

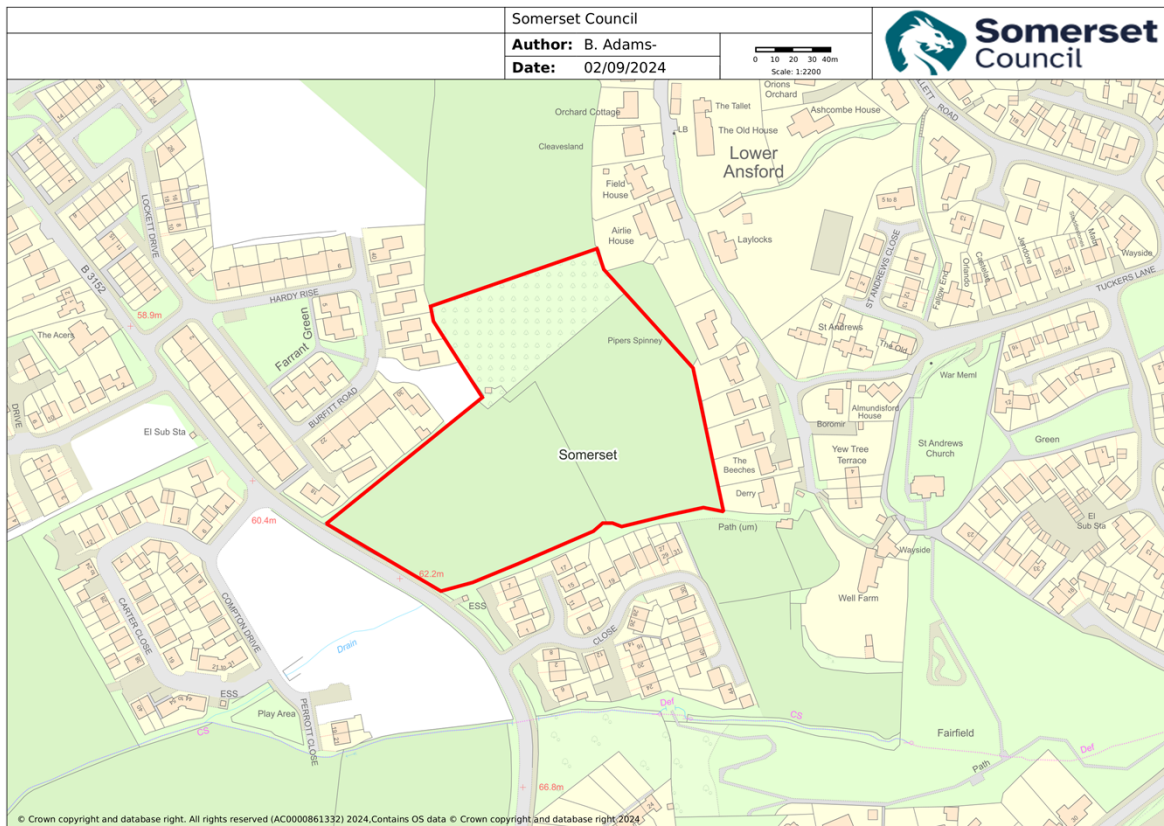
PLANNING SOUTH COMMITTEE

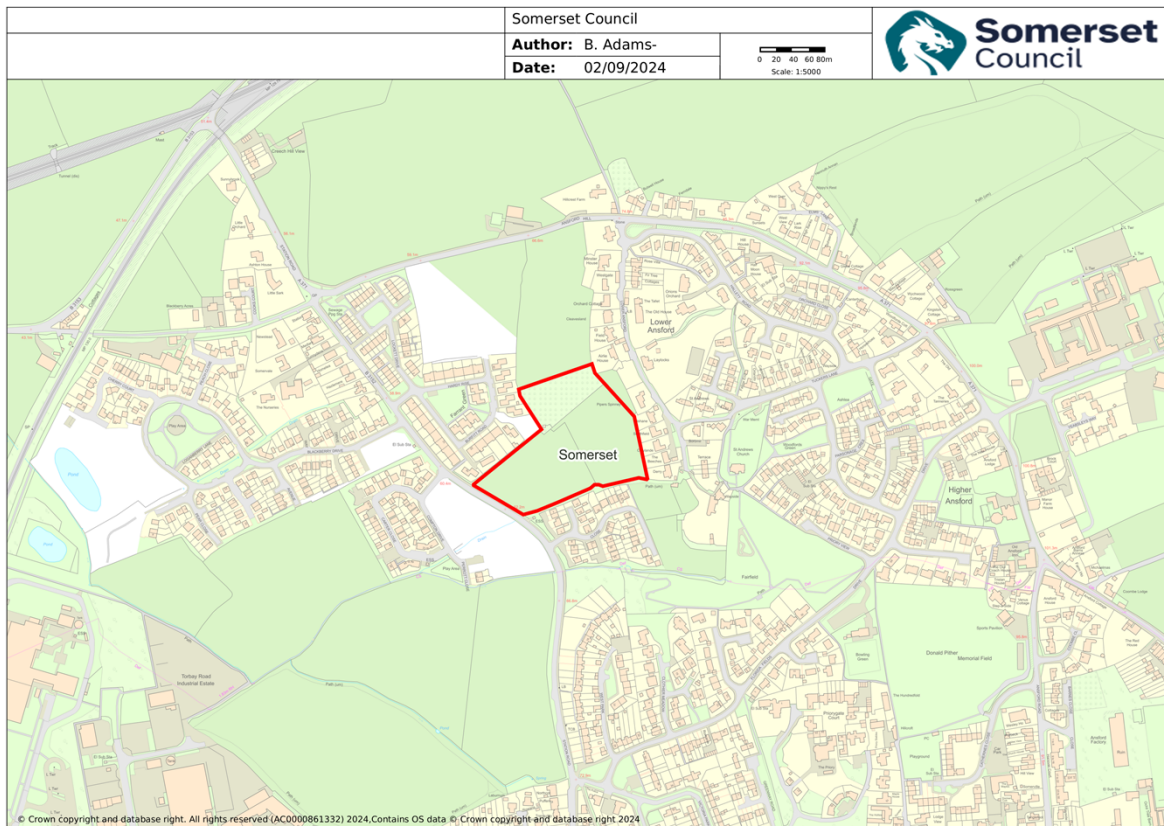
Officer Report On Planning Application: 22/02814/FUL

Proposal :	Application for full planning permission for the erection of 29 dwellings, formation of vehicular and pedestrian access from Station Road, landscaping, parking, drainage and other associated infrastructure works
Site Address:	Land Os 6200, Land East Of Station Road, Castle Cary, Somerset,
Parish:	Ansford
CASTLE CARY Division	Cllr Henry Hobhouse Cllr Kevin Messenger
Recommending Case Officer:	David Kenyon (Principal Specialist)
Target date :	2nd February 2023
Applicant :	Redcliffe Homes Ltd
Agent: (no agent if blank)	David Hagan Holly House 4 High Street Chipping Sodbury Bristol BS37 6AH
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

This application is referred to the Area South Planning Committee for consideration as objections have been raised by both Ansford Parish Council (within whose Parish the application site lies) and neighbouring Castle Cary Town Council. As a major planning application, under the Council's Scheme of Delegation, this is automatically referred to Committee for determination.

SITE DESCRIPTION & SURROUNDING CONTEXT





The application site comprises an agricultural field and orchard measuring 2.17 ha in total. It is located to the east of Station Road, with new residential development of Almsford Close to the south, existing residential dwellings to the east, and new residential development under construction to the northwest ('Lockett Drive').

Topographically, the site slopes down towards Station Road. The site's boundaries comprise existing hedgerows and trees. The site itself comprises an area of greenfield land used currently for grazing sheep, with existing agricultural access from Station Road, hedgerows along the southern and north-western boundaries of the site, and existing orchard (for retention) to the north. There are no listed buildings located on the site itself, nor does it lie within a Conservation Area. The Grade II Listed Buildings 'Laylocks' and 'The Old House' lie beyond the site to the east.

The site as existing is accessed from Station Road and benefits from a continuous footpath connection along Station Road to Castle Cary Station (accessible in circa 10 minutes by foot), as well as other local services and facilities all within walking distance, located mainly along Fore Street, accessible from the site in circa 15 minutes by foot. Bus stops are located within 400 metres walking distance, with Castle Cary Railway Station located within one kilometre walking distance. A Public Right of Way (PRoW) runs beyond the site boundary to the south (from east to west).

The site itself lies wholly within Flood Zone 1 and is therefore considered to be at low risk of flooding.

There are two European designated sites within 15 km of the site. The site is approximately 20km away from the Somerset Levels and Moors Special Areas of Conservation (SAC).

THE PROPOSAL

The proposal seeks full planning permission for the erection of 29 houses in Castle Cary, together with the formation of vehicular and pedestrian access from Station Road, landscaping, parking, drainage and other associated infrastructure works.

A Layout Plan has been included as part of the application submission which shows a central spine road running from the south-west of the site, broadly in a north-eastern direction, deriving from a single point of access onto Station Road. Pedestrian and cycle connectivity is maximised throughout the proposed

development and links with adjoining land and housing developments to the north and south. The layout shows mixed housing to either side of the central spine road, with a turning head and short private drive to the eastern end of the development. The layout shows an attenuation basin to the west of the site at the site entrance, with a wetland area and retained orchard to the north and east of the site. Internal footpaths are shown throughout the orchard.

The proposed development across the site comprises:

- o Creation of new vehicular and pedestrian access onto Station Road.
- o Creation of internal access roads and private drives.
- o Creation of footpath links to site boundary with an existing Public Right of Way (to the south-east) and connection to existing new homes to the north (at Lovell's Farm).
- o Policy compliant levels of car parking spaces, including EV charging points and on-site visitor bays. Parking would be provided within a mix of garages, driveways and frontage bays softened by planting.
- o Policy compliant cycle parking spaces either in larger garages or provided in rear garden sheds.
- o High quality build design to incorporate energy efficient design into new homes and renewable energy provision through the installation of Air Source Heat Pumps.
- o Drainage - Requirement for Sustainable Urban Drainage systems (SUDS); a surface water attenuation pond, potential swales and wetland area for phosphate mitigation.
- o Utilisation of site topography for both SUDS and ecology; establishing a wetland area within new green infrastructure to create attractive and welcoming public spaces, accessible to the wider community, including the provision of on-site open space for residents including play space for children, and a community orchard.
- o The area will include native meadow grassland with mown paths creating a nature trail as well as connecting informal play features such as balance beams and stepping logs.

