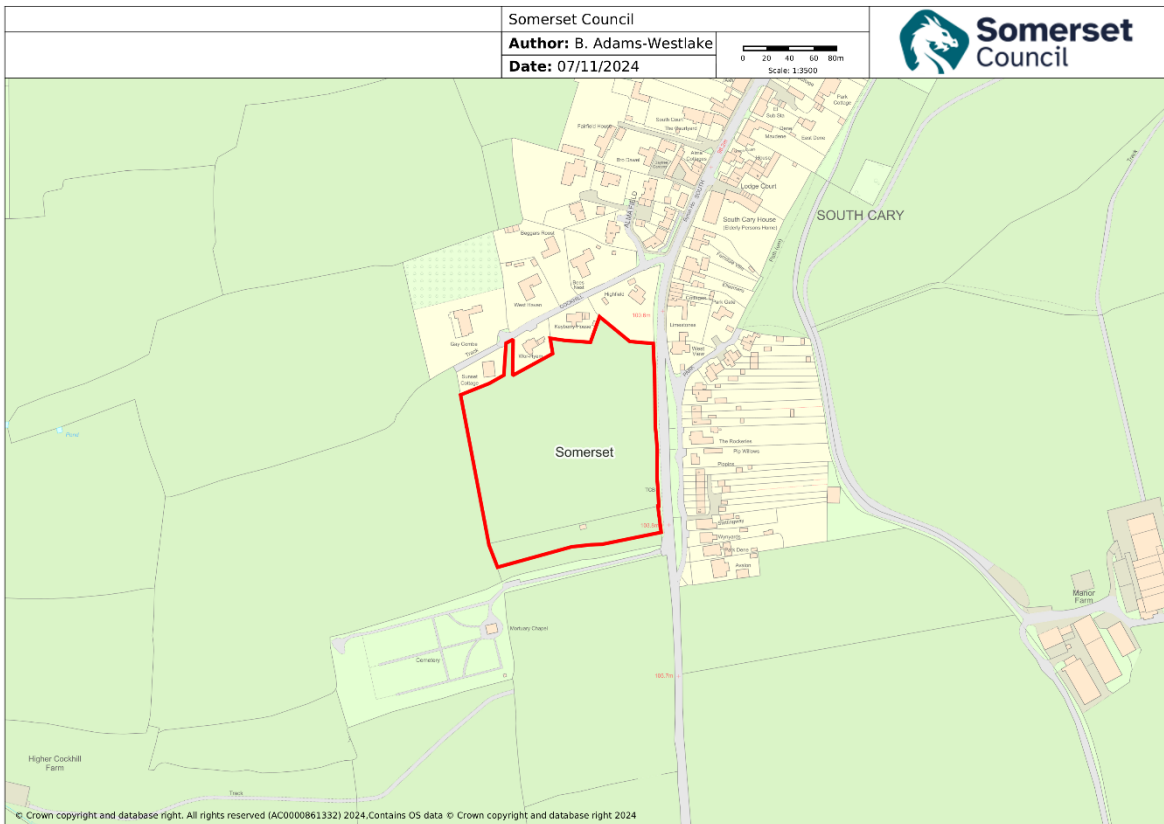


<b>Application Details</b>	
Application Reference Numbers:	23/02258/OUT
Application Types:	Outline Application with all matters reserved except Access
Extension of Time:	
Description:	Outline application with some matters reserved except access for the erection of up to 46 dwellings with associated works including the formation of a vehicular access, provision of open space and landscaping
Site Address:	Land West Of South Street Castle Cary Somerset BA7 7NY
Parish:	Castle Cary
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	River Parrett
AONB:	No
Case Officer:	Sarah Tucker
Agent:	Mrs Claire Alers-Hankey, Greenslade Taylor Hunt
Applicant:	Mr James Tizzard
Reason for reporting application to Members:	The application is a major one and the recommendation is contrary to that of the Parish Council



## **1. Recommendation**

- 1.1 Grant approval subject to the S106 obligations and conditions set out below.

## **2. Executive Summary of key reasons for recommendation**

- 2.1 The Council's lack of a five-year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity, including impact on the Somerset Levels and Moors Ramsar site and Special Area of Conservation as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 46 dwellings in this sustainable location.

## **3. Planning Obligations, conditions and informatives**

### **3.1 Obligations**

An obligation will secure:

- 1) Affordable Housing
- 2) Education Financial Contribution
- 3) Equipped Play Area, Youth Facilities, Playing Pitches and Changing Rooms Financial Contribution
- 4) Travel Plan
- 5) Highway Measures
- 6) Management Company (or other arrangement)
- 7) Phosphate Mitigation

### **3.2 Conditions**

- 1) Approval of reserved matters required before commencement
- 2) Timing of approval of reserved matters
- 3) Commencement of development timing
- 4) Development restricted to 46 dwellings
- 5) Approved plans
- 6) Landscaping details required for reserved matters
- 7) Tree and hedgerow protection
- 8) Provision of detail of SUD's
- 9) Provision of construction traffic management plan
- 10) Dormouse licence
- 11) Provision of a construction environmental management plan (CEMP)
- 12) Provision of landscape and ecological management plan (LEMP)
- 13) No removal of hedgerows, trees or shrubs during bird nesting season
- 14) Details of internal highway layout

- 15) No obstruction to visibility splays
- 16) Provision of package treatment plant (PTP) for nutrient neutrality
- 17) Provision of wholesome water
- 18) Timing of installation of surface water drainage scheme
- 19) Provision of details for maintenance of surface water drainage
- 20) Provision of access for all dwellings
- 21) Timing of provision of internal roads, footways and turning spaces
- 22) Timing of garaging, vehicular and bicycle parking
- 23) Provision of electric vehicle charging
- 24) Provision of refuse and recycling storage areas
- 25) Restriction of gradients of drives to less than 1 in 10
- 26) Provision of ecological compensation and enhancement features
- 27) Details of external lighting design for bats
- 28) Landscaping maintenance
- 29) Retention of ecological compensation and enhancement features

### 3.3 Informatives

- 1) Statement of positive working
- 2) Bird nesting season

## 4. **Proposed development, Site and Surroundings**

### Details of proposal

- 4.1 The proposal seeks outline planning permission (with all matters reserved except for access) for up to 46 dwellings, sustainable drainage infrastructure, new open space, landscaping and associated infrastructure with vehicular access from South Street. All details in relation to appearance, landscaping, layout and scale are reserved for future consideration at the detailed application stage and are not therefore to be considered as part of the current outline application.
- 4.2 An indicative masterplan has been submitted with the application and more recently a parameters plan following a request from Officers. The development is predominantly 2 storeys in height, with a small pocket of single storey units and an area which will be excluded from built form due to visibility of the western edge of the Site within the wider landscape.
- 4.3 Development is proposed to be accessed from a single vehicular access from South Street, with a secondary pedestrian and cycle access onto Cockhill Elm Lane on the northern boundary (this would be a downgrade of an existing agricultural access). Residential development is proposed to be accessed off a central core road which runs as an inverted 'L' from the Site access. The indicative masterplan shows a mixed form of housing with a series of sub-roads forking away from the main spine road.
- 4.4 The layout shows a drainage attenuation feature in the NW corner of the Site alongside a Package Treatment Plant (PTP) which will deal with foul water generated from the Site. The Site is set within a generous area of

public open space which forms a significant boundary along the western and southern aspects of the Site.

4.5 The illustrative layout, prepared by APG design, demonstrates one way in which development could be designed:

- o Up to 46 dwellings, comprising a mix of 1, 2, 3 4- and 5-bedroom properties. Properties would be a mix of terraced, semi-detached and detached.
- o A policy compliant 35% of the new homes would be provided as affordable (16 dwellings).
- o Vehicular access off South Street including footways either side tying into the existing footpath.
- o Pedestrian and cycle link, through to Cockhill Elm Lane (no vehicular access is proposed).
- o Significant areas of informal public open space along the western and southern boundaries.
- o Sustainable drainage and surface water attenuation including the provision of an attenuation pond.
- o Provision of a Package Treatment Plant to deal with foul water and deliver phosphate mitigation to be managed by an OfWat approved provider.
- o Ecological enhancements including bat and bird boxes, insect bricks etc as defined in the ecological assessment. Details are sought to be agreed for access as part of this application. The proposed vehicular access to the Site is proposed from South Street and would include footways either side.

4.6 The works off-site to tie into the existing adopted highway would be secured via a section 106 legal agreement and dealt with under relevant highways legislation. Key features of the proposed access arrangements include:

- o Priority T-junction off South Street with a 5.5m wide access road.
- o Provision of a 2.0m wide footway to join existing footway to the north and south of the junction.
- o 1.6m x 1.2m uncontrolled pedestrian crossing with tactile paving as part of the access.
- o Visibility splays of 43m in either direction achieved.

4.7 In addition to the completed applications forms, the following documents and drawings have been included within the application submission:

- o Design & Access Statement - APG Design (16th August 2023).
- o Ecological Impact Assessment - Halpin Robbins (29th August 2023)
- o Flood Risk Assessment - AWP (24th April 2023).

- o Heritage Desk Based Assessment - Cotswold Archaeology (June 2023).
- o Landscape and Visual Impact Assessment - Amalgam Landscape (February 2023).
- o Nutrient Neutrality Assessment & Mitigation Strategy - RMA Environmental (2nd November 2023).
- o Preliminary Ecological Appraisal Technical Note - Halpin Robbins (9th August 2021).
- o Planning Statement - GTH (17th August 2023).
- o Shadow Habitats Regulations Assessment - Engain (29th November 2023)
- o Transport Assessment - Vectos (June 2023).
- o Travel Plan Statement - Vectos (June 2023);
- o Tree Survey and Tree Quality Assessment - Hellis Solutions Ltd (July 2022).
- o Existing Site Plan - APG Design (Ref:CC-APG-XX-ZZ-DR-A-010-PO1).
- o Site Location Plan (1:1000) - APG Design (Ref: CC-APG-XX-ZZ-DR-A-001-PO3).
- o Site Location Plan (1:1250) - APG Design (Ref: CC-APG-XX-ZZ-DR-A-010-PO4).
- o Indicative Masterplan - APG Design (Ref: CC-APG-XX-ZZ-DR-A-0002)
- o Building Heights Parameter Plan - APG Design (Ref: CC-APG-XX-ZZ-DR-A-0004-P01).
- o Indicative Site Sections - APG Design (Ref: CC-APG-XX-ZZ-DR-A-003-PO1).
- o Illustrative Green Infrastructure Strategy - APG Design (Ref CC-APG-XX-ZZ-DR-A-005-P2).
- o Proposed Access Design - SLR (Ref: 22604\_PD01 Rev 3).
- o Swept Path Analysis - SLR (Ref: 22604\_PD01\_AT01 Rev 2).

#### Site and surroundings

- 4.8 The application site comprises an agricultural field which measures approximately 2.7 hectares in size. The site is bounded to the north by existing residential along Cockhill Elm Lane, to the east by South Street (B3152), to the south by the access land to Castle Cary Cemetery and to the west by further agricultural to the west with the immediately adjoining land within the applicant's ownership. The Site has a gated vehicular access point which is situated within its south-eastern corner off South Street adjacent to the Castle Cary Cemetery access.
- 4.9 The Site is rectangular in shape and the land is relatively level with boundaries comprising established hedgerows. A second agricultural access is available out onto Cockhill Elm Lane and is positioned along the northern boundary.
- 4.10 The Site is not crossed by any Public Rights of Way, although there is a continuous footpath from the Site through to the centre of Castle Cary. The

site is located wholly within Flood Zone 1 (i.e. lowest risk) and there are no relevant statutory designations on the site.

- 4.11 The Site is within the surface water catchment area of the Somerset Levels and Moors Special Protection Area (SPA) which is subject to phosphate impacts. As such planning applications will be the subject to Habitats Regulations Assessment (HRA) and must demonstrate nutrient neutrality.
- 4.12 The centre of Castle Cary lies approximately 850 metres to the north of the application site. The designated Castle Cary Conservation Area boundary lies close to the northern boundary of the site.
- 4.13 Castle Cary benefits from a wide range of services and facilities which includes the following:
  - o Castle Cary Community Primary School, Park Steet.
  - o Castle Cary railway station.
  - o Milbrook Doctors Surgery, Milbrook Gardens.
    - o Convenience stores (McColls and Co-Op).
  - o Pharmacy.
  - o Post Office.
  - o An array of shops and restaurants.
  - o Village Hall
  - o Sports facilities; and
  - o Places of worship.
- 4.13 There is a two hourly bus service available from the Town Centre through to the larger settlements of Street & Wincanton (Number 667) and Shepton Mallet & Yeovil (Number 1). In addition, Castle Cary railway station provides services through to Bristol, Plymouth and London (Paddington & Waterloo).

## **5. Relevant Planning History**

- 5.1 None

## **6. Habitat Regulations Assessment**

- 6.1 As the competent authority, the Local Planning Authority is required by Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, to undertake an Appropriate Assessment of the implications of the development in view of the Ramsar site's conservation objectives. The LPA

may only to agree to the proposal after having ascertained that it will not adversely affect the integrity of the Ramsar site.

6.2 A phosphate mitigation strategy has been submitted by the applicant which proposes mitigation which is considered acceptable by the Council's Ecological Services. The LPA has consulted with Natural England and Somerset Ecology Services on the proposed mitigation strategy and their comments are summarised below. The LPA must have regard to these consultation responses in carrying out the Appropriate Assessment (Regulation 63(3)). In summary, Natural England has reviewed the applicant's mitigation proposals and is satisfied with the approach and conclusions. SES has subsequently concluded through the Habitat Regulations Assessment that the Appropriate Assessment is passed. Subject to securing the implementation and maintenance of the mitigation strategy through a S106 Agreement it is considered that the proposed development will not adversely effect on the integrity of the Ramsar Site (Regulation 63(5)).

