

Application Details	
Application Reference Numbers:	23/02549/OUT
Application Types:	Outline Application with all matters reserved except Access
Extension of Time:	31.03.2025 (further EOT to be agreed)
Description:	Outline Application with some matters reserved except access for the erection of up to 85 dwellings, associated public open space, landscaping, drainage and access.
Site Address:	Land At Bunford Hollow, West Of Watercombe Lane & East Of Broadleaze Farm West Coker
Parish:	West Coker
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Linda Hayden
Agent:	Boon Brown
Applicant:	Abbey Manor Developments
Reason for reporting application to Members:	All major applications that are not in accordance with the Town/ Parish Council's recommendation are referred directly to the Planning South Committee under Somerset Council's Scheme of Delegation. The Parish Council has objected to this application.

Location plans



1. Recommendation

- 1.1 That planning permission be GRANTED subject to the prior completion of a Section 106 Planning Obligation / Agreement and the stated planning conditions. Delegated to the Head of Planning in consultation with the Area Chair (South).

2. 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 the visual amenity, setting of heritage assets, residential amenity, highway safety, flood risk / drainage or ecology / biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 85 dwellings in this sustainable location.
- 2.2 Consideration of this application has included, where appropriate, consideration of cumulative impacts with the adjacent Phase 1 application, reference 17/03320/OUT.

3. Planning Obligations, conditions and informatives

3.1 Obligations

An obligation will secure:

1) Affordable Housing

The provision of affordable housing of 15% with Affordable Rent

2) Sport, play and strategic facilities with commuted sums

Equipped Play (On Site) - £72,148

Commuted Sum - £41,674

Youth Facility contribution (On Site) - £14,167

Commuted Sum - £5,238

Playing Pitch contribution (Off Site) - £33,535

Commuted Sum - £20,355

Changing Room Provision (Off Site) - £61,300

Commuted Sum - £4,931

Total Contribution - £181,150

Total Commuted Sum - £72,198

Total - £253,348

Provision On Site of a 380sqm LEAP with 30m buffer zones (from the activity zone to the habitable façade of the nearest dwelling)

Provision On Site of a 95sqm Youth Facility, with the provisions of such as a kickabout wall, with 40m buffer zones (from the activity zone to the habitable façade of the nearest dwelling).

Trigger points

Provision of On Site LEAP by the occupation of 42 (50%) dwellings

Provision of On Site Youth Facility by the occupation of 42 (50%) dwellings

Payment of On Site LEAP and Youth Facility commuted sum (£55,190) on the adoption or transfer of the assets

Payment of Playing Pitch and Changing Room contribution by the occupation of 59 (70%) dwellings

3) Contribution towards education provision

£180,098 for 8.5 Early Years places

Trigger points:

*Contribution to be paid in four instalments -
The occupation of 21 (25%) dwellings
The occupation of 42 (50%) dwellings
The occupation of 63 (75%) dwellings
The occupation of 76 (90%) dwellings*

4) Contribution towards NHS (£51,973)

To expand a local surgery or surgeries.

£611 x number of Open Market Dwellings

At 15% AH = £43,992

Trigger points:

Pay £30,000 by the occupation of 65 (65%) dwellings

Then, £20,623 (or other amount remaining) by the occupation of 90 (90%) dwellings

5) Travel plan safeguarding sum and required highways works

Travel Plan –

- *£2000 Administration Fee*
- *The first occupant of each dwelling and a further two occupations within a five-year period will be provided with green travel vouchers upon agreement of sale or lease of each dwelling. Vouchers will be provided to the value of:*
 - » *One-bed: £100*
 - » *Two-bed: £150*
 - » *Three-bed: £200*
 - » *Four-bed and upwards: £250*

If Council are not instructed to implement the Travel Plan a safeguard sums would be required.

Access junction construction

Cycleway/footway links to existing Highway

6) Provision and maintenance of open space

Provision of 0.5Ha of Informal open Space

7) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality

The scheme shall either:

- (a) Purchase the required number of nutrient credits to balance the nutrient load increase from the proposed development; or
- (b) an alternative scheme which the Local Planning Authority (in consultation with Natural England) consider also passes a Habitat Regulations Assessment demonstrating nutrient neutrality.

3.2 Conditions

- 1) Details of reserved matters
- 2) Commencement of development timing
- 3) Timing of approval of reserved matters
- 4) Approved Plans
- 5) Phasing Plan
- 6) Surface water drainage scheme
- 7) Responsibility and maintenance of drainage scheme
- 8) Water usage
- 9) Phosphate credit allocation certificate
- 10) Access arrangements
- 11) Provision of footways and turning
- 12) Estate Road details
- 13) Construction Environmental Management Plan (CEMP)
- 14) Badger Mitigation
- 15) Hazel Dormice Licence
- 16) Landscape and Ecological Management Plan (LEMP)
- 17) EV Charging
- 18) Sustainable Construction and Carbon Reduction Strategy
- 19) Lighting Strategy for Biodiversity
- 20) Biodiversity Enhancement and Mitigation Plan (BEMP)
- 21) Noise mitigation

3.3 Informatives

- 1) Statement of positive working
- 2) LLFA advice on drainage
- 3) Advice from Crime Prevention Design Adviser
- 4) Protection for bats
- 5) Protection for nesting birds

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 This application seeks outline planning permission for residential development of up to 85 No .dwellings, associated open space and landscaping. All matters are reserved with the exception of access. The access onto Watercombe Lane is included within the application site as are the visibility splays, an area for additional public open space and the second of two surface water drainage attenuation ponds. The Illustrative Masterplan (Dwg No. 2000 1101) shows a mixed density layout, public open space, landscaping, surface water attenuation pond, pedestrian/cycle link to the Bunford Park employment site, and a retained access through to Broadleaze Farm.
- 4.2 The proposals include:
- The areas of public open space shaped by the existing landscape. The eastern edge forms a linear woodland, prominent with oak trees which are bolstered in the illustrative masterplan through a green buffer and two focal areas of open space, to the north and south. Informal play opportunities and a mixed planting strategy are proposed throughout the open spaces.
 - The landscape strategy proposes retention of the eastern tree belt; it is intended to retain a narrow a gap as possible through this belt by utilising the width of the existing farm access as far as possible to minimise tree loss. Additional understorey planting adjacent to the ditch will provide further screening from the countryside to the west. The trees on the northern boundary adjacent to the employment allocation are also to be retained. Buildings are set back 20 m from the trees with intervening open space. Additional tree planting is proposed along the site's perimeter and in the north-eastern quadrant of the site as the setting for one of the attenuation ponds.
 - A new road junction with the A3088 to provide a vehicular access point to the site to be located in the north-east corner. A new access road running along the northern boundary of the site will provide vehicular access to the residential development, and to an area of the Bunford Park commercial development to the north. This road will temporarily extend to the north-west corner of the site to provide access to Broadleaze Farm, until the new road network associated with the Bunford Park development is complete.
 - New pedestrian/shared pedestrian and/or cycle routes providing connections to the north and south.
 - The developable area of the Site (taken from the land use plan) comes to 2.75ha, providing an average density of 31dph.
 - A Sustainable Drainage System (SuDS).
- 4.8 The application is supported by:
- Planning Statement
 - Design and Access Statement
 - Landscape and Visual Appraisal