There is a concurrent application for a footpath re-location associated with this development 24/01103/FUL.

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

Documents

- o Planning Statement (Including Affordable Housing Statement and Developer Obligations) prepared by AECOM Infrastructure & Environment UK Ltd dated 12th September 2022
- o Design and Access Statement prepared by PAD Design Ltd dated September 2022
- o Archaeological and Heritage Assessment prepared by the Environmental Dimension partnership Ltd dated July 2022
- o Biodiversity Net Gain Assessment prepared by Environmental Gain Ltd dated 2nd September 2022
- o Environmental Impact Assessment prepared by Environmental Gain Ltd dated 30th August 2022
- o Information for a Habitats Regulation Assessment prepared by Environmental Gain Ltd dated 2nd September 2022
- o Shadow Habitats Regulation Assessment prepared by David Hiscox, Woodrow Dairy Ltd
- o BS:5837 Compliant Arboricultural Survey & Planning Constraints Advice prepared by David Jarvis Associates dated 1st September 2022
- o BS:5837 Compliant Arboricultural Impact Assessment & Method Statement prepared by David Jarvis Associates dated 7th September 2022
- o Landscape and Ecological Management Plan prepared by Redcliffe Homes Ltd dated 3rd November 2022
- o Geophysical Survey Report prepared by SUMO Geophysics Ltd dated 10th June 2022
- o Phase I and Phase II Ground Investigation prepared by Egniol Consulting Ltd dated August 2022
- o Transport Statement prepared by Pegasus Group dated September 2022
- o Residential Travel Plan Statement prepared by Pegasus Group dated September 2022
- o Flood Risk Assessment prepared by Rappor Consultants Ltd dated September 2022
- o Statement of Community Involvement prepared by AECOM Infrastructure & Environment UK Ltd dated September 2022

Drawings

Drawing no. 22514/1000: Red Line Boundary Plan
Drawing no. 22514/3600B: Site Sections

Drawing no. 22514/3601B: Street Elevations
 Drawing no. 22514/5000I: Planning Layout
 Drawing no. 22514/5010E: Materials, Hard Surface & Boundary Strategy
 Drawing no. 22514/5011B: Affordable Strategy
 Drawing no. 22514/5012B: Storey Heights Strategy
 Drawing no. 22514/5013C: Parking/Cycle Strategy
 Drawing no. 22514/5014B: Refuse Strategy
 Drawing no. 22514/6101A: Single Garage V1
 Drawing no. 22514/6102A: Single Garage V2
 Drawing no. 22514/6103A: Single Plus Garage
 Drawing no. 22514/6104A: Double Garage
 Drawing no. 22514/6105A: Double X2 Garage
 Drawing no. 22514/AH-A23-2B4P-900(AS) Rev C: 2B4P Planning Layout
 Drawing no. 22514/AH-A27-2B4P-900(AS) Rev C: 2B4P Bungalow Planning Layout
 Drawing no. 22514/AH-B31-3B5P-900(AS) Rev C: 3B5P Planning Layout
 Drawing no. 22514/AH-M10/M11-1B2P-900(AS) Rev D: 1B2P Planning Layout
 Drawing no. 22514/AH-M10/M11-1B2P-900(OPP): 1B2P Planning Layout
 Drawing no. 22514/HT-ASH-902(OPP): Ashbury Planning Layout
 Drawing no. 22514/HT-ASH-903(OPP): Ashbury Planning Layout
 Drawing no. 22514/HT-BAN-900(AS) Rev D: Banbury V1 Planning Layout
 Drawing no. 22514/HT-BAN-901(AS): Banbury V1 Planning Layout
 Drawing no. 22514/HT-BAN-902(OPP): Banbury V1 Planning Layout
 Drawing no. 22514/HT-BAN-903(OPP): Banbury V1 Planning Layout
 Drawing no. 22514/HT-BAN-900(AS) Rev D: Banbury V2 Planning Layout
 Drawing no. 22514/HT-BAN-901(AS) Rev D: Banbury V2 Planning Layout
 Drawing no. 22514/HT-DYR-900(AS) Rev D: Dyrham Planning Layout
 Drawing no. 22514/HT-DYR-901(AS) Rev D: Dyrham Planning Layout
 Drawing no. 22514/HT-DYR-902(OPP): Dyrham Planning Layout
 Drawing no. 22514/HT-DYR-903(OPP): Dyrham Planning Layout
 Drawing no. 22514/HT-FOX-900(OPP): Foxham Planning Layout
 Drawing no. 22514/HT-FOX-903(OPP): Foxham Planning Layout
 Drawing no. 22514/HT-MAL-902(OPP): Malmesbury Planning Layout
 Drawing no. 22514/HT-MAL-903(OPP): Malmesbury Planning Layout
 Drawing no. 22514/HT-NAI-902(OPP): Nailsworth V1 Planning Layout
 Drawing no. 22514/HT-NAI-903(OPP): Nailsworth V1 Planning Layout
 Drawing no. 22514/HT-NAI-902(OPP): Nailsworth V2 Planning Layout
 Drawing no. 22514/HT-NAI-903(OPP): Nailsworth V2 Planning Layout
 Drawing no. 22-0181 C100 Rev D: Engineering Layout
 Drawing no. 22-0181 C200 Rev E: Proposed Longitudinal Sections Sheet 1 of 2
 Drawing no. 22-0181 C201 Rev E: Proposed Longitudinal Sections Sheet 2 of 2
 Drawing no. 22-0181 C300 Rev E: Drainage Layout
 Drawing no. 22-0181 C301 Rev C: Exceedance Flow Plan
 Drawing no. 22-0181 SK01 Rev C: Proposed Phosphate Mitigation - Wetland Scheme
 Drawing no. 3078-5-2-1 DR-0001 S4-P3: Tree Survey
 Drawing no. 3078-5-2-1 DR-0002 P3: Tree Protection Plan
 Drawing no. 3078-5-2 DR-5000 S5-P5: Landscape Masterplan
 Drawing no. 3078-5-2 DR-5001 S5-P4: Softworks Proposals
 Drawing no. 3078-5-2 DR-5002 S5-P4: Softworks Proposals
 Drawing no. 3078-5-2 DR-5003 S5-P4: Softworks Proposals
 Drawing no. 3078-5-2 DR-5100 S5-P3: POS Hard Surfaces, Boundaries & Play Features
 Drawing no. 3078-5-2 DR-5500 P2: Tree Planting Details

RELEVANT PLANNING HISTORY

While the application site itself has no recent planning history, the follow planning applications have been determined on the land adjoining the west of the application site which are of relevance:

19/01840/OUT (appeal ref APP/R3325/W/20/3259668): Land North of Ansford Castle Cary Somerset, Erection of 200 dwellings (70 affordable and 130 open market) with associated highways, drainage, landscaping and public open space.
 Allowed at appeal May 2022

18/02986/REM (outline ref: 14/05623/OUT): Land rear of Wayside Farm Station Road Ansford Castle Cary Somerset:

Reserved Matters application for the erection of 125 dwellings, open space, highways, car parking, landscaping and ancillary development.

Approved February 2019

17/03422/REM: Land OS 4700 Station Road Ansford Castle Cary Somerset: The erection of 75 No. dwellings (reserved matters following approval 15/00519/OUT).

Approved December 2017

16/02187/REM (outline ref: 13/03593/OUT): Land adjoining Well Farm Lower Ansford: Application for approval of reserved matters for the erection of 37 no. dwellings comprising details of layout, scale, appearance, and landscaping of outline planning approval 13/03593/OUT (Revised application of 15/03441/REM).

Approved November 2016

16/01912/REM: Land at Station Road Castle Cary Somerset: Approval of reserved matters (appearance, landscaping, layout and scale) following approval of 15/02388/OUT (Residential development of up to 75 dwellings, with associated means of access):

Approved October 2016

21/00061/OUT: Land at Station Road Castle Cay Somerset: Outline application for residential development for 37 dwellings with some matters reserved except for access and layout.

Pending Consideration

19/01871/REM (outline ref 15/02347/OUT): Land Off 1445 Part Torbay Road Castle Cary Somerset BA7 7DT: Reserved matters application pursuant to outline permission (15/02347/OUT) for the approval of appearance, landscaping, layout & scale comprising 165 houses with a road linking Torbay Road with Station Road and associated public open space, landscaping and engineering works.

Pending Consideration

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraphs 2, 11, 12 and 47 of the NPPF require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the adopted Development Plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015) and the Castle Cary and Ansford Neighbourhood Plan 2016-2028 ('made' September 2019).

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy LMT1 - Ansford/Castle Cary Direction of Growth

Policy HG3 - Provision of Affordable Housing

Policy HG5 - Achieving a Mix of market Housing

Policy TA1 - Low Carbon Travel

Policy TA4 - Travel Plans

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy EQ5 - Green Infrastructure

Policy EQ7 - Pollution Control

Castle Cary and Ansford Neighbourhood Plan

Policy DP1 - Design principles

Policy HOU1 - Housing development within the settlement area

Policy HOU2 - Housing development in the direction of growth

Policy TRA1 - Opportunities to improve the transport network

Policy INF2 - Youth facilities provision

Policy ENV1 - Protection of green corridors and natural environment

National Planning Policy Framework - December 2023

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed and beautiful places

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

Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance

National Design Guide - September 2019

Other Relevant Documents

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017)

South Somerset Landscape Character Assessment (October 1993)

CONSULTATIONS

Various detailed responses have been received from consultees. Some of the full comments will be repeated in this report; others will be summarised, but all the responses have been uploaded onto Somerset Council's website in full for consideration.

Ansford Parish Council

Ansford Parish Council opposes this proposed application for 29 new homes, as it conflicts with the Ansford & Castle Cary Neighbourhood Plan (adopted in 2019), and also for the permanent loss of yet more greenfield land, where five other housing developments totalling 290 dwellings (plus a further 390 dwellings previously approved but not yet built), thus putting severe strains on the local infrastructure that has not had any significant upgrades to cater for this unprecedented level of expansion in a rural parish.

Also, the local road & single footway network (B3152 and A371) is completely inadequate, and the present state of Station Road clearly does not have sufficient capacity for the heavy increase in traffic flows and speed of vehicles, where the lack of visibility splays on blind bends are not only highly unsatisfactory, but potentially dangerous. With reference to public safety concerns for families accessing the town centre, schools and many other amenities within the community, no more developments should be permitted, due to these serious issues at this busy location.