## 7. Consultation and Representations

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

### 7.1 Consultees

Consultees	Consultee Comments (and Officer Comment)
Conservation Officer	<p>The Council's Conservation Officer in a response dated 6th January 2024 confirmed no objection to the proposals. In heritage terms the potential impact arising from the proposal is to the Castle Cary Conservation Area (the boundary of which lies to the north of the site) and the Mortuary Chapel and Cemetery which are undesignated heritage assets.</p> <p>The Heritage Officer confirmed that in heritage terms there is less than substantial harm to the Conservation Area and the undesignated heritage asset. Such harm would be reduced if the proposal followed the existing roadside development form.</p>
Public Rights of Way	<p>The PRow Officer noted that there are public rights of way (PROW) recorded on the Definitive Map that run adjacent to the site (public footpath WN 6/25 and WN 6/6) at the present time. A long-distance route, the Macmillan Way West, runs along path WN 6/25. Page 6 The PRow Officer welcomes the proposed connecting link to Cockhill Elm Lane which in turn links with footpath WN 6/25. If the estate road forms part of a s38 agreement, the connecting link should form part of the agreement with consideration to making this a surfaced path for both pedestrians and cyclists. Such matters will need to be included in the Heads of Terms of any s106 agreement.</p>



Castle Cary  
Town Council

Castle Cary Town Council object to the granting of planning permission. The consultation response notes the following matters:

- o Design & appearance, impact on public visual amenity - removal of the category 1 agricultural land, pure speculative development with no gain to the community. Local Plan Policy recognises paragraph 174 of the NPPF. Although the developments ecology report suggests no impact or negligible impact the adjacent properties report a higher level of potential impact on a variety of species.
- o Layout and density - no account in the outline plans for the need for the 35% affordable housing stock in line with consultee document.
- o Effect on listed building and/or conservation area - On the edge of a conservation area which acts as the entrance to the small market town which visually sets the vernacular for the town area itself where most other routes have been transformed by C20th or recent developments. This diversity of housing stock creates an architectural delight on coming into Castle Cary.
- o Loss of trees or ecological habitats - an existing hedgerow will be partially removed to allow for the vision splay on junction into Cary.
- o Access, highways safety or traffic generation - An increase in traffic movements will inevitably increase the risk factors of residents as the distance and slope of the walk to the amenities will lend itself to use of cars to shop etc. The footpath has steps and a raised footpath which makes it unsuitable for some user groups.
- o Noise, smells or disturbance from the scheme - An increase in the size of the cesspit, and outfall on to the local river networks which are under intense nitrate and sewage discharge pressures. How will this solution be managed to give a satisfactory outcome if the waste is not going through treatment works, the proposed change to an upgraded system still leaves a long-term solution unclear.
- o Flood risk - The residents which are located in the bottom of the hill by the River Cary stated that the flooding is caused by the shedding of water from the hill not the river with more hardstanding will this increase the risk to them.
- o Other -The recent overdevelopment of the Castle Cary/Ansford area has increased the amount of housing outlined in the previous local plan to 837 homes in total, this is running at 47 units per year as opposed to the 20 up to the end of 2028. The effect of this on a small market town is put a huge strain on the resources with a further 685 homes to be built the effect will be a further load for the Doctors, Dentists etc. to shoulder, at present there are no alternative to the vital services offered by these professionals which was based on predictions which did not envisage the current level of development. There are plans for a new school but that will be potentially away from the centre and

will mean further traffic increases. The infrastructure is already suffering, and further increase will compound this issue. As a Guidance the argument for planning approval due to a lack of a Local plan surely must reach a limit, as it appears to be almost unsolicited development of an already overdeveloped rural town living in fear of developers and their legal teams. Disturbing a site of archaeological importance.

General Observations: The 2019 Neighbourhood Plan, and Local Plans clearly indicate the direction of growth, which shows the land from the station, along station road as the area for development, this has virtually been exhausted with a huge almost 50% increase in the total number of homes in the area, the number of new homes is more likely to be seen in a large market town where there is a larger capacity to cope (As outlined in planning document guidance).

The community is struggling with the level of development, and to add another 46 units in the wrong area is a planning application too many, there is no need, there is an abundance of homes coming online. The proposed planning application, reference number 23/02258/OUT, for the erection of 46 dwellings adjoining the settlement boundary for Castle Cary, should be refused on the grounds that it is not sustainable development as defined by the National Planning Policy Framework (NPPF) and lies outside of the designated town development boundary within open countryside. Even if it were argued that it might be sustainable development, the tilted balance approach would need to be utilised by the decision maker, in which case the adverse impacts can be clearly demonstrated to significantly outweigh the benefits.

The principle of sustainable development, as outlined in the NPPF, includes an expectation that development should enhance the natural and local environment, improve biodiversity, use resources prudently, minimise waste and pollution, mitigate climate change, and move to a low carbon economy (NPPF, paragraphs 8 and 150). Application 23/02258/OUT does not convincingly demonstrate how it meets these core environmental objectives, particularly considering the site's current use as high-grade agricultural land.

According to the NPPF, planning policies and decisions should protect and enhance public service and other local facilities (NPPF, paragraph 92). The influx of new residents without an adequate increase in local services as potentially precipitated by application 23/02258/OUT would add undue strain to existing resources, contravening this guidance.

Developments should be contained within existing settlement boundaries wherever possible to prevent unnecessary sprawl

and protect the countryside (NPPF, paragraph 70). The proposed site, being outside the town development boundary and situated in open countryside, is not aligned with this strategic policy.

The application is contrary to local planning policies. Local plans, such as the South Somerset Local Plan, have specific policies to manage growth in a way that preserves the character of the area and avoids undue pressure on infrastructure and services. Application 23/02258/OUT contradicts policies within the Local Plan that aim to concentrate development within existing settlements and utilise brownfield sites before greenfield ones.

The Castle Cary Neighbourhood Plan is a material consideration in planning decisions, and developments that contravene its policies can be deemed unsustainable. Application 23/02258/OUT does not appear to respect the vision and objectives set out in the Neighbourhood Plan, which reflect the community's interests in preserving the character and setting of the town.

While it is acknowledged that there is a shortfall in the five-year land supply, this does not automatically override other material planning considerations. The NPPF does allow for some flexibility in the application of policies in the Local Plan (LP) and Neighbourhood Plan (NP), especially where there is a shortage in housing land supply. However, it does not discount the weight of LP and NP policies entirely. These plans still hold significant weight, particularly when it comes to protecting designated areas and managing growth sustainably.

The adverse impacts - such as the loss of open countryside, strain on local services, and the erosion of the settlement boundary - as posed by application 23/02258/OUT, are not sufficiently mitigated by the benefits of the proposed housing. The development would significantly and demonstrably outweigh any benefits when assessed against the NPPF's policies taken as a whole (NPPF, paragraph 11d), notwithstanding the unsustainable nature of the development that denies the ability for it to be considered under the tilted balance approach from the outset.

In conclusion, considering the above points and the policy conflicts with the NPPF, the South Somerset Local Plan, and the Castle Cary Neighbourhood Plan, application 23/02258/OUT for outline planning consent should be refused. The development fails to meet the essential criteria for sustainable development as set out in the NPPF and would have a harmful impact on the local area, which outweighs the identified need for additional housing.

<p>Strategic Planning Team</p>	<p>Planning obligations for outdoor playing space have been sought as follows:</p> <ol style="list-style-type: none"> <li>1) Equipped play space a total of 205.16sqm with a contribution of £39,045 and a commuted sum of £22,553 to be used to enhance play equipment in Castle Cary.</li> <li>2) Youth Facilities provision of 51.29 sqm with an off-site contribution of £7,667 and a commuted sum of £2,834 to be used on Youth facilities in Castle Cary</li> <li>3) Playing pitches a provision of 1,230.96 sqm with a contribution of £18,148 and a commuted sum of £11,016 towards enhancement of playing pitches in Ansford and Castle Cary.</li> <li>4) Changing Rooms a provision of 10.77sqm with a contribution of £33,174 and a commuted sum of £2,669 towards enhancement of changing room facilities in Ansford and Castle Cary.</li> </ol> <p>Contributions for items 1 and 2 should be prior to occupation of 25% of the proposed dwellings and 3 and 4 prior to occupation of 50% of dwellings. With a 1% locality service administration fee a total contribution of £138,477 is sought.</p>
<p>Highway Officer</p>	<p>The Highway Authority responded on the 2nd November 2023 and confirmed no objection to the application subject to conditions and/or section 106 obligations. The Highway Authority noted the following:</p> <p>Access &amp; Visibility - This site sits adjacent to South Street with a 30mph zone beginning at the entrance to the cemetery, south of the site and continues into Castle Cary. The access should be no less than 5m in width with 2x 2m footways, and visibility splays of 2.4m x 43m either side.</p> <p>Parking &amp; Turning - The application confirms there are to be 120 proposed car parking spaces and 140 cycle parking spaces. An electric vehicle charging point should be included for each new dwelling. As this is an outline plan currently, no comments will be made with regard to the internal layout by Somerset Council's Estate Roads team. An assessment of the internal road layout will be undertaken at Reserved Matters Stage, but it should be to adoptable standards. If not, APC deposits may be required.</p> <p>Trip Generation - A development of up to 46 dwellings will generate in the region of 25-30 vehicles in the peak hour. The impact of, on average, of one vehicle every 2-3 minutes in this location cannot be considered severe. A Travel Plan Statement has been submitted and is currently being reviewed. A copy of this audit once completed will be sent back to the LPA Officer/Applicant.</p> <p>Legal Agreement - The applicant will also be required to enter into a s.106 Legal Agreement, which will also cite s278 Highways Act 1980 in order to secure the highway works.</p> <p>Collision Data - No collision data is held on record for this road.</p>

There are no public rights of way within the proposed development site.

Somerset Council's Drainage Engineers have reviewed the Flood Risk Assessment dated 24th April 2023 prepared by Awcock Ward Partnership, submitted in support of the above referenced planning application, and can advise that there is no objection in principle to the surface water management strategy proposed as it relates to the existing and prospective public highway. I do however outline below several points which will require consideration as part of the detailed design:

1. It appears that the drainage infrastructure to be adopted by the highway authority will be limited to gullies and connections only.

2. The local highway authority will have an interest in the long-term efficient functioning of the proposed attenuation basin given that surface water runoff from the prospective highway will outfall at this point. Confirmation of future ownership and maintenance responsibilities will be required on completion / handover of the facility.

3. Careful consideration will need to be given to the proximity of the proposed swales to the prospective public highway. Future ownership and maintenance will need to be confirmed.

4. All private areas are to be designed to fall away from the prospective highway. Where this is not possible interceptor drainage will be required.

5. Consideration should be given to providing drainage provision immediately upstream of the vehicular access serving the development to intercept surface water flows at the channel line of South Street from discharging across the junction.

CEMP - Plan & details to be submitted. As part of the no objection the request for the following conditions to be added:

1. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number CC-APG-XX-ZZ-DR-A, and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

2. Prior to commencement of development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) and drainage installed in accordance with details which shall have been submitted to and approved in writing by the Local

Planning Authority. Once constructed the access shall thereafter be maintained in that condition in perpetuity.

3. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition in perpetuity.

4. All the recommendations of the Approved Travel Plan shall be implemented, monitored, and reviewed in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan to the satisfaction of Local Planning Authority for the Duration, unless agreed in writing by the Local Planning Authority.

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

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained in perpetuity.

7. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained in perpetuity.

8. The Development hereby permitted shall not be occupied until the relevant number of parking spaces, inclusive of an electric vehicle charging point for each dwelling and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

9. No development on the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority. 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:

- a. Estate roads
- b. Footways
- c. Tactile paving
- d. Cycleways
- e. Sewers
- f. Retaining walls
- g. Service routes
- h. Vehicle overhang margins
- i. Embankments
- j. Visibility splays
- k. Carriageway gradients
- l. Drive gradients
- m. Car, motorcycle and cycle parking
- n. Hard and soft structural landscape areas
- o. Pedestrian and cycle routes and associated vehicular accesses and crossings
- p. Means of enclosure and boundary treatment
- q. Street lighting and street furniture
- r. All new roundabouts and junctions
- s. Proposed levels
- t. Bus stops and lay-bys or alternative facilities
- u. Highway drainage
- v. Swept path analysis for a vehicle of 11.4m length
- w. Central pedestrian reserves, bollards and lighting; and
- x. Service corridors

No occupation shall thereafter commence until the development has been constructed in accordance with the approved details and retained in perpetuity thereafter.

10. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- a. 24-hour emergency contact number.
- b. Hours of operation.
- c. Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).
- d. Routes for construction traffic.
- e. Locations for loading/unloading and storage of plant, waste and construction materials.
- f. Method of preventing mud being carried onto the highway.

