Water will be considering a sewer capacity scheme the form of which will be determined by the number of planning approvals in the short to medium term. There are a number of applications still to be considered. Wessex Water has a duty to serve new development under the provisions of the Water Industry Act. Where there is a lack of capacity improvements to support development foul flows improvements are planned by Wessex Water and funded by the per property infrastructure charge.

PARISH COUNCIL

A summary of the responses received is provided, full copies are available on the Council's online Planning Register.

Horton Parish Council

Objection

- No significant changes following previous refusal.
- Horton and Broadway are two distinct rural settlement. The application seeks to combine them. Not a proven need for 49 new dwellings. Demand for houses has reduced significantly.
- Application fails to demonstrate need. No employment in village. Car journeys required for employment to Taunton, Honiton , Chard, Yeovil etc. nearest train station is a car journey away.
- Not enough school places, doctors, dentist etc and not available on foot.
- Impact of highways - increase traffic in village, excess speeds recorded,

visibility splays too short and hedgerows not regularly cut back reducing sight lines further. Village hall has increased in use and insufficient parking, with cars having to park along Broadway Hill which will further obscure view. Cars from new development will park on the road, further increasing congestion and risk of accidents.

- Change of parking spaces likely to cause issues for contractors, waste collection, delivery vehicles, emergency vehicles. There are a number of pinch points.
- Adverse visual impact - out of character with Horton
- Poor layout and density
- Alien design, appearance, materials and landscape
- Unclear drainage.

Broadway Parish Council

Objected in 2020, 2022 and 2023 for housing on the site. Previous objections are still relevant and application should be refused.

Development has implications for social and physical infrastructure of Broadway. No reference within Planning Statement to capacity of Neroche Primary School or the Church View Medical Centre. Assurances given by education and health authorities are neither specific enough nor take into account the increase in housing consented in Broadway. Services in village will be inadequate to cope with additional demand. Residents will need to use private vehicles to access those services.

Impact on capacity of local waste water infrastructure. At present there is no solution to impact of current level of flows has on sewage pollution in Suggs Lane. Treatment Plant unable to cope with present flows without a significant level of discharges of untreated water into the Ding.

No evidence of housing need. does not take into account recently consented schemes - in 2023 alone 35 houses consented and another 28 imminently to be consented behind the Bell Inn. There is plenty of housing coming on stream locally to satisfy the needs of those wishing to live locally.

Urbanisation of the village.

Change in role of Horton has resulted in an increase number of people leaving the village by car to meet their needs for local services.

REPRESENTATIONS

The application was advertised by way of press and site notices and 323 residents were notified. Re-consultation was carried out following the submission of amended plans.

A number of comments were received in respect of amendments to the housing mix, which essentially reiterated comments previously received.

185 comments were received, with 183 raising objections and 2 in support.

A brief summary of the responses received is provided, full copies are available on the Council's online Planning Register.

General

- Minimal changes since last application - reasons for refusal have not been overcome
- Will be affected by noise pollution for village hall
- No evidence it will contribute to climate change targets
- Concern regarding drainage of septic tanks
- Too many second homes and temporary holiday lets
- No amendments to meet Carbon Neutral pledge
- No solar panels
- Strength of local feeling clear and overwhelming
- Wessex Water has already stated there is limited sewer capacity and unable to cope with existing flows
- Development will increase flooding
- Green space is attempt to hide future development
- Developer desperate for profit
- Unsustainable - lack of employment and limited public transport
- Not aimed for local people - building homes for the rich

Policy/Housing need/ infrastructure

- Need for additional housing in this location not proven
- Demand for new housing has reduced
- Increased burden on existing infrastructure which is already overstretched (i.e. schools, doctors etc)
- Water supply, electricity, broadband and drainage/sewerage system already overstretched

- Housing development should be located on edge of large towns
- Contrary to policies SS1 and SS2
- Not allocated in Local Plan
- Horton and Broadway has already taken a lot of development - need to consider combined impact.
- Government policy is to develop brownfield sites not greenfield sites
- There are brownfield sites available which could be developed.

Ecology/biodiversity

- Poor quality of rivers
- Impact on wildlife
- Splendid oak tree by entrance should be retained
- Protective fence against hedgerow will be create barrier to wildlife

Highways/ Traffic

- Increase in traffic on local roads, which is already bad especially when accident on A303
- Roads not suitable for increased traffic
- Reliant on cars and out commuting for work services/shops/amenities
- Speed surveys indicate excessive speeds
- Visibility splays not sufficient, and when events at village hall parking on roads will obscure visibility further
- Entrance is on a blind bend - highly dangerous
- Likely to result in cars parking on roads
- Likely to be issues within development for delivery vehicles, emergency vehicles and waste collection etc.
- There are number of pinch points within road scheme
- No public transport apart from school buses
- Danger to pedestrians and lack of pavements
- Record show already 2000 cars go through the village every day
- Insufficient pedestrian/cycle links
- Impact of construction traffic

Character/Landscape/Design

- Increased traffic through AONB
- Loss of rural character
- Horton and Broadway are 2 distinct settlements. Development proposes to merge them into one settlement. Eventually will become sprawling extension to

Ilminster.

- Over last 60 years deterioration of rural environment due to inappropriate development and villages have become suburbanised.
- Too big for village, out of keeping and overly prominent
- Density not appropriate - too many houses will overwhelm character of village
- Overdevelopment
- No attempt to maintain character of village - will become huge anonymous housing estate suburb
- Impact on landscape
- Materials proposed not appropriate

Amenity

- Loss of privacy
- Noise and loss of amenity associated with increased traffic
- Loss of amenity for walkers
- Street lights and associated light pollution

The Countryside Charity Somerset - CPRE:

- Does not accord with Local Plan and contravenes several paragraphs of the NPPF.
- High visible development on gateway site will dominate skyline. Intrusive focal point in open countryside with Blackdown Hills NCA and visible from miles away. High-density ignores edge-of-settlement character of its surroundings.
- Loss of amenity to existing properties through loss of open farmland
- Claimed design adheres to traditional form and design of traditional properties in the village and use of natural materials which are quarried locally - incorrect and misleading as design is at odds and alien and Blue Lias stone is not quarried locally.
- Overbearing terraced blocks near site entrance is out of scale and reminiscent of early council housing estates. No integrated communal green space or play areas. Extensive parking dominates creating bleak environment.
- Identikit housing types. Does not comply with any exemplar design codes.
- Overbearing estate for edge of Horton fails to achieve high quality design, does not promote local distinctiveness or enhance character of the district.
- Impact on existing residents privacy and loss of views
- Use of natural stone as dominant façade treatment - absence of variance in colour, materials and texture results in monotonous, featureless and uniform appearance. Single-style monolithic development makes no attempt to blend into rich vernacular style of the settlement.

- High density -no attempt to address boundary between open fields and settlement.
- Application should not have been registered as a number of documents missing.
- Despite 5YHLS the development does not represent sustainable development and adverse impacts are considerable and significantly outweigh the benefits. There is no presumption in favour of sustainable development.
- Environmental or economic cases unproven.
- Social case - local surgery and school oversubscribed. Will lead to increased car journeys accessing services. Deliveries will increase number of commercial vehicles Contribute to local traffic congestion and pollution.

CONSIDERATIONS

Principle of Development

Local Plan policy SS1 effectively defines Broadway & Horton as rural settlements to which policy SS2 applies.

Local Plan policy SS2 states:

Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- *Meets identified housing need, particularly for affordable housing*
- *Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general..*
- *Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.*
- *Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services...*

Local Plan paragraph 5.41 states:

...new housing development should only be located in those Rural Settlements that offer a range (i.e. two or more) of the following services, or that provide these within a cluster of settlements:-

- *local convenience shop;*
- *post office;*
- *pub;*
- *children's play area/sports pitch;*
- *village hall/community centre;*
- *health centre;*

- *faith facility; and*
- *primary school.*

Local Plan policy SS4 sets out the housing requirements of at least 15,950 dwellings in the plan period April 2006 - March 2028 inclusive.

Local Plan policy HG5 supports delivery of a range of market housing types and sizes to reflect local need.

NPPF paragraph 73 supports the delivery of new homes through extensions to existing villages, among other criteria.

The Five-Year Housing Land Supply Paper, (5YHLS) dated October 2023, notes that the Council cannot currently demonstrate a five-year supply of housing sites but rather the equivalent of 3.29 years (this has dropped since the application was last considered from 3.7 years).

As such, NPPF paragraph 11 d) applies, as follows:

Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means:

...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

However, the provisions of NPPF paragraph 11(d)(ii) do not preclude the emphasis within the NPPF to promote a plan-led approach. When decision taking, where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites), the amount of weight to be attributed to relevant policies (i.e those that affect the supply of housing) should be assessed depending on their consistency with the framework.

Key services in rural settlements

Horton village includes a village hall, two faith facilities, a play area, a post office and a pub. As such, the proposed site would comply with policy SS2 in this regard.

Paragraph 5.33 of the Local Plan advises that:

"There may be occasions when nearby settlements effectively provide local services for each other, acting as a 'cluster', meaning a case can be made for development in one settlement to meet the needs of the cluster. In these cases, clear evidence of the functional service relationship between the settlements will be needed."