Undoubtedly, any further housing development in this relatively confined area would be highly undesirable, by taking an agricultural asset permanently out of production, especially at a time when the country faces huge shortfalls in the home-grown food supply chain. Furthermore, this (admittedly) small scale parcel of open land provides an ideal habitat for both grazing animals and wildlife, plus the environmental benefits by providing an essential "buffer zone" between the current housing estates, thereby leaving an ample green corridor and a much valued visual resource, to at least reduce the impact of continuous urban sprawl.

As this proposed development would certainly have an adverse effect on the local character and heritage of Lower Ansford, our Parish Council requests that the Planning officers refuse this application accordingly.

Castle Cary Town Council

Initial comments dated 7th December 2022

Object with the following comments:

The site of these proposed new houses is ul outside the agreed Neighbourhood Plan area of housing development.

It would increase the traffic in an already very congested area around Station Road

The Council would prefer to see development of brownfield sites.

Additional comments dated 7th September 2023

This town is already reaping the results of overwhelming numbers of new developments - too many, too fast and we are now way over the suggested 374 target in the Local plan.

Our Neighbourhood Plan has been in place since 2019. It is a document that has some legal standing and in it policy HOU2 states: While there remains a substantially greater supply of permissions for housing development within the NP area than the LP minimum requirement, further proposals for housing development within the direction of growth will be paused unless there is clear evidence that the additional housing will help meet a clearly identified local need for affordable or social housing (that need arising from within the NP area and its hinterland) that is not capable of being met elsewhere. Whilst additional sites to those already committed for development are available within the Direction of Growth, these will not be brought forward for development unless the emerging South Somerset Local Plan requires their release, and it can be demonstrated that further housing development would not have a significantly adverse effect on the character of this modest market town and its infrastructure.

The thinking behind this, is common sense. Existing permissions must be built out and occupied before further permissions are granted. This is to allow time for essential infrastructure and services to catch up with the rapidly growing number of people in this town.

We should also point out that at no point has the cumulative impact of so many developments been considered - the roads are already choked - traffic on the A371 is often nose to tail.

Whatever the proposed merits of this additional development may or may not be... we have witnessed many a broken promise. This local market town has had more than its fair share of new housing and this - and any further proposals should be turned down for the above reasons.

Highway Authority (HA)

Initial comments dated 23rd November 2022

The key concerns related to drainage matters and the impact on the highways network, specifically the culvert under Station Road. Having regard to the submitted Flood Risk Assessment, comments were offered principally as they relate to the existing public highway fronting the application site and the access roads serving the proposed development.

1. The surface water management strategy for this application site is predicated on a discharge into a culverted watercourse at the north-western corner of the site and this culvert then runs under Station Road to turn south across land on the western side of Station Road to an eventual outfall into the watercourse along the southern boundary of that land parcel. The complication with this proposal is that planning consent has been granted on the parcel of land under which this culvert runs (15/02388/OUT and 16/01912/REM), and the existence of this culvert does not appear to have been recognised in that consent. The layout of the consented dwellings would either result in building over this culvert or worst case removing it all together taking into consideration it doesn't appear on any engineering drawings available on the planning portal or separately submitted to the HA. Further the land has already been used as a construction compound and has had extensive earthworks carried out on it. It is possible that the culvert has been damaged or even removed.

2. The drainage survey information contained within this report appears to suggest that further investigation would be needed to be undertaken to prove the connectivity between the existing open pipe/culvert inlet within the development and the eventual outfall into the watercourse. Further as the survey was abandoned due to a collapsed section along the culvert, remediation works would be required to ensure that the culvert was in a serviceable condition such that it would not result in flooding upstream.

3. The designer should interrogate the existing carriageway levels of Station Road along the site frontage to determine whether channel line surface water flow needs to be collected upstream of the new vehicular access junction.

4. The location and arrangement of the existing highway drainage system in Station Road along the site frontage should be ascertained to inform the detailed design of the junction. It is possible that this system will need to be altered, lowered, diverted or protected, either temporarily or permanently, to accommodate the construction of the new vehicular access junction.

Further comments dated 9th January 2023

Following receipt of further advice from its drainage engineer, the HA confirmed its acceptance of the designer's response to all the points raised in the HA's previous audit. It was identified that the fundamental issue lies with the consented development opposite this application site (refs. 15/02388/OUT and 16/01912/REM). Whilst the HA has a vested interest in the culverted watercourse that crosses that parcel of land the subject of the above-mentioned consents (the HA enjoys prescriptive rights to discharge surface water from the highway into the culvert), this is a matter for both the LPA and the LLFA to resolve.

Updated comments dated 31st January 2023

Further to comments made to the applicant by the LLFA, the HA confirmed that it does not have any objections in principle other than to repeat previous comments that the surface water management strategy of this application site, and the operation of some road gullies within Station Road, is predicated on the land drain/culvert crossing the site on the other side of Station Road, which we know is going to be affected/diverted as part of that development. It is critical therefore that these two developers work together such that the surface water management strategy for both sites is not compromised.

Concluding comments dated 21st June 2023.

No highways objection subject to highways related conditions. The impact of this proposal is unlikely to be severe in highway terms. However, there are drainage matters which need rectifying. The Authority does not have any objections in principle, the surface water management strategy of this application site, and of course the operation of some road gullies within Station Road, is predicated on the land drain/culvert crossing the site on the other side of Station Road, which is going to be affected/diverted as part of that development. It is critical therefore that these two developers work together such that the surface water management strategy for both sites is not compromised.

Lead Local Flood Authority (LLFA)

Various detailed responses have been received from the LLFA which have been uploaded onto Somerset Council's website in full for consideration.

Initial comments dated 2nd December 2022

1. The discharge strategy relies on a culvert that is shown to cross land to the south-west and outfall into the watercourse. However, the CCTV survey provided shows that part of the culvert has collapsed. The statement in the report that there is connectivity from the site to the watercourse is therefore not accurate. The applicant must prove that the proposed discharge strategy is viable, and currently the LLFA is not satisfied that this is the case. It appears that there is a culvert under the road at the southern corner of the site where the ditch flows under the road into the watercourse. The potential to discharge into this ditch could be investigated as an alternative discharge strategy.

2. In terms of SuDS, the strategy proposed a wetland in the southwest corner of the site, which is welcomed. There seems to be potential to incorporate further SUDS (green roofs, raingardens, permeable paving and rainwater harvesting) to target the required water quantity, quality, amenity and biodiversity benefits. The LLFA would expect to see appropriate justification if these are not proposed.

3. Calculations for the 1-year event show surcharging in the outfall pipe. The proposed surface water drainage system should be designed to prevent surcharging in all events up to and including the 1 in 2 annual probability storm event, please correct this or provide justification.

4. The latest climate change allowances (updated in May 2022) should be used. This is now 45% rather than 40% found within the report. Calculations and the required attenuation volumes should be updated to reflect this.

5. The report provides an outline assessment of exceedance flood flow routes above the design event, which is welcomed. The direction of exceedance flood flow routes should be shown on the drainage plan.

6. The strategy proposes to discharge runoff into the ditch to the west of the site. The ditch is not within an IDB area. The applicant is advised to obtain Land Drainage Consent as required under section 23 and 66 of the Land Drainage Act 1991 from the LLFA for any applicable works.

7. Please provide levels within the ditch at the proposed outfall.

8. Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas needs to be provided.

9. A maintenance plan considering the operation of the system for the lifetime of the development and access to the system needs to be provided.

In summary, the LLFA requirements for a Full Planning Application have not yet been satisfied and the above matters need to be addressed/clarified before an appropriate planning condition can be set.

An updated response dated 8th April 2024 advised that discussions had been undertaken to ensure that there is a viable outfall from the site, which had now been addressed. However, further drainage information/clarification was requested. This was duly provided and on 28th May 2024 the LLFA confirmed that it was now happy with the development proposal subject to the imposition of conditions relating to the submission of a sustainable surface water drainage scheme for the site and the submission of a plan for the future responsibility and maintenance of the surface water drainage system.

Wessex Water (WW)

Initial comments dated 4th July 2023

Objects to the application.

The proposed layout indicates a direct conflict between dwellings and the existing 150mm diameter public foul sewer. This is not acceptable to WW. However, it is noted that the applicant has included a note on the Drainage Layout drawing stating "existing foul sewer to be diverted through site, subject to S185 agreement with Wessex Water". As yet, WW has not received any contact from the developer to discuss this option.

Wessex Water is currently promoting a sewerage scheme to accommodate additional sewer flows in this area of Castle Cary. Sensitivity testing undertaken during sewerage appraisal stage included this site as a proposal in the draft local plan current at the time. The foul strategy for this site is contingent on the foul flow from the development connecting to existing foul sewer crossing the site and the sewer remaining in-situ. WW is currently planning downstream improvements and encourage the applicant to liaise with WW should this site progress to compare construction timetables and discuss any proposed diversion of the aforementioned sewer (as suggested on the sketch layout) as any such diversion could be complex and impact on the overall enhancement scheme".

This is a full application, and WW requests a holding objection on the layout until the applicant has demonstrated how they propose to accommodate the 3m standoff required around the existing 150mm diameter public foul sewer or they have an agreement in principle with WWa that the proposed diversion is feasible.

Updated comments dated 15th August 2023

As a result of WW's request for a holding objection on this application, WW has received correspondence from the applicant with regards to a potential diversion for the 150mm diameter public foul sewer that traverses the site. WW is now satisfied that the applicant could provide a feasible diversion of this sewer and therefore remove any conflict between said sewer and the proposed dwellings. In due course, the applicant will need to make a formal application to WW for the diversion which will then be subject to full technical review and engineering approval. However, WW is now satisfied that the holding objection can be removed.

Public Rights of Way Team

No objections. There is a public right of way (PROW) recorded on the Definitive Map that abuts the site (public footpath WN 2/6) at the present time. The proposed connection to footpath WN 2/6 is welcomed but may require the consent of a third party if the land is not in the control of the applicant. Subject to securing consent for a legal agreement with third party landowners, the connection to path WN 2/6 should be secured through a s106 agreement. A diversion order for path WN 2/6 has been made but not yet confirmed by the Council. It would be advisable for the applicant to liaise with the Council over the diversion for WN 2/6 to ensure that the proposed path connection from the development links to the alternative route of WN 2/6.

Somerset Ecology Services (SES)

Ecology: No objection subject to imposition of ecological mitigation and enhancement conditions.