	<p>g. Measures to protect vulnerable road users (cyclists and pedestrians)</p> <p>h. Any necessary temporary traffic management measures.</p> <p>i. Arrangements for turning vehicles.</p> <p>j. Arrangements to receive abnormal loads or unusually large vehicles.</p> <p>k. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.</p>
<p>Natural England</p>	<p>In a consultation response dated 26th October 2023 Natural England confirmed agreement with the comments of the Council's ecologist regarding the need for minor amendments to be made to the calculations for the septic tank upgrade. Once those changes are made, we will have no concerns with the application and will be in a position to endorse a HRA. We note the commitment from Albion Water to manage the private sewage treatment facility, which will operate to agreed permit limits regulated by the Environment Agency.</p> <p>Natural England issued a further consultation response in respect of the associated engagement with the Shadow HRA and noted in January 2024 that they maintained no objection subject to mitigation.</p> <p>The Council As competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.</p> <p>Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.</p> <p>Please note the scheme should secure the following:</p> <ul style="list-style-type: none"> <li>o The upgrading of the existing septic tank to the Graf One2Clean PTP should be completed prior to the occupation of any dwellings relying on the scheme to deliver phosphorus neutrality. Please note that any proposed change to the model of the PTP used will affect the phosphorus calculations and so would need to be agreed.</li> <li>o That a suitable maintenance schedule for the new PTP is in place.</li> </ul>



	<p>o That any future replacement of the new PTP is subject to a requirement to achieve the same effluent phosphorus concentration or better.</p>
Ministry of Defence	<p>The application site occupies the statutory safeguarding zone surrounding RNAS Yeovilton. In particular, the height and birdstrike safeguarding zones surrounding RNAS Yeovilton, and is approximately 10.2km from the centre of the aerodrome. After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.</p>
SW Heritage Trust	<p>The archaeological officer responded on 19th October 2023 confirming that the submitted geophysical survey report shows a likely prehistoric enclosure on the site with associated pits and ditches. This is most probably Iron Age or Romano-British in date although without intrusive investigation it is not possible to confirm this date.</p> <p>The evidence from the Desk-based assessment and survey indicate that the archaeology is of local significance and will require excavation in advance of any development on the site. For this reason, I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Page 11 Framework (Paragraph 205). This should be secured by the use of the following conditions attached to any permission granted.</p> <p>1. Programme of Works in Accordance with a Written Scheme of Investigation (POW) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.</p> <p>2. Archaeology and ensuring completion of works No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured. Environmental Services In a consultation response dated 17th October Environmental service confirmed they would not look</p>
Environmental Services	<p>In a consultation response dated 17th October Environmental service confirmed they would not look to seek an on-site</p>

	<p>provision of Public Open Space. Instead, they would look to secure a proportion of the CIL contribution which could be paid to the Town/Parish Council, or we would use it to improve an existing area of POS accessible from the proposed development.</p>
<p>Education</p>	<p>The Education Authority responded on the 17th October and advised that a proposal for 46 dwellings would generate the following numbers of pupil for each education stage:</p> <ul style="list-style-type: none"> <li>o 5 x Early Years</li> <li>o 15 x Primary School</li> <li>o 7 x Secondary School</li> </ul> <p>The Education Authority advise that there is sufficient capacity within secondary education at present within the Ansford Academy.</p> <p>Accordingly, contributions are sought only for Early Years and Primary School places. For Early Years the requested contribution is £105,940 (5 x £21,188) For Primary School the requested contribution is £317,820 (15 x £21,188). Such contributions would be secured via a Section 106 agreement and in doing so will ensure that increases in school capacity to accommodate the children from this development can be facilitated.</p>
<p>Somerset Ecology Services</p>	<p>Protected Species In relation to protected species SES provided consultation comments dated 13th October 2024 and 30th October. The latter response picked up on the results of the additional dormouse survey results which confirmed that dormice were not present on the Site.</p> <p>SES confirmed that they have no objections to the proposals subject to the imposition of conditions following a careful review of the Ecological Impact Assessment produced by Halpin Robbins which included protected species surveys in respect of bats, birds, badger, dormice, reptiles, amphibians and hedgehogs.</p> <p>The summary of the findings are:</p> <p>Bats - the habitats within the site are considered to be of moderate value to foraging and commuting bats. The shed contains a timber board on its internal northern elevation assessed to be of low roost suitability for bats. Two hybrid black polar trees hold potential for bat roost features. The proposals have the potential to impact commuting, foraging and roosting bats without mitigation.</p> <p>Birds - the hedgerows and trees and shed provide suitable nesting habitats for birds. No birds' nests were recorded within the site. The site has the potential to be used in future nesting seasons and site clearance has the potential to disturb nesting birds without mitigation.</p>

Reptiles - a maximum count of 2 grass snake (sub-adults) was recorded during a single survey in July, with their presence recorded during each visit in June and July, indicating a potential grass snake egg laying site within or close to the northern boundary of the site. No other reptile species were recorded. Site clearance has some low potential to kill/injure reptiles without mitigation.

Amphibians: The site contains no waterbodies. No potential breeding ponds were identified within 250m radius of the Site. The great crested newt record from 2km to the west of the site is separated by a railway line, considered a major barrier. The site has the potential to support common toad and site clearance has potential to kill/injure common toad without mitigation.

Dormice: the two boundary native hedgerows, equating to c. 320m present within the site are species rich and dense but lack connectivity with gaps of between 8 and 13m to other hedgerows to the south and west of the Site. Site proposals should seek to retain the two species-rich hedgerows within the Site. Nest tube surveys have been completed in line with guidance and no dormice or evidence of dormice have been identified during the survey effort.

Hedgehogs - the site boundaries have the potential to support hedgehog. Proposals could injure/kill hedgehog without mitigation. The Halpin Robbin report sets out appropriate mitigation for the relevant species above and this will be secured via the following recommended planning conditions

The Halpin Robbin report sets out appropriate mitigation for the relevant species above and this will be secured via recommended planning conditions.

Phosphates In relation to Phosphates SES responded in October 2023 confirming that the development site will be served by a PTP (0.3mg/l) which will be adopted by Albion water and result in a total of 3.28kgP/yr (including 20% buffer) to mitigate for this a septic tank will be upgraded to a PTP (one2clean). This was considered in principle to be an acceptable mitigation strategy; however, clarification was sought by SES in relation to the septic tank discharge location and clarification that the septic tank to be upgraded didn't meet interim guidelines.

A revised Nutrient statement was submitted to the Council on 2nd November 2023 and SES confirmed by e-mail correspondence on the same day that the revised NNAMS was acceptable, and SES have no objection to the phosphate mitigation strategy. Therefore, the application is ready to be subject to a Habitats Regulations Assessment to fulfil the

	<p>obligations outlined by Regulation 63 of the Habitats Regulations. A Shadow Habitats Regulations Assessment (Engain, November 2023) was submitted and considered by SES. SES confirmed that on 5th December 2023 that the Council had considered the content and measures designed to mitigate the impacts of the proposed development on the Somerset Moors and Levels Ramsar site.</p> <p>The Council agrees with the conclusion that any such impacts will be fully mitigated taking into account the measures provided and that, as a result the Council has ascertained beyond reasonable scientific doubt that the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site either along or in combination with other plans or projects. The Council, as competent authority adopts the sHRA to fulfil its responsibilities under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). SES had no objection and requested the following measures</p> <p>S.106 Prior to occupation:</p> <ul style="list-style-type: none"> <li>o Provision of evidence that the PTP being used for mitigation has been installed, and the existing septic tank has been decommissioned, prior to occupation of the development, as detailed in the Nutrient neutrality Assessment and Mitigation Strategy (NNAMS) submitted by RMA Environmental, report reference RMA-C2408, dated 2nd November 2023 and the Shadow Habitats Regulation Assessment provided by Engain on 29th November 2023.</li> <li>o Provision of a management and monitoring plan for the PTP being used as mitigation - this should show that the PTP will be maintained in perpetuity (80-125years) Conditions Drainage - Foul (Compliance) –</li> </ul> <p>Drainage conditions as recommended for compliance</p>
Local Lead Flood Authority	<p>The LLFA have no objection to the proposal subject to conditions. They confirmed in a response of 11th October 2023 that they accept that water can be attenuated and use of further SuDS. The LLFA are pleased to see that swales have been incorporated into the design at this outline stage.</p> <p>The LLFA would recommend and expect to see further SuDS inclusion, including additional conveyance swales and where possible raingardens, bioretention systems or rainwater harvesting where possible. Such matters can be provided at detailed design alongside full maintenance details.</p> <p>Recommendation of relevant conditions.</p>
Environment Agency	<p>The Environment Agency confirmed in their response of the 26th September 2023 that they had no objection in principle to the proposed development. The information in the drainage report, submitted with the application, suggests the absence of made ground at the site which may signify contamination from historic</p>

	<p>uses is absent. We also note that the stated previous site use in the application was agricultural. Therefore, the development may be lower risk, however we recommend the inclusion of conditions.</p>
<p>Planning Policy</p>	<p>Following the publication of the revised NPPF in December 2024 the Planning Policy team were reconsulted and provided an updated response on 11th June 2024.</p> <p>This response provided a view that following the removal of the requirement to maintain a 5% buffer the Council's land supply position had marginally improved from the position as agreed at the Mudford Road Inquiry where it was agreed a range of between 2.85 and 2.96 years could be demonstrated. The current position is a range of between 2.98 and 3.10 years.</p> <p>In addition, the policy team provided clarification following the revisions to paragraph 14 of the NPPF in respect of the weight to be given to policies within Neighbourhood Plans. In the case of the Castle Cary and Ansford Neighbourhood Plan this was made in November 2019 (so becomes 5 years old in November 2024). However, the Plan does not contain allocations to meet its housing need therefore criterion b) of paragraph 14 is not met. The Council therefore acknowledges that this means the tilted balance in paragraph 11 d) of the NPPF now applies to the decision-making process.</p> <p>Planning Policy team previously responded on the 9th October 2023. The response sets out that since the start of the Local Plan period (2006) to 31st March 2023, a total of 345 dwellings have been delivered within the parishes of Castle Cary and Ansford. As of 31st March there are commitments for a further 340 dwellings with a further 200 dwellings on land north of Ansford Hill being allowed at appeal. Taking account of this application, if permitted a total of 931 dwellings would have been granted within the plan period at Castle Cary/Ansford. The Local Plan requirement for Castle Cary/Ansford was a minimum of 374 dwellings.</p> <p>The population of Castle Cary (including Ansford) based on the 2021 census is approximately 3,400 people. In the 2022 census the number of dwellings recorded in the parishes was a combined figure of 1,643. Completion records demonstrate that 48 dwellings were completed during the plan period prior to the census leaving a further 297 dwellings completed from 1st April 2011 to 31 March 2023. Together with existing commitments this would deliver 837 dwellings meaning a 51% (rounded) increase in dwellings within the parish over the plan period. With this application, if approved, this would result in a 54% cumulative increase (i.e. an additional 3%).</p>

Ansford/Castle Cary is defined as a Local Market Town via Policy SS1 'Settlement hierarchy'. Local Market Towns are locations which are well served with employment and housing opportunities and have facilities including a primary, a secondary school, Dr's surgery/health centre and a wide range of local shops and services. Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy and provides a permissive approach will be taken when considering housing proposals within 'directions of growth' at Market Towns with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. As above the requirement for Ansford/Castle Cary is 374 dwellings.

A direction of strategic growth is identified in Policy LMT1: Ansford/Castle Cary Direction of Growth and Link Road as the area north of Torbay Road and East and West of Station Road. The application site is located to the south of Ansford/Castle Cary adjacent to the Development Area but outside of the direction of growth. Cumulatively the scale of growth over the plan period would be commensurate with the Local Plan housing requirement for the higher tier Primary Market Towns (Chard, Crewkerne, Ilminster and Wincanton).

Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable. A development of 46 dwellings would be expected to deliver 16 affordable homes. It is noted that a policy compliant scheme, is proposed, although the Planning Statement refers to 17 affordable homes. Local Plan Policy HG5 sets out that a range of market housing types and sizes should be provided across the district that can reasonably meet the market housing needs of the residents of South Somerset.

The latest Local Housing Needs Assessment 2021 (LHNA)<sup>7</sup> for the former South Somerset demonstrates the mix of housing needed over the period 2020-2040. For market housing the following split is provided by Figure 1 of the LHNA and set out in the table below.

Whilst not located within the Conservation Area itself, the north-east corner of the proposal site is in very close proximity to the South Cary Conservation Area. There are also several listed buildings nearby so Policy EQ3 - Historic Environment is of relevance.

It is noted that the proposal site is Grade 1 agricultural land. Whilst best and most versatile agricultural land is not addressed in policy, the Local Plan does recognise the importance of agriculture to the environment and economy of South Somerset. Paragraph 174 of the NPPF, 2023 states that planning policies and decisions should contribute to and enhance the natural and

local environment by: ...b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; ... The Peripheral landscape study - Castle Cary/Ansford, March 2008 formed part of the evidence base for the Local Plan. Figure 5 indicates that the proposal site has a landscape with a moderate capacity to accommodate built development.

#### Castle Cary and Ansford Neighbourhood Plan

The Castle Cary and Ansford Neighbourhood Plan (NP) was formally 'made' by the former South Somerset District Council in 2019 and forms part of the development plan for the area. The NP policies support the delivery of strategic policies in the Local Plan including the direction of growth for the Town:

Policy HOU 2 Housing development in the Direction of Growth .

While there remains a substantially greater supply of permissions for housing development within the NP area than the LP minimum requirement, further proposals for housing development within the direction of growth will be paused unless there is clear evidence that the additional housing will help meet a clearly identified local need for affordable or social housing (that need arising from within the NP area and its hinterland) that is not capable of being met elsewhere. Whilst additional sites to those already committed for development are available within the Direction of Growth, these will not be brought forward for development unless the emerging South Somerset Local Plan requires their release, and it can be demonstrated that further housing development would not have a significantly adverse effect on the character of this modest market town and its infrastructure.

Policy DP1 expects all new development to be designed to the highest standards and to respect the Page 18 unique character of Castle Cary and Ansford. Regarding transport, Policy TRA1 expects new development to provide or improve a safe and convenient highway network and to provide new or enhanced links for all road users including pedestrians and cyclists.

Policy ENV1 seeks to protect existing green corridors, footpath links and hedgerows and other natural features of the local environment.

#### Emerging Local Plan Review

Following the formation of the Somerset Council on 1st April 2023, work on the emerging Local Plan Review will not be progressed.