Broadway has a close functional link with Horton, and it is noted there are also a number of facilities within Broadway (including a primary school, a pub, a village hall).

Identified housing need, excluding affordable housing

The Council's latest housing land supply position, dated October 2023, based on a five year requirement of 3,375 dwellings (i.e. the annual requirement of 675 x 5 years), plus the appropriate buffer of 5%, giving a requirement to demonstrate land capable of delivering 3,544 dwellings in the next 5 years, or an annual completion rate of 709 dwellings. Based upon the current assessment of future housing land supply for the period 1 April 2023 to 31 March 2028, the Council's deliverable five-year supply, taking account of potential non-implementation of 2,333 dwellings. This gives a five-year housing land supply (5YHLS) of 3.29 years.

Representations have been received concerning the number of residential developments that have recently been granted or applied for in the vicinity of the site, which could reduce the identified housing need for the area.

As confirmed by the Council's Policy Team, the Housing figures for Horton Parish for the Plan period up to 31 March 2023 include the delivery of 42 dwellings (completions) and commitments (i.e. planning permissions for a further 6 dwellings).

Taking the completions and commitments together, these would equate to 48 dwellings to be delivered within the Plan period (2006-2028), representing around 2 new dwellings per year. Including the current application, this figure would rise to 90 dwellings and equate to around 4 dwellings per year.

The Council's Policy Team has also provided details of completions for Broadway which, as of 31st March 2023, amounts to 42 completions, and there is a further 30 commitments.

It is acknowledged that if, or when, the commitments in the parish would be implemented is an unknown factor. It is also recognised that the local housing need is district-wide and the specific needs of each individual parish or settlement are

unknown.

Given the above, it is considered that the 49no. new dwellings proposed would fulfil an identified need and contribute towards the housing target identified in the latest 5YHLS and policy SS4. As such, the scheme is considered capable of compliance with policy SS2 in this regard.

Identified housing need, including affordable housing

The scheme would comprise almost 35% affordable housing, which is considered policy compliant as per the assessment later in this report.

The Council's Local Housing Needs Assessment, (LHNA), notes an identified need for 3,406 new dwellings for Social or Affordable Rent. Given that the scheme would contribute 17no. AH units towards this target, the proposal is considered compliant with the relevant criterion of policy SS2 in this regard.

The Council's Local Housing Needs Assessment, (LHNA), October 2021, at paragraph 5.44, notes an identified need for 169 AH units per year (2020-40) across the district or 3,377no. over the Plan period.

As confirmed by the Council's Policy Team in an email dated 23/11/22, the affordable housing figures for Horton Parish for the Plan period 2006-28 include 8no. completions and 0no. commitments.

Including the current application, the combined completions and commitments for the parish would equate 1.25no. AH units per year which is approximately in line with the identified need. Excluding the current application, this figure lies at 0.4no. per year which is a significant under-provision.

In terms of First Homes, Policy HG3 First Homes Position Statement, (FHPS), states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

In this case, the amended scheme would involve 5no. First Homes, representing 29.4% of the proposed AH quantum, and is, therefore, considered acceptable subject to the provisions of a Section 106 agreement, which would secure the details.

Housing mix

Moving to policy HG5, the Local Housing Needs Assessment 2021 (LHNA) sets out

the market housing need for 2020-2040, as shown below:

- 499 of the total market housing provision (or 6%) should comprise 1-bedroom units
- 1,329 of the total market housing provision (or 15%) should comprise 2-bedroom units
- 5,292 of the total market housing provision (or 59%) should comprise 3-bedroom units
- 1,801 of the total market housing provision (or 20%) should comprise 4+-bedroom units

The application proposes 32 market housing units, and the mix has been amended during the course of the application, now proposing the following:

- 1-bed units = 0% (0 units)
- 2-bed units = 13% (4 units)
- 3-bed units = 56% (18 units)
- 4-bed units = 31% (10 units)

This shows that there would be slightly more homes with 4+ bedrooms and fewer 1, 2 and 3 bedroom homes than the LHNA identified need. However, the differential is not considered too great and the proposed mix of market housing is considered broadly acceptable, on balance, in terms of the latest needs of South Somerset.

Scale, character and sustainability of settlement

Scale and character will be assessed later in this report. However, the addition of 49 new homes would be considered to increase footfall to local amenities and, therefore, to increase the social and economic sustainability of the village. As such, the scheme would be considered capable of policy compliance in this regard, subject to the assessment below.

Local community support and engagement

The site does not lie within a Neighbourhood Plan area. However, the applicant has undertaken public engagement, as noted in the DAS, which is considered acceptable.

As noted above, the Council has undertaken public consultations on this application following which, a relatively large number of objections have been received.

Conclusion on principle

The site is identified in the South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021 Broadway & Horton as Suitable, Available and Achievable for housing under ref. W/HORT/0004. While this evidence base does not serve to establish the principle of residential development at this site, it does form a material consideration in this case.

It is also recognised that the so-called tilted balance of NPPF paragraph 11 d) is applicable in this case by reason that the Council cannot currently demonstrate a five-year housing land supply.

On balance, it is the Officer's view that the evidenced need for housing and affordable housing, together with the identification of the site within the latest HELAA, and compliance with the majority of policy criteria as set out above, weigh heavily in favour of the proposed scheme.

For the above reasons, therefore, the principle of residential development at this site is considered acceptable, in accordance with Local Plan policies SS1 and SS2 and NPPF paragraphs 11(d) and 77.

Appearance, Visual Amenity and Landscape Character

Local Plan policy SS2 requires development to be commensurate with the scale and character of the settlement. Policy EQ2 requires high quality design, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district by, inter alia, creating quality places, conserving and enhancing the landscape character of the area and reinforcing local distinctiveness and respect local context.

Policy EQ5 of the Local Plan promotes the enhancement of green infrastructure with reference to walking and cycling routes, increasing access, improving physical and mental health benefits, increasing tree cover, enhancing landscape and place, protecting existing green infrastructure and mitigating any loss.

The NPPF also places emphasis on making efficient use of land and ensuring that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 174 b) of the NPPF states that *Planning... decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the*

countryside.

The site lies within Landscape Character Area Region 2: Blackdown Hills Plateau, Foothills and Valleys of which it is identified as Lower Lias Foothills and Lowland Forest. The application site lies beyond any protected landscape. However, the Blackdown Hills AONB lies approx. 2.3km to the west and is visible from the site.

The layout would largely follow the site peripheries, with the proposed dwellings fronting onto internal spur roads, generally parallel to the existing boundaries.

The ratio of 49no. dwellings to a site area of approx. 2.28ha. results in a proposed density of 21.5 dwellings per hectare (dph), which is considered appropriate to the site's location.

Representations have been received concerning the loss of the originally proposed footpath through the site which would have slightly reduced the walk from parts of Horton to the village hall. While Policy EQ5 encourages increased access to the countryside, the previously proposed pedestrian route would not have been considered to meet this criterion.

The scheme is not considered to increase access to the countryside through the introduction of walking or cycling routes. However, the existing site is bounded by hedges and has only one access point, so cannot be traversed. As such, the impact of the scheme in this regard is considered neutral.

Three areas of public open space are proposed, which would be maintained by a management company, to be detailed within the s106 agreement.

The proposed dwellings would range from one and a half-storey chalet bungalows, such as B4, with a ridge height of 7.18m, to two storey houses, such as J2, with a ridge height of 9.72m.

The northern portion of the site would involve chalet bungalows, with two-storey dwellings to the west where the ground level is lower.

Scale

Section 1 on the submitted Site Sections drawing shows that the ridge height of the north-eastern-most dwelling, plot 20, would be approx. 2m higher than the adjacent dwelling at Bushgarth, albeit both are/would be bungalows. Plot 35, albeit at a lower ground level, would have a ridge height approx. 0.8m above that of Bushgarth.

The previous scheme had a number of flats on the eastern section of the site. These have been replaced with a block of three terraced houses (plots 1-3) with a maximum ridge height of 9.29m, and semi-detached houses (plots 10-13) also with a ridge height of 9.29m. This is higher than the adjacent Neroche. From this point, the ridge heights tend to decrease as the ground levels lower moving westwards, albeit the proposed dwellings would remain two-storey.

Section 5 shows that the proposed dwellings closest to those existing that front onto Forest Mill Lane would be substantially higher, by reason of their two-storey nature relative to the existing modest bungalows adjacent, and of the rising ground level from north to south. As such, Plots 10-13 would have a ridge height approx. 5.4m higher than that of Rosaria to the north.

Appearance

The units would comprise pitched roofs with gable ends, some with front and/or rear pitched roof dormers also with gable ends, and some with pitched roofed timber-framed porches.

The proposed materials would comprise: red or dark grey small plain tiled roofs; black rainwater goods; smooth off-white rendered walls with feature walls finished in Blue Lias cropped stone or red facing brickwork; external corners with projecting stone or brick quoins; buff colour Bath stone cills and lintels (no lintels to dormer windows); off-white painted hardwood casement windows and doors with clear double-glazing; painted timber barge boards to dormers; porch roofs to match main roofs with timber posts on natural stone.