Phosphates: The proposal will result in an increase of 1.51kgTP/yr that will be contributed via effluent discharge into the Parrett sub-catchment without mitigation (post-AMP7 works which will be completed December 2024), as well as 0.41kg/P/yr resultant from land-use change which is within the river Brue sub-catchment. To mitigate for this increase, phosphate credits have been purchased at Woodrow Farm (pertaining to mitigation in the river Parrett sub-catchment, which is an agreed nutrient generation scheme which has produced nutrient credits within the Parrett Catchment by way of cessation of dairy farming purposes and changed to an Orchard and meadow plantation), and Yew Tree Farm (pertaining to mitigation in the river Brue sub-catchment, which is an agreed nutrient generation scheme which has produced nutrient credits by way of cessation of dairy farming purposes).

Based on the above, SES raises no objection and concludes that these proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation subject to the imposition of a condition requiring the submission and approval of an Allocation Certificate which 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.

Natural England

No objections. Natural England has confirmed that it is satisfied with the submitted phosphorus budgets for the scheme. That is after the AMP 7 improvements the scheme will generate an additional 1.51 kg TP yr to the Parrett catchment of the Somerset Levels and Moors Ramsar Site via the Castle Cary Waste Water Treatment Works and an additional 0.41 kg TP yr to the Brue catchment of the Ramsar site via onsite land use change. Natural England also has no objection to the proposals for achieving

phosphorus neutrality via the purchase of the purchase of credits from the third-party mitigation schemes identified.

The LPA should be mindful of the need to secure the mitigation measures including:

1. Ensuring that the proposed new development is required to limit water use to 110l per person per day.
2. That the scheme is required to maintain the onsite orchard in perpetuity.
3. Ensuring the requisite phosphorus credits are secured by any permission.
4. Ensuring the new dwellings are not occupied until after the improvements at the Castle Cary WWTWs.

Ministry of Defence (MOD)

The application site occupies the statutory safeguarding zone(s) surrounding Yeovilton RNAS. In particular, the aerodrome height and birdstrike safeguarding zones surrounding the aerodrome are approximately 12.7km from the centre of the airfield. After reviewing the application documents, the MOD has no safeguarding objections to this proposal.

Planning Policy Team

No objection to the proposal in principle.

The Council published a Five-year Housing Land Supply 2023-2028 for the former South Somerset area in October 2023 which shows it can demonstrate a housing land supply equivalent to **3.29 years** - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation. Since the publication of the October 2023 report, while preparing for an appeal inquiry held in January 2024, the Council has accepted that it has a Five -Year Housing Land Supply position which ranges between **2.85 and 2.96 years**.

The NPPF (December 2023) was published along with the Housing Delivery Test (HDT) Measurement 2022. The HDT result for the former South Somerset area is 135%. The NPPF removes the requirement to include a 5% buffer on five-year housing land supplies and now only imposes a 20% buffer where the HDT indicates delivery below 85%. The removal of the 5% buffer means that the former South Somerset position would now range between **2.98 and 3.10 years**.

Further amendments published in the NPPF (December 2023) include changes to paragraph 14 which is particularly relevant to neighbourhood planning. Paragraph 14 now states:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

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

The CCANP was 'made' in September 2019, so it became part of the development plan less than five years ago; however, the Plan does not contain allocations to meet its housing need therefore criterion b) of paragraph 14 is not met.

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

Strategic Housing Team

No objections subject to Section 106 agreement covering affordable housing provision.

Education Authority

A proposal of 29 dwellings in this location will generate the following number of pupils for each education type: 3 Early years pupils, 10 Primary school pupils and 5 Secondary school pupils.

Education contributions will be required for the following schools:

Toy Box pre-school (Ansford) and Castle Cary Primary school, or the new school to be proposed in the area. There is no current need at the secondary school for this number of pupils.

As this is a full application, the education contributions should be secured in a S106 in accordance with the current cost to build which is £23,061 per pupil for Early years and Primary. Therefore, the requirement is £69,183.00 (3 x £23,061) for early years and £230,610.00 (10 x £23,061) for Primary.

This funding is essential to enable the required capacity increase in the local schools, which will enable the education authority to provide appropriate education facilities for the children from this development. The contributions meet the CIL 122 tests as follows:

- a) Necessary to make the development acceptable in planning terms as it is contributing towards the education capacity increase to support the number of children from this proposal
- b) Directly related to the development as the calculation is based on the number of homes proposed (29) calculated by the accepted pupil yield for EY (0.1) & Primary (0.32).
- c) Fairly and reasonably related in scale and kind to the development, for the same reason as above, it is directly related to the number of dwellings proposed and therefore the number of children generated from the proposal if it is approved and built.

Council's Strategic Planning Team (South)

Based on 29 dwellings, requests off-site financial contributions towards the following, together with associated maintenance commuted sums.

Equipped play space. Off-site contribution to be spent to enhance equipped play in Ansford.

Youth facilities. Off-site contribution to be spent to enhance youth facilities in Ansford.

Playing pitches. Off-site contribution to be spent to enhance playing pitches in Ansford and Castle Cary.

Changing rooms. Off-site contribution to be spent to enhance changing rooms in Ansford and Castle Cary.

The overall contribution total requested is £87,301.

Council's Environmental Services

For a development of 29 dwellings, the Council's Environmental Services team would not seek on-site provision of public open space. Instead, the Environmental Services team would look to secure a portion of the developer's CIL contribution which could be paid to the Town/Parish Council, or Somerset Council would use it to improve an existing area of POS accessible from the proposed development.

Should the contribution be paid to the Town/Parish Council, as the collecting authority Somerset Council would request that the Town/Parish identify in advance how they would look to spend the contribution. Likewise, if Somerset Council was to use the monies itself, the Council would put together a proposal to show how it would use it to benefit the area.

South West Heritage Trust

Based on the results of the geophysical survey and heritage assessment, there are limited or no archaeological implications to this proposal and therefore no objections are raised on archaeological grounds.

National Health Service (NHS)

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

However, the NHS has caveated this by stating that this response from NHS Somerset is a snapshot of capacity assessment at the time of this application and should there be any change to this position as a result of any current planning applications that may or may not affect the capacity at Millbrook Surgery being approved prior to a final decision on this particular development, then the NHS position could change.

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

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

Council's Tree Officer

Initial comments dated 28th June 2023

The Tree Officer has had regard to the submitted Arboricultural Method Statement and Tree Protection Plan and advises that these submitted documents are suitable for inclusion within the wording of a recommended planning condition relating to tree and hedgerow protection.

However, concerns have been raised in response to some of the proposed landscaping measures, including the proposed sizes of the specimen trees, lack of clarification as to when trees and shrubs will be planted, inappropriate choice of Birch as the dominant species because Birch trees perform disappointingly within South Somerset's heavy clay soils and they are prolific wind pollinators - notorious for triggering respiratory conditions including Asthma, Chronic Obstructive Pulmonary Disease and

Seasonal Allergies.

Updated comments dated 11th September 2023

The applicant revised the landscaping scheme to respond to the concerns raised above and the Tree Officer was then able to recommend no objection with the imposition of a landscaping condition to securing the installation of the revised landscaping scheme.

Council's Environmental Health Officer

No objections, subject to the imposition of a condition requiring the submission of a Construction Environmental Management Plan.

Police Designing Out Crime Officer

No objections but comments offered regarding the necessity of two possible footpath links into neighbouring developments in terms of crime rates, overlooking of parking areas, rear/side boundary access, lighting, and height of landscaping. Pathways need to be wide and as straight as possible.

Devon & Somerset Fire and Rescue

Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part B5 of the Building Regulations 2010.

Somerset Waste Partnership

No specific issues raised but requested a swept path analysis.

REPRESENTATIONS

About 20 representations have been received from third parties, which have been placed on the website for consideration prior to determination of this application, the majority objecting to the proposal but about 6 supporting the proposal.

The most common concerns expressed included matters such as (in no particular order):

- o No current need for further housing on this site
- o Loss of open space/greenspace
- o Contrary to Neighbourhood Plan
- o Harm to wildlife
- o Nearby facilities will not be able to cope with extra demand
- o Overdevelopment
- o Impact on highways
- o Lack of nutrient neutrality
- o Inadequate parking
- o Concern about a pathway onto Burfitt Road

CONSIDERATIONS

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.

Settlement Policy Context Policy

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."

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.

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.

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. Ansford/Castle Cary are defined as a Local Market Town.

As a Local Market Town, the settlement is well served with employment and housing opportunities and has facilities including a primary, a secondary school, Dr's surgery/health centre and a wide range of local shops and services.

Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. The overall scale of growth and wider policy framework are key considerations in relation to housing proposals with emphasis on maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. These considerations will apply when considering housing proposals adjacent to the development area at Ansford/Castle Cary.

Policy SS5 sets out the minimum expectation for the number of dwellings to be built in each settlement during the Local Plan period. Castle Cary/Ansford has defined a total housing requirement for 374 dwellings. Policy SS5 provides that a permissive approach will be taken when considering housing proposals within 'directions of growth' at the Market Towns, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements.

A direction of strategic growth is identified in Policy LMT1: Ansford/Castle Cary Direction of Growth and Link Road as the area north of Torbay Road and East and West of Station Road. This is the most sustainable location for Ansford/Castle Cary's future expansion of housing, employment and education proposals. The application site is located within the direction of growth for Ansford /Castle Cary.

Monitoring demonstrates that from the beginning of the adopted Local Plan period (2006) to 31st March 2023, 353 dwellings have been delivered within the parishes of Castle Cary and Ansford. As at the 31 March 2023, there are commitments (extant planning permissions) for a further 298 dwellings. In addition, in May 2022, 200 dwellings on land north of Ansford Hill were allowed on appeal, subject to a S.106 agreement (application ref. 19/01840/OUT) and, in August 2024, a total of 81 dwellings (comprising conversion of buildings to form 11 dwellings and the erection of 70 new dwellings) at the former BMI Site in Cumnock Road, Castle Cary were allowed on appeal (application ref. 18/01602/FUL). As a result, there is potentially a total of 932 dwellings to be delivered within the Plan period (2006 - 2028) and this figure would rise to 961 dwellings should planning permission be granted for a further 29 dwellings.

The monitoring has also demonstrated that new homes have been delivered within the Direction of Growth, in which the application site lies. However, progress on the delivery of the brownfield sites has not been as swift as would have been hoped despite there being a number of extant planning permissions.