	<p>A Local Development Scheme for the new Somerset Local Plan was approved by Executive Committee on 4th October 2023. Two regulation 18 consultations with a Preferred Options consultation ending in September 2019, associated with the former South Somerset Local Plan Review. Limited weight can be attached to the Local Plan Review given its early stage.</p> <p><b>Phosphates</b> The site falls within the catchment area for phosphates affecting the Somerset Levels and Moors and will require sufficient information to be submitted to enable an appropriate assessment to be undertaken as required by S.77 of the Conservation of Habitats and Species Regulations 2017.</p> <p><b>Conclusion</b> Ansford/Castle Cary is a Local Market Town. The proposal sites lies outside of the direction of growth for Ansford and Castle Cary and is therefore contrary to Policies SS5 and LMT1 of the Local Plan and Policy HOUS2 of the Castle Cary and Ansford Neighbourhood Plan. The overall scale of growth during the plan period so far equates to 20 dwellings per year. If existing commitments are to be built out and this application approved it would potentially equate to 42 dwellings per year over the plan period. This equates to a level of overall growth aligned to the higher tier of Primary Market Towns.</p> <p>The former South Somerset District Council published a Five-year housing Land Supply 202-2027 statement in November 2022 which confirmed it can demonstrate a housing land supply equivalent to 3.7 years, a situation linked to the requirement to mitigate phosphates affecting the condition of the Somerset Levels and moors Ramsar Site and River Axe Special Area of Conservation. The Council therefore acknowledges that this means that the tilted balance in paragraph 11d) of the National Planning Policy Framework 2023 now applies to the decision-making process.</p> <p>In conclusion this planning application will need to be considered in the context of paragraph 11 d) of the NPPF having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and Castle Cary and Ansford Neighbourhood Plan taking into account the nature and extent of the shortfall in housing land supply.</p>
NHS	<p>NHS Somerset responded on the 4th October 2023 raising no objection to the planning application and confirmed that the GP surgeries (Queen Camel Medical Centre &amp; Milbrook Surgery) within the catchment area of the application site currently have sufficient capacity to absorb the population increase that the development would generate. However, the</p>



	NHS refers the right to reconsider its position should there be a change in position in respect of demand for NHS services.
Devon and Somerset Fire and Rescue	The Fire Authority responded on 27th September 2023 raising no objections to the proposals and made observations in relation to considerations at the detailed design stage
Strategic Housing	<p>No objection subject to obligations within any Section 106 Agreement. The Housing Enabling Officer responded on 29th September 2023 confirming that the application proposals accord with policy with the provision of 35% affordable housing to be secured via a Section 106 Agreement. For a development of 46 dwellings this would equate to a total of 16 affordable units.</p> <p>The tenure mix is recommended to be provided is split on a 75:25 Social Rent: First Homes. This would Page 19 equate to 11 dwellings for social rent and 4 dwellings for First Homes and 1 dwelling for other affordable home ownership such as shared ownership.</p> <p>The NPPF requires 10% of the site overall to be provided as affordable home ownership. Based on the South Somerset Local Housing Needs Assessment 2021 and expressed demand on Homefinder Somerset the following dwelling mix is requested:</p> <ul style="list-style-type: none"> <li>o 2 x 1 bedroom flat (2 person, GIA 47sqm).</li> <li>o 7 x 2-bedroom house (4 person GIA 76sqm).</li> <li>o 6 x 3-bedroom house (6 person, GIA 94sqm); and</li> <li>o 1 x 5-bedroom house to be provided as Social Rent (10 person, GIA 126sqm).</li> </ul> <p>Affordable dwellings should be pepper potted throughout the site and developed to blend in with the proposed housing styles with clusters of no more than 8 dwellings with social rented properties to be provided within each cluster. An expectation that the S.106 will contain appropriate trigger points to guarantee some of the affordable housing provision is delivered if permission is granted but only partially built out.</p> <p>The S.106 should also include a schedule of approved housing association partners for delivery of the affordable units, namely: Abri, LiveWest, Magna Housing and Stonewater Housing.</p>
Designing Out Crime	The Design Out Crime officer has reviewed the proposals and raised no objections to the outline proposals but made a total of six observations all of which can be considered and are of relevance to the detailed design stage which will take place should outline planning permission be granted.
Landscape Officer	The overall content and structure of the LVIA generally complies with the relevant Landscape Institute guidance. The methodology employed in the LVIA accords with good practice. The selected representation viewpoints appear to sufficiently cover the

locations of the publicly accessible viewpoints towards the application site.

The Indicative Landscape Masterplan takes on board the initial advice provided by the Landscape Officer, particularly the setting back of development from the more sensitive southern and western site boundaries which are further strengthened by tree, shrub and hedgerow planting. The retention of the existing trees within the site is shown, as is most of the hedgerow along South Street, except for the vehicular access point is also shown. There is avenue planting along the cemetery access boundary route. The further measures of internal street tree planting, and footpaths linking to the existing locality and PRow are also positive measures. There is a narrow landscape buffer shown on the northern boundary adjacent to the existing housing off Cockhill Elm Lane.

It is recommended that in the reserved matters landscape scheme, additional planting to that shown on the Indicative Landscape Masterplan on the western boundary is provided, possibly in conjunction with subtle earth shaping to raise the ground on the site western boundary. This would help screen views gained from the PRow and further distant viewpoints to the west. The existing retained trees include ash which could be lost due to Ash Dieback disease and further tree planting in this area should be provided. The northern boundary proposals should include a continuous hedgerow and much more tree planting to assist in reducing the visual impact on views gained by residents in the houses to the north. The proposed tree planting to strengthen the existing hedgerow along the South Street boundary should be carefully positioned in coordination with the existing trees on the eastern side of the road to fill in visual 'gaps' to assist in screening from the elevated existing houses further to the east off South Bank.

The proposed development will introduce built elements into a currently undeveloped field, with associated medium impacts and moderate adverse effects. Over time, the increase in landscape elements within the proposed development will have low impacts and minor beneficial effects.

No landscape relevant designations will be directly affected by the proposed development. The site is not recognised for its value through any landscape relevant designations.

However there will be some indirect influence on the setting of landscape relevant designations within the study area as a result of the proposed development.

From the fringes of the Conservation Area and the magnitude of impact will be low, the level of effect will be minor adverse.

At worst, the increase in built development within the site and immediate surrounds will have medium impacts and moderate adverse effects on the Lower Lias Clay Vales, Rivers and Flood Plains character zone.

Further afield within the Lower Lias Clay Vales, Rivers and Flood Plains character zone, the magnitude of impact will be low, the level of effect will be minor adverse.

For the adjacent medium sensitivity Downland Coombes and Holloways character zone which extends in a band to the east, south-east and north, at worst, the magnitude of impact will be low, the level of effect will be minor adverse.

For the high sensitivity Settlement character zone which occurs immediately to the north, the magnitude of impact will be low, the level of effect will be minor adverse.

The proposed development will be situated on the southern fringes of the high sensitivity settlement of Castle Cary, immediately to the south of Cockhill Elm Lane and to the west of South Bank, immediately to the west of and accessed off South Street. At worst, the magnitude of impact will be medium, the level of effect will be moderate adverse for the few adjacent residential properties.

This level of impact could be further reduced if there was a sufficiently densely planted tree and scrub boundary planted to better integrate the proposed built development, with this effect increasing over time as the vegetation matured. This measure could be introduced in the reserved matters landscape scheme. Further afield from within Castle Cary, the influence will dramatically reduce, and the magnitude of impact will be no change, the level of effect will be neutral.

For the majority of settlements within the study area, the proposed development will not influence their views. The magnitude of impact will be no change, the level of effect will be neutral.

For the majority of scattered residential properties in the wider study area, the magnitude of impact will be no change, the level of effect will be neutral.

For the medium-high sensitivity Castle Cary Cemetery, glimpses of proposed housing may be possible with associated low impacts and minor adverse effects. The effects are considered by the landscape advisor to be medium impacts and medium adverse effects until the proposed planting sufficiently matured.

This level of impact could be further reduced if there was a sufficiently densely planted tree and scrub boundary planted to better integrate the proposed built development, with this effect increasing over time as the vegetation matured. This measure could be introduced in the reserved matters landscape scheme.

The medium-high sensitivity Macmillan Way West recreational route crosses the study area from the east to the west, including immediately to the north of the proposed development at its closest point. Where the route passes through the existing built development, the magnitude of impact will be no change, the level of effect will be neutral.

8Where the recreational route passes along the fringes of the adjacent sloping fields to the north-west of the site, the increase in development will have low impacts and minor adverse effects. The effects are considered by the landscape advisor to be medium impacts and medium adverse effects until the proposed planting sufficiently matured.

It is recommended that in the reserved matters landscape scheme, additional planting to that shown on the Indicative Landscape Masterplan on the western boundary is provided, possibly in conjunction with subtle earth shaping to raise the ground on the site western boundary. This would help screen views gained from the viewpoint.

To the north-east, the Macmillan Way recreational route heads up the slopes of Lodge Hill towards the Platinum Jubilee Beacon. At worst, the magnitude of impact will be low, the level of effect will be minor adverse, although this influence will very quickly diminish with distance.

Medium sensitivity public rights of way, bridleways and cycleways cross the study area, branching out from the settlement fringes to cross the varied largely agricultural landscape.

The closest public right of way to the proposed development follows the elevated South Bank to the east. There will be an increase in views of development, albeit sensitively designed and set within a strong existing and proposed landscape framework, with at worst, medium impacts and moderate adverse effects.

Further afield, it is only from selected open locations, such as bridges or from field gates that more expansive views across the surrounding sloping landscape, including towards the proposed development and the fringes of Castle Cary are possible. At worst, the magnitude of impact will be negligible, the level of effect will be negligible adverse. However, it is considered by the Landscape Advisor that the extent of visibility of the built

	<p>elements would have minor impacts and minor adverse effects until the proposed site western edge tree planting sufficiently matured.</p> <p>It is recommended that in the reserved matters landscape scheme, additional planting to that shown on the Indicative Landscape Masterplan on the western boundary is provided, possibly in conjunction with subtle earth shaping to raise the ground on the site western boundary. This would help screen views gained from the viewpoint.</p> <p>The low sensitivity A371 crosses the study area from the north to the east, including through the fringes of Castle Cary to the north-east. The magnitude of impact will be no change, the level of effect will be neutral.</p> <p>Medium-low sensitivity minor roads branch out from the settlement fringes of Castle Cary. At worst, the magnitude of impact will for the adjacent South Street along which the existing hedgerow would be retained except at the site vehicular entrance, would be medium, the level of effect will be moderate adverse. However, this would reduce as the proposed additional tree planting along the hedgerow matured.</p> <p>From the network of minor roads in the surrounding sloping landscape it will only be from selected open locations, such as bridges or from field gates that more expansive views across the surrounding sloping landscape, including towards the proposed development and the fringes of Castle Cary will be possible. At worst, the magnitude of impact will be negligible, the level of effect will be negligible adverse.</p> <p>It is recommended that in the reserved matters landscape scheme, additional planting to that shown on the Indicative Landscape Masterplan on the western boundary is provided, possibly in conjunction with subtle earth shaping to raise the ground on the site western boundary. This would help screen views gained from the viewpoint.</p>
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## 7.2 Local consultation and representation

7.2.1 In accordance with the Council's Adopted Statement of Community, 35 neighbours were notified, 57 letters of representation have been received of which 56 objected and 1 provided neutral comments.

### Representations of objection

<p>Castle Cary/Ansford has already accommodated development over and above the policy requirement.</p>
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The proposal is not in accordance with the Neighbourhood Plan policies
The infrastructure within Castle Cary is already over capacity and would not be able to cope most notably doctor's and education.
The proposal is on agricultural Grade 1 Land.
The proposal would be harmful to ecological species on Site
The roads, particularly South Street, would be unable to work with the additional traffic and would cause congestion
Further residential development is not necessary.

### 7.3 Representations of support

None

## 9. **Relevant planning policies and Guidance**

9.4 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

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

### Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development  
Policy SS1 - Settlement Strategy  
Policy SS4 - District Wide Housing Provision  
Policy SS5 - Delivering New Housing Growth  
Policy SS6 - Infrastructure Delivery  
Policy HG3 - Provision of Affordable Housing  
Policy HG5 - Achieving a Mix of Market Housing  
Policy TA1 - Low Carbon Travel  
Policy TA4 - Travel Plans  
Policy TA5 - Transport Impact of New Development  
Policy TA6 - Parking Standards  
Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development  
Policy EQ1 - Addressing Climate Change in South Somerset  
Policy EQ2 - General Development  
Policy EQ3 - Historic Environment  
Policy EQ4 - Biodiversity  
Policy EQ5 - Green Infrastructure  
Policy EQ7 - Pollution Control

### Other Relevant Documents

Somerset County Council Parking Strategy (SPS) (September 2013)

Standing Advice (June 2017)

South Somerset Landscape Character Assessment (October 1993)

### Neighbourhood Plans

#### Castle Cary and Ansford Neighbourhood Plan

Policy DP1 - Design principles

Policy HOU1 - Housing development within the settlement area

Policy TRA1 - Opportunities to improve the transport network

Policy INF2 - Youth facilities provision

Policy ENV1 - Protection of green corridors and natural environment

### The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed 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

## **10. Material Planning Considerations**

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

- Principle of Development
- Affordable Housing
- Access and Highway Safety
- Flooding and Drainage
- Visual Impact, Landscaping and Open Space
- Ecology
- Phosphates
- Heritage

- Residential Amenity
- Loss of Agricultural Land

### Principle of Development

10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

10.3 Settlement Policy Context

Policy SD1: 'Sustainable Development' of the Local Plan states "When considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

10.4 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- o Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework as a whole; or
- o Specific policies in that Framework indicate that development should be restricted or refused.

10.5 The overall spatial strategy and settlement hierarchy for the District in relation to housing growth is contained within adopted Local Plan Policies SS1, SS2, SS4 and SS5.

10.6 Local Plan Policy SS1: 'Settlement Strategy' identifies a settlement hierarchy with settlements evaluated based on their role and function within the District, where provision for development will be made that meets local housing need, extends local services and supports economic activity appropriate to the scale of the individual settlement. Policy SS1 identifies Ansford/Castle Cary as a Local Market Town. The Policy highlights that Market Towns (both Primary and Local Market Towns) are locations where provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres.

10.7 Policy SS4: District Wide Housing provision sets a policy requirement of at least 15,950 dwellings during the plan period (2006-2028). Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. The overall scale of growth and wider policy framework are key



considerations in relation to housing proposals with emphasis on maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. These considerations will apply when considering housing proposals adjacent to the defined settlement at Castle Cary.