It is understood that the pumping station to be sited within the POS in the north-west corner of the site would comprise a dark green GRP (glass reinforced plastic) enclosure sized to fit pumping equipment to be confirmed once detailed drainage scheme has been agreed with the water authority and the type of pump selected. As such, this element would require the submission of further details to be approved by condition.

No details of the proposed bin storage have been submitted. However, given the adequate size of the private amenity space for each dwelling, it is considered reasonable to secure this via condition.

No details of the proposed heat pumps have been proposed. However, given the adequate size of the private amenity space for each dwelling, it is considered

reasonable to secure this via condition.

Boundary treatments

The existing hedgerows along the site boundaries, with the exception of the new site access point on the north side of Broadway Hill, would be retained and enhanced, and protected via an approx. 1.2m wide buffer and fencing. Details would be secured via condition.

Garden boundaries within the eastern portion of the site would be treated with 1.8m high close boarded timber fencing while the remainder would comprise hedging with an integrated low-level barrier. Low level timber bollards would provide some protection for the two central areas of POS. Hedging is proposed to the POS in the north-west corner of the site. Elsewhere, 1m high estate railings or 1.2m stone wall with cock/hen capping would be installed, in some cases to align the proposed hedging. Submission of boundary treatment details would be subject to condition.

As confirmed above, submission of boundary treatment details would be secured by condition.

Assessment of Landscape and visual impact

A Landscape and Visual Impact Assessment (LVIA) dated November 2020 has been submitted with the application. This notes that:

- *...there will be an immediate change in the character of the existing site as the proposed development and associated infrastructure are introduced. There is potential for any identified adverse effects being reduced over time as the planting and landscape framework within the site matures.*
- *The proposed development is likely to have an imperceptible effect on the broad landscape character.*
- *...the long term residual effects of the development are not likely to exceed moderate, but mostly minor in terms of significance to the overall landscape and visual amenity. Potential adverse effects that have been identified to be present at the operational stage, especially on the site and its setting will be reduced and offset by the mitigation provided in the potential planting scheme described within the landscape strategy.*

It is noted that views of the Blackdown Hills AONB are available from the site. However, given the distance from the AONB, the edge of village location, and the retention and enhancement of the existing boundary hedges, it is not considered that the visual change resulting from the proposed introduction of housing into this field

would have a significant impact on the setting of the AONB or views to and from the protected landscape.

The proposed scheme will introduce built form and associated infrastructure and domestic paraphernalia into a greenfield site, together with a substantial intensification of activity over the existing use. However, the site lies, to all intents and purposes, within the envelope of Horton village and reads as if it had been set aside for residential development. As such, the infilling of this wedge-shaped parcel of land would not be considered visually incongruous with the existing settlement form and in effect constitutes the "rounding off" of the settlement.

Given the physical relationship between this parcel of land and the village settlement pattern, the site is not considered to form open countryside but rather appears an incongruous insertion into the built envelope. As such, the proposed change of use would not be considered out of character with the surrounding area and the appearance would remain that of a small, rural village.

In terms of density, the submitted Design and Access Statement (DAS) notes that the site identified under ref. W/HORT/0004 in the HELAA measures 1.4ha and was considered suitable for 42no. dwellings, while the application under consideration measures approx. 2.28ha. As such, site, W/HORT/0004, would yield a housing density of 30 dph (dwellings per hectare) while the amended scheme under consideration would yield 21.5 dph.

The residential plot sizes adjacent to the site are relatively large, with Neroche measuring approx. 1,076 sqm. However, there is a wide variety of plot sizes in the village, with smaller examples, such as at no.4 Broadoak, which measures approx. 150 sqm.

With the NPPF's objective to make efficient use of land in mind, it is not realistic to develop at density standards that informed the earlier expansion of communities. Whilst plot sizes are overall smaller than those providing local context, the scheme includes a large number of detached units and uses a high proportion of chalet-bungalow designs to reflect the lower density context. For these reasons, the proposed dwellings would not be considered out of character in terms of plot size or density.

It is recognised that the proposed dwellings would generally be taller than the existing dwellings in the immediate vicinity and this would be exacerbated by the higher land levels in the north-eastern parts of the site.

However, there would be a reasonable separation gap between the closest proposed dwellings and those existing, of over 25m between Bushgarth and Plot 17 and over 21m between Banklands and Plot 10. This, together with the retained and enhanced intervening hedges would reduce the appearance of the higher ridge heights in the north-eastern part of the site.

Notwithstanding the difference in ridge heights, it must also be recognised that the majority of dwellings in the surrounding area are taller, having two-storeys. The modest bungalows to the north-east and east of the site, could be viewed as providing a transition between the taller buildings towards the main core of the village, including the church, and the open countryside beyond. However, it is the Officer's view that the example of Neroche, undermines that rationale and it is more likely that the modest bungalows were designed in response to popular thinking at the time of construction, swathes of which can be seen in settlements across the South West.

In this case, the proposed layout has been designed with bungalows on the south side of Forest Mill Lane, adjacent to those existing and at Plot 9. As such, the scheme does respond in some way to its context with the taller dwellings generally sited at the lower ground levels. While the proposed chalet bungalows would be taller than the existing bungalows, it is acknowledged that the existing dwellings are particularly modest in scale and relatively inefficient in terms of land use.

The siting of two-storey buildings at Plots 10-17 would be somewhat out of scale with the immediate surroundings and would be considered to result in an adverse impact. However, it is the Officer's view that the siting of these blocks is justified by reason that:

- The higher density element of the development would be better sited closer to the core of the settlement, with lower density towards the periphery, allowing a transition towards the open countryside;
- The inclusion of this higher density element would make the scheme more efficient in terms of land use in line with the advice contained within the NPPF
- It would also improve the range of housing types to be delivered in response to local need, as noted above, including AH.

As such, this disbenefit alone is not considered grounds for refusal in this case.

By reason of the appearance of this parcel of land as lying within the existing settlement area, together with the proposed soft landscaping and the sloping site that reduces the visual impact of the proposed dwellings further away from the village core, the scheme would not be considered to give rise to unacceptable visual harm to the surrounding landscape.

As noted above, the existing field boundary hedge, generally 5-6m high, would be retained and enhanced with the exception of the new access. The proposal includes a comprehensive scheme of planting, but further details will be conditioned.

Representations have been received regarding the cumulative impact of the current applications under consideration when taken together with recently approved development in Horton and Broadway.

It is the Officer's view that no other housing developments would be sited within the immediate vicinity of the current application site. As such, no cumulative impact on the visual amenity would result in this case.

Conclusion on visual impact

The proposed quantum of dwellings would not be out of scale with the village by reason of the relationship of the land parcel to the settlement form and the proposed density, which is considered generally in keeping with that of Horton as a whole. This is considered to accord with policy SS2 and the advice contained within the NPPF.

Overall, the proposed layout, design and appearance would be considered to integrate well with the surrounding area and no harmful landscape impact is considered to ensue. As such, this would accord with policy EQ2 and the advice contained within the NPPF.

The scheme would retain and enhance the existing hedgerows with the exception of the proposed new access point. While it would replace an area of existing grassland, it would result in a net gain in terms of tree and hedge planting, and would retain green infrastructure by way of the 3 areas of public open space (POS) and private gardens, with one per dwelling, including the flats. This is considered overall to accord with policy EQ5.

Should the Council be minded to approve this application then it would be considered reasonable to impose conditions in this regard.

For the above reasons, the proposed development is considered, subject to conditions, capable of compliance with Local Plan policies SS2, EQ2 and EQ5, and the advice contained within the NPPF.

Amenity

Local Plan policy EQ2 requires that development proposals protect the residential amenity of neighbouring properties. Local Plan policy EQ7 resists noise and light pollution and harm to residential amenity.

Representations have been received concerning loss of rural views and overlooking. [Officer note: English law does not protect private views.]

Conditions requiring a Construction Environmental Management Plan (CEMP) and external lighting scheme to control impact on the neighbouring residential amenity are proposed.

The nearest residential properties to the site include Bushgarth and Home Dene on the south side of Forest Mill Lane; Rosaria, Banklands, Camellias and Hamstones on the west side of Pound Road; and Neroche on the north side of Broadway Hill.

The following dwellings are separated by a road from the site: Fairfield Farm and Barn and Gingerbread Cottage on the south side of Broadway Hill; and Lympool, Kingsbury Cottage and Kimberley on the north side of Forest Mill Lane. Given that the separation gaps between the existing and proposed new dwellings would be at least 20m, and the intervening features include the highway and two rows of mature hedging, no harm to the residential amenity of these dwellings would be considered to result.

In terms of the access off Pound Road, the amended scheme proposes this serve a single new residential unit at Plot 9 and would be bounded by new hedging adjacent Camellias and Hamstone. As such, this would not be considered to over intensify the use as compared with the residential use of the neighbouring dwellings and would be considered acceptable.

The proposed new access off Broadway Hill would serve the remainder of the proposed dwellings, and it is not considered this would result in harm to any neighbouring amenity by reason that it would be sited opposite an area classified in agricultural use and would be separated from Neroche, the nearest dwelling, by approx. 41.5m, with intervening residential units proposed.