- Heritage Assessment
- Biodiversity Assessment
- Shadow Habitats Regulation Assessment
- Arboricultural Report
- Archaeology Report
- Flood Risk Assessment and Drainage Strategy
- Nutrient Neutrality Assessment and Mitigation Strategy
- Noise Impact Assessment
- Transport Assessment
- Travel Plan
- EV Charging Strategy
- Statement of Community Involvement
- Lighting Assessment
- Sustainability Statement
- Viability Assessment

Site and surroundings

- 4.9 The site comprises 4.09 ha of greenfield agricultural land to the west of Watercombe Lane (A3088) on the south-western edge of Yeovil and is currently agricultural land.
- 4.10 The levels of the site rise gradually from north to south, the eastern boundary marked by a belt of mature trees. The Site is roughly triangular in shape and is contained by field boundaries. Broadleaze Farm is located at the western boundary. An existing farm access divides the Site roughly from east to west. Its eastern and southern boundaries are defined by a tree lined hedgerow, while the north western boundary is poorly defined. Mature vegetation surrounds most of the Site, including a mature oak tree-belt along the eastern boundary.
- 4.11 To the north of the application site is Bunford Park, which is allocated by the adopted Local Plan for commercial development (Proposal ME/WECO/1) and has the benefit of an extant outline planning permission for B1 (office) and industrial buildings (1903000/S73). To the east of the main body of the site, and flanking its access, is land currently the subject of an outline application (ref 17/003320/OUT) for residential development, a report for which is also on this Agenda. To the south of the site is Bunford Heights, a recent housing development of around 97 dwellings, construction of which is nearing completion. To the west is Broadleaze Farm, the farm track to which currently connects to Watercombe Lane through the application site.
- 4.12 The site has no specific landscape designation, however, Brympton d'Evercy Registered Historic Park and Garden (Grade II*, NHLE 1000506) lies approximately 0.8km to the north-west of the site and includes the Grade I listed Brympton House (NHLE 1057261). The historic park of Brympton d'Evercy is approximately 1.3km to the north west of the site. The park and gardens of Brympton d'Evercy are Grade II* listed and were originally laid out

in the 17th Century. The pleasure grounds are described as extending to 9 hectares and the park to around 36 hectares. Brympton House is Grade I listed.

- 4.13 The site is within Flood Zone 1 (i.e. lowest risk) and there are no relevant statutory designations on the site.
- 4.14 The site is within the surface water catchment area of the Somerset Levels and Moors Special Protection Area (SPA) which is subject to phosphates and as such planning applications will be subject to Habitats Regulations Assessment (HRA) and must demonstrate nutrient neutrality.
- 4.15 The application was therefore impacted by the phosphate issue which has now been addressed.
- 4.19 There is an application on land to the north of the site for the erection of a health, fitness and racquets club, including three outdoor tennis courts within an enclosed air dome structure, six outdoor padel courts enclosed within a canopy, outdoor multi-use court, outdoor battle box exercise facility, indoor and outdoor swimming pools, two indoor courts within a sports hall, gym and studio facilities, internal spa and external spa garden, children's soft play and activity area, lounge facilities including a business hub and terrace, together with ancillary facilities, car parking, servicing and delivery area, landscaping and associated works (reference 24/02085/FUL) which is currently pending consideration. It is also proposed that this development will share the proposed access.

5. Relevant Planning History

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 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)).

- 6.3 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	
West Coker Parish Council (Final comments (8/12/2023)):	
<i>'...object to this application due to concerns regarding access and increased volume of traffic. We understand from the applicant that they are going to provide additional information once the Highways report is in so we will study the additional information when it comes in to see if the objection still stands at that time.'</i>	
Officer comment: The Highway Authority has considered this scheme along with the applications for housing development and leisure complex which will share the access.	
Brympton Parish Council (adjoining Parish)	
<i>'The increase in residential houses is necessary for `Yeovil to meet its housing requirements. This site is logically expanding the existing urban development towards the West and towards West Coker (who oppose just about any housing develops in their region due to 'access and increased traffic') concerns.</i> <i>Various reports are provided in the submission including an ecological study (bats generally unaffected with some usual mitigations in place regarding lighting).</i> <i>The access road in my opinion is logical and may actually improve safety as it will cause traffic approaching the roundabout to slow down; likewise with traffic heading South towards Dorchester.</i>	

From a BPC perspective I endorse the planning application (outline approach at this stage).'

Officer comment: The plans have been amended since 2018 including the submission of additional transport data due to the change in the junction between Western Corridor and Lysander Road but no further comments have been received from East Coker Parish Council. Highways issues are considered in detail in the relevant section of the report below.

Highway Authority:

There have been discussions between the applicant's highways consultants and the County Highway Authority. The Highways Authority has considered the proposals in light of the other two applications for development that will share the access. In essence, the Highway Authority raises no objections and is satisfied that the proposed development would not create a severe highway safety or efficiency issue.

The County Highway Authority's comments:

'It is noted that this is phase two of a development previously consider under the phase 1 application 17/03320/OUT.

The conditions proposed for that application were:

- 1. Highway mitigation works complete prior to commencement*
- 2. Estate road construction to standard*
- 3. Provision of footways and turning heads*
- 4. Suitable gradients*
- 5. and 6. Parking dimensions in relation to garage doors*
- 7. Provision of parking spaces in accordance with current standards*
- 8. Provision of a network of cycleway/footways*
- 9. Provision of street lighting*
- 10. Surface water drainage*
- 11. CEMP*
- 12. Submission of and agreement to the details of the new access junction*
- 13. Highway condition survey*
- 14. Application for TRO to reduce traffic speeds on Watercombe Lane to 40mph*

Further, a s106 Agreement citing s278 Highways Act 1980 would be required to secure:

- Travel Plan*
- Access junction construction*
- Cycleway/footway links to existing highway*

This Authority is content that the imposition of similar conditions and the existence of the s106/278 Agreement means this site would be acceptable in highway terms, and provided the conditions were imposed would not wish to raise objections.

Officer comment: Highway considerations are set out in full from paragraph 11.3. It is noted that a TRO will not be required as the speed limit is already 40 mph in this location.

Ecologist (Somerset Ecology Services (SES)):

With regard to the impacts on the site, the ecologist has considered the Biodiversity Assessment of Bunford Hollow (Phase 2) of the site was carried out by Blackhill Conservation in September 2023. Along with associated reports in relation to bats, badgers and dormice. The ecologist recommends conditions in relation to lighting, Construction Environmental Management Plan (CEMP), badger licence/mitigation, Landscape and Ecological Management Plan (LEMP), Biodiversity Enhancement Plan (BEP)

With regard to phosphates, the Ecologist has endorsed the Shadow Habitat Regulations Assessment which proposes the following mitigation the purchase of third-party phosphorus credits.