Cumulatively the scale of growth over the plan period (961 homes - completions and commitments) would be commensurate with the Local Plan housing requirements for the higher tier Primary Market Towns (Chard - 1,852; Crewkerne - 961; Ilminster - 496; Wincanton - 703).

In addition, 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. Policy SS5 makes it clear that a permissive approach will be taken when considering housing proposals. The application site is such a site and, as such, the principle of residential development in this location is considered to comply with Local Plan policy.

Affordable Housing

Local Plan Policy HG3 requires 35% of the total number of dwellings to be affordable. A development of 29 dwellings would be expected to deliver 10 affordable homes. The Council's Housing Specialist has confirmed that affordable housing should be split 75:25 Social Rent: First Homes, noting also that the NPPF requires 10% of the site overall to be provided for affordable home ownership. Based on an overall number of 29 dwellings, the split should be 8 dwellings for social rent and 2 dwellings for First Homes. This would be subject to inclusion within a Section 106 Agreement.

Housing Mix and Layout

Policy HG5 'Achieving a Mix of Market Housing' sets out that a range of market housing types and sizes should be provided across the district that can reasonably meet the market housing needs of the residents of South Somerset. The latest Local Housing Needs Assessment (2021) for South Somerset demonstrates the mix of housing needed over the period 2020-2040.

There is a range of housing types proposed within the overall housing mix. However, the proportion of market homes as proposed would provide 74% (rounded) of homes with four plus bedrooms and 26% (rounded) with three bedrooms. No one or two-bedroom homes are proposed. The LHNA evidence demonstrates that the greatest proportion of need is for three-bedroom market homes.

In respect of the affordable housing element, the Council's Housing Specialist notes that the development proposal consists of a mix of 2- to 4- bedroom dwellings. However, the Housing Specialist recommends the following mix of affordable units which does include a small number of 1 bedroom accommodation, and which is based on the expressed demand for the Parish and the South Somerset Local Housing Needs Assessment 2021 (LHNA) and also considers the current expressed demand on Homefinder Somerset.

- 4 x 1 bedroom house / flat
- 4 x 2 bedroom house
- 2 x 3 bedroom house

In addition, the prevailing minimum internal space standards below should 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 house	4 Person	76 sqm (86 sqm if 3 storey)
3 bedroom house	6 Person	86 sqm (94 sqm if 3 storey)

The affordable units should be 'pepper potted' throughout the site in clusters and the units developed to blend in with the proposed housing styles. A preference would be for the dwellings to be houses/bungalows or, if flats, to have the appearance of houses and should be in clusters of no more than 8 with a mix of affordable tenures in each cluster. The affordable dwellings would form an integral and inclusive part of the layout.

The various comments raised by the Housing Specialist in respect of the affordable housing units can be included as part of any Section 106 Agreement.

Neighbourhood Planning

The site falls within the boundary of the Castle Cary and Ansford Neighbourhood Plan. This was formally made in September 2019 and forms part of the development plan for Somerset Council. The neighbourhood Plan policies support the delivery of strategic policies in the Local Plan including the direction of growth for the town.

Policies HOU1 and HOU 2 specifically relate to the delivery of housing within the Neighbourhood Plan area.

Policy HOU1 relates to the encouragement of development on brownfield sites

Policy HOU2 relates to housing development in the direction of growth and states:
While there remains a substantially greater supply of permissions for housing development within the NP area than the LP minimum requirement, further proposals for housing development within the direction of growth will be paused unless there is clear evidence that the additional housing will help meet a clearly identified local need for affordable or social housing (that need arising from within the NP area and its hinterland) that is not capable of being met elsewhere. Whilst additional sites to those

already committed for development are available within the Direction of Growth, these will not be brought forward for development unless the emerging South Somerset Local Plan requires their release, and it can be demonstrated that further housing development would not have a significantly adverse effect on the character of this modest market town and its infrastructure.

Policy DP1 states that the Neighbourhood Plan will expect all new development to be designed to the highest standards and to respect the unique character of Castle Cary and Ansford. The design principals that set out the criteria which will be used to assess all types of new development includes:

- o Character and Setting;
- o Security and Safety;
- o Access and Movement;
- o Environmental Footprint; and
- o Recreation and Wellbeing.

Importantly the Neighbourhood Plan aims "to ensure that all new development respects the special character of the market town of Castle Cary and the parish of Ansford, in particular that new housing developments are of good quality, are energy efficient and have as low an environmental impact as possible.

Policy ENV1 (Protection of Green Corridors and Natural Environment) seeks to protect existing green corridors, footpath links, hedgerows and other natural features of the local environment, and to institute new or replacement features as opportunities arise.

Emerging Local Plan Review (2106-2036)

Work on the emerging Local Plan Review (LPR) has ceased and will no longer be progressed following the formation of the current Somerset Council on 1st April 2023. A Local Development Scheme for the new Somerset Local Plan was agreed by the Executive Committee on 4 October 2023.

Two consultations took place under Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012, the most recent consultation on Preferred Options ending in September 2019.

The site is allocated (Policy AC2) within the Local Plan Review Preferred Options document. Policy AC2 allocates about 20 dwellings on land comprising the current application site. Consultation responses were received in relation to the site. However, as the emerging Local Plan Review reached an early stage in its preparation and objections have not been considered, it is judged that limited (if any) weight can be attached to it (paragraph 48 of the NPPF).

National Planning Policy Framework

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

Since the publication of the October 2023 report, while preparing for an appeal inquiry held in January 2024, the Council has accepted that it has a Five -Year Housing Land Supply position which ranges between **2.85 and 2.96 years**.

The most recent version of the NPPF was published in December 2023 along with the Housing Delivery Test (HDT) Measurement 2022. The HDT result for the former South Somerset area is 135%. The NPPF removes the requirement to include a 5% buffer on five-year housing land supplies and now only imposes a 20% buffer where the HDT indicates delivery below 85%. The removal of the 5% buffer means that the former South Somerset position would now range between **2.98 and 3.10 years**.

Further amendments published in the NPPF (December 2023) include changes to paragraph 14 which is particularly relevant to neighbourhood planning. Paragraph 14 now states:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

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

The Castle Cary and Ansford Neighbourhood Plan was 'made' in September 2019, so it became part of the development plan only just less than five years ago; however, the Plan does not contain allocations to meet its housing need therefore criterion b) of paragraph 14 is not met.

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

Planning Balance

Castle Cary is a Local market Town within the settlement hierarchy, which has a defined retail and community role and benefits from a range of community facilities and services.

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 NPP, 2023 having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and the Neighbourhood Plan, taking into account the nature and extent of the shortfall in housing land supply.

There is third party local concern about the level of development proposed and the impact on the provision of local infrastructure. However, such concerns are not supported by consultee responses. Based on a proposal for 29 dwellings, the Education Authority has requested a financial contribution to ensure that the children from this development will have a place at the local pre-school. In addition, the NHS state that there is current capacity for the proposed development, having been consulted about this proposal.

Furthermore, the application proposal would indirectly enhance existing community facilities via payment of S106 monies towards community facilities. The Council's Strategic Planning Team has advised that there is a need for enhancement of the equipped play spaces, youth facilities, playing pitches and changing rooms within the locality, which would be further increased as a result of this development. As such, to address these needs, off-site contributions are sought to address these needs.

The proposed development of 29 dwellings would generate a need for 129.34 square metres of space for equipped play, 32.34 square metres of space for youth facilities, 776.04 square metres for playing pitches, and 6.79 square metres for changing rooms. In accordance with Local Plan Policies HW1 and SS6, it is considered that the best way to mitigate the generated need would be to increase the provision of improvements to these types of facilities through off site financial contributions.

The overall contribution total requested is £87,301 (or £3,010 per dwelling).

Summary

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.

As the Council is only able to demonstrate a sufficient supply of deliverable sites to meet between 2.98 and 3.10 years' worth of housing land, in accordance with the NPPF, the relevant housing land policies for the determination of this application are considered out-of-date. To this end, reduced weight should be applied to Local Plan housing policies SS1, SS4, and SS5, and the "tilted balance" towards granting planning permission is engaged, unless the adverse effects significantly and demonstrably outweigh the benefits. With that in mind, it is considered that the benefits outlined within this report, namely the delivery of new homes to meet an identified housing need, the provision of up to 10 affordable homes, as well as stimulus to the local economy, significantly outweigh any adverse impacts. In addition, whilst no longer a significant material consideration, due regard is given to the application site's promotion for residential development in the former SSDC's Local Plan Review (Policy AC2).

Visual Impact, Landscaping and Open Space

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

Chapter 12 of the NPPF encourages the achievement of well-designed and beautiful places. Paragraph 135 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area for the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Also, being sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), and optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development.

The site does not fall within any landscape designations, nor does it feature within key views from Registered Parks and Gardens or Conservation Areas. The site is considered to sit well in the surrounding built form and development of this site will not protrude unduly into open countryside.

The landscape strategy has been prepared having regard to a detailed understanding of the site's landscape quality and its context, building upon the green infrastructure assets within the site and seeking to maximise multifunctional benefits. On the whole, changes to the landscape and visual baseline will be localised within the immediate context of the site where the proposals would be seen within the context of adjacent residential development.

Access and Highway Safety

Local Plan Policy TA5 requires all new development to securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all, and to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

Policy TA6 states that parking provision in new development should be design-led and based upon site characteristic, location, and accessibility. The parking arrangements within SCC's Parking Strategy will be applied within the District.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

The proposed development would provide for a vehicular and pedestrian access off Station Road. In addition, new pedestrian/cycle links to the north and south would be provided to link into the adjacent surrounding developments. The provision of these continuous footway links would provide a benefit to all users and would also provide continuous linkage with existing footway facilities and on to the town centre. The proposal would be compliant with the highway and transport elements of the NPPF and the Planning Practise Guidance.

Some local concern has been raised about the inadequacies of the highway infrastructure to cope satisfactorily with not only existing volumes of traffic but also the increased traffic generations that would result from this proposed development, including through increased congestion, as well as about the proposed access arrangements and highway implications of the development. The Highway Authority's comments and recommendation have been set out in full previously in this report. The Highway Authority has concluded that decisions on planning proposals and the acceptability thereof are taken by the Local Planning Authority, and led by the Local Plan, the issue of cumulative impact would be a matter for the LPA to consider. Nevertheless, the Highway Authority considers each case on its own merits and does not consider this particular scheme to be onerous in highway terms. A development of only 29 dwellings would generate in the region of 15 vehicles in the peak hour (an average of one every four minutes) and cannot be considered severe in highway terms.