By reason of the separation distances involved and respective layout, no overshadowing or overbearing impact would be considered to ensue regarding the residential properties abutting the application site.

- Camellias - the front elevation of Plot 9 would be sited approx. 15m from the rear elevation of Camellias. The proposed dwelling, type B4, would be a bungalow with windows in the front (north-east) elevation at ground floor level only and its boundaries would be aligned with a proposed new hedge in front of the existing 1.8m high fence at Camellias. It would have small windows at first floor level in the side elevations serving a landing and ensuite. As such, no overlooking of Camellias would result.

Camellias has a relatively short rear garden (3.5m at the shortest), which faces towards the proposed new dwelling in Plot 9. The new dwelling would be relatively well set back (south-westwards) within its plot, with a 9m setback to the rear elevation of Camellias, and would be orientated with a north-east facing front elevation and south-west facing rear elevation.

It is acknowledged that there would be a change in the rear outlook from Camellias. However, it is also recognised that the two-storey dwelling of Neroche is visible from Camellias and that the proposed new dwelling would infill the gap between Camellias and Neroche. Given the existing fencing, separation gap and relatively low roof height (1.5 storeys) is considered adequate to ensure there will not be a significant detrimental impact on the amenity of occupiers of that property.

- Hamstones has a very small setback from its side (north-west) boundary, which is aligned with an open mesh fence from the side elevation up to Pound Road, and a close-boarded fence from the rear of the dwelling to the rear (south-east) boundary. An attached car port is proposed on the SE elevation of the proposed dwelling. There is a small high level window serving a landing/work space. Given the separation distances and oblique angle, it is not considered that there would be any direct intervisibility between windows, and no unacceptable loss of privacy for the occupiers of Hamstones would be considered to arise.
- Bushgarth and Homedene - Plot 17 (the end terrace, house type A3) would be adjacent to the rear boundary of Bushgarth and a parking area would be adjacent to the rear boundary of Homedene. There is a small high level bathroom window facing north, which is likely to be obscure glazed. As such, no overlooking would arise.
- Rosaria and Banklands - The separation gap from the proposed new dwellings to the rear elevation of Rosaria would measure over 26m and over 21m to that of Banklands. This is considered an unacceptable relationship which would not result in an unacceptable loss of privacy.

- Neroche - Plot 9 would adjoin the rear boundary of Neroche but the rear-facing first floor window of that bungalow would be screened from the neighbouring dwelling by the gable-ended ground floor bay. Plot 1, the closest end of terrace would have a high level first floor window serving either a bathroom or landing, so would not therefore allow overlooking. There is a distance of around 40m from the rear elevation of Plots 7 and 8 from Neroche so there is an adequate separation distance to ensure there would be no adverse overlooking/loss of privacy.

It is acknowledged that the proposed development would involve the introduction of new built form on a currently undeveloped site, which will change the outlook from a number of properties. However, given the distances between existing properties and new dwellings proposed it is not considered that the development will result in an unacceptable significant impact on outlook. It is also noted that the way proposed buildings have been orientated further minimises any potential for harm.

It is also acknowledged that the future occupiers of the proposed new dwellings would have sight into the rear gardens of a number of properties. However, it is considered that this would not amount to unacceptable harm by reason of the location of these dwellings within a settlement, rather than isolated within open countryside, the separation gaps involved, which would mitigate the impact, and/or the respective orientations.

No external lighting strategy has been submitted with this application. As such, it is considered reasonable to add a condition in this regard.

It is considered reasonable to impose conditions limiting the hours of construction in the interests of neighbouring amenity.

For these reasons, the proposal is considered capable of policy compliance with Local Plan policy EQ2 and the relevant policies of the NPPF in regard to neighbouring amenity.

Noise

The site is not located within close proximity to major roads, therefore, traffic noise is not a concern in this case.

Representations have been received regarding proximity of some proposed dwellings to the village hall where loud events can take place at evenings and weekends.

Plots 39-45 would be sited closest to the village hall and would include 3no. market

housing units and 4no. affordable units. The shortest separation gap would be over 40m.

The closest existing dwellings to the village hall lie approx. 37m to the south-east at Gingerbread Cottage and Whitegate Farm. As such, it is not considered that the proposed dwellings would be more susceptible to noise pollution from the village hall than the existing dwellings on the south side of Broadway Hill opposite the hall.

In addition, the proposed new dwellings would be built to minimum building regulations standards and would incorporate double glazing, which is considered satisfactory in this case with regard to potential noise from the village hall and nearby highway.

For these reasons, it is not considered that noise impact on future occupiers would provide sufficient grounds for refusal in this case.

In terms of future occupiers the proposed dwellings and room sizes are considered acceptable. In terms of outdoor amenity space, each proposed dwelling would have its own garden, with the smallest measuring approx. 6.5m long by 5.5m wide. Given that the Council does not have any minimum standards for outdoor amenity space and that each dwelling would have their own private outdoor garden, the proposed scheme is considered acceptable in this regard.

The layout has been designed to avoid overlooking with the majority of the proposed dwellings orientated to be perpendicular or with a substantial separation gap of over 23m between those opposite each other. As such, the proposal would not be considered to result in overbearing impact, loss of privacy or light for future occupiers.

Designing out crime

The Crime Prevention Design Advisor has been consulted on this application and has raised concerns on the amended scheme regarding lack of 1.8m protective boundary fencing around plots and buffer zone, also how vehicular access to public open space would be prevented.

It is understood that all plot boundaries would be protected by 1.8m high fences or walls; the protective fence aligning the site boundary hedges would be 1.5m high and the proposed and retained hedges would be maintained at min.1.8m height; two of the POSs would be bounded by bollards to prevent vehicular access while that in the north-west corner would be addressed via condition.

As noted above, the proposed boundary treatments would be addressed via condition. As such, this element is considered capable of compliance with the NPPF.

Overall, the proposed scheme is considered capable of policy compliance regarding future occupiers' amenity.

Heritage Assets

There are no listed buildings or conservation areas near to the site. However, it does lie in proximity to 2no. non-designated sites of archaeological significance, namely, Pottery site, Broadway Hill, Horton, that lies on the south side of Broadway Hill and the east side of Pottery Road, and Eighteenth-century Turnpike road, Petherton Bridge, Martock to Grange Farm, Combe St Nicholas, which borders the site on the southern boundary along Broadway Hill road.

The South West Heritage Trust has provided a consultation response and notes that the site lies adjacent to an area known to be associated with the manufacture of Donyatt pottery and that there is consequently some potential for the presence of associated features and kilns. As such, a field evaluation (comprising a geophysical survey, and depending on the results a trial trench evaluation) are required to assess the impact on potential heritage assets.

Given that the application site has not been identified as having archaeological significance or potential itself, it is considered reasonable, in this case, to impose an appropriate condition in this regard.

As such, the scheme would be considered capable of compliance with policy EQ3 and the NPPF with regard to impact on heritage assets.

Highways, Parking, Waste:

NPPF paragraph 115 states:

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

Local Plan policy TA1 requires all residential development to provide Low Carbon Travel measures subject to viability. Policy TA4 requires a Travel Statement be provided for schemes of between 30-49no. new dwellings. Policy TA5 requires all new development to maximise the potential for sustainable transport and policy TA6

requires the Somerset County Council Parking Strategy standards be applied to all new development.

The Highway Authority has been consulted on this application and has no objections subject to conditions and legal agreement.

Somerset Waste Partnership has not commented on this application, but it is noted raised no objections in respect of the previous application.

The site lies within a rural settlement comprising limited local amenities. A bus stop lies within 200m of the site, served by the S1 route between Ashill and Ilminster with one service per day in each direction on weekdays only. This service would not be useful for school or office commuting due to the extremely limited timetable.

While there are two churches, a pub and a village hall within walking distance of the site, occupiers would be reliant on the private car to access day to day amenities such as schools, supermarkets and train stations. The site is therefore considered acceptable in principle for residential development, as detailed earlier in this report.

A Transport Statement (TS) dated has been submitted with this application, which satisfies policy TA4.

An Interim Travel Plan (TP) has also been submitted, which notes car sharing, walking, cycling and use of public transport by future occupiers would be encouraged, and, also, that a Final Travel Plan and Travel Plan Coordinator would be provided as part of the scheme. This satisfies policy TA5. The Travel Plan would be required through a s106 agreement.

With regard to the proposed access points for the site, the existing access off Pound Road would serve only 1 new dwelling. The main site access would comprise a new gap in the hedge on the southern boundary off Broadway Hill. Following the receipt of requested information detailing refuse vehicle swept path analysis, during the previous application, this arrangement is considered acceptable in terms of highways safety.

During consideration of the previous application, the Parish Council commissioned a speed survey which indicated that speeds close to the proposed site access were in excess of the speed limit. As such the Highways Authority requested that visibility splays were increase. An updated plan was submitted and the suggested condition amended to secure this.

The Transport Statement notes the trip generation resulting from the previously proposed 50no. new dwellings (now amended to 49no.) would be 46no. two-way trips in peak hours daily. This has not been considered by Highways as leading to an unacceptable impact on highway safety, or severe residual cumulative impact on the road network.