Officer comment: Suitable conditions and obligations have been placed to reflect the comments (refer to paragraphs 11.6 and 11.7 and full wording of conditions at end of report).

Natural England:

No Objection Subject to Mitigation

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. We note that in this case your authority, in consultation with Somerset Ecology Services, has chosen to adopt this HRA to fulfil your duty as the Competent Authority. An appropriate assessment of the proposal has been undertaken, in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

The submitted nutrient statement concludes that the scheme, after the LuRA sewage treatment works (STW) improvements, would result in the discharge of an additional 3.59 kg TP/yr to the hydrological catchment of the Somerset Levels and Moors Ramsar site. The LuRA STW improvements will be in place by 2030. The applicant proposes to purchase credits from the Woodrow phosphorous offsetting scheme to mitigate the increase in phosphorous within the catchment of the Ramsar site resulting from the proposed development. Natural England has agreed the reduction in phosphorous that will be generated from the cessation of specific activities at Woodrow Farm and it considers that credits from the scheme can be used to mitigate increased phosphorous resulting from new residential development within the same sub-catchment of the Ramsar Site.

The application site is within the same sub-catchment as the River Parrett and therefore, provided that the necessary legal agreements are in place to secure the credits in perpetuity, Natural England is satisfied that nutrient neutrality can be demonstrated and has no objection. Please note, where offsite mitigation credits are purchased, you as the competent authority should be satisfied that the mitigation is located in a correct catchment or sub-catchment to offset the development. In river catchments, mitigation should be provided upstream of the development site in order to ensure that no stretches of these sensitive river sites are impacted by increased nutrient loading.

This 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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the sHRA, provided all mitigation measures are adequately secured with any permission.'

Officer comment: Suitable conditions and obligations have been placed to reflect the comments (refer to paragraphs 11.6 and 11.7 and full wording of conditions at end of report).

Open spaces officer:

Have advised that the open space is slightly under the requirement for this size of site (0.49 hectares rather than the required 0.5 hectares). They have also expressed concern about the location of the open space and LEAP.

Officer comment: The requirement for open space will be required within the s106 agreement. Layout is a matter that is reserved for consideration within a Reserved Matters application.

Housing Officer:

Advise:

'Policy requires 35% affordable housing as this site would be a major application which would be split 75:25 Social Rent : First Homes. Also note that the NPPF requires 10% of the site overall to be provided for affordable home ownership.

I suggest the following mix which is based on the South Somerset Local Housing Needs Assessment 2021 (LHNA) and also considers the expressed demand on Homefinder Somerset

*.
11% x 1 bedroom house, flat or bungalow
40% x 2 bedroom house or bungalow
38% x 3 bedroom house or bungalow
7% x 4 bedroom house (to be provided for social rent)
4% x 5 bedroom house (to be provided for social rent)*

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

- 1 bedroom flat 2 Person 47 sqm*
- 1 bedroom house 2 Person 55 sqm*
- 2 bedroom flat 4 Person 66 sqm*
- 2 bedroom house 4 Person 76 sqm (86 sqm if 3 storey)*
- 3 bedroom house 6 Person 86 sqm (94 sqm if 3 storey)*
- 4 bedroom house 8 Person 106 sqm (114 sqm if 3 storey)*
- 4 bedroom parlour house* 8/10 Person 126 sqm(134 sqm if 3 storey)*
- 5 bedroom house 10 Person 126 Sqm (134 sqm if 3 storey)*

**The 4 bedroom parlour has the same floor space as the 5 bedroom dwelling but is expected to provide 2 separate downstairs reception addition to the kitchen/diner. One of these reception rooms can be used as a bedroom to accommodate an additional 2 people making people overall if needed.*

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in clusters of no more than 10 with a mix of affordable tenures in each cluster. These affordable dwellings will form an integral and inclusive part of the layout.

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units:

*Abri
LiveWest
Magna Housing
Stonewater Housing'*

Officer comment: There is a reduction in provision against policy requirement (10-15%) is due to the viability appraisal which has been accepted by the Valuer appointed to assess the viability. The Housing Officer has indicated a preference for the affordable rent option at 15%.

Valuer:

Bunford Hollow Viability Assessment February 2024

EXECUTIVE SUMMARY

1 Three Dragons was jointly commissioned by Somerset Council and Abbey Manor Group to determine the viability of the proposed housing development at Bunford Hollow.

2 The application site is an unallocated greenfield site within the former South Somerset area and therefore the South Somerset Local Plan 2006 to 2028 applies. The South Somerset area has an adopted CIL schedule and the location of this site has a £54.24/sq m CIL rate applied.

3 The site is the subject of two planning applications:

4 17/03320/OUT for 100 dwellings, a new access onto Watercombe Lane along with associated open space and landscaping.

5 23/02549/OUT for 85 dwellings, associated open space, landscaping, drainage and access

6 This viability assessment is based upon the information provided by Somerset Council, the applicant (Abbey Manor Group) and published sources such as Land Registry and BCIS.

7 The viability testing includes the minimum policy position of 35% affordable housing as well as at 25% and at 15% affordable housing. The Somerset Council preferred affordable housing tenure split is 80% Social Rent and 20% shared ownership and this has been used in the testing. Affordable Rent as the rental component has also been tested to explore the viability impacts. The viability testing includes the s106 required to mitigate the impacts of the development.

8 The policy compliant position of 35% affordable housing is not viable on the basis of the testing assumptions used, and this remains the case at 25% affordable housing. Affordable housing of 15% can be supported with Affordable Rent as the rental component. This relies on both applications delivered as one scheme in practice, or if each phase is considered separately then the viability is marginal.

9 If Social Rent is preferred as the rental component, then affordable housing at 10% for a combined scheme can be supported.

Community benefits

1. Based on 15% affordable housing, the two applications are providing a range of infrastructure totalling £2.2m as well as affordable housing (with affordable rent and shared ownership) worth £3m as measured by the opportunity cost to the developer¹. Combining the affordable housing with the infrastructure, the two applications are making a total contribution of approximately £5.2m.

Value of infrastructure and affordable housing contributions

Type	17/03320/OUT (Phase 1)	23/02549/OUT (Phase 2)
Education s106	£211,880	£180,098
Sport, Play and Community s106	£328,057	£278,848
Transport s106	£41,800	£33,550
Health s106	£51,973	£44,177
CIL	£551,458	£453,998
Infrastructure Total	£1,185,168	£990,671
15% affordable housing with affordable rent as the rental component	£1,613,286	£1,371,293
Infrastructure and affordable housing total	£2,798,454	£2,361,964

Officer comment: This issue is considered at paragraph 11.10 of this report.

Local Lead Flood Authority:

Advise:

'Thank you for forwarding the response from the agent to our comments made 8/04/2024.

We are satisfied that the information that has been provided is sufficient and we would be happy for both of the applications to be conditioned.'