Initial concerns regarding impacts on the nearby culvert associated with Station Road have been resolved to the satisfaction of the Highway Authority

In addition, the application proposes links to the existing public right of way (PROW) which runs adjacent to the site. The Rights of Way Officer has been consulted on the proposals and has raised no objections

to the proposal, subject to ensuring the links to the PROW are secured.

A Framework Travel Plan (TP) has been submitted which proposes a series of practical measures to be implemented by the developer of the site designed to improve sustainability and reduce single occupancy car use. The TP combines a range of "hard measures", such as site design and infrastructure, with "soft measures" such as marketing and information provision. The TP seeks to promote the use of alternative modes of transport that will help to reduce journeys made by private vehicle to and from the site. It provides walking, cycling, public transport, and car sharing initiatives in order to achieve a reduction in the level of additional car-borne traffic generated by the proposed development. The measures proposed aim to achieve more sustainable travel patterns from the outset in order to take advantage of the fact that travel behaviour change is more likely to come about when other lifestyle changes such as moving house are occurring, rather than cutting existing car use.

Should planning permission be granted for this development proposal, the Highway Authority has recommended various highways related conditions and mitigation measures reflected in Section 106 requirements, planning conditions and informatives. As stated above, the section 106 Agreement should secure the Travel Plan. Conditions are recommended relating to the submission and approval of highways details and provision of highway infrastructure construction; provision of parking and turning spaces (including electric vehicle charging points); and creation of visibility splays.

Whilst the Highway Authority accepts local third-party opinion may not support the proposal, in highway terms the Authority's assessment does not highlight any grounds on which to base an objection. The Highway Authority is content the development would not create a severe highway safety or efficiency issue.

With regard to Active Travel, the site is 1.3k from Castle Cary Station, which is easily accessible on foot and on a bike. There are links to existing footpaths to the south and east of the site, so the site connects well to existing streets for pedestrian access. This will be enhanced with the footpath relocation in application 24/01103/FUL that links the site to Burfitt Road. There are 6 bus services which serve Castle Cary that links to Yeovil and Wincanton. As stated above, the site is a sustainable one and there are ample opportunities available for active travel.

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

Flooding and Drainage

The application site is at a low risk of flooding, lying as it does within Flood Zone 1. A flood risk assessment (FRA) and drainage strategy have been prepared by the applicant's drainage consultants, Rappor, to assess the impact of development on the site, in relation to flood risk and drainage. Ground investigation has proven that infiltration is not viable on the site, instead the surface water drainage proposals will include a range of measures including a wetland area, ditches, swales, and wetland basins before a restricted discharge to the nearest watercourse.

The LLFA has considered the scheme in detail and has confirmed that, overall, it is content that a satisfactory means of drainage can be achieved on the site. The imposition of drainage conditions on any permission issued has been recommended. Wessex Water has also confirmed that the outline strategy is acceptable in principle to Wessex Water.

Initial concerns raised by both the LLFA and Wessex Water regarding discharge rates, impacts on culverts and layout associated with an existing foul sewer pipe have all been resolved to the satisfaction of the LLFA and Wessex Water.

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

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside

Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

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

The site comprises two sheep-grazed fields comprising agriculturally improved grassland; an orchard of apple and pear trees, beneath which agriculturally improved grassland was also present; a small group of alder trees in the centre of the site; hedgerows along the western and southern boundaries of the site; and a stream along the north-western boundary of the site, which was dry at the time of survey.

Somerset Ecology Services has had regard to the results of the submitted Ecological Impact Assessment (EclA) at the site. Protected and notable species can be summarised as follows:

Bats: none of the trees within the Site were identified to provide features suitable for roosting bats. Bat activity surveys identified the presence of 10 species, plus unidentified *Myotis* species. Of the activity, the most frequently recorded was common pipistrelle. The presence of both lesser ('Parish' importance) and greater (up to 'County' importance) horseshoe bats was identified. No significant effects on bats or orchard habitats were concluded when considering the inherent mitigation contained within the scheme design, with net gain in biodiversity anticipated as a result of the proposed development (as demonstrated through a metric calculation).

Badgers: setts present within the local area, but not identified within the site at the time of survey, with the site anticipated to be used for occasional foraging and commuting. The site was identified to be of 'Local' importance to badgers.

Hedgehogs: habitat suitable for use by foraging and commuting hedgehogs. The site was identified to be of 'Local' importance to hedgehogs,

Reptiles: limited extents of suitable although largely suboptimal habitat for use by common reptile species, although surveys of adjacent land did not identify presence. The site was identified to be of 'Local' importance to reptiles

Birds: habitat suitable for foraging bird species, including barn owls, with suitable nesting habitat for other bird species. The Site was identified to be of 'Local' importance to birds.

Dormice: absence of records, no evidence from nearby development sites surveyed for dormice within the last 15 years, limited connectivity and relative isolation of suitable habitat on the site. As such, dormice considered unlikely to be present,

Great crested newts: absence of records, absence of ponds within 250m, no evidence of great crested newts from ponds further afield surveyed for this species between 2012 and 2015. As such, great crested newts considered unlikely to be present.

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

As such, subject to the suggested conditions, there would be no significant adverse impact on biodiversity in accordance with Policy EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Phosphates

The site falls within the catchment area for phosphates affecting the Somerset Levels and Moors. The proposed development would be connected to Castle Cary Wastewater Treatment Works. As per the Somerset Phosphorus Calculator, the current change in phosphorus load is 17.18 kgP/yr and AMP7

(post December 2024) change in phosphorus load is 1.92 kgP/yr.

The proposed phosphate mitigation for the scheme involves an agreement having been made to purchase 1.51kg of Phosphorus Credits from the approved Woodrow Farm Phosphorus Credits Scheme and 0.41kg from the approved Yew Tree Farm Phosphorus Credits Scheme to mitigate the AMP7 (post December 2024) phosphorus load. The application site sits within two catchments areas. Woodrow Farm is located within the River Parrett Catchment whereas Yew Tree Farm is located within the River Brue Catchment. The submitted shadow Habitats Regulations Assessment demonstrates that, provided the correct number of credits are purchased, no impacts are anticipated on the Ramsar Site.

Based on the above Somerset Ecology Services conclude that these proposals would result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation. It is recommended that a condition is attached to any grant of permission. This would require the development not to be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which 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 details pertaining to this that would need to be discharged include:

1. Evidence demonstrating that a sufficient number of credits to mitigate the nutrient budget (post AMP7 works) totalling 1.51/kg/P/yr for the lifetime of the development have been purchased by the applicant from Woodrow Farm (or a similar scheme within the River Parrett sub-catchment).
2. Evidence demonstrating that a sufficient number of credits to mitigate the nutrient budget resultant from land-use change in the river Brue sub-catchment totalling 0.41kg/P/yr have been purchased by the applicant from Yew Tree Farm (or a similar scheme within the River Parrett sub-catchment) and in relation to the planning permission.
3. Evidence showing the implementation of the mitigation has been first submitted to and approved in writing by the Local Planning Authority.
4. Confirmation that occupation of the dwelling hereby permitted shall not commence until December 2024, when the associated AMP7 Works to the subject Wastewater Treatment Plant have been completed.

Natural England notes that the submitted nutrient statement concludes that, after the WWTW improvements to take place by 2025, the scheme would result in the discharge of an additional 17.18 kg TP yr to the R Brue and Parrett hydrological catchments of the Somerset Levels and Moors Ramsar site which will be offset through acquisition of phosphorus credits from the Yew Tree Farm and Woodrow Farm approved phosphorus mitigation scheme.

Natural England accepts the nutrient budget for the scheme and the proposed approach to delivering phosphorus mitigation and, on this basis, agrees with the submitted shadow Habitats Regulations Assessment. Natural England raises no objections to the proposals for achieving phosphorus neutrality via the purchase of credits from the third-party mitigation schemes identified and subject to ensuring that mitigation measures are suitably provided, including:

1. Ensuring that the proposed new development is required to limit water use to 110 l per person per day.
2. That the scheme is required to maintain the on-site orchard in perpetuity.
3. Ensuring the requisite phosphorus credits are secured by any permission.
4. Ensuring the new dwellings are not occupied until after the improvements at the Castle Cary WWTWs.

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.

A phosphate mitigation strategy has been submitted by the applicant which is set out in detail above.

The LPA has consulted with Natural England and Somerset Ecology Services on the proposed mitigation strategy and their comments are summarised above. The LPA must have regard to these consultation responses in carrying out the Appropriate Assessment (Regulation 63(3)). In summary, Natural England has reviewed the applicants mitigation proposals and is satisfied with the approach and conclusions. SES has subsequently concluded through the Habitat Regulations Assessment that the

Appropriate Assessment is passed.

Subject to securing the implementation and maintenance of the mitigation strategy through [planning conditions][and/or][a S106 Agreement], it is considered that the proposed development will not adversely effect on the integrity of the Ramsar Site (Regulation 63(5))."

Appropriate S106 requirements and conditions can be suitably imposed on the grant of planning permission to address such requirements, and this is recommended accordingly.

Residential Amenity

Due to the application site's edge of town location, potential for residential amenity concerns is limited to impacts on existing residential properties, many of which are fairly recently constructed. Concern has been expressed by nearby residents, particularly on Lower Ansford about impact on amenity.

It is acknowledged that any proposed residential development on the site could result in loss of views currently enjoyed by some existing residents. However, planning decisions must be based solely on material planning considerations. The scope of what constitutes a material consideration is very wide. In general case law has taken the view that 'planning' is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. In this same vein, the loss of private view is not an overriding material planning consideration that can be taken into account.

The Internal design of the proposal regarding potential for overlooking and general design is considered acceptable. Nevertheless, mindful of the proximity of the proposed development to nearby existing properties, and having regard to the comments received from the Environmental Health Officer, it is recommended that a site-specific Construction Environmental Management Plan (CEMP) condition is attached to any grant of permission in order to safeguard residential amenity during the construction process. The Plan would need to demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

For these reasons, and with the inclusion of the recommended CEMP condition, the proposal is not considered to give rise to any demonstrable harm to residential amenity that would justify a refusal based on Policy EQ2 of the Local Plan.

Archaeology

Paragraph 200 of the NPPF advises that, where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 211 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

South West Heritage Trust advises that, as far as it is aware there are limited or no archaeological implications to this proposal and therefore raises no objections on archaeological grounds.