As such, the scheme is considered acceptable with regard to highways safety and capable of compliance with the NPPF.

Coming to parking provision, the Council's Parking Strategy notes that:

- 2no. car parking spaces are required per 1 bedroom dwelling;
- 2.5no. car parking spaces are required per 2 bedroom dwelling;
- 3no. car parking spaces are required per 3 bedroom dwelling;
- 3.5no. car parking spaces are required per 4+ bedroom dwelling;
- 2no. car parking spaces are required per 1 bedroom dwelling; and
- 0.2no. car parking spaces are required per total quantum of proposed dwellings.

As such, the proposal would require 156no. car parking spaces including garages and visitor spaces.

In addition, the scheme would require:

- 147no. secure cycle storage spaces;
- 49no. electric vehicle charging points; and
- 10no. motorcycle parking spaces.

Drawing ref. HTN-WBR-ZZ-ZZ-DR-A-14701 Rev.P08, Layout Parking strategy, and Parking Schedule, indicates 165 parking spaces are proposed across the site, including 33 unallocated parking spaces. As such, the proposed parking provision is acceptable in regard to policy TA6, subject to an appropriate condition.

With regard to policy TA1, it is considered that the following criteria would be satisfied by the scheme, subject to conditions and s106 agreement:

- The submitted Interim Travel Plan notes that the scheme would include the provision of Travel Information Packs, a Green Travel Voucher for each occupier/employee, requisite cycle parking
- Proposed sustainable transport measures include Travel Plans, travel information packs, cycle parking and electric vehicle charging points
- Given the scale of the proposed scheme, that would not be considered to result in a significant impact on the residual network, improved public transport connections would not be required in this case.

Moving to the TA1 expected provision of 1no. external charging point of at least 16 amps adjacent to each parking space and garage. This target would equate to 156no. However, the Somerset County Council Parking Strategy (to accord with policy TA6) requires 1no. per dwelling, which would total 49no.

The agent has confirmed that 1 active 16amp minimum EV charging point would be provided to each dwelling, totalling 49no. It is the Officer's view that the scheme would, therefore, be acceptable in this regard, subject to a condition securing implementation.

Moving to the TA1 expectation for all new residential dwellings to provide a designed in specific work area with broadband connections to allow working from home. It has been confirmed that the proposal would include residential FTTP (fibre to the premises) such that all dwellings would have broadband connections to allow working from home.

It is acknowledged that not all the proposed new dwellings would provide a dedicated work area. However, the policy wording does not constitute a requirement. As such, the scheme is considered acceptable in this regard, subject to a condition securing the implementation of the proposed broadband provision.

For the reasons above, the proposed development is considered, subject to conditions and a Section 106 agreement, capable of compliance with policies TA1, TA4, TA5 and TA6 of the Local Plan, the Somerset County Council Parking Strategy and NPPF paragraph 115.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

In May 2019 South Somerset District Council formally recognised a climate and ecological emergency.

Local Plan policy EQ4 requires proposals to, inter alia, protect the biodiversity value of land and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection to natural habitats, and incorporate beneficial biodiversity conservation features. Policy EQ5 promotes the provision of

Green Infrastructure.

The NPPF states that planning decisions should provide net gains for biodiversity and integrate opportunities to improve biodiversity.

The site comprises a field of improved grassland surrounded by hedges. Drakes Meadows and Weir Local Wildlife Site lies approx. 32m to the north-west of the site.

An Ecological Impact Assessment (EcIA), dated January 2021, was submitted with the application, which notes:

- *The proposed development will result in adverse impacts upon a number of ecological features ranging from International to Site importance.*
- *Avoidance and mitigation measures have been proposed to ensure that these adverse impacts are reduced both within the Site and on adjacent ecological features.*
- *Measures to reduce the impact on local ecology include the retention and protection of the boundary habitats, as well as the enhancement of the hedgerows and retained grassland buffer.*
- *The retention of the hedgerows and the grassland buffer, creation of wildflower meadow and planting of trees in the POS will reduce the impact of the removal of the central improved grassland and short sections of hedgerow on the protected and notable species identified.*

Given the date of the original EcIA, a Walkover Survey was conducted by Clarkson and Woods in January 2024, which notes the limitations in terms of undertaking the survey in the winter months, the results of which have been provided in a letter dated 23rd January 2024, and found:

- The hedgerows present had changed considerably in structure since 2020 site and dormouse surveys. Generally managed to reduce height and width.
- Potential to support protected and notable species remains broadly unchanged. Grassland managed regularly by cutting/grazing and considered sub optimal for reptiles or common amphibians.
- No badger setts or signs of badger recorded within or surrounding site boundary
- As per previous report, site provides suitable foraging and commuting habitat for bats including light averse horseshoe bats.
- Site remains suitable for dormice. Reduction in height and width may have slightly reduced capacity for this species, but seems unlikely dormice would have been displaced altogether.
- Key recommendations from 2021 EcIA remain valid.

The EcIA notes that measures would also be required to prevent air, water and litter

pollution to the nearby LWS and recommends a Construction Environmental Management Plan (CEMP) (Biodiversity) to address this during the construction phase together with an information pack for each proposed dwelling to reduce recreational pressure on this LWS by providing viable alternative recreation spaces.

Somerset Ecology Services was consulted upon receipt of the Walkover Survey in January 2024, but no response has been received.

As noted above, the existing mature hedgerows along the site boundaries, with the exception of the new site access, would be retained and enhanced, and protected via an approx. 1.2m wide buffer and fencing. A Landscape and Ecological Management Plan (LEMP) and a Biodiversity Enhancement and Mitigation Plan (BEMP) will be secured by condition.

For the above reasons, the scheme is considered, subject to conditions and S106 agreement, capable of compliance with Local Plan policies EQ4, EQ5 and EQ6, and the NPPF.

Somerset Levels and Moors Ramsar Site

Local Plan policy EQ4 states:

Development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation of the designated site.

NPPF paragraph 185 states:

Planning .. decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The site is identified as being within the Somerset Levels and Moors Ramsar Site Parrett Catchment Area.

The form of development, providing new dwellings, is identified by the Natural England informative guidance as one that may require a Habitats Regulations Assessment (HRA).

The proposal involves the creation of 49no. new dwellings. As such, the development

would result in an increase in user numbers and is considered to give rise to an increase in phosphates.

A Phosphate Mitigation Strategy, Rev C, a Fallow Land Management Plan and Woodland Management Plan, have been submitted with the application.

The Phosphate Mitigation Strategy notes that:

- The waste water treatment facility at Broadway is to be updated during the AMP7 Wessex Water upgrade programme, which was due to be completed by the end of December 2024;
- Once the upgrade has taken place, the phosphate mitigation required to offset the proposed development will be significantly reduced;
- As such, a temporary element to the mitigation is proposed that would cease on completion of the waste water treatment upgrade - this would comprise 52.213 ha of land currently in use for cereal farming to be fallowed;
- Following the upgrade, the fallowing would cease and a new 6.649 ha. woodland would be planted with support from FWAG SouthWest (Farming and Wildlife Advisory Group South West) and maintained as such thereafter;
- The temporary fallowed area and permanent new woodland would be sited on land owned by Higher Hill Farm to the south of Manor Farm, West Lydford, Somerset TA11 7BT;
- Both the applicant, Galion Ltd, and Higher Hill Farm are under the same ownership and located at the same address;
- The implementation of the proposed phosphate mitigation would be secured by a Section 106 legal agreement.

A Shadow Habitats Regulations Assessment (sHRA) was submitted with this application, which has been endorsed by Somerset Ecology Services.

Natural England was consulted on this confirmed it was acceptable in terms of phosphate mitigation subject to conditions and S106 agreement.

For these reasons, it is considered that the proposal would not be to the detriment of the Ramsar Site, subject to the S106 legal agreement ensuring the implementation and maintenance in perpetuity of the off-site woodland and implementation of the temporary fallowed land in accordance with the submitted documents.

As such, the proposal is considered capable of compliance with policy EQ4 and paragraph 184 of the NPPF in this regard.

Flood Risk, Drainage and Contamination

Local Plan policy EQ1 directs development away from areas at risk of flooding and stipulates that development reduce and manage the impact of flood risk by incorporating Sustainable Drainage Systems, and through appropriate layout, design, and choice of materials.

Local Plan policy EQ7 seeks to limit water, land and air pollution and to avoid harm to amenity, health or safety.

The application site lies within Flood Zone 1 and falls beyond any land having critical drainage problems. Following feedback from the LLFA, a revised Flood Risk and Drainage Strategy was submitted to address concerns raised regarding the half drain time for the attenuation tanks.

The Lead Local Flood Authority (LLFA) was been consulted on this application and following the submission of the revised information, the LLFA has confirmed it has no objections subject to conditions. The LLFA has noted that at detailed design stage, further consideration will need to be given to reducing the half drain time of tank 2 further, and include plot-based source control and rainwater harvesting features. Detailed levels of the outfall in relation to the water course and water level will also be required. The LLFA has provided some Condition wording to cover this.