- 10.8 Policy SS5 sets out the minimum expectation for the number of dwellings to be built in each settlement during the local plan period (which ends in 2028). For Castle Cary/Ansford this was a minimum requirement of 374 dwellings. Monitoring demonstrates that from the beginning of the adopted Local Plan period (2006) to 31st March 2023 there have been a total number of completions of 353 dwellings. In addition, as of 31st March 2024 there are a further 468 commitments (inclusive of the Ansford Hill appeal) taking the total commitments and completions to 821 dwellings.
- 10.9 To put this into context Langport and Somerton are also Local Market Towns with an identical requirement. As of 31st March 2023 the towns had completions of 471 and 563 respectively. By contrast, delivery at the Primary Market Towns has been lower than policy had anticipated (Chard shortfall of circa 204 dwellings and Crewkerne shortfall of 296 dwellings).
- 10.10 It must be noted that the number of homes specified in Policy SS5 is a minimum target, and if it is exceeded that does not indicate a conflict with policy. It is also the case that such a figure represents the expectation of the number of dwellings to be completed and does not equate to the number of dwellings that benefit from planning permission. The latest housing supply evidence of this Council shows an under delivery across the plan period to date shows a cumulative shortfall of 838 dwellings and the Council remains unable to demonstrate a 5 Year Housing Land Supply (5YHLS).
- 10.11 Policy LMT1: Ansford/Castle Cary Direction of Growth indicates a broad area/direction to the north of Torbay Road and East and West of Station Road where strategic growth was anticipated to occur during the Plan period. The application site is not within this zone. However, Policy LMT1 does not preclude or restrict development elsewhere within the settlement.

#### Affordable Housing

- 10.12 Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable. A development of 46 dwellings would be expected to deliver a total affordable provision equivalent to 16 dwellings. This is proposed by the Applicant and to be secured via a Section 106 obligation.
- 10.13 The Council's Housing Specialist has confirmed that affordable housing should be split 75:25 Social Rent: First Homes, noting also that the NPPF requires 10% of the site overall to be provided for affordable home ownership. Based on the overall requirement for 16 dwellings, the split would be 11 dwellings for social rent, 4 dwellings for First Homes and 1 dwelling for other affordable home ownership. This would be subject to inclusion within a Section 106.

#### 10.14 Emerging Local Plan Review (2020-2040)

Work on the emerging South Somerset Council Local Plan Review (LPR) has ceased and will no longer be progressed following the formation of Somerset Council on 1st April 2023. A Local Development Scheme for the new Somerset Local Plan was agreed by the Executive Committee on 4th October 2023. Two consultations took place under Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012, the most recent consultation on Preferred Options ending in September 2019. In respect of Ansford and Castle Cary the Preferred Option consultation recognised that at the time a total of 559 new dwellings had been granted permission but had yet commenced. However, "given the absence of building work in the settlement and the lack of any guarantees that all of the homes granted permission will be constructed, it is considered important to maintain an adequate supply of developable sites, and for this purpose two allocations, which could deliver about 80 additional dwellings are proposed." It is recognised that the application site was not proposed for allocation. However, it is the case that the emerging Plan proposed further growth at Ansford/Castle Cary despite a significant number of dwellings having permission.

#### 10.15 HELAA 2021

The Site was not submitted as part of the most recent Housing and Employment Land Availability Assessment (2021).

#### 10.16 Neighbourhood Plan

As noted above the Castle Cary & Ansford Neighbourhood Plan 2016-2028 was the subject of a positive referendum in July 2019 and was formally 'Made' by South Somerset Council on 5th September 2019.

10.17 Paragraph 14 of the NPPF advises that the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that the following two criteria apply:

- a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

10.18 The Neighbourhood Plan is now more than 5 years old (i.e. 5th September 2024) and at the time of writing any review of the NHP is at a relatively early stage. In respect of b) the Council's Policy team has considered whether it is engaged and have concluded that the Plan does not formally allocate any housing Sites as part of the NHP.

10.19 Policy HOU1 encourages the re-use of previously developed land and notes a selection of Sites as being brownfield (but does not allocate) and Policy HOU2 deals with housing development proposals within the Direction of Growth over

and above those which already benefit from permission, dealing in essence with slow build out rates. Accordingly, the policy view is that Paragraph 14 is not engaged.

10.20 It is further considered that there are no policies within the Neighbourhood Plan which preclude development on the application Site being considered acceptable in principle

10.21 Conclusion on Principle of Development section

Ansford/Castle Cary is a Local Market Town within the settlement hierarchy. The adopted Development Plan confirms that such locations have a strong employment, retail and community role. Specifically, Policy SS1 states that Market Towns will be locations where provision will be made for housing, employment shopping and other services that increase their self-containment and enhance their roles as service centres.

10.22 The Council published a Five-year housing Land Supply 2023-2028 for the former South Somerset area in October 2023 which shows it can demonstrate a housing land supply equivalent to 3.29 years - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation.

10.23 A revised NPPF published on 19th December 2023 along with the Housing Delivery Test (HDT) Measurement 2022. The HDT result for the former South Somerset area is 135%. The NPPF removes the requirement to include a 5% buffer on five-year housing land supplies and now only imposes a 20% Page 22 buffer where HDT indicates delivery below 85%. The removal of the 5% buffer means that the former South Somerset position (as confirmed in an updated consultation response from policy officers in June 2024) now ranges between 2.98 and 3.10 years

10.24 The lack of a five-year housing land supply means the presumption in favour of sustainable development is a significant material consideration and any recommendation will need to be made in the context of paragraph 11 d) of the NPPF (2023) having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and taking into account the nature and extent of the shortfall in housing land supply

10.25 There is third party concern about the level of development proposed and the impact on the provision of local infrastructure. In particular, responses have focussed on the primary school and medical facilities provided within the town. However, these concerns are not supported by consultee responses.

10.26 The Education Authority in its response of October 2023 confirmed that there is no requirement for secondary education contributions at present as there is currently capacity for the number of pupils generated by this development (seven) within the Ansford Academy

- 10.27 However, the proposal would require contributions to be made in respect of both early years and primary school age groups. The development gives rise to a need for 5 additional early years places (a contribution of £105,940) and 15 primary school places (a contribution of £317,820). Such contributions would be secured to enhance provision within Ansford/Castle Cary
- 10.28 In respect of health care, a consultation response has been received from the NHS Foundation Trust (4th October 2023) who have confirmed that the GP surgeries within the catchment area of this development currently have sufficient infrastructure capacity to absorb the population increase to the area generated by the development. Accordingly, and in line with the requirements of the CIL regulations it would not be appropriate, because there is capacity, to request contributions towards health care in this instance.
- 10.29 It is also the case that the application proposal would indirectly enhance existing community facilities via payment of S106 monies towards community facilities. The Council's Strategic Planning Team (South) has advised that there is a current deficiency in provision both in relation to equipped play space and youth facilities within Castle Cary with Section 106 Contributions to be secured to the value of £73,470. In addition, the development will also make contributions towards both playing pitches and playing pitch changing rooms as a result of the impact of development (a further £65,007).
- 10.30 It is understood that the youth facilities and changing room contributions will be secured towards the Castle Cary Pavilion project which seeks to provide a new social hub and sports pavilion for the Castle Cary football and cricket clubs which is located at the Donald Pither Memorial Field for which an application is expected to be submitted shortly.
- 10.31 In determining this planning application, in line with paragraph 11d of the NPPF, the housing policies of the Local Plan are out-of-date. As there are not any restrictions under footnote 7 which disengage the tilted balance, that paragraph 14 of the NPPF is not engaged (due to limb b not being met), the decision-maker is required to undertake the planning balancing exercise, weighted towards granting planning permission. There must therefore be compelling reasons for planning permission to be withheld.
- 10.32 As the Council is only able to demonstrate a sufficient supply of deliverable sites to meet between 2.98- and 3.10-years' worth of housing land, in accordance with the NPPF, the relevant housing land policies for the determination of this application are considered out-of-date. To this end, reduced weight should be applied to Local Plan housing policies SS1, SS4 and SS5, and the "tilted balance" towards granting planning permission is engaged, unless the adverse effects significantly and demonstrably outweigh the benefits.
- 10.33 With that in mind, it is considered that the benefits outlined within this report, namely the delivery of new homes to meet an identified housing need, the provision of up to 16 affordable homes, the contributions secured towards improvements to local infrastructure (playing pitches etc) as well as the

stimulus to the local economy, significantly outweigh any adverse impacts. Consideration of potential impacts is considered within the subsequent sections.

#### Access and Highway Safety

- 10.34 Local Plan Policy TA5 requires all new development to secure inclusive, safe and convenient access on foot, cycle and by public and private transport that addresses the needs of all, and to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.
- 10.35 Policy TA6 states that parking provision in new development should be design-led and based upon site characteristics, location and accessibility. The parking arrangements within SCC's Parking Strategy will be applied across Somerset.
- 10.36 Paragraph 115 of the NPPF states that 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.
- 10.37 Whilst Paragraph 112 advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.
- 10.38 Access is for determination under this application. The proposed development would provide for a vehicular and pedestrian access off South Street. This would be provided in the form of a simple priority junction. The width of the access junction will be 5.5m which exceeds the minimum width as required by the highway authority. Visibility splays of 2.4m x 43m can be achieved in both directions.
- 10.39 Pedestrian access will be achieved via the construction of a footway on either side of the site access which will connect into the existing pedestrian footway along South Street. The footways on either side of the junction will be 2m in width. An additional 3m wide pedestrian footway/cycleway access is also proposed from the northern boundary of the site onto Cockhill Elm Lane to facilitate access to PRow WN 6/25 and provides an alternative route through to South Street. There is a continuous pavement from the Site through to the centre of Castle Cary although it is noted that the width varies along this route.
- 10.40 In relation to parking the application proposals provide for 120 car parking spaces and 140 cycle parking spaces. The exact layout of these will be for future determination with the final layout, however the Highway Authority is

satisfied that the level of car parking proposed is fully in line with local car parking requirements.

- 10.41 Local concern has been raised regarding the inadequacies of the highway infrastructure to cope satisfactorily with not only existing volumes of traffic but also the increased traffic generated as a result of the proposed development, taken in consideration of existing levels of development from other schemes within the settlement. These concerns focus on the potential for increased congestion, the ability for local roads to cope with increased traffic safely and general highways implications of the development.
- 10.42 A Framework Travel Plan has been submitted which proposes a series of practical measures to be implemented by the developer of the site designed to improve sustainability and reduce single occupancy car use. The TP combines a range of "hard measures" such as site design and infrastructure with "soft measures" such as marketing and information provision. The TP seeks to promote the use of alternative modes of transport that will help to reduce journeys made by private vehicle to and from the site. It provides walking, cycling, public transport and car sharing initiative in order to achieve a reduction in the level of additional car-borne traffic generated by the proposed development. The measures proposed aim to achieve more sustainable travel patterns from the outset in order to take advantage of the fact that travel behaviour change is more likely to come about when other lifestyle changes such as moving house are occurring, rather than cutting existing car use.
- 10.43 The Highway Authority's comments and recommendation have been set out in full in the earlier sections of this report. The Highway Authority calculated that the proposal for 46 dwellings would generate in the region of 25-30 vehicles in the peak hour. The impact of, on average, of one vehicle every 2-3 minutes in this location cannot be considered to be severe as set out within the NPPF. The highway authority also confirmed that there are no incidents of recorded collision data within the vicinity of the Site.
- 10.44 If planning permission were to be granted for this development, the Highway Authority has recommended various highways related planning conditions and obligations to be secured within the S106, as well as informatives. As stated above, the Section 106 will secure the Travel Plan. Conditions are recommended relating to the submission and approval of a Construction Environmental Management, provision of on-site surface water disposal, provision of highway infrastructure construction, provision of parking and turning spaces (including electric vehicle charging points); and creation of visibility splays in line with the to be approved drawings.
- 10.45 It is often the case that there can be disagreement between the Highway Authority's technical assessment and that of third-party opinion. However, in highway terms the Authority's assessment does not highlight any grounds on which to base an objection. The Highway Authority reach a clear conclusion that the development will not create a severe highway safety or efficiency issue.

10.46 Overall, the application site is in a sustainable location, having regard to the scale of development proposed and the role and function of the settlement which benefits from a variety of local facilities and amenities. The increase in vehicle movements as a result of the proposed development does not give rise to an objection on traffic generation or highway safety grounds from the Highway Authority and therefore deemed to be acceptable and fully in accordance with Local Plan Policies TA5 and TA6 and relevant guidance within the NPPF.

#### Flooding and Drainage

10.47 The application site is at a low risk of flooding, lying as it does within Flood Zone 1. A flood risk assessment (FRA) and drainage strategy have been prepared by the applicant's drainage consultants, AWP, to assess the impact of development on the site, in relation to flood risk and drainage.

10.48 Soakaway testing has proven that infiltration is not a viable option on the site, instead surface water drainage proposals will include rainwater harvesting, porous paving areas, ditches, swales and attenuation basin before a restricted discharge to the nearest watercourse located within the applicant's wider land ownership.

10.50 The LLFA has considered the scheme in detail and has confirmed that it is supportive of the applicant's drainage proposals and that this can be achieved on the site. The imposition of drainage conditions on any permission has been recommended.

10.51 As part of the proposed phosphate solution a Package Treatment Plant is proposed which would deal with the foul drainage component arising from the development. The PTP will be provided and managed by a licensed and Ofwat approved (Albion Water) body. Such a body has the same powers and responsibilities as any other water company in England and Wales.

10.52 Accordingly, a connection to the existing foul network is not proposed. However, it should be noted that it is the responsibility of the relevant statutory undertaker to provide sufficient capacity for new development subject to the imposition of a relevant new connection charge.

10.53 As such, subject to suitable conditions to control surface water drainage and foul drainage, the proposals are considered to be in accordance with Local Plan Policy EQ1 and relevant guidance within the NPPF.

#### Heritage

10.54 Local Plan Policy EQ3 refers to development which has the potential to impact upon the historic environment. It advises that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place.