Section 106 Contributions and CIL

The financial contributions requested by the Education Authority and the Council's Strategic Planning Team are noted, as is the recommendation from the Highway Authority regarding securing Travel Plan provisions.

The proposal involves the provision of affordable housing that would require a legal obligation to be entered into ahead of issuing any planning permission.

Access links to the north and south of the site boundary would need to be secured and provided prior to occupation of any dwelling and thereafter retained and maintained for public use in perpetuity.

In addition, there would be a need for the submission of details of any public body or statutory undertaker, Resident's Management Company, other management company or any other arrangements to manage and maintain public open space; landscape "buffer zones", including any retained and new trees and hedgerows along the boundaries of and within the application site; dog walking areas; proposed allotments and associated parking area for users of the allotments; the

proposed car park for visitors to the cemetery to the east of the site; any surface water attenuation features; and any roads and/or footpaths that may not be adopted by the Highway Authority.

Finally, in terms of phosphate mitigation, because the proposed development would be connected to Castle Cary Wastewater Treatment Works and upgrades to the Treatment Works will not be completed until the end of 2024/into 2025, there will need to be a requirement confirming that there would be no residential occupation of any of the dwellings until after December 2024 (AMP7 upgrades).

The application is also liable to CIL

Conclusions and the Planning Balance

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

As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that *"For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development include the proposal bringing forward several contributions towards education provision, community, sport and leisure provision, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Further benefit of the scheme would be that the proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping the Council towards a five year housing land supply, improving the sustainability of existing services and facilities and providing contributions in the form of Community Infrastructure Levy. The proposal would also provide economic benefits. These would be both in the short-term during construction and in the longer-term as residents access local services.

Given the issues surrounding phosphates, which is currently holding up delivery of housing in the area, and that this site is available now as it has a phosphate solution in place, the benefit of housing in this case should be given substantial weight.

Weighed against the benefits outlined above, the scheme would also cause some harm. There would be some harm to the character and appearance of the surrounding area. There would also be conflict with development plan policies setting out the Council's strategy for delivering housing, which is a matter of great importance in a plan-led planning system. Policies SS1 and SS5 have more than fulfilled their objectives in terms of providing housing within Castle Cary; therefore, they attract full weight. Further areas of some harm, albeit limited, are the disturbance likely to be caused during the construction phase of the development.

Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the Highway Authority, or by any other consultees who have been invited to comment. Material planning considerations in respect of highways, drainage, ecology, landscape, possible contamination, phosphate mitigation and neighbour amenity can be addressed suitably worded planning conditions and/or S106 requirements.

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.

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.

RECOMMENDATION

Permission be granted subject to -

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

a) Affordable Housing Provision

i) 35% affordable housing, split 75 / 25, Social Rent / First Homes on a pro rata basis. This would equate to 10 affordable homes, split: 8 dwellings for social rent and 2 dwellings for First Homes

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

- o 4 x 1 bedroom house/flat
- o 4 x 2 bedroom house
- o 2 x 3 bedroom house

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

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

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

1 bedroom flat	(2 person)	47sqm	
1 bedroom house	(2 person)	55 sqm	
2 bedroom house	(4 person)	76 sqm	(86 sqm if 3 storey)
3 bedroom house	(6 person)	86 sqm	(94 sqm if 3 storey)

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

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

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

vii) The affordable housing to be made available to people with a local connection to the primary parish first, then people with a connection to adjoining parishes, then the former administrative area of South Somerset, and then the County of Somerset as a whole on a priority basis, to the satisfaction of the Council's Housing Specialist.

viii) Arrangements to ensure that the provision of affordable units is affordable for both first and subsequent occupiers of the affordable units, and the occupancy criteria to be used for determining the identity of occupiers of the affordable units and the means by which such occupancy criteria shall be enforced.

b) Education Financial Contribution

i) Overall financial contributions of £299,793.00 to be paid to Somerset Council as Education Authority towards the Toy Box pre-school (Ansford) and Castle Cary Primary School.

The contribution comprises £69,183.00 for early years and £230,610.00 for primary education.

ii) Initial payment prior to occupation of 33% of dwellings, second payment prior to 66% occupation of dwellings and final payment prior to 100% occupation of dwellings.

iii) All education payments to be calculated with Building Cost Information Service (BCIS) indexation.

iv) The education financial contribution figures set out in i) and ii) above shall be subject to review/update by the Education Authority in light of any new evidence and data that may arise should the section 106 agreement not be completed within 6 months of the Area South Planning Committee's resolution to grant permission.

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

i) Overall off-site financial contribution of £87,301.00 (including 1% Locality Service administration fee of £864.00) towards enhancing equipped play space and youth facilities in Ansford and enhancing playing pitches and changing rooms in Ansford and Castle Cary

ii) Contributions towards the equipped play space and youth facilities (£46,318.00) to be payable upon occupation of the first 25% of the proposed dwellings (7 dwellings) and towards the playing pitches and changing rooms (£40,983.00) to be payable upon occupation of 50% of the proposed dwellings (15 dwellings).

iii) All contributions to be indexed linked.

d) Travel Plan

i) The implementation of an approved Travel Plan, such approval to be granted by the Highway Authority, in accordance with an agreed timeframe and including a commitment to the payment of an agreed Travel Plan fee and a commitment to the payment of an agreed safeguarding sum, if such is deemed appropriate by the Highway Authority.

ii) Payment of the Travel Plan Fee and a Safeguarding Sum (if required by the Highway Authority) by the applicant/developer prior to commencement of development.

e) Public Footpath Links

i) Completion of the two new pedestrian footpath links from within the application site up to the site boundary where it connects to the public right of way (path WN 2/6) that runs to the south of the site, and a connection to the public footpath leading from Burfitt Road to the west of the site. Any proposed works must not encroach onto the width of the public right of way.

ii) The completion of the pedestrian footpath links from within the application site up to the site boundary where it connects to the public right of way (path WN 2/6) and to the public footpath leading from Burfitt Road shall be undertaken prior to the occupation of more than 50% of the proposed dwellings (15 dwellings), or in accordance with an alternative phased period of such occupation as may be deemed necessary and previously agreed in writing by the Local Planning Authority, having first been properly consolidated and surfaced (not loose stone or gravel) and drained in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority).

iii) Thereafter, the approved pedestrian footpath links to the public right of way (WN 2/6) and to Burfitt

Road shall be retained and maintained and remain open for public access in perpetuity and shall, at no times, be obstructed and public use prevented, unless there is a need for the carrying out of essential repairs and maintenance to any part of the footpath links, in which case prior written notification from the applicant/developer shall be submitted to the Local Planning Authority with clear details provided as to the extent of repair or maintenance works to be carried out and the length of time such obstruction will occur, and subsequent written approval provided by the Local Planning Authority.

(iv) Development, insofar as it affects the public rights of way, should not be started, and the public rights of way should be kept open for public use, until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted.

f) Public Open Space, Landscaping

i) Prior to the occupation of more than 50% of the proposed dwellings (15 dwellings), or in accordance with an alternative phased period of such occupation as may be deemed necessary and previously agreed in writing by the Local Planning Authority, the provision, construction, planting and completion of an area or areas of public open space, orchard, together with surface water attenuation and wetland features, landscape "buffer zones", retention of hedgerows and trees along the boundaries of and within the application site, planting of any new trees/hedgerows along the boundaries of the site and/or within the area of public open space, and any unadopted footpaths and cycleways.

ii) Provision for the management and maintenance in perpetuity of the public open space area(s), the orchard, surface water attenuation and wetland features, landscape "buffer zones", all newly planted and retained hedgerows and trees along the boundaries of and within the application site's boundaries, and all unadopted footpaths and cycleways.

iii) Option for management and maintenance of the public open spaces by an approved management company or for the Council or Ansford Parish Council or Castle Cary Town Council to adopt the public open space area(s), the orchard, surface water attenuation and wetland features together with the features therein, including payment by the applicant to the Council or Parish/Town Council (or a management company created by either Council) of a commuted sum for such adoption

h) Management Company or Other Arrangements

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

i) Phosphate Mitigation

The proposed development is to be connected to the Castle Cary Wastewater Treatment Works. However requisite upgrades to the Treatment Works will not be completed until the end of 2024/into 2025. Therefore, there shall be no residential occupation of any of the dwellings until after December 2024 (AMP7 upgrades).

And for the following reason:

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity, including impact on the Somerset Levels and Moors Ramsar site and Special Area of Conservation as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 29 dwellings

in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, LMT1, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028, Policies DP1, HOU1, HOU2, TRA1, INF2 and ENV1 of the Castle Cary and Ansford Neighbourhood Plan, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

Details and drawings subject to which the planning permission is granted

02. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following drawings:

Drawing no. 22514/1000: Red Line Boundary Plan
Drawing no. 22514/3600B: Site Sections
Drawing no. 22514/3601B: Street Elevations
Drawing no. 22514/5000I: Planning Layout
Drawing no. 22514/5010E: Materials, Hard Surface & Boundary Strategy
Drawing no. 22514/5011B: Affordable Strategy
Drawing no. 22514/5012B: Storey Heights Strategy
Drawing no. 22514/5013C: Parking/Cycle Strategy
Drawing no. 22514/5014B: Refuse Strategy
Drawing no. 22514/6101A: Single Garage V1
Drawing no. 22514/6102A: Single Garage V2
Drawing no. 22514/6103A: Single Plus Garage
Drawing no. 22514/6104A: Double Garage
Drawing no. 22514/6105A: Double X2 Garage
Drawing no. 22514/AH-A23-2B4P-900(AS) Rev C: 2B4P Planning Layout
Drawing no. 22514/AH-A27-2B4P-900(AS) Rev C: 2B4P Bungalow Planning Layout
Drawing no. 22514/AH-B31-3B5P-900(AS) Rev C: 3B5P Planning Layout
Drawing no. 22514/AH-M10/M11-1B2P-900(AS) Rev D: 1B2P Planning Layout
Drawing no. 22514/AH-M10/M11-1B2P-900(OPP): 1B2P Planning Layout
Drawing no. 22514/HT-ASH-902(OPP): Ashbury Planning Layout
Drawing no. 22514/HT-ASH-903(OPP): Ashbury Planning Layout
Drawing no. 22514/HT-BAN-900(AS) Rev D: Banbury V1 Planning Layout
Drawing no. 22514/HT-BAN-901(AS): Banbury V1 Planning Layout
Drawing no. 22514/HT-BAN-902(OPP): Banbury V1 Planning Layout
Drawing no. 22514/HT-BAN-903(OPP): Banbury V1 Planning Layout
Drawing no. 22514/HT-BAN-900(AS) Rev D: Banbury V2 Planning Layout
Drawing no. 22514/HT-BAN-901(AS) Rev D: Banbury V2 Planning Layout
Drawing no. 22514/HT-DYR-900(AS) Rev D: Dyrham Planning Layout
Drawing no. 22514/HT-DYR-901(AS) Rev D: Dyrham Planning Layout
Drawing no. 22514/HT-DYR-902(OPP): Dyrham Planning Layout
Drawing no. 22514/HT-DYR-903(OPP): Dyrham Planning Layout
Drawing no. 22514/HT-FOX-900(OPP): Foxham Planning Layout
Drawing no. 22514/HT-FOX-903(OPP): Foxham Planning Layout
Drawing no. 22514/HT-MAL-902(OPP): Malmesbury Planning Layout
Drawing no. 22514/HT-MAL-903(OPP): Malmesbury Planning Layout
Drawing no. 22514/HT-NAI-902(OPP): Nailsworth V1 Planning Layout
Drawing no. 22514/HT-NAI-903(OPP): Nailsworth V1 Planning Layout
Drawing no. 22514/HT-NAI-902(OPP): Nailsworth V2 Planning Layout
Drawing no. 22514/HT-NAI-903(OPP): Nailsworth V2 Planning Layout
Drawing no. 22-0181 C100 Rev D: Engineering Layout
Drawing no. 22-0181 C200 Rev E: Proposed Longitudinal Sections Sheet 1 of 2
Drawing no. 22-0181 C201 Rev E: Proposed Longitudinal Sections Sheet 2 of 2
Drawing no. 22-0181 C300 Rev E: Drainage Layout
Drawing no. 22-0181 C301 Rev C: Exceedance Flow Plan
Drawing no. 22-0181 SK01 Rev C: Proposed Phosphate Mitigation - Wetland Scheme

Drawing no. 3078-5-2-1 DR-0001 S4-P3: Tree Survey
Drawing no. 3078-5-2-1 DR-0002 P3: Tree Protection Plan
Drawing no. 3078-5-2 DR-5000 S5-P5: Landscape Masterplan
Drawing no. 3078-5-2 DR-5001 S5-P4: Softworks Proposals
Drawing no. 3078-5-2 DR-5002 S5-P4: Softworks Proposals
Drawing no. 3078-5-2 DR-5003 S5-P4: Softworks Proposals
Drawing no. 3078-5-2 DR-5100 S5-P3: POS Hard Surfaces, Boundaries & Play Features
Drawing no. 3078-5-2 DR-5500 P2: Tree Planting Details

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

Pre-commencement conditions

03. No development or other works hereby permitted, including any demolition, ground works, and vegetation clearance, shall commence on any part of the application site until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP: Biodiversity shall be strictly adhered to and implemented, unless any variations are otherwise previously approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including precautionary measures for nesting birds, reptiles, badgers and hedgehogs.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

Reason: The agreement of details of a Construction Environmental Management Plan (CEMP: Biodiversity) prior to the commencement of development is fundamental to ensure a satisfactory level of biodiversity and environmental protection during the construction process in the interests of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance in the NPPF.

04. No development or other works hereby permitted, including any demolition, ground works, and vegetation clearance, shall commence on any part of the application site until the Landscape and Ecological Management Plan (LEMP) document, prepared by Redcliffe Homes Ltd dated 3rd November 2022 and submitted in support of the planning application, has been updated, as required, and approved in writing by the Local Planning Authority to include the following:

- a) Description and evaluation of new and existing features to be managed, maintained and retained (including any "green" corridors/"buffer zones" along the site's boundaries, the orchard, public areas, the surface water attenuation pond, wetland features, proposed hedges and trees, and all existing site boundary hedges and trees).
- 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, including management and maintenance of the orchard; any "green corridors/"buffer zones" along the site's boundaries as dark corridors with no additional lighting; and timings and extent (including minimum retained heights) of trimming and lopping of existing and new hedges and trees on or within the boundaries of the site.
- 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 LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the applicant/developer with the management body(ies)/new residents responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: The agreement of details of a Landscape and Ecological Management Plan prior to the commencement of development is fundamental to ensure the development contributes to the Government's target of no net biodiversity loss and in the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance in the NPPF.

05. No development or other works hereby permitted, including any demolition, ground works, and vegetation clearance, shall commence on any part of the application site until a Biodiversity Enhancement Management Plan (BEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The BEMP shall expand on the proposed enhancements as outlined within the submitted Ecological Impact Assessment Report prepared by Environmental gain Ltd dated 30th August 2022.

NOTE: The details of the BEMP may be incorporated as a section within the updated LEMP, such that the two conditions may be discharged together.

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

Reason: The agreement of details of a Biodiversity Enhancement Management Plan prior to the commencement of development and the subsequent provision of suitable ecological enhancement measures is fundamental to ensure that the development contributes to the Government's target of no net biodiversity loss as set out in the NPPF, Policy EQ4 of the South Somerset Local Plan, and obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

06. No development or other works hereby permitted, including any demolition, ground works, and vegetation clearance, shall commence on any part of the application site until a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include:

- a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day; a map indicating temporary highway vehicle and pedestrian routings; means of access, times and days of large vehicle movements to and from the site; any temporary construction access points and haul roads required; and suitable off-highway parking for all construction related vehicles.
- b) Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- c) A plan showing the on-site parking arrangements and 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.
- d) A schedule for the delivery, loading and unloading of all plant and materials to the site, including the times of such loading and unloading; details of how deliveries, 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; on-site turning facility for delivery vehicles and egress onto the highway only with the guidance of a trained banksman; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway.

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

f) 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.

g) 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.

h) Measures to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

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

j) 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.

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

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

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

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

o) A scheme to encourage the use of Public Transport amongst contactors.

p) 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.

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 local residents; the prevention of harm being caused to the amenity of the area; in the interests of highway safety during the construction process; and in the interests of European and UK protected species, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

07. No development or other works hereby permitted, including any demolition, ground works, and vegetation clearance, shall commence on any part of the application site until details of the sustainable surface water drainage scheme for the site, based on sustainable drainage principles which aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, together with measures to control and attenuate surface water, how provision shall be made within the site for disposal of surface water so as to prevent its discharge onto the highway, and details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority.

These details shall include, but not be limited to:

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

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

- (i) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
- (ii) Where relevant, calculations should consider the use of surcharged outfall conditions.
- (iii) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
- (iv) Results should be provided as a summary for each return period (as opposed to each individual storm event).
- (v) Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network.
- c) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- d) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- e) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- f) Details on watercourse crossings, any works to watercourses and outfall locations.

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

08. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, groundworks, heavy machinery entering site or the on-site storage of materials, the pre-commencement requirements of the submitted scheme of tree and hedgerow protection measures, as set out in the document titled "BS:5837 Compliant Arboricultural Impact Assessment and Method Statement" and drawing no. 3078-5-2-1 DR-0002 P3: Tree Protection Plan, both as prepared by David Jarvis Associates) shall be installed and made ready for inspection by a competent Arboriculturalist, who shall confirm in writing to the Local Planning Authority that the approved tree and hedgerow protection measures (in particular, any required fencing, signage and ground-protection installations) have been installed to a satisfactory standard

The suitability (or otherwise) of the tree and hedgerow protection measures shall be confirmed in writing by the Local Planning Authority within 21 days from written notification of completion of the approved tree and hedgerow protection scheme.

The phased tree and hedgerow protection measures shall remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled in-accordance with the approved Arboricultural Method Statement.

For the avoidance of doubt, unless otherwise agreed in writing by the Local Planning Authority, within all tree and hedgerow protection zones throughout the construction period:

- a) no materials, equipment, machinery or structure shall be attached to or supported by any part of the retained trees and hedgerows and no materials shall be stored, temporary buildings erected, moveable structures, works, plant or machinery placed or ground levels altered
- b) there shall be no mixing of cement or use of other contaminating materials or substances
- c) levels shall not be raised or lowered in relation to existing ground levels
- d) no roots shall be cut, trenches dug or soil removed
- e) no buildings, hardened areas or other engineering operations shall be constructed or carried out, and
- f) no vehicles shall be driven over that protected area.

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

09. No demolition and removal of potential bird nesting habitats, comprised of scrub, shrubs and ruderal vegetation, shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before works proceed and vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the licensed ecologist accompanied by dated photos showing the site before and after clearance and the Local Planning Authority shall acknowledge receipt and confirm its acceptance within 21 days thereafter following its receipt.

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

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

10. No development relating to the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and a method of construction implementation programme shall be submitted to the Local Planning Authority.
- a) Estate roads, footways, tactile paving, cycleways, pedestrian and cycle routes and associated vehicular accesses and crossings, and junctions.
 - b) Sewers, highway drainage and service routes.
 - c) Retaining walls, vehicle overhang margins and embankments.
 - d) Visibility splays.
 - e) Proposed levels and all carriageway and drive gradients.
 - f) Car, motorcycle, and cycle parking.
 - g) Hard and soft structural landscape areas, means of enclosure and boundary treatment.
 - h) Street lighting and street furniture.
 - i) Lay-bys or alternative facilities.
 - j) Swept path analysis for a vehicle of 11.4m length.
 - (k) Central pedestrian reserves, bollards, and lighting.
 - (l) Service corridors.

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

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

11. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33 metres to the west and 36 metres to the east either side of the access.

Having regard to the size of vehicles using the access during the construction phase, such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained in perpetuity.

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

12. The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which 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. Details pertaining to this that need to be discharged include:
- a) Evidence demonstrating that a sufficient number of credits to mitigate the nutrient budget (post AMP7 works) totalling 1.51/kg/P/yr for the lifetime of the development have been purchased by the applicant from Woodrow Farm (or a similar scheme within the River Parrett sub-catchment).
 - b) Evidence demonstrating that a sufficient number of credits to mitigate the nutrient budget resultant from land-use change in the river Brue sub-catchment totalling 0.41kg/P/yr have been purchased by the applicant from Yew Tree Farm (or a similar scheme within the River Parrett sub-catchment) and in relation to the planning permission hereby approved.
 - c) Evidence showing the implementation of the mitigation has been first submitted to and approved in writing by the Local Planning Authority.
 - d) Confirmation that occupation of