Wessex Water has been consulted on this application and has no objections subject to conditions regarding a foul drainage strategy and surface water drainage, and informatives regarding the proposed pumping station and prohibition of surface water to flow into foul network.

The site is not known to be contaminated. However, given that agricultural use has the potential to result in land contamination, it is considered reasonable to apply a condition in this regard.

For these reasons, the scheme is considered, subject to conditions, capable of compliance with Local Plan policy EQ1 and advice contained within the NPPF.

Economic Impact

Local Plan policy SD1 seeks development that improves the economic conditions within the District.

NPPF paragraphs 8 a) and 38 support development that delivers economic benefits.

The proposed development would result in the creation of 49no. new dwellings within an existing rural settlement that contains some local amenities.

The future occupiers of the proposed residential development would be expected to make a relatively significant positive contribution to the local economy through additional spending on food, travel, cultural/leisure activities and shopping.

Developer contributions for education would be secured via S106 agreement.

Economic benefits would also ensue from the construction phase of the development in terms of job opportunities.

NPPF paragraph 174 states that decisions should:
should recognise the economic and other benefits of the best and most versatile agricultural land...

The site lies with agricultural land classified as partially Grade 3 (Good to Moderate) and partially Grade 4 (Poor). The field is understood to be used for grazing and haylage.

Given the relatively modest size of the land parcel in question, together with its agricultural classification, the economic impact of the loss of this agricultural land is not considered to constitute unacceptable harm in this case.

For these reasons, it is considered that the proposal would result in benefits to the rural economy in the short and long term and would comply with Local Plan policy SD1 and NPPF paragraphs 8 a), 38 and 174 in this regard.

S106 Agreement/ Planning Obligations

The following contributions have been sought, which will be secured through a s106 agreement:

Affordable Housing:

Local Plan policy SS6 seeks the provision of on-site affordable housing as appropriate, to be secured through S106 legal agreements. Policy HG3 requires 35% on-site affordable housing (AH). Policy HG3 First Homes Position Statement, (FHPS), states that at least 25% of all affordable housing units should be offered to first-time buyers at 30% discount on the open market value.

NPPF paragraph 64 supports the provision of affordable housing in residential major development and paragraph 65 seeks at least 10% of the total number of homes to be available for affordable home ownership as part of the affordable housing provision.

The proposal would provide 17 affordable housing units amounting to 35%, when rounded to the nearest whole number. As such, this is considered policy compliant as a percentage of the quantum of new dwellings proposed.

As noted in the Principle section above, the amended scheme would provide 5 First Homes, representing 29.4% of the proposed AH quantum, and 10.2% of the total quantum of dwellings proposed.

As such, this would accord with the Policy HG3 First Homes Position Statement and NPPF paragraph 65 and is, therefore, considered acceptable.

The amended scheme would provide the affordable housing mix shown below, which has been agreed in liaison with the Affordable Housing team.

- 3no. 2 bed First Homes;
- 2no. 3 bed First Homes;
- 2no. 1 bed Social Rent units;
- 4no. 2 bed Social Rent units;
- 5no. 3 bed Social Rent units;
- 1no. 4 bed Social Rent units;

The amended drawing Layout Tenure Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13303C Rev.P17, shows that the affordable housing units would be distributed in two approximate groups across the site with one cluster to the east and one to the south-west. This is considered satisfactory.

For the reasons above, the scheme is considered, subject to conditions and S106 agreement, capable of compliance with Local Plan policy HG3 and the NPPF.

Education

The Council's Education Team has advised that 50 dwellings in this location will generate the following number of children for each education setting:

- 5 early years pupils
- 16 pupils for Neroche primary
- 7 pupils for Holyrood Academy

There is no need for early years of primary contributions in this area, due to the capacity of schools to accommodate new children from this development. The Holyrood secondary has reached capacity, therefore the education authority has commissioned a new extension to accommodate all the children from new developments in this area, including this development. The current cost to build for secondary expansions is required to have a 10% uplift to ensure the build standard can be net zero.

As such the following contribution towards the cost of the extension is required, to ensure that there will be capacity for the children from this development. 7 x £26,745 with 10% increase is £29,419.50.

Public Open Space and formal play provision

Local Plan policies SS6 and HW1 seek on-site provision and enhancement of public open space to be secured via Section 106 legal agreement.

The proposed scheme involves 3no. Public Open Spaces (POSS) totalling 1,349 sqm.

The Open Space Officer has been consulted on this application and has no objections subject to S106 agreement for public access to and ongoing maintenance of the proposed Public Open Space.

In addition contributions are sought towards the following:

- Off-site contribution towards enhancement of equipped play area within Horton Channells Lane and Child Play area at the Village Hall: £39,895, with £23,043 towards ongoing maintenance
- Off site contribution towards provision of piece of equipment in play area for older children: £7,883, with £2,896 towards maintenance
- Off-site contribution towards the play pitches at Channells Lane: £19,074, with £11,577 toward maintenance
- Total: £104,317 (£2,150 per dwelling)

This would be secured through a s106 agreement.

Travel Plan

Final Travel Plan to include

- Travel Information Packs
- Green Travel Voucher for each occupier/employee
- Travel Plan Coordinator

Phosphates Mitigation

Appropriate phosphates mitigation as set out within the sHRA (to include 52.51 ha of phosphate mitigation habitat of fallow land, 6.65ha of native deciduous woodland, programme of implementation and land management plan.

Community Infrastructure Levy (CIL)

South Somerset approved a Community Infrastructure Levy Charging Schedule on 17 November 2016. At the same time as approving the Charging Schedule, it was agreed that the levy would be implemented from 3 April 2017 onwards.

Local Plan policy SS6 states:

A Community Infrastructure Levy will be charged throughout the District in accordance with the adopted Charging Schedule for the provision of infrastructure in the area.

In this case, the proposal would result in 49no. new (C3) dwellings. As such, the proposed development is CIL liable and, should the Council be minded to approve the application, the developer contribution would be secured via a S106 Agreement.

Planning Balance

The proposed development would result in 49no. new dwellings on the edge of a rural settlement, of which 35% would be affordable, together with 1no. new vehicular access, associated hard and soft landscaping, parking, sustainable drainage and 3 areas of public open space.

It is acknowledged that more than a large number of objection letters have been received from local residents and other bodies, including CPRE Somerset and Broadway Parish Council. This lack of community support for the proposed development conflicts with one aspect of Local Plan policy SS2 however this part of Policy SS2 was dismissed as being a relevant factor by planning appeal decisions soon after adoption given that popularity is not of itself a material consideration.

Notwithstanding the above, the provision of 49no. new dwellings including 17no. affordable units would represent a positive contribution towards the current housing shortfall and is considered a substantial benefit.

The proposal would give rise to some economic benefits through increased footfall to

local amenities such as shops and restaurants and employment opportunities during the construction phase.

Subject to conditions, the proposal is not considered to give rise to unacceptable harm in relation to visual amenity, neighbouring amenity, heritage, archaeology, highways, flooding or drainage matters. The proposed future occupiers' amenity would be acceptable.

The majority of the mature hedges within the application site would be retained and protected. Subject to conditions and S106 agreement, it is considered that the scheme is capable of achieving acceptable mitigation for the loss of habitats and overall biodiversity net gains through the proposed new planting, bird and bee boxes, and the proposed off-site c.6 ha. woodland.

The development would also be considered acceptable in terms of phosphates.

The proposed sustainable drainage scheme and sustainable construction methods would also be considered acceptable.

Given that the Council cannot currently demonstrate a five-year housing land supply the tilted balance is engaged in this case.

Overall, the scheme is not considered to give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and the NPPF when taken as a whole.

For the reasons above, the proposal is considered, on balance, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF and Local Plan policy SD1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and conditional approval is recommended in line with NPPF paragraph 11 d).