- 10.55 The Site contains no listed buildings, no undesignated heritage assets and lies outside of the Castle Cary Conservation Area. The boundary of the Conservation Area finishes a short distance to the north east of the application site. There are no listed buildings impacted by the proposals however the Castle Cary Mortuary Chapel and Cemetery to the south of the site are considered undesignated heritage assets.
- 10.56 The NPPF advises at paragraph 208 that "where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." Whilst paragraph 209 advises that the effect on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.57 The application proposals have been considered by the Council's Heritage Officer and they conclude that there is likely to be less than substantial harm to the Conservation Area and the undesignated heritage asset of the Mortuary Chapel and Cemetery. They further consider that such harm can be reduced at the detailed design stage subject to the final form of development and the overall design approach.
- 10.58 It should be noted that in the case of the Conservation Area there are very limited views into the site from the Conservation Area given the general topography of the Site and such views are experienced in the context of surrounding existing residential development including more modern development on the opposite side of South Street.
- 10.59 In the case of the mortuary chapel and cemetery views looking towards Castle Cary will change with development becoming closer than is currently the case. However, the existing experience of the cemetery is one where existing residential development is clearly present and the southern and western boundaries, as proposed within the indicative layout, are the subject of significant landscape/open space buffers and therefore a sense of openness will still prevail.
- 10.60 The Harm resulting from the change in setting of the heritage assets identified, less than substantial, will be weighed in the planning balance in the conclusion of this report. The scheme is considered capable of compliance with policy EQ3 and the NPPF with regard to impact on heritage assets.

#### Visual Impact, Landscaping and Open Space

- 10.61 Local Plan Policy EQ2 refers to development in general and requires development proposals to preserve and enhance the character of the district. Development proposals must, amongst other criteria, seek to conserve and enhance the landscape character of the area, reinforce local distinctiveness and respect local context and have due regard to site specific considerations.



- 10.62 Chapter 12 of the NPPF encourages the achievement of well-designed and beautiful places. Paragraph 135 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area for the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Also, being sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), and optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- 10.63 The site does not fall within any landscape designations, nor does it feature within key views from Registered Parks and Gardens or Conservation Areas. The site is considered to sit well in the surrounding built form and development of this site will not protrude unduly into open countryside following the agreement with the applicant to limit areas within the site from development as demonstrated by the submitted Building Heights Parameter's Plan which will become an approved plan. The Site is also not considered to be within or form part of a "valued landscape".
- 10.64 Within the Peripheral Landscape Study of Castle Cary/Ansford, the site and the immediate surrounds is identified as within the Folding Hillsides local landscape character area (B).
- 10.65 This is the landscape area within which the core of the town resides. Typical of many of the towns within the Yeovil Scarplands national landscape character area (140), Castle Cary is settled within a valley, as formed by the folds of the hillsides around the river's source after which the town is named. Enclosed in most part by these surrounding hillsides, the character of the town is embedded in this valley setting. However much of its recent growth is now accommodated on the gently rising hillsides to the north of the town's core, a spread that is exacerbated by its merger with Ansford.
- 10.66 The site is situated within a large regular field, immediately to the west of South Street on the southern fringes of the settlement of Castle Cary. The field is partially divided, to the south, by an intermittent line of mature vegetation, running from east to west. The northern part of the field (to the north of the existing vegetation) where the built form will be focussed, has been identified as an area of moderate landscape and visual sensitivity with a moderate capacity to accommodate built development.
- 10.67 There will be some indirect influence on the setting of landscape relevant designations as a result of the development. From the fringes of the Conservation Area the magnitude of the impact will be low and the level of the effect will be minor adverse. The increase in build development will have medium impacts and moderate adverse impacts on the Lower Lias Clay Vales, Rivers and Flood Plains character zone, with impacts further afield low, with minor adverse impacts. For the high sensitivity settlement character zone

immediately to the north, the magnitude of the impact will be low and the level of effect will be minor adverse.

- 10.68 With regard to the residential properties to the north of the site, the magnitude of the impact will be medium and the level of effect will be moderate adverse. Further afield in Castle Cary the influence of the development will dramatically reduce, with the magnitude of impact will be no change and the level of effect will be neutral. For the adjacent cemetery, there will be low impacts and minor adverse effects.
- 10.69 With regard to the impact on South Street, the magnitude of the impact will be medium and the effect will be moderate adverse.
- 10.70 The Landscape Officer considers that if the reserved matters landscaping scheme includes additional planting to that shown on the Indicative Landscape Masterplan, in conjunction with a subtle earth shaping to raise the ground on the western boundary would result in screening that would mitigate much of the moderate adverse impacts, especially when planting has matured. The Landscape Officer has also recommended further scrub and tree planting on the northern boundary to better integrate the scheme with the existing residential properties to the north. These elements are included a recommended condition
- 10.71 Whilst it is acknowledged that there will be, especially in the short term before planting matures, some moderate adverse effects of the scheme on elements of the surrounding landscape, the Landscape Officer is satisfied that these can be ameliorated by a change to the indicative landscape plan to include further planting, especially to the north and the west, and a slight bund to raise landscape levels to the west.
- 10.72 As such, subject to the suggested conditions and a satisfactory detailed design at the reserved matters stage, there would be no significant adverse impact on landscape in accordance with Policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

### Ecology

- 10.73 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).
- 10.74 Policy EQ4 of the Local Plan also require proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.
- 10.75 The Site is approximately 2.7a ha in size and comprises 6 UK Habitat Classification types. The managed grassland is grazed as well as being cut

for silage. The site is bounded by native hedgerows on its Page 27 eastern boundary and part of the western boundary. A former cattle shed is located on site. The grassland contains a line of trees in an east/west alignment. The application proposals for the Site will retain all mature trees and boundary (priority) hedgerows minus an estimated 10m gap to create vehicular access into the Site.

10.76 Somerset Ecological Services have reviewed the Preliminary Ecological Appraisal of the Site undertaken by Halpin Robbins in August 2021 and the subsequent Ecological Impact Assessment by Halpin Robbins (August 2023) and the Dormouse Nest Tube Survey Addendum (October 2023).

- o Amphibians (including Great Crested Newts) A single record of great crested newt (GCN) was identified within a 2km radius of the site; located c.2km to the northwest from the Carymoor Environmental Centre. The data search also returned 14 records of common toad *Bufo bufo*, a UK Priority species; the closest of which is located c.790m to the north.

- o No waterbodies were identified within a 250m radius of the site. The site lies within the Green Zone of the GCN Risk Zones for Somerset (Natural England, 2022). The site is not considered likely to support GCN due to a lack of local records and nearby waterbodies. Hedgerows which border the site and the neutral grassland within the site provide suitable terrestrial habitat for other amphibian species, such as common toad.

- o Badgers - A potential outlier badger sett was identified beneath the structure within the site, which was large enough to have been created by badger, together with latrines and mammal paths recorded through the site. Badgers were not recorded during the 3-week camera monitoring period. Therefore, it is assessed that the potential outlier sett is not in current use by badgers.

- o Bats - in relation to bats there have been a wide range of survey techniques deployed, including: Ecological Building Survey -The eastern internal section of the structure was inspected, and no evidence of bats was identified. The eastern and western sections are accessible to bats through an opening on the south-eastern elevation and gaps in the timber door on the south-western elevation. A timber beam with a gap large enough to hold crevice dwelling bats is present within the internal south-eastern section. The potential roost features of the south-western section are not known. The building was assessed as having low bat roost suitability and has potential to be used as night roost. The habitats within the site are considered to be of moderate value to foraging and commuting bats. Preliminary Tree Roost Assessment The hybrid black poplar trees were climbed and inspected on 22 October 2021. A total of 5no. PRFs were assessed as having bat roost suitability.

- o Dusk Emergence/Dawn Re-entry Bat Surveys - no bats were identified roosting within the structure.
- o Automated Static Detector Surveys - Echolocation calls characteristic of at least 9 bat species were recorded during periods of automated static bat detector deployment across vegetated habitats within the site including pipistrelle species, *Myotis*, serotine, noctule,

Leisler's bat, barbastelle, greater horseshoe bat, lesser horseshoe bat and long-eared bat. No bats were recorded during automated monitoring within the structure.

o Walkover Transect Surveys - Echolocation calls characteristic of at least 7 bat species were recorded during walked bat activity transect surveys. Echolocation calls characteristic of those emitted by common pipistrelle, soprano pipistrelle, myotis bat species *Myotis* sp., serotine, noctule, Leisler's bat and lesser horseshoe bat were recorded during 3 activity surveys conducted in October 2021 and April and May 2022.

o Birds - Hedgerows, trees and the structure within the site provide suitable nesting habitat for bird species. No evidence of nesting birds was identified during the survey; however, the structure is accessible to birds via a defunct doorway. The structure may be used during future nesting seasons. It should be noted that all of the boundary hedgerows (save for a 10m section) and trees are to be retained by the proposals.

o Dormouse - a nest tube survey was undertaken between November 2022 and September 2023 with tubes inspected on a total of 8 occasions with a total of 50 nest tubes being installed. No dormice or evidence of dormice have been identified and the survey effort score of >20 has been achieved confirming the likely absence of this species within the Site. Accordingly, there is no anticipated impacts to hazel dormice arising from the proposed development. Based on the assessment and conclusions in the submitted EclA and having considered the propose

10.77 Based on the assessment and conclusions in the submitted EclA and having considered the proposed scheme and its potential impact on protected species and existing ecological features, Somerset Page 28 Ecology Services has not raised any objections to the proposal but has recommended that several mitigation and enhancement conditions be attached to any grant of planning permission including that all ecological measures and/or works are carried out in accordance with the enhancement measures set out in the submitted EclA report. In addition, a Construction Environmental Management Plan relating to various biodiversity interests, a Landscape and Ecological Management Plan, and a lighting strategy to show that areas to be lit would not disturb or prevent bats using their territory should be submitted to and approved by the LPA.

10.78 As such, subject to the suggested conditions and a satisfactory detailed design at the reserved matters stage, there would be no significant adverse impact on biodiversity in accordance with Policy EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Phosphates

- 10.79 The site falls within the catchment area for phosphates affecting the Somerset Levels and Moors. The Site is within the operational catchment of the River Cary.
- 10.80 The foul water will be discharged to a Klargestor Biodisc Package Treatment Plant (PTP) with chemical dosing unit. The product certificate for the PTP has a confirmed discharge rate of 0.3mg/P/L. The PTP will discharge to a watercourse to the west of the application site across land controlled by the applicant.
- 10.81 Accordingly, no additional foul water is proposed to enter the existing public network. If that wasn't the case, then the closest Wastewater Treatment Works is Castle Cary.
- 10.82 The submitted Nutrient Mitigation Strategy (RMA November 2023) confirms that as a result of the proposed development of up to 46 dwellings and application of a 20% precautionary buffer the total phosphate surplus would be 3.28kg/year. To mitigate this surplus the existing septic tank which serves Abbey Gardens in Gallhampton would also be replaced with a PTP (with no chemical dosing) which would have a phosphate benefit of 3.85kg/year. Such a mitigation measure would exceed the residual 3.28kg figure and would therefore represent a minor phosphate benefit.
- 10.83 The proposed phosphate mitigation strategy has been considered by both Somerset Ecological Services (SES) and Natural England and both parties are content with the proposals.
- 10.84 Appropriate S106 requirements and conditions can be suitably imposed on the grant of planning permission to address such requirements, and this is recommended accordingly. SES conclude that they have no objection subject to the imposition of obligations within the Section 106 namely:  
Prior to occupation:  
o Provision of evidence that the PTP being used for mitigation has been installed, and the existing septic tank has been decommissioned, prior to occupation of the development, as detailed in the Nutrient neutrality Assessment and Mitigation Strategy (NNAMS) submitted by RMA Environmental, report reference RMA-C2408, dated 2nd November 2023 and the Shadow Habitats Regulation Assessment provided by Engain on 29th November 2023.  
o Provision of a management and monitoring plan for the PTP being used as mitigation - this should show that the PTP will be maintained in perpetuity (80-125years)
- 10.85 Together with two planning conditions (which are included within the suggested conditions appended to this report) that require evidence prior to occupation that the submitted nutrient strategy has been implemented and the PTP's installed and reporting around water saving measures.

- 10.86 In addition, SES have reviewed the 'Shadow Habitat Regulations Assessment', provided by Engain in November 2023, the Council has considered the content and measures designed to mitigate the impacts of the proposed development on the Somerset Moors and Levels Ramsar site. The Council agrees with the conclusion that any such impacts will be fully mitigated taking into account the measures proposed and that, as a result, the Council has ascertained beyond reasonable scientific doubt that the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site either alone or in combination with other plans or projects. The Council, as the competent authority, adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended).
- 10.87 As the competent authority, the Local Planning Authority is required by Regulation 63(1) of the Page 29 Conservation of Habitats and Species Regulations 2017, to undertake an Appropriate Assessment of the implications of the development in view of the Ramsar site's conservation objectives. The LPA may only to agree to the proposal after having ascertained that it will not adversely affect the integrity of the Ramsar site.
- 10.88 A phosphate mitigation strategy has been submitted by the applicant which proposes mitigation which is considered acceptable by the Council's Ecological Services.
- 10.89 The LPA has consulted with Natural England and Somerset Ecology Services on the proposed mitigation strategy and their comments are summarised above. The LPA must have regard to these consultation responses in carrying out the Appropriate Assessment (Regulation 63(3)). In summary, Natural England has reviewed the applicants mitigation proposals and is satisfied with the approach and conclusions. SES has subsequently concluded through the Habitat Regulations Assessment that the Appropriate Assessment is passed.
- 10.90 Subject to securing the implementation and maintenance of the mitigation strategy through planning conditions and a S106 Agreement], it is considered that the proposed development will not adversely effect on the integrity of the Ramsar Site (Regulation 63(5)).

#### Residential Amenity

- 10.91 The Site is located on the southern edge of the village and is bound to the north by existing residential properties along Cockhill Elm Lane with several gardens backing onto the application site. Concern has been expressed by nearby residents about impact on amenity
- 10.92 However, the application proposal is in outline form and therefore future detailed matters relating to scale, layout and appearance of the proposed dwellings are reserved for future consideration by the Council. As such, the submitted layout shown on the submitted illustrative layout drawing is indicative only. It is considered that the site is adequate to enable an appropriate scheme to be designed that would avoid any substantive harm to

neighbour amenity in terms of significant and unacceptable dominance, overbearing impact, overshadowing, overlooking and loss of privacy

- 10.93 It is acknowledged that any proposed residential development on the site could result in loss of views currently enjoyed by some existing residents. However, planning decisions must be based solely on material planning considerations. The scope of what constitutes a material consideration is very wide. In general case law has taken the view that 'planning' is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. In this same vein, the loss of private view is not an overriding material planning consideration that can be taken into account.
- 10.94 Nevertheless, mindful of the proximity of the proposed development to nearby existing properties, it is recommended that a site-specific Construction Environmental Management Plan (CEMP) condition is attached to any grant of permission in order to safeguard residential amenity during the construction process. The Plan would need to demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.
- 10.95 For these reasons, and with the inclusion of the recommended CEMP condition, the proposal is not considered to give rise to any demonstrable harm to residential amenity that would justify a refusal based on Policy EQ2 of the Local Plan.