The LLFA recommend conditions to secure surface water drainage and future maintenance.

Officer comment: Suitable conditions have been placed to reflect the comments (full wording of conditions at end of report).

Education

Advise:

'A proposal of 85 dwellings in this location will generate the following number of pupils for each education type:

*8 early years
28 primary
12 Secondary*

There is currently capacity in the Primary and Secondary schools across Yeovil for

children from a development of this size however, education contributions will be required for the pre-schools to accommodate the children from this development.

- It is estimated that an additional 224 places are required from future housing development across the Yeovil area.
- The DfE predicts that by September 2024 an additional 1,537 places over the current number available will be required for children aged 2-years-old and under.
- Local providers report limited capacity, particularly for children aged under 2-years-old.

There are only 3 provisions within the immediate area, only two of which take under 2-year-olds, so expansion projects in one or all of the neighbouring facilities will have to be carried out with the education funding from this application and others in the area to ensure capacity will be available when the children come forward from this development.

Early years pupils cost to build for expansion projects are £21,188.00 per pupil therefore for 8.5 pupils the total education contribution will be

$$8.5 \times 21,188.00 = \text{£}180,098.00$$

£2,118.80 per dwelling cost

The local setting is Yew Trees Nursery and further work will have to be undertaken to see how that facility can be expanded, or expansion will take place at another local setting.

For the purpose of the S106 as this is an outline application the contributions will be based on a per dwelling cost as follows;

$$\text{£}169,504.00/85 = \text{£}1,994.16 \text{ per dwelling}$$

We would expect this total to be agreed in a S106 agreement to ensure that the appropriate Early years expansion can be built to support this development by ensuring there will be sufficient capacity for the children from this development.'

Officer comment: S106 obligations have been agreed in accordance with the comments.

Strategic Planning:

Advise:

Based on the most appropriate strategy to mitigate the impacts, the Council has prepared specific planning obligation calculations for the mitigations required, and determined the contribution that directly relates to the proposed development to enable the proposed development to be acceptable in planning terms.

A summary of the contributions sought:

Provision of:
Equipped Play space (On site)
£72,148
Youth Facilities (On site):
£14,167
Playing Pitches (Off site provision)
£33,535
Changing Room Provision (Off site)
£61,300

Total Contribution: £181,150

Commuted sums:
Equipped Play Areas
£41,674
Youth Facilities
£5,238
Playing Pitches
£20,355
Playing Pitch Changing rooms
£4,931

Total Commuted Sums:
£ 72,198

This equates to a total of:
£ 253,348 or £2,981 per dwelling

Officer comment: S106 obligations have been agreed in accordance with the comments.

NHS:

Methodology for Application 23/02549/OUT

1. Residential development of **85** dwellings (excluding affordable homes).
2. This development is in the catchment of:
a. West Coker Surgery - High Street, West Coker, Somerset, BA22 9AH
b. Preston Grove Medical Centre - Preston Grove, Yeovil, Somerset, BA20 2BQ

which has a total capacity for **14,387** patients.

3. The current patient list size is **18,202** which is already over capacity by **3,815** patients (at **127%** of capacity).

4. The increased population from this development = **189**

a. No of dwellings x Average occupancy rate = population increase

b. $85 \times 2.22 = 189$

5. The new GP List size will be **18,391** which is over capacity by **4,004**

a. Current GP patient list + Population increase = Expected patient list size

b. $18,202 + 189 = 18,391$ (4,004 over capacity)

c. *If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6*

6. Additional GP space required to support this development = **14.15m²**

a. The expected m² per patient, for this size practice = 0.075m²

b. Population increase x space requirement per patient = total space (m²) required

c. $189 \times 0.075 = 14.15\text{m}^2$

7. Total contribution required = **£50,623**

a. Total space (m²) required x premises cost = final contribution calculation

$14.15\text{m}^2 \times £3,577 = £50,623$ (£596 per dwelling).

Officer comment: S106 obligations have been agreed in accordance with the comments.

Tree Officer:

No objections received.

Environmental Health Officer:

No objections received.

Crime Prevention Design Adviser:

No objection subject to comments.

South West Heritage Trust (Archaeology):

Advise:

'Although there are significant archaeological features in adjacent areas to this proposal, geophysical survey and trial trenching have shown that there is no archaeology on this proposal site. Therefore, as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Officer comment: Conditions have been secured as per the comments.

Historic England (Final comments 03/03/2024):

Advise:

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

The Gardens Trust:

Advise:

The GT originally responded to the application for the Bunford Business Park (17/02805/HYBRID) on 10th August 2017, saying that it was 'regrettable that this land was previously zoned for Business use in the South Somerset Local Plan and that the previous application (07/05341/OUT) was permitted, as this application will be extremely detrimental to the RPG at Brympton D'Evercy.' Our views remain unchanged and this application compounds the harm already caused.

There is no mention of the Grade II Registered Park and Garden in the Design & Access Statement although the Heritage Assessment (HA) mentions it. The latter suggests that the permitted development for the business park will screen the housing from the RPG. Whilst the allowed business development does lie adjacent to the northern half of the proposed housing it will only screen part of the application site from the RPG, that in itself being already a most unfortunate visual buffer. The full extent of the permitted Business Park can be seen in Figure 2 of the D&A on page 8, where is apparent that the southern half of the application site which lies further to the south than Broadleaze Farm, may well be visible from the RPG. Tall maize was given as the reason that visibility was not able to be ascertained. We would have expected this to have been checked earlier in the year when the maize was not fully grown. The LVIA Appendix D only has two sections (AA & BB) which run N-S and NW to SE respectively across the application site and beyond, and neither address this crucial view. Another cross section is needed which runs from Keepers Cottage within the RPG cutting south of Broadleaze Farm, to the application site.*

The HA also mentions a previous association between the RPG and the application site. The map regressions only show the area immediately within the vicinity of the application site and we would have expected these to include a broader area, incorporating earlier historic ownership and exploring whether the application site was ever part of the designed landscape and/or if there were any incorporated views from within the RPG.

Your officers will be aware of Historic England's The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), pub 2nd Dec 2017, Part 1 – Settings and Views. (SHA) On p4 of this advice it states : 'Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset.' For this reason we would have expected a broader area for the map

regression. The permission for the business park will undoubtedly compromise the setting of the RPG, and the SHA goes on to say (p4) 'Where the significance of a heritage asset has been compromised ... by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting.' We consider that this needs to be addressed in far more detail by the applicant. The wider setting is also considered within the SHA (p5) : 'Many heritage assets have settings that have been designed to enhance their presence and visual interest ... In these special circumstances, these designed settings may be regarded as heritage assets in their own right ... Furthermore they may, themselves, have a wider setting: a park may form the immediate surroundings of a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary. Given that the designated area is often restricted to the 'core' elements, such as a formal park, it is important that the extended and remote elements of the design are included in the evaluation of the setting of a designed landscape.'