RECOMMENDATION

That the application be **approved** subject to:-

- a) The prior completion of a section 106 agreement or unilateral undertaking (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- i. Provision of affordable housing
- ii. Education contribution
- iii. Contribution towards the provision of play and playing pitches
- iv. Management of public open spaces
- v. Phosphate mitigation strategy
- vi. All works either on or directly adjacent to land covered by highway rights, citing c278 of the Highways Act 1980
- vii. The Travel Plan

b) and the following conditions:

01. The proposal, by reason of size, scale and materials, is acceptable with regard to the character of the site and its surroundings, and, subject to conditions and S106 agreement, would have no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies of the South Somerset Local Plan and the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

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

Site

Site Location - HTN-WBR-ZZ-ZZ-DR-A-11101 P03

Topo Survey - HTN-WBR-XX-ZZ-DR-A-11701 P02

Site Sections - HTN-WBR-XX-XX-DR-A-14301 P12

Site Layout Plan - HTN-WBR-XX-ZZ-DR-A-13302C P19

Tenure Plan - HTN-WBR-XX-ZZ-DR-A-13303C P18

Plot Schedule HTN-WBR-ZZ-ZZ-RP-A-13601 P01

Parking Strategy - HTN-WBR-ZZ-ZZ-DR-A-14701 P09

Plot 9 Access Visibility Splay - HTN-WBR-ZZ-ZZ-DR-A-14702 P02

MasterPlan - HTN-WBR-ZZ-ZZ-DR-A-13201 P02

Parking Schedule - HTN-WBR-ZZ-ZZ-RP-A-14951P P02

Areas of Open Space - HTN-WBR-ZZ-ZZ-DR-A-13305 PO4

Floor Plans

Housetype A1 - HTN-WBR-A1-XX-DR-A-21102 P05

Housetype A2 - HTN-WBR-A2-XX-DR-A-21102 P04

Housetype A3 - HTN-WBR-A3-XX-DR-A-21102 P07

Housetype A5 - HTN-WBR-A5-XX-DR-A-21102 P04

Housetype A6 - HTN-WBR-A6-XX-DR-A-21102 P04

Housetype A7 - HTN-WBR-A7-XX-DR-A-21102 P05

Housetype A8 - HTN-WBR-A8-XX-DR-A-21102 P01

Housetype B1 - HTN-WBR-B1-XX-DR-A-21102 P05

Housetype B2 - HTN-WBR-B2-XX-DR-A-21102 P05

Housetype GG - HTN-WBR-GG-XX-DR-A-21102 P08

Housetype H2 - HTN-WBR-H2-XX-DR-A-21102 P03

Housetype H3 - HTN-WBR-H3-XX-DR-A-21102 P01

Housetype II - HTN-WBR-II-XX-DR-A-21102 P07

Car Port LL - HTN-WBR-LL-XX-DR-A-21102 P03

Car Port MM - HTN-WBR-MM-XX-DR-A-21102 P03

Car Port NN - HTN-WBR-NN-XX-DR-A-21102 P03

Car Port OO - HTN-WBR-OO-XX-DR-A-21102 P03

Orangery OR - HTN-WBR-OR-XX-DR-A-21102 P03

Elevations

Housetype A1 - HTN-WBR-A1-XX-DR-A-21111 P04

Housetype A2 - HTN-WBR-A2-XX-DR-A-21111 P02

Housetype A3 - HTN-WBR-A3-XX-DR-A-21111 P05

Housetype A5 - HTN-WBR-A5-XX-DR-A-21111 P05

Housetype A6 - HTN-WBR-A6-XX-DR-A-21111 P03

Housetype A7 - HTN-WBR-A7-XX-DR-A-21111 P05

Housetype A8 - HTN-WBR-A8-XX-DR-A-21111 P01

Housetype B1 - HTN-WBR-B1-XX-DR-A-21111 P04

Housetype B2 - HTN-WBR-B2-XX-DR-A-21111 P04

Housetype GG - HTN-WBR-GG-XX-DR-A-21111 P06

Housetype H2 - HTN-WBR-H2-XX-DR-A-21111 P02

Housetype H3 - HTN-WBR-H3-XX-DR-A-21111 P01

Housetype II - HTN-WBR-II-XX-DR-A-21111 P06

Sections

Housetype A1 - HTN-WBR-A1-XX-DR-A-21121 P03

Housetype A2 - HTN-WBR-A2-XX-DR-A-21121 P02

Housetype A3 - HTN-WBR-A3-XX-DR-A-21121 P04
Housetype A5 - HTN-WBR-A5-XX-DR-A-21121 P02
Housetype A6 - HTN-WBR-A6-XX-DR-A-21121 P03
Housetype A7 - HTN-WBR-A7-XX-DR-A-21121 P03
Housetype A8 - HTN-WBR-A8-XX-DR-A-21121 P01
Housetype B1 - HTN-WBR-B1-XX-DR-A-21121 P03
Housetype B2 - HTN-WBR-B2-XX-DR-A-21121 P03
Housetype GG - HTN-WBR-GG-XX-DR-A-21121 P04
Housetype H2 - HTN-WBR-H2-XX-DR-A-21121 P02
Housetype H3 - HTN-WBR-H3-XX-DR-A-21121 P01
Housetype II - HTN-WBR-II-XX-DR-A-21121 P04

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

03. Notwithstanding what is shown on the approved plans, before any above ground works commence, details of the materials and finishes to be used in the construction of the external surfaces, windows and doors, together with all hardstanding including kerbs, edges, unit paving, steps and if applicable any synthetic surfaces, of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity in accordance with Local Plan policies SS2 and EQ2, and the NPPF.

04. Notwithstanding what is shown on the approved plans, prior to commencement of the development hereby permitted, details of the pumping station including the compound layout and boundary treatment, and dimensions, appearance and materials of the above ground infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The pumping station shall be implemented in accordance with the approved details and maintained thereafter.

REASON: In the interest of visual and residential amenity, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

05. Before any above ground works commence, details of the refuse and recycling storage facilities serving the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The refuse and

recycling storage facilities shall be implemented in accordance with the approved details and maintained thereafter.

REASON: In the interest of visual amenity and waste reduction, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

06. Before any above ground works commence, details of any external heat pumps serving the dwellings hereby permitted, including position, appearance, noise and manufacturer's specification, shall be submitted to and approved in writing by the Local Planning Authority. The heat pumps shall be implemented in accordance with the approved details and maintained thereafter.

REASON: In the interest of visual and residential amenity and carbon reduction, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

07. Notwithstanding what is shown on the approved plans, before any above ground works commence, details including design and materials of all boundary treatments within the application site shall be submitted to and approved in writing by the Local Planning Authority.

All boundary treatments where adjoining the following neighbouring properties: Bushgarth, Home Dean, Rosaria, Banklands, Camellias, Hamstones and Neroche, shall have a min. height of 1.8m and shall comprise enhanced hedgerows or closeboarded fencing with hedgehog gaps.

A 1.2m gap shall be maintained between the existing hedges bounding the site periphery and the proposed protective mesh fencing.

The boundary treatments shall be implemented in accordance with the approved details prior to the first occupation of the development and permanently retained as such.

REASON: In the interest of visual amenity of the area and protect neighbouring residential amenities, in accordance with Local Plan policies SD1, EQ1 and EQ2, and the NPPF.

08. All hedgerows and trees on site to be retained shall be maintained in accordance with Layout Boundary Condition Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13304C, Rev.P13, and shall not be cut down, uprooted, destroyed or damaged in any manner at any time without the prior written approval of the local planning authority.

REASON: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-2028.

09. Prior to commencement of the development hereby permitted, including demolition of existing structures, groundworks, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures must be prepared and submitted to the Council for their approval in writing.

Upon receipt of the Council's approval in writing, the satisfactory installation of the approved protection scheme (in particular, any required fencing, signage and ground-protection installations), must be confirmed in writing by the Council, prior to development works taking place (Note: to comply with the terms of this condition, you will need to e-mail us at: planningsouth@somerset.gov.uk - quoting the relevant planning reference - making sure to provide supporting photographs clearly demonstrating compliance with the approved scheme).

Those approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled with the prior consent of the Council in writing.

REASON: In the interest of visual and natural amenity, in accordance with Policies EQ2, EQ4, EQ5 and EQ6 of the adopted South Somerset Local Plan 2006-28 and the NPPF.

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

REASON: The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences

and that without this safeguard planning permission should not be granted, and the site covers a large surface area in which it is considered necessary to preserve as a record any archaeological information before it is destroyed by the development in accordance with Local Plan policy EQ3 and paragraph 189 of the NPPF.

11. Notwithstanding what is shown on the approved plans, no above ground works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping measures.
 - a) The submitted scheme shall clearly confirm the details, materials, levels and dimensions of any intended tree or shrub planting, tree pit design, earth-moulding, boundary treatments (for example, hedgerows, fences & walls), seeding, turfing and the installation of hard-surfaces, pathways, driveways and parking spaces.
 - b) The scheme shall also detail measures to deliver biodiversity net gains, such as bird or bat boxes and log piles, and incorporate the planting of native species of trees, shrubs, herbaceous plants and areas to be grassed, with a focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.
 - c) All planting stock must be specified as UK-Grown, and details must be provided in relating to the planting locations, planting matrixes, numbers of individual species, sizes, forms, root-types & root-volumes (for example, "Cell-Growns" for smaller sizes, larger sized "Container-Grown's" - ought to have their root volumes detailed in litres, e.g 45-65 litres for a '10-12' or a '12-14') and the intended timing of planting.
 - d) Installation details to ensure successful establishment, specifically relating to ground-preparation, the use of bio-degradable geo-textiles and other weed-suppression and ground stabilising measures, surface-mulching, strimmer-guarding, staking, supporting and tying must also be included within the submitted scheme.
 - e) The landscaping shall be implemented in accordance with the approved scheme and all planting shall be carried out within the dormant season (November to February inclusively) upon or prior to the first occupation of the development hereby approved.
 - f) If any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they must be replaced within the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

REASON: In the interest of visual and neighbouring amenity, to provide screening of the development and mitigate its visual impact, and to ensure compliance with policies EQ2 and EQ5 of the Local Plan and the NPPF.

12. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- a) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - b) Arrangements for liaison with the Council's Environmental Protection Team;
 - c) 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: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - d) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
 - e) Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
 - f) Procedures for emergency deviation of the agreed working hours shall be in place;
 - g) South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment;
 - h) Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared;
 - i) Control measures shall be in place for dust and other air-borne pollutants;
 - j) Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.
 - k) Construction vehicular routes to and from site; expected number of construction vehicles per day; car parking for contractors; a scheme to encourage the use of Public Transport amongst contractors; and a scheme to encourage the use of Public Transport amongst contractors; and measures to avoid traffic congestion impacting upon the Strategic Road Network.

REASON: In the interests of the amenities of nearby occupiers and highways safety and in accordance with Local Plan policies EQ2 and TA5 the relevant policies of the NPPF and in accordance with the provisions of Circular 11/95 and the Environmental Code of Construction Practice.

13. No part of the development hereby permitted shall be occupied or brought into use until the proposed access has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 62 metres either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Note: The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

14. 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 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 the commencement of development, and thereafter maintained until the use of the site discontinues.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

15. 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.

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.

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: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

16. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA5 and the NPPF.

17. The development hereby approved shall be implemented in accordance with the approved Parking Strategy (Ref: HTN-WBR-ZZ-ZZ-DR-A-14701 P09). The dwellings hereby permitted shall not be occupied until the associated parking

and turning areas have been constructed and made available for use in accordance with the agreed details. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA6 and the NPPF.

18. The car ports shown on the approved plans must be maintained and available for the purpose of parking a motor vehicle, shall have minimum internal dimensions of 5.5 metres long by 3.0 metres wide, and shall not be converted to use as a garage by the provision of external doors and walled enclosure.

REASON: In the interests of highways safety and in accordance with Local Plan policy TA6 and the NPPF.

19. Before the development is occupied secure, covered cycle parking facilities to serve each plot (in compliance with the requirements of the SCC Parking Strategy 2013) shall be provided and available for use in accordance with details to be submitted to and agreed in writing by the Local planning Authority. Thereafter, the agreed cycle parking facilities must be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of sustainable transport and in accordance with Local Plan policy TA1 and the NPPF.

20. A Travel Plan broadly in line with the Interim Travel Plan dated 09/09/20 and incorporating details of an information pack to be provided to all initial residents regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs, shall be submitted for approval, and implemented upon first occupation. The applicant shall implement and monitor the approved Travel Plan in accordance with the Somerset Travel Plan guidance set out at www.somerset.gov.uk/waste-planning-and-land/travel-plans/ and for each subsequent occupation of the development thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

REASON: To achieve the sustainability objectives of the NPPF and to ensure the development will not prejudice highway safety nor cause inconvenience to other highway users in accordance with the NPPF and policy TA4 of the Local Plan.

21. The development hereby approved shall not be occupied unless and until at least 1no. active fast charge socket is provided per dwelling (in compliance with SCC's Parking Strategy 2013 and SCC's EV Charging Strategy Oct 2020) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The charging provision shall thereafter be permanently maintained, kept free from obstruction and available for the purposes specified.

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

22. No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase 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, otters and other species that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
 - (c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.
 - (d) comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

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 the 'Favourable Conservation Status' of populations of European protected species and the residential amenity, in accordance with policies EQ2, EQ4 and EQ7 of the South Somerset District Council Local Plan and the NPPF.

23. The works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

REASON: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

24. 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, dormice precautionary working method statement, precautions for reptiles, 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;
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

- j) Measures to protect the habitats in and around the site including the Drakes Meadow and Weir Local Wildlife Site from air, water and litter pollution, as detailed in the Ecological Impact Assessment (EIA) by Clarkson and Woods, dated January 2021.

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

REASON: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policies EQ4, EQ5 and EQ6, Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

- 25. 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, have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

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

- 26. All habitat features to be lost (including trees and hedgerows) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. 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) Management objectives specifically relating to the compensatory habitat for dormice (outlined in the BEMP)
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being 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 South Somerset District Council Local Plan policies EQ4, EQ5 and EQ6, Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

27. Prior to commencement of the development hereby approved, a Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by the Local Planning Authority. The content of the BEMP shall include the following:
- a) Specific measures in place to ensure any lost habitat features important to dormice (including trees, shrubs, and hedgerows) are proportionately replaced in relation to what will be lost, at a minimum ratio of 2:1. Replacement habitat should comprise of species important for dormice, including (but not limited to) blackthorn, hawthorn, oak, hazel, honeysuckle, bramble, gorse, and holly.
 - b) A Habitat 001 bat box or similar will be built into the structure of 50% of the proposed dwellings, positioned at least four metres above ground level and away from windows of the west or south facing elevation

- c) Schwegler 1SP Sparrow terraces or similar will be built into the structure of 30% of the proposed dwellings, at least one metre apart directly under the eaves and away from windows on the north elevations
- d) A cluster of three Schwegler 1a swift bricks or similar will be built into the structure of 10% of the proposed dwellings, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation, ensuring unobstructed access for the birds to leave/enter the nests.
- e) A bee brick built into the structure of all proposed dwellings, located 1 metre above ground level on the south or southeast elevation.
- f) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- g) Area of rough grassland should be created and retained along the hedgerows (within the buffer zone) as an enhancement for reptiles, as well as a foraging habitat for other protected species
- h) 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.

REASON: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018 and Local Plan policy EQ4.

28. Prior to commencement of the development hereby permitted, a Foul Water Drainage Strategy must be submitted to and approved by the Local Planning Authority that shall include details of:
- a) the proposed pumping station that shall be constructed in accordance with the sewerage sector guidance in order to be adopted by Wessex Water and that shall provide the required 160 litres of storage per dwelling;
 - b) the connection to the public sewers on Forest Mill Lane;
 - c) the prevention of surface water drainage into the foul water network.

The drainage strategy shall be implemented in accordance with the approved documents prior to the first occupation of the development hereby permitted and maintained as such thereafter.

REASON: To ensure the development is properly drained in accordance with Local Plan policy EQ1 and the NPPF.

29. No development shall commence 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. The 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 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.

These details shall include, but not limited to: -

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
- Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
- Where relevant, calculations should consider the use of surcharged outfall conditions.
- Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
- Results should be provided as a summary for each return period (as opposed to each individual storm event).
- Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction.
- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk, and consider any exceedance with may affect the site.
- Details on the discharge locations and receiving systems, including agreement in principle with any third party/riparian owners. This should also include erosion control to manage a point discharge from the site without deteriorating the watercourse. Should a connection be pursued to the south of the bridge/culvert, the applicant will be required to demonstrate that they have the relevant permissions and should demonstrate that the receiving system has the capacity to take flow from the site and include further restriction to discharge rates if required.

REASON: To ensure the development is properly drained in accordance with the National Planning Policy Framework and in accordance with [SD1, EQ1, EQ2, EQ5 of the South Somerset Local Plan 2006-2028]. This is a pre-commencement condition to ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development.

30. 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.

31. Prior to the first occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the

national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

REASON: To ensure the development is properly drained in accordance with Local Plan policy EQ1 and the NPPF.

32. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the proper investigation and, where necessary, remediation of the site in the interests of the amenity, health and safety of the locality and the future occupants of the site in accordance with Local Plan policy EQ7 and the NPPF.

33. Prior to the first occupation of the development hereby permitted, the carbon reduction and energy efficiency measures detailed in the approved document, Energy Statement, dated October 2022, ref. HTN-WBR-XX-XX-RP-F-23751, Rev.P01, shall be fully implemented in accordance with Building Regulations Approved Document Part L as amended in June 2022.

REASON: To optimise renewable energy and its conservation, in accordance with policy EQ1 of the Local Plan and the NPPF.

34. Prior to commencement of above ground works for the development hereby permitted, a phased scheme of implementation for the 3no. areas of public open space in accordance with the Site Layout Plan, HTN-WBR-XX-ZZ-DR-A-13302C, Rev.P19, shall be submitted to and approved by the Local Planning Authority. The public open spaces shall be implemented in accordance with the approved scheme and access to these areas shall be retained for open access public use in perpetuity.

REASON: To ensure the provision of community facilities and green infrastructure in new developments, in accordance with Local Plan policies SS6 and HW1, and the NPPF.

Informatives:

01. In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. The Local Planning Authority is satisfied that its processes and practices are compatible with the Human Rights Act and the decisions of the European Court of Human Rights.
02. Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted. For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>
03. The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and the obligations this imposes, separate from the planning process, in respect of protecting wildlife.
04. Should the development hereby permitted provide for the importing, exporting or use on site of any waste materials, then the development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010) from the Environment Agency, unless a waste exemption applies. The developer is advised to contact our National Permitting Team on 03708 596506 to discuss the issues likely to be raised.
05. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway Authority to progress this agreement well in advance of commencement of development.
06. The application site is within 250 metres of a suspected landfill site. The

developer's attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health service will make available to you, free of charge, any information or data that it has in relation to the land to which the application applies.

07. Please be advised that approval of this application (or a subsequent reserved matters application) by Somerset Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development.

You are required to complete and return Form 2 - Assumption of Liability as soon as possible and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that liability and any exemptions are agreed before you commence the development and Form 6 - Commencement is submitted to us and acknowledged.

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

<https://www.somerset.gov.uk/planning-buildings-and-land/south-somerset-cil/>