#### Archaeology

- 10.96 Paragraph 200 of the NPPF advises that, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 10.97 Paragraph 211 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Page 30 The applications proposals are accompanied by a desk-based Heritage Assessment (Cotswold Archaeology) and the Site was the subject of a geo-physical survey undertaken by Archaeological Surveys Ltd.
- 10.98 South West Heritage Trust advises that, as far as it is aware there are limited or no archaeological implications to this proposal and therefore raises no objections on archaeological grounds.

#### Loss of Agricultural Land

- 10.99 Agricultural Land Classification is a system used in England and Wales to grade the quality of land for agricultural use.

- o Grade 1 - excellent quality agricultural land with no or very minor limitations.
- o Grade 2 - very good quality agricultural land with minor limitations which affect crop yield, cultivations or harvesting.
- o Subgrade 3a - good quality agricultural land with moderate limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land can produce moderate to high yields of a narrow range of crops or moderate yields of a wide range of crops.
- o Subgrade 3b - moderate quality agricultural land with strong limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass.
- o Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range and level of yield of crops.
- o Grade 5 - very poor-quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing with the exception of occasional pioneer forage crops.

10.101 The application site comprises agricultural land classified as being Grade 1, so is considered to be excellent quality agricultural land and therefore best and most versatile. The NPPF, in footnote 62, advises that "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The availability of land for food production should be considered alongside the other policies in the Framework, when deciding what sites are most appropriate for development."

10.102 There is no relevant policy within the Local Plan specifically applicable to agricultural land protection. In this case, whilst the benefits of the land to the economy and in other ways is recognised, it is not considered that the loss of approximately 2.7 hectares of this land from the significant stock of such land in South Somerset and around Castle Cary specifically, is significant. It should be considered as an adverse impact of the scheme but, given the scale of the loss, it should not be afforded significant weight in the planning balance and should not override the significant benefits of the scheme.

## **11. Planning Balance and Conclusion**

- 11.1 With no five year supply of housing land in Somerset, footnote 8 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 77) or where the Housing Delivery Test indicates that the delivery of housing was substantially below 75% of the housing requirement when measured over the previous three years.



- 11.2 As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "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."
- 11.3 In this case there are no specific policies in the NPPF that indicate development should be restricted and therefore paragraph 11d) is considered not to be engaged for the purposes of this application. Accordingly, an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 11.4 The benefits of the proposed development include the proposal bringing forward several contributions towards education provision, community, sport and leisure provision, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.
- 11.5 Further benefit of the scheme would be that the proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping the Council towards a five year housing land supply, improving the sustainability of existing services and facilities and providing contributions in the form of Community Infrastructure Levy. The proposal would also provide economic benefits. These would be both in the short-term during construction and in the longer-term as residents access local services.
- 11.6 Given the issues surrounding phosphates, which is currently holding up delivery of housing in the area, and that this site is available now as it has a phosphate solution in place, the benefit of housing in this case should be given substantial weight.
- 11.7 Weighed against the benefits outlined above, the scheme would also cause some harm. There would be some harm to the character and appearance of the surrounding area. There would also be conflict with development plan policies setting out the Council's strategy for delivering housing, which is a matter of great importance in a plan-led planning system. Policies SS1 and SS5 have more than fulfilled their objectives in terms of providing housing within Castle Cary; therefore, they attract full weight. Further areas of some harm, albeit limited, are the disturbance likely to be caused during the construction phase of the development.
- 11.8 The application was submitted prior to Biodiversity Net Gain becoming mandatory and it is not a policy requirement for this Site to provide a 10% net

gain. Nonetheless, the application proposals will result in a BNG of 10% and this is a further benefit of the scheme which attracts moderate weight.

- 11.9 Turning to the harms associated with the application. As per your policy officer response consideration as to whether paragraph 14 of the NPPF is engaged by virtue of a made neighbourhood plan. Paragraph 14 states that conflict with a neighbourhood plan and the weight of harm resulting would be considered to outweigh the tilted balance but only if two criteria are met. Criteria i) requires the relevant neighbourhood plan to have become part of the development plan within the last 5 years and ii) for the neighbourhood plan to make specific housing allocations to meet an identified NHP requirement.
- 11.10 The Ansford and Castle Cary Neighbourhood Plan become part of the Development Plan in September 2019. From September 2024 onwards this criterion has not been met, and a revised Neighbourhood Plan has not been progressed to any significant extent. In respect of this Policy Officers consider that the NHP does not allocate any land for development and does not respond to a specific identified housing requirement. Accordingly, the requirement under 14ii) is not met and therefore paragraph 14 is not engaged.
- 11.11 Officers consider further that in respect of the NHP the housing policies contained within seek to encourage the re-use of a series of brownfield sites and control further delivery within the Local Plan's direction of growth. Accordingly, there are no policies within the NHP which the application proposals are in conflict with. Accordingly, there is considered to be no harm in respect of the NHP policy.
- 11.12 There would however be some harm to the character and appearance of the surrounding area as a result of the development of a greenfield site which is currently free from development. However, this is considered to be minor given the surrounding land uses which are predominantly residential in nature. There would be conflict with the development plan policies setting out the Council's strategy for delivering housing, which is a matter of great importance in a plan-led planning system. Policies SS1 and SS5 have more than fulfilled their objectives in terms of providing housing within Castle Cary therefore they attract full weight.
- 11.13 Finally, there is some limited harm in terms of loss of Grade 1 high quality agricultural land. Some harm will result during the construction process via disturbance to neighbouring residents.
- 11.14 Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the Highway Authority. Material planning considerations in respect of highways, drainage, ecology, landscape, heritage, possible contamination, phosphate mitigation and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions and/or S106 requirements.
- 11.15 Given all of the above and having due regard to the 'tilted balance', for the reasons set out above, it is considered that the identified harms do not

significantly and demonstrably outweigh the benefits of the scheme and, as such, outline planning permission should be granted. In conclusion the application is recommended for approval subject to completion of a Section 106 Agreement and various planning conditions and informative, which include those recommended by consultees.

## **RECOMMENDATIONS**

### **Recommendation:**

Permission be granted subject to –

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

a) Affordable Housing Provision

i. 35% affordable housing split 75:25, Social Rent/First Homes on a pro rata basis. Of this at least 10% of the total number of affordable homes must be available for affordable home ownership as part of the overall affordable housing contribution from the site. Based on an overall number of 46 dwellings, this would equate to 16 affordable homes to be split with 12 dwellings for social rent and 4 dwellings for First Homes.

ii. Numbers, type, and bedroom mix of affordable housing to be based on the South Somerset Local Housing Needs Assessment 2021 and having regard to the expressed demand on Homefinder Somerset, comprising the following:

- o 20% 1-bedroom house, flat or bungalow
- o 41% x 2-bedroom house or bungalow
- o 28% x 3-bedroom house or bungalow
- o 11% x 4-bedroom house (to be provided for social rent).

Based on an overall number of 16 affordable units being provided, this would equate to the following:

- o 3 no x 1 bedroom house, flat or bungalow
- o 7 no x 2-bedroom house or bungalow
- o 4 no x 3-bedroom house or bungalow
- o 2 no x 4-bedroom house (to be provided for social rent only)

iii. Exact details of tenure and locations on site shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Specialist.

- o The affordable units shall form an integral and inclusive part of the layout.
- o The affordable units shall be 'pepper potted' throughout the site with the affordable units in clusters of no more than 8 with a mix of affordable tenures in each cluster, unless the Lead Specialist Planning in consultation with the Council's Housing Specialist agree to any variation in the numbers of units within each cluster.
- o The affordable units shall be developed to blend in with the proposed housing styles. The affordable dwelling units should comprise houses or bungalows or, if flats, have the appearance of houses.

iv. Adherence to the following minimum space standards (GIA) for the affordable units:

- 1 bedroom flat (2 person) 47 sqm
- 2-bedroom flat (4 person) 66 sqm
- 1 bedroom house (2 person) 55 sqm
- 2-bedroom house (4 person) 76 sqm (86 sqm if 3 storey)
- 3-bedroom house (6 person) 86 sqm(94 sqm if 3 storey)
- 4-bedroom house (8 person) 106 sqm (114 m if 3 storey)

v. Timing of the construction of the affordable units and its phasing in relation to occupancy of the market housing. Completion and fitting out so as to be available for occupation of not less than 33% (rounded down to the nearest whole number) of the affordable dwellings prior to occupation of 33% (rounded down to the nearest whole number) of the open market dwellings; and all the affordable dwellings to be completed and fitted out so as to be available for occupation prior to occupation of 67% (rounded up to the nearest whole number) of the open market dwellings.

vi. Prior to commencement of development, the Council's Housing Specialist to be informed of the selected affordable housing association partner for the delivery of the affordable units and arrangements for the transfer of the affordable units to that affordable housing association partner. The following is a list of the Council's main housing association partners, but this is not to be considered as exhaustive:

- o LiveWest Housing
- o Magna Housing
- o Stonewater Housing and,
- o Abri vii.

The affordable housing to be made available to people with a local connection to the primary parish first, then people with a connection to adjoining parishes, then the former administrative area of South Somerset, and then the County of Somerset as a whole on a priority basis, to the satisfaction of the Council's Housing Specialist. viii. Arrangements to ensure that the provision of affordable units is affordable for both first and subsequent occupiers of the affordable units, and the occupancy criteria to be used for determining the identity of occupiers of the affordable units and the means by which such occupancy criteria shall be enforced.

#### b) Education Financial Contribution

- i. Overall financial contributions of £423,760 (calculations based on 46 dwellings) to be paid to Somerset Council as Education Authority towards the improvement and/or expansion of early years and primary school education. This figure comprises of an early year's contribution of £105,940 (based on 5 early years places) and a primary education contribution of £317,820 (based on 15 primary school Page 34 places).
- ii. Flexible formulae to be included should fewer than 46 dwellings be constructed, based on a contribution of £2,303.04 for Early Years per dwelling and £6,909.13 for Primary per dwelling.

- iii. Initial payment prior to occupation of 33% of dwellings, second payment prior to 66% occupation of dwellings and final payment prior to 100% occupation of dwellings.
- iv. All education payments to be calculated with Building Cost Information Service (BCIS) indexation.
- v. The education financial contribution figures set out in i) and ii) above shall be subject to review/update by the Education Authority in light of any new evidence and data that may arise should the section 106 agreement not be completed within 6 months of the Area South Planning Committee's resolution to grant permission.

c) Equipped Play Area, Youth Facilities, Playing Pitches and Changing Rooms Financial Contribution

- i. Overall off-site financial contribution of £138,477 (calculations based on 46 dwellings) (Including 1% Locality Service administration fee of £1,371) or £3,010 per dwelling.
- ii. Of the above total a contribution of £39,045 with a commuted sum of £22,553 is attributed to the enhancement of Equipped Play Areas within the Parish of Castle Cary and a contribution of £7,667 with a commuted sum of £2,834 is attributed to the enhancement of Youth Facilities within the Parish of Castle Cary. These contributions are payable upon the occupation of the first 25% of the proposed dwellings (12 dwellings based on a total of 46).
- iii. Of the above total a contribution of £18,148 with a commuted sum of £11,016 is attributed to the improvement of Playing Pitches across Castle Cary Parish, whilst a contribution of £33,174 with a commuted sum of £2,669 is attributed to the improvement of Playing Pitch Changing Rooms within the Castle Cary Parish. These contributions will be payable upon occupation of 50% of the proposed dwellings (23 dwellings based on a 46 total).
- iv. iv. All contributions to be indexed linked.

d) Travel Plan

- i. i) The implementation of the approved Travel Plan Statement dated June 2023 (Vectors, June 2023), or any subsequent amended Travel Plan that may be required to be submitted to and approved in writing by the Highway Authority, to operate from commencement of development to a period of 5 years after 80% occupation, to allow its objectives to be fulfilled, (such date of first occupation having been notified in writing to the Local Planning Authority by the applicant/developer either prior to said occupation commencing or no later than 7 days from the date of said first occupation having occurred).

ii) Payment of the Travel Plan Fee of £2000.00 and a Safeguarding Sum of £6400.00 by the applicant/developer prior to commencement of development

e) Highway Measures

Completion of the highways works including, but not necessarily confined to, the access into the site from South Street, the footway works, pedestrian infrastructure improvements, and all aspects of adoptable highway construction associated therewith prior to commencement of development or first occupation of any new dwelling (depending on the works) to include the S278 Highways Act obligations within the S106 Agreement. Such Highway Works will include those works set out below:

- i. Development of the internal layout of the development designed to facilitate pedestrian connections to the site boundaries.
- ii. Extension of the existing footway on either side of the proposed junction onto South Street so as to tie into the existing footway along South Street.
- iii. Provision of tactile paving on both sides of the proposed access onto South Street.

f) Management Company or Other Arrangements

Submission of details of any public body or statutory undertaker, Resident's Management Company, other management company or any other arrangements to manage and maintain any public open space areas, landscaped areas and hedgerows (excluding landscaped areas and hedgerows within domestic curtilages) that may not be adopted by the Council and maintained by the Council's management company, and any roads and/or footpaths and cycleways that may not be adopted by the Highway Authority prior to first occupation of any dwelling hereby permitted (such date of first occupation having been notified in writing to the Local Planning Authority by the applicant/developer either prior to said occupation commencing or no later than 7 days from the date of said first occupation having occurred) or in accordance with an alternative phased period of such occupation as may be deemed necessary and previously agreed in writing by the Local Planning Authority.

g) Phosphate Mitigation

The proposed development is to be mitigated by the provision of an on-site Package Treatment Plant (PTP) which is to be managed and maintained by a suitable OfWAT regulated body. In addition, a separate septic tank owned by the applicant will be replaced. Together these measures provide adequate mitigation for the proposed development of 46 dwellings. The Section 106 will secure such measures with an allowance for the submission of an alternative mitigation scheme.