Crucially, the SHA (p2) states : 'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.' Therefore, given the acknowledged earlier relationship between the application site and the RPG we would have expected the applicant to explain this crucial link in far more detail rather than twice dismissing any impact upon significance within the HA : 'the significance of this designated heritage asset will not be affected by the proposal.' In addition, the SHA, p12, Para 36 says that 'Cumulative assessment is required under the EU Directive on EIA. Its purpose is to identify impacts that are the result of introducing the development into the view in combination with other existing and proposed developments.'

We consider that the compounding of harm to the significance of this extremely important heritage asset has been dismissed without sufficient detail by the applicant and the GT/SGT strongly object to this application. We ask that the information requested above is provided by the applicant before your officers decide upon these proposals.

Officer comment: These issues are discussed within paragraph 11.4.

Conservation Officer (Somerset Council):

The phase 1 & 2 proposals will undoubtedly cause some harm to the setting of the Grade I listed Brympton House and the Grade II* Registered Park and Garden and bring urbanised development closer to what has historically essentially been a rural setting. Paragraph 212 of the NPPF expects that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

That being said, I note that the already permitted Bunford Park industrial area will sit between and partially screen the application sites from the RPG and that the heights of the phase 1 dwellings have been kept lower and away from the upper slope of the hill. The existing planting and vegetation to the south of the RPG will also have a screening effect, although this will vary throughout the year with intervisibility being greater over winter. As such, I would consider that the harm to the listed building and RPG would fall within the category of less than substantial. Paragraph 215 of the NPPF is therefore engaged, stating:

“Where a development proposal 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 including, where appropriate, securing its optimum viable use.”

The public benefits of the scheme must therefore be weighed against the potential harm to the heritage assets (which are both of a high grade and great importance). In terms of the present proposals, I consider that the proposed landscape mitigation measures will alleviate some of the potential harm to the setting of the heritage assets and that the proposed public benefits of the new housing is likely to outweigh the remaining less than substantial harm. I do not, therefore, object to the proposals outlined in either 17/03320/OUT or 23/02549/OUT.

7.2 Local consultation and representation

7.2.1 In accordance with the Council’s Adopted Statement of Community Involvement application 23/02549/OUT was publicised by a letter of notification to a neighbouring property. Site notices were displayed and a press advert placed as part of the initial consultation.

7.2.2 The only response to the consultation came from the Somerset Wildlife Trust who objected to the original application due to the lack of supporting wildlife surveys but has not subsequently commented once these surveys were received.

7.2.3 Councillor Oliver Patrick (Coker Division) comments:

- Design & appearance, impact on public visual amenity:

Conflict with EQ2: *It is my view that this application is not in keeping with our Local Plan, with reference to “creating quality places” as a result of building housing so close to an industrial park. Furthermore there are no plans for Public Open Space – only mention of informal areas which in*

reality end up as an overgrown mess. This is not in keeping with “creating quality places” either.

- Inadequate parking and/or servicing areas:
I cannot see evidence of a sweep analysis for refuse vehicles.
- Access, highways safety or traffic generation:
I am concerned about accessibility to/from this site as the exit is on to a triple carriageway. Anyone leaving the site and turning right onto Watercombe Lane is likely to encounter trouble.
- Other reason:
I am very cynical about the fact this development is being brought forward in isolation when, in reality, it is reliant on delivery of Phase 1 to the east. This is evidenced by the fact that the application explains that play equipment for Phase 2 (this phase) will be delivered in the Phase 1 area.

8. Relevant planning policies and Guidance

- 8.1 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.
- 8.2 The site lies in the former South Somerset area. For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015), saved policies from the South Somerset Local Plan 1991-2011, Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).
- 8.3 Listed Buildings and Conservation Areas Act 1990 section 66 and 72 is relevant in order to assess the impact on heritage assets.
- 8.4 As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council published a Local Development Scheme in October 2023 to set out a timetable for the preparation of the local plan
- 8.5 Relevant policies of the development plan in the assessment of this application are listed below.

Policies of the South Somerset Local Plan
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 TA3 – Sustainable Travel at Chard and Yeovil
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

National Planning Practice Guidance

- Appropriate Assessment
- Climate Change
- Design
- Historic Environment
- Natural Environment
- Planning obligations
- Travel plans, transport assessments and statements in decision-taking
- Water supply, wastewater and water quality

National Design Guide (NDG)

Place Making Principles for Somerset adopted August 2024

Adopted Somerset County Council Parking Standards

Area South – former South Somerset District Council area, Five-Year Housing Land Supply Paper, September 2024

South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021

South Somerset District Council Environment Strategy 2019

The National Planning Policy Framework 2024

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:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed and beautiful places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

9 Commentary on Development Plan

- 9.1 The updated National Planning Policy Framework (NPPF 2024) and standard method for calculating housing need was published on 12 December 2024 (amended 11 February 2025). As a result of this, the Council are not able to demonstrate a 5 year housing land supply in the Area South (South Somerset). Currently the housing land supply for this area is calculated at **2.11** years.
- 9.2 The Council therefore acknowledges that this means that the tilted balance in paragraph 11 d) of the NPPF now applies to the decision-making process.
- 9.3 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 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 Local Finance Considerations

Community Infrastructure Levy

- 10.1 This development would be liable for Community Infrastructure Levy.

11. Material Planning Considerations

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

- Principle
- Highway safety and active travel
- Impact on the heritage landscape, visual amenity and density
- Residential Amenity
- Open space
- Phosphates
- Ecology
- Drainage and Flooding
- Development Viability and Obligations

11.2 Principle of Development

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.

11.2.1 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.

11.2.2 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:

- 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
- Specific policies in that Framework indicate that development should be restricted or refused.

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

- 11.2.4 Local Plan Policy SS1: 'Settlement Strategy' places each settlement in a tier within the 'settlement hierarchy', 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. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy.
- 11.2.5 Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. Yeovil is expected to deliver at least 7,441 dwellings. The policy takes a permissive approach to housing proposals in the Sustainable Urban Extensions (SUEs).
- 11.2.6 Policy YV1 states that 5,876 of the 7,441 dwellings are anticipated to be in the Urban Framework of the town and 1,565 at the Sustainable Urban Extensions. Policy YV2 specifically allocates the South (Keyford) and North East (Mudford) SUEs allocating 800 and 765 dwellings respectively.
- 11.2.7 Given that the proposal site is located outside of the "Urban Framework" of the town (the development area for Yeovil) and is not within either SUE, it is in conflict with Local Plan Policies SS5 and YV1.
- 11.2.8 It must be noted that the number of houses specified in Policy SS5 is a minimum target, and if it is exceeded that does not indicate a conflict with policy. The site lies outside the defined settlement area of Yeovil as shown in the adopted Local Plan. It is not currently allocated or identified for further residential development. However, its proximity to existing residential development is noted. Furthermore, the Local Plan designates Yeovil as a Strategically Significant Town and the prime focus for development in South Somerset. Yeovil remains the principal settlement within South Somerset in terms of the scale of housing supply and economic activity; extent of travel to work and retail catchments; and provision of leisure, cultural, and transport services. The Local Plan states:

Yeovil can deliver further development sustainably and promote a better balance between jobs growth and where people choose to live. A critical mass, economies of scale and better use of existing infrastructure can be secured through Yeovil's continued designation as the primary focus for growth in this local plan.