And for the following reason: 01.

The Council's lack of a five-year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity, including impact on the Somerset Levels and Moors Ramsar site and Special Area of Conservation as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 46 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

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

Reason: As required by S92(2) of the Town and Country Planning Act 1990 (as amended).

03. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92(2) of the Town and Country Planning Act 1990 (as amended by S51(2) of the Planning and Compulsory Purchase Act 2004).

04. The development hereby permitted shall be restricted to no more than 46 dwellings.

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

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

CC-APG-XX-ZZ-DR-A-001 P03 - Site Location Plan  
CC-APG-XX-ZZ-DR-A-004 P01- Building Heights Parameter Plan  
22604\_PD01 Rev 3 - Proposed Access Design

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

06. The landscaping scheme submitted in accordance with condition 01 of this outline grant of planning permission shall include details of:

(a) Planting plans (to a recognised scale) and schedules indicating the location, numbers of individual species, density, spacings, sizes, forms, root types/root volumes and size of proposed tree, hedge, and shrub. All planting stock must be specified as UK-Grown, unless otherwise previously agreed in writing by the Local Planning Authority.

(b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geotextile, tree pit design, earth-moulding, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.

(c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment.

(d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).

(e) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge (banks)), where appropriate;

(f) details of bunding and planting to the western boundary

(g) An on-going management and maintenance plan of all the approved landscaping features.

(h) All ecological enhancement and compensation measures referred to in Section 5 of the submitted document 'Ecological Impact Assessment' ref. 01-029-013-02\_EcIA prepared by Halpin Robbins Ltd dated 26th January 2023.

(i) A timetable for the implementation of the approved hard and soft landscaping scheme.

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



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

07. Prior to commencement of development, site vegetative clearance, groundworks, heavy machinery entering site or the on-site storage of materials,

I. a scheme of tree and hedgerow protection measures must be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - 'Trees in relation to design, demolition and construction' (in accordance with item 6.3, the scheme must include a sequenced scheme of supervisory monitoring of the installation and maintenance of protective measures and the supervision of specialist working techniques - by a competent Arboriculturalist) and shall be submitted to and approved in writing by the Local Planning Authority; and

II. the tree and hedgerow protection measures shall be fully installed and completed (in particular, any required fencing, signage and ground protection installations) in accordance with the details approved in writing by the Local Planning Authority and confirmed as such in writing by the Local Planning Authority within 21 days from written notification of completion of the approved protection scheme by the applicant/developer.

The approved tree and hedgerow protection scheme shall remain installed in its entirety for the duration of the construction of the development (inclusive of any hard and soft landscaping operations) and shall only be moved, removed, or dismantled with the prior written consent of the Local Planning Authority.

Reason: The submission and agreement of a scheme of tree and hedgerow protection measures prepared by a suitably experienced and qualified arboricultural consultant, and the subsequent full implementation of the approved protection measures, prior to commencement of development is fundamental to enable the Local Planning Authority to consider all tree and hedgerow protection measures in order to preserve existing landscape features (trees and hedgerows), in the interests of visual amenity and biodiversity having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. No development shall commence, including any demolition, groundworks, or vegetation clearance, until details of the sustainable surface water drainage scheme, based on sustainable drainage principles which aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, together with measures to control and attenuate surface water, how provision shall be made within the site for disposal of surface water so as to prevent its discharge onto the highway, and details of a programme of implementation and maintenance for

the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority.

These details shall include, but not limited to:

(a) Drawings / 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.

(b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:

(i) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.

(ii) Where relevant, calculations should consider the use of surcharged outfall conditions.

(iii) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.

(iv) Results should be provided as a summary for each return period (as opposed to each individual storm event and include the 100-year event with the most up to date climate change figure).

(v) 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.

(c) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.

(d) 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 such as not locating materials stores or other facilities within this flow route.

(e) 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.

(f) Details on the final discharge location, including but not limited to (where relevant), CCTV surveys of existing features upgrade/repair of existing

structures, restriction of discharge rates further if required, agreement with relevant authorities/landowners/riparian owners/third party landowners, and demonstration that the receiving system has capacity and condition to take flows from the site.

Reason: The agreement of details of a surface water drainage scheme prior to commencement of development is fundamental to ensure that the development is served by a satisfactory system of surface water drainage, which will aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims as specified by the National Planning Policy Framework (September 2023) and the Flood and Water Management Act 2010, and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with Policies SD1, EQ1, EQ2 and EQ5 of the South Somerset Local Plan, relevant guidance within the NPPF and the Technical Guidance to the NPPF.

09. No development shall commence, including any demolition, groundworks, or vegetation clearance, until a Construction Traffic Management Plan (CTMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CTMP shall be strictly adhered to.

The CTMP shall include the following:

(a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day, temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements to and from the site, and suitable off-highway parking for all construction related vehicles.

(b) Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route.

(c) Measures to avoid traffic congestion impacting upon the Strategic Road Network.

(d) A plan showing the location area(s) to be used for the parking of vehicles of site operatives, contractors and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.

(e) A schedule and location plan for the delivery, removal, loading and unloading of all plant, waste and construction materials to and from the site, including the times of such loading and unloading; details of how deliveries and removals, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application

site; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway with guidance of a trained banksman.

(f) Arrangements to receive abnormal loads or unusually large vehicles.

(g) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours. Procedures for emergency deviation of the agreed working hours shall be in place, the details of which shall be agreed with the Local Planning Authority.

(h) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.

(i) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process unless prior written approval is obtained from the Local Planning Authority.

(j) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use, together with the regular use of a road sweeper for the local highways.

(k) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

(l) Details of any piling together with details of how any associated vibration will be monitored and controlled.

(m) The location and noise levels of any site electricity generators.

(n) Management of surface water run-off from the site in general during the construction period.

(o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.

(p) A scheme to encourage the use of Public Transport amongst contactors. q) Contact telephone number/s and email address/es of the site manager(s) and/or other person/s associated with the management of operations at the site.

(r) Methods of communicating the CTMP to staff, visitors and neighbouring residents and businesses and procedures for maintaining good public relations including complaint management, public consultation and liaison (including with the Highway Authority and the Council's Environmental Protection Team).

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

10. No development shall commence, including any demolition, groundworks, or vegetation clearance, until the applicant/developer has submitted to the Local Planning Authority 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 a competent licenced dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

The Local Planning Authority shall acknowledge receipt and confirm its acceptance in writing of either the Natural England licence or the ecologist's written statement within 21 days following its receipt.

Reason: Given the presence of this species (dormice) at the site, but the comparative small amount of suitable habitat presents in comparison to the wider surrounds, it is considered the site is of value at the Local level for this species. As such, the submission to, and written confirmation of acceptance by, the Local Planning Authority of either a copy of the licence issued by Natural England or a written statement from a qualified competent dormouse ecologist to the effect that he/she does not consider that the development will require a licence prior to the commencement of development is fundamental to ensure there is strict protection afforded to a European protected species, having due regard to Policy EQ4 of the South Somerset Local Plan, relevant guidance within the NPPF and relevant statutory legislation

11. No development shall commence, including any demolition, groundworks, or vegetation clearance, until a Construction Environmental Management Plan (CEMP) been submitted to and approved in writing by the Local Planning Authority.

The CEMP 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 safeguarding measures, dormouse mitigation measures, precautionary safeguarding measures for bats, reptile and amphibians' clearance measures, hedgehog clearance measures, etc.
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council's Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases).
- (h) Use of protective fences, exclusion barriers and warning signs.
- (i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection and prevention of harm being caused to the amenity of the area, having regard to Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF, and in the interests of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following details:
- (a) Description and evaluation of features to be managed.
  - (b) Ecological trends and constraints on site that might influence management.

- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organisation responsible for implementation of the plan.
- (h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies)/new residents 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 shall be implemented in accordance with the approved details.

Reason: The agreement of details of a Landscape and Ecological Management Plan prior to the commencement of development is fundamental to ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework, Policy EQ4 of the South Somerset Local Plan, and 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.

13. No removal of hedgerows, trees or shrubs, or works to or the demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist and written agreement from the Local Planning Authority so obtained.

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

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having

regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

14. No development relating to the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and a method of construction implementation programme shall be submitted to the Local Planning Authority.

(a) Estate roads, footways, tactile paving, cycleways, pedestrian, and cycle routes and associated vehicular accesses and crossings, and junctions.

(b) Sewers, highway drainage and service routes.

(c) Retaining walls, vehicle overhang margins and embankments.

(d) Visibility splays.

(e) Proposed levels and all carriageway and drive gradients.

(f) Car, motorcycle, and cycle parking.

(g) Hard and soft structural landscape areas, means of enclosure and boundary treatment.

(h) Street lighting and street furniture.

(i) Lay-bys or alternative facilities.

(j) Swept path analysis for a vehicle of 11.4m length.

(k) Central pedestrian reserves, bollards, and lighting.

(l) Service corridors.

There shall be no first occupation of any dwelling until the development has been constructed in accordance with the approved details as set out in the method of construction implementation programme unless otherwise previously agreed in writing by the Local Planning Authority (in consultation with the Highway Authority) and retained in perpetuity thereafter.

Reason: The agreement of details relating to highways infrastructure prior to the commencement of development is fundamental in the interests of highway safety and public convenience, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

15. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access onto South Street and extending to points on the



nearside carriageway edge 43 metres to the west and 43 metres to the east either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: Having regard to the size of vehicles to be accessing the site during the construction phase, the provision of the full visibility splays prior to commencement of development works on the site is fundamental in the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

16. Prior to first occupation of the dwellings hereby permitted, written evidence and details of the acquisition and installation of the package treatment plant in accordance with details set out in the Nutrient neutrality Assessment and Mitigation Strategy (NNAMS), which has been submitted by RMA Environmental (report reference RMA-C2408, dated 2nd November 2023) including an agreed scheme for maintenance and ownership in perpetuity shall be submitted to and approved in writing by the Local Planning Authority.

Such evidence and details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for maintenance of the package treatment plant (the PTPs must be managed by an OWFAT), the permanent connection of the dwellings hereby permitted to said package treatment plant (unless the Local planning Authority gives any prior written approval to any variation), and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. The package treatment plant shall be installed as per the details submitted with the application and maintained and retained in perpetuity as per the manufacturer's instructions and the details hereby approved.

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

17. The dwellings hereby approved shall not be occupied until:
- i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
  - ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the accommodation has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with Paragraphs 134, 154 and 180 of the National Planning Policy Framework (December 2023).

18. The on-site surface water drainage scheme, approved pursuant to condition 09, shall be implemented and installed in accordance with the approved details prior to the construction of development above slab or damp-proof course level, or as otherwise may previously be agreed in writing by the Local Planning Authority (in consultation with the Highway Authority and Lead Local Flood Authority) and maintained and retained at all times thereafter.

Reason: In the interests of highway safety and convenience and to avoid flooding of the site and the adjoining highways, in accordance with Policies EQ1, EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

19. No part of the development hereby permitted 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 in writing by the Local Planning Authority (in consultation with the Highway Authority and Lead Local Flood Authority). Thereafter, 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.

20. No dwelling hereby permitted shall be occupied until the proposed access connecting the site to South Street has been fully provided, constructed and made available for use in accordance with the details indicated on the approved drawings referenced in condition 05 of this permission, or unless as may be previously agreed in writing by the Local Planning Authority in consultation with the Highway Authority that occupation of any dwelling may take place prior to the completion of the requisite works to the access. The proposed access shall be properly consolidated and surfaced (not loose stone or gravel and to a minimum of base course level) and drained in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

23. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each dwelling within its associated garage and/or parking space. Such provision shall be in accordance with details indicating siting, numbers, design, rating, and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

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

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

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

25. 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 highway safety, further to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

26. Prior to first occupation of any dwelling hereby permitted, or in accordance with an alternative timetable for submission as may previously be agreed in writing by the Local Planning Authority, all the ecological compensation and enhancement features, as referred to in condition 06, shall be fully installed and photographs (and a plan showing their respective locations) of the installed ecological compensation and enhancement features shall also be submitted to the Local Planning Authority prior to first occupation and the Local Planning Authority shall acknowledge receipt and confirm its acceptance of the photographs within 21 days thereafter following its receipt.

Reason: The provision of, and submission to, and written confirmation of acceptance by, the Local Planning Authority of the photographs of the stated ecological enhancement measures is fundamental to ensure that the development contributes to the Government's target of no net biodiversity loss as set out in the NPPF and Policy EQ4 of the South Somerset Local Plan, and obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

27. Prior to the installation, construction, and provision of any external lighting on the site (excluding any temporary lighting provided during the construction phase of the development), details of all external lighting to be installed/provided on the site, including a lighting design for bats, shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause 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 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,
- (c) 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, and

(d) include details of the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the application site and the hours at which such lighting is to be operated.

All external lighting shall be installed in accordance with the specifications and locations set out in the design strategy, and these shall be maintained thereafter in accordance with the design. Under no circumstances shall any other external lighting be installed on the site without prior written approval from the Local Planning Authority.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of neighbouring property; to safeguard any biodiversity interests in the interests of the Favourable Conservation Status of populations of European protected species; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4, EQ5, EQ7 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

28. Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule approved pursuant to condition 08, if within a period of five years from the date of the completion of the dwellings or completion of the approved landscaping scheme pursuant to condition 06 (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

29. All the approved ecological compensation and enhancement features, as referred to in condition 06, shall be retained and maintained in-situ and shall not be removed, either in whole or in part, without the prior written approval of the Local Planning Authority. Under no circumstances should blocking of approved bat boxes or roosts, bird boxes or other ecological enhancement features be carried out and they shall be kept free from vegetation.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in the National Planning Policy Framework and the Draft Environment (Principles and Governance) Bill 2018.