- 11.2.9 The proposal will provide the following benefits:

- making a positive contribution towards meeting the objectively assessed market and affordable housing needs within Somerset
- the delivery of up to 85 new homes, with 10-15% affordable homes to help meet the affordable housing needs
- Public Open Space (Inc Retained Trees and 10 m Bat Movement Corridor) - 0.93 Ha

- S106 obligations of £990,671

11.2.10 The updated National Planning Policy Framework (NPPF 2024) and standard method for calculating housing need was published on 12 December 2024 (amended 11 February 2025). As a result of this, the Council are not able to demonstrate a 5 year housing land supply in the Area South (South Somerset). Currently the housing land supply for this area is calculated at **2.11** years.

11.2.11 The Council therefore acknowledges that this means that the tilted balance in paragraph 11 d) of the NPPF now applies to the decision-making process.

11.2.12 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. It is noted that the Inspector when determining a recent appeal for 250 homes to the north of Yeovil (22/00695/OUT) noted:

'Of considerable importance is the Council's persistent failure over the last eight years to maintain a 5 year housing land supply which according to the Council is currently at around three years although the appellant identify that it is actually just below this figure at 2.9 years. This is a significant and chronic shortfall, even acknowledged as such by the Council.'

11.2.13 In determining this planning application, in line with para 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, 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.

11.2.14 As the Council is only able to demonstrate a sufficient supply of deliverable sites to meet 2.11 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. 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 affordable homes, the community benefits, as well as stimulus to the local economy, significantly outweigh any adverse impacts.

11.2.15 It is noted that there are heritage issues associated with the application in terms of the potential impact upon the setting of the Grade II* listed Brympton d'Evercy Registered Historic Park and Garden and the Grade I listed

Brympton House. These matters are considered within the relevant section below. It is concluded that the proposal will lead to less than substantial harm to the significance of these designated heritage asset. The harm has to be weighed against the public benefits of the proposal which are considered to be the provision of additional housing in an area of acknowledge undersupply on a site which can be considered to be within a sustainable location. Given these factors it is considered that the public benefits outweigh the harm.

11.2.16 In this case, given the site's location directly adjacent to the edge of Yeovil, it is considered that the site can be considered a sustainable location. Taking into account the development plan and the Council's five-year land supply situation, the principle of development on this site is accepted.

11.3 Highway Safety and Active Travel

11.3.1 Access is a matter for consideration at the outline stage. Vehicular access is proposed via a new junction from Watercombe Lane, taking the form of a ghost island priority T junction. The Highways Authority has considered the proposed access arrangements as part of application 17/03320/OUT and following the submission of amended details which are incorporated within this later application are content with the proposed access and highways arrangements subject to conditions and s106 agreement.

11.3.2 In terms of pedestrian connectivity, the application site is surrounded by existing walking infrastructure providing good connectivity with the surrounding residential areas, local services and facilities.

11.3.3 With regard to cycling infrastructure, the signalisation of the Lysander Road junction as part of the Yeovil Western Corridor scheme included new sections of 3.0m footway cycleway on each arm of the junction in addition to signal-controlled cycle crossing facilities. A new section of 3.0m wide footway/cycleway has also come forward as part of the Bunford Heights development scheme, providing a continuous link between the Bunford Hollow roundabout and the Yeovil Court Hotel roundabout.

11.3.4 There are a number of local services and facilities that are located within a 5km catchment of the application site, including Yeovil Town Centre, therefore, it is considered that cycling presents a viable alternative for travel to and from the site, other than by car.

11.3.5 In terms of the Travel Plan, this can be secured through the s106 to include a safeguarding sum.

11.3.5 It is considered that the proposal provides for appropriate pedestrian and cycling connectivity and meets the principle aims of Active Travel.

11.3.6 Therefore, on the basis that the Highway Authority have not objected, it is considered that the overall impact on the local highway network could not be

considered severe, and is therefore acceptable at this location given the requirement of paragraph 116 of the NPPF which states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

11.4 Impact on the heritage landscape, visual amenity and density

11.4.1 The impact of the proposal on the setting of the Grade II* listed historic park and garden for Brympton D'Evercy and the Grade I listed Brympton House is a key consideration given the advice within para 212 of the NPPG which states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

11.4.2 Given that the proposals will lead to 'less than substantial harm' to the heritage assets para. 215 of the NPPF is engaged, this states:

'Where a development proposal 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 including, where appropriate, securing its optimum viable use.'

11.4.3 The submitted Heritage Assessment has considered the impact of the development upon the setting of heritage assets (Grade II* Brympton D'Evercy Registered Park and Garden and Grade I Listed Brympton House) and concludes that:

'While it is clear that there will be no physical harm to these assets, the assessment examined potential harm to their significance through an impact to their settings. In visual terms, none of these buildings could be seen from any part of the Site at ground level. Whilst this does not necessarily preclude private views from the upper windows of the Brympton buildings looking towards the Site once developed, views would not only be distant with intervening vegetation but more importantly screened by the buildings of Bunford Business Park immediately north and west of the Site which has extant permission but yet to be built. The same is likely to be true for views across Brympton d'Evercy and the Site.'

As the assessment covered private land it was necessary to use a computer generated model to establish visibility. It is advised that the model demonstrated patchy theoretical views over the park including the northern

edge and at the southern end, however, visibility on the ground at Keepers Cottage clearly demonstrated that it was not possible to view the site from this locale. The assessment did not identify any public vantage points where both the Site and Brympton d'Evercy could be seen together other than possible glimpsed or intermittent views.

- 11.4.4 The Heritage Assessment recognises that any loss to an asset's setting will cause a measure of harm to the authenticity of an experience with those assets but this is 'a routine product of change'. It therefore concludes that the proposal will result in less than substantial harm at the lower end of this scale and therefore the harm must be weighed against the public benefits. Overall, the conclusions of the LVIA and heritage assessment are accepted by Historic England.
- 11.4.5 Whilst details of layout, scale and landscaping are reserved matters, it has been clearly demonstrated that residential development in principle will result in less than substantial harm to the significance of Brympton House or registered Park and Garden. There are no objections from Historic England in this regard. In terms of the objection from The Gardens Trusts is accepted that they have been consistent in maintaining an objection to any development within this part of Yeovil. However, it has to be acknowledged that this part of Yeovil will be subject to change as there is a consented scheme for industrial development at Bunford Park and a housing scheme has been developed at the top of the hill.
- 11.4.6 It is considered that the distance from the assets, the intervening screening and the package of landscape mitigation that is proposed will address many of the concerns relating to the impact on the heritage setting. There are clear public benefits of the proposal in meeting housing need in an area of acknowledged deficit on a site that has good connectivity for both pedestrian and cyclists. As such, given the circumstances, the public benefits are considered to outweigh the harm to the heritage assets.
- 11.4.7 Having regard to the above, the proposal will not have a detrimental impact upon landscape character or upon the setting of heritage assets, in accordance with Policies EQ2 and EQ3 of the adopted Local Plan.

11.5 Residential Amenity

- 11.5.1 The site sits at some distance from any neighbouring properties and it is considered that a layout can be agreed at reserved matters stage that would allow for future residents to enjoy a good level of residential amenity. As such, there is no apparent reason why an acceptable scheme could not be achieved that would avoid causing any demonstrable harm to existing local residents in this regard. Overall, this outline scheme raises no substantive residential amenity concerns.

11.5.2 For these reasons 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.

11.6 Open Space

11.6.1 The comments of the Open Space officer are noted but it is recognised that the provision is only slightly under that required to be policy compliant. The agents believe that they have provided sufficient space to meet the policy. The indicative plans show a dedicated area of open space that is accessible by a footway link in addition to areas within the site's main body. Precise details of the on-site open space will come forward as part of the detailed layout to be considered at the reserved matters stage, the requirements for which can be appropriately secured within the S.106 agreement.

11.7 Phosphates

11.7.1 The application is located within the catchment of the Somerset Moors and Levels Ramsar site. Following advice from Natural England this application requires a Habitats Regulations Assessment (HRA). The submission will therefore need to demonstrate how the proposal achieves nutrient neutrality in order to comply with The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

11.7.2 The submitted Nutrient Assessment advises that phosphate credits will be purchased to mitigate the impact of the Development upon the Somerset Moors and Levels. Somerset Ecology Services have endorsed the submitted shadow Habitat Regulations Assessment (sHRA) and have no objection to the phosphate mitigation subject to it being secured in perpetuity by a Section 106 agreement or by condition. Natural England have not objected to the application.

11.8 Ecology

11.8.1 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). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

11.8.2 The ecologist at Somerset Ecology Service (SES) considered the ecological reports on behalf of the Council and concluded that the proposals were acceptable subject to the imposition of a number of conditions.

11.8.3 In terms of Biodiversity Net Gain (BNG), whilst the application was submitted before the requirement for a 10% Gain, the proposal include for landscape improvements comprising -

- Hedgerows to be reinforced with additional planting

- Additional tree planting is proposed along the site's perimeter and in the north-eastern quadrant of the site as the setting for one of the attenuation ponds.

11.8.4 Subject to the inclusion of the recommended mitigation, compensation and enhancement measures, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

11.9 Drainage and Flood Risk

11.9.1 A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. The LLFA have thoroughly considered the proposals for surface water drainage along with the additional information that has been submitted to address the issues raised within the LLFA comments. The LLFA now have no objections subject to the imposition of a conditions to require drainage details before commencement of work at the site.

11.9.2 Taking into account the above, it is considered that the application accords with the requirements of Local Plan Policy EQ1 and relevant guidance within the NPPF5.

11.10 Development Viability and Obligations

11.10.1 It is noted that requests have been made by the Housing Team, Strategic Planning, County Education, the Travel Plan Team and the NHS for contributions.

11.10.2 The applicant raised concerns about the viability of the scheme and the adjacent Phase 1 also considered on this agenda (17/03320/OUT); and submitted a viability assessment.

11.10.3 The Council instructed a Viability Consultant (Three Dragons) to ascertain whether the development (along with the adjacent site) as proposed was viable given the section 106 requirements, the sales values in Yeovil, the up-front costs of preparing the site to build houses, the costs of materials and cashflow to finance certain aspects at the desired time for delivery. The

outcome was that the scheme was not viable to achieve full policy compliance.

11.10.4 It is the conclusion of Valuer is that the scheme in not able to support the request for 35% of the dwellings to be affordable homes. Instead, the scheme could provide either 15% with Affordable Rent or 10% with Social Rent. Whilst this is disappointing, the scheme has been thoroughly assessed by the Valuer and it is not considered that it would be appropriate to demand contributions where the scheme is clearly unable to afford such requests.

11.10.5 It has been assessed with this reduction in affordable housing, the scheme can meet the full requests of Strategic Planning, County Education, the Travel Plan Team and the NHS.

12. Planning Balance and Conclusion

12.1 The updated National Planning Policy Framework (NPPF 2024) and standard method for calculating housing need was published on 12 December 2024. As a result of this, the Council are not able to demonstrate a 5 year housing land supply in the Area South (South Somerset). Currently the housing land supply for this area is calculated at **2.11** years. The consequences of not being able to demonstrate a five-year housing land supply are that the presumption in favour of sustainable development (often referred to as the “tilted balance”) applies. This is set out in paragraph 11d of the NPPF.

Paragraph 11 (d) of the NPPF states that:

i d) 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.}

12.2 The site does not contain any of the designated areas of ‘particular importance’ that are specifically protected by point (i). In relation to point (ii) any adverse impacts must be weighed against the benefits of the scheme. The consideration of this planning balance is tilted in favour of granting permission unless the adverse impacts ‘significantly and demonstrably’ outweigh the benefits. The report has identified that there would be

considerable benefits from granting permission, including the sustainable location of the proposed development, landscape improvements and the provision of affordable housing. Furthermore, the public benefits outweigh the harm to heritage assets. Accordingly, there are no overriding material planning considerations or significant harm identified to justify refusing permission in this case.

- 12.3 Given all of the above and having due regard to the 'tilted balance', it is considered that the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, planning permission should be granted.
- 12.4 In reaching this conclusion it is noted that consideration of this application has included, where appropriate, consideration of cumulative impacts with the adjacent Phase 1 application, reference 17/03320/OUT.
- 12.5 In conclusion, the application is recommended for approval subject to completion of a Section 106 Agreement and various planning conditions and informatives, which include those recommended by consultees.

13. RECOMMENDATIONS

The application be approved subject to the prior signing of a s106 agreement and subject to the stated planning conditions for the following reason:

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon the visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Furthermore, the public benefits outweigh the harm to the setting of heritage assets. 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 100 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, HG5, TA1, TA3, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

- 13.1 The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) before the decision notice granting planning permission is issued to cover the following terms/issues:
- i) The provision of affordable housing of 15% with Affordable Rent or 10% Social Rent;

- ii) Contribution towards the provision of sport, play and strategic facilities with associated commuted sums;
- iii) Contribution towards education provision;
- iv) Contribution towards NHS;
- v) A travel plan safeguarding sum and required highways works;
- vi) Provision and maintenance of open space;
- vii) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality. The scheme shall either:
 - (a) Purchase the required number of nutrient credits to balance the nutrient load increase from the proposed development; or
 - (b) an alternative scheme which the Local Planning Authority (in consultation with Natural England) consider also passes a Habitat Regulations Assessment demonstrating nutrient neutrality.

And

13.2 The following conditions:

01. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development subject to these reserved matters takes place and the development shall be carried out as approved.

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

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

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

03. 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: In accordance with the provisions of the Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 (2) of the Planning and Compulsory Purchase Act 2004).

04. The decision relates to the following plans:

- Location Plan – Ref 2000_01D

- 24918-HYD-XX-XX-DR-D-0101-P01 General Arrangement

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

05. Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of extent of development covered by each phase, including the number of dwellings and associated infrastructure and facilities. The development shall only be implemented in accordance with the approved Phasing Plan.

Reason: To ensure the satisfactory phasing of the development and to ensure that infrastructure is delivered in a coordinated and planned way.

06. No development in each phase as defined in the phasing plan required by condition 5 shall be commenced until details of the sustainable surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (2024) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

REASON: To ensure the development is properly drained in accordance with the NPPF (2024).

07. No homes in each phase as defined in the phasing plan required by condition 5 shall be first occupied until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

REASON: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF (2024).

08. The dwellings hereby approved shall not be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

REASON To improve the sustainability of the dwellings in accordance with Chapter 15 of the National Planning Policy Framework.

09. The development hereby permitted shall not be commenced until an Allocation Certificate for 7.02 Kg/P/Yr has been submitted to and approved in writing by the Local Planning Authority which together with the other measures set out in the Phosphate mitigation strategy (secured by the planning obligation) addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway. The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the 7.02 Kg/P/Yr phosphate credit requirement generated by the development, which together with the other measures in the Phosphate mitigation strategy mitigates the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

REASON: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policy EQ4 of the South Somerset District Council Local Plan as well as Chapter 15 of the National Planning Policy Framework.

10. None of the dwellings hereby approved shall be first occupied until the access arrangements onto Watercombe Lane have been completed in accordance with drawing 24918-HYD-XX-XX-DR-D-0101-P01 General Arrangement. There shall be no on-site obstruction within the visibility splay greater than 600 millimetres above the adjoining road level in advance of lines drawn 2.4 metre back from the carriageway edge. The access arrangements, including the visibility splays shall be retained permanently thereafter.

REASON: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

11. None of the dwellings hereby approved shall be first occupied until it is served by a properly bound and compacted footpath, carriageway and turning space(s) where applicable to at least base course level between the dwelling and the existing adopted highway.

REASON: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

12. With the exception of the access works detailed in the drawings referred to in condition 4, the details of the remaining estate roads, footways, footpaths, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving for each phase as defined in the phasing plan required by condition 5 shall be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans

and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority and the above works constructed, laid out and maintained in accordance with those details.

REASON: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

13. No development of each phase shall commence until a Construction Environmental Management Plan (CEMP) as defined in the phasing plan required by condition 5 has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
- 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 07.00 hours and 19.00 hours Mondays to Fridays; 07.00 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 (if necessary) 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. 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. Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses and procedures for maintaining good public relations including complaint management, public consultation and liaison (including with the Highway Authority and the Council's Environmental Protection Team).
- q) Details of measures to protect trees and hedgerows to be retained, including the root protection areas, during the phase's construction period.

The development shall thereafter be constructed in accordance with the approved CEMP.

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

14. With the exception of the access works detailed in the drawings referred to in condition 4 no development for each phase as defined in the phasing plan required by condition 5 consisting of groundworks shall be commenced until a badger mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the measures and timescales detailed in the said mitigation plan,

REASON: in the interests of the strict protection of badgers and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity.

15. No trees shall be felled, or hedgerows or uncultivated scrub removed unless the Local Planning Authority has been provided with either: a copy of the Hazel Dormouse licence issued by Natural England authorising such felling/removals; or 1. a statement of justification in writing from the Dormouse licensed ecologist to the effect that they do not consider that the specified works will require a licence.

REASON: In the interests of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

16. No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority for each phase as defined in the phasing plan required by condition 5. The content of the LEMP shall include the following:

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

The development shall be completed in accordance with the approved LEMP.

REASON: In the interests of the biodiversity and ecology and to accord with policy EQ4 of the South Somerset District Council Local Plan.

17. The application(s) for approval of the layout and appearance reserved matters shall be accompanied by a scheme(s) for the provision of electric vehicle charging points. The scheme(s), once approved, shall be implemented in accordance with the approved details unless otherwise varied in writing by the Local Planning Authority.

REASON: To ensure that the development is resilient and sustainable in accordance with Policy TA1 of the adopted South Somerset Local Plan (adopted March 2015) and the aims and objectives of the National Planning Policy Framework (2024).

18. Each application for approval of the appearance reserved matter shall be accompanied by a Sustainable Construction and Carbon Reduction Strategy for that phase. The strategy shall set out how the development addresses the following measures set out in Policy EQ1:

- a) Minimisation of Carbon Dioxide emissions through energy efficiency; renewable and low carbon energy solutions
- b) Solar orientation, maximising natural shade and cooling, water efficiency and flood resilience in addressing the impact of Climate change
- c) How the impact of climate change may affect the measures proposed to enhance the biodiversity of the site.
- d) The approved measures within the Sustainable Construction and Carbon Reduction Strategy shall be implemented in accordance with the approved details unless otherwise varied in writing by the Local Planning Authority.

REASON: in the interests of address climate change and reducing carbon emissions in accordance with policy EQ1 of the South Somerset Local Plan (adopted March 2015).

19. At the reserved matters stage, a Lighting Strategy for Biodiversity for the phase shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2023, ODPM Circular 06/2005 and policy EQ4 of the South Somerset District Council Local Plan

20. At the reserved matters stage for a phase, a Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation of the development: The content of the BEMP shall include the following:

1. Habitat 001 boxes (or similar) will be mounted at least four metres above ground level and away from windows, on the south and/or west facing elevations of 50% of the dwellings and maintained thereafter.
2. Schwegler 1SP Sparrow terraces (or similar) directly under the eaves and away from windows on the north and/or east elevations of 25% of the dwellings and maintained thereafter.
3. Swift bricks (or similar) directly under the eaves and away from windows on the north and/or east elevations of 25% of the dwellings and maintained thereafter.
4. A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.
5. Installation of Hazel Dormouse nest boxes within the hedgerows along the boundaries of the development.
6. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.

Photographs of the installed features will be submitted to the Local Planning Authority prior to the occupation of any dwelling.

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

21. Before occupation of the approved dwelling, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing measures to ensure that any noise which may have an impact on the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

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

Informatives:

01. In accordance with the National Planning Policy Framework the Council has worked in a constructive and creative way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
02. The LLFA will expect to see the following in order to discharge the above drainage conditions:

- o Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.

Details to demonstrate that the location of the pond has the structural feasibility without risk of failure and exceedance.

- o Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - o Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - o Where relevant, calculations should consider the use of surcharged outfall conditions.
 - o Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - o Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - o 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
- o Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- o 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.
- o 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.
- o With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition.

The following information will be required

- o Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
- o A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

03. The developer's attention is drawn to the comments of the Crime Prevention Design Adviser in their letter of 24 October 2023.

04. The developer's attention is drawn to the comments of the Rights of Ways Officer in their email of 19 October 2018.
05. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017 (as amended). In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
06. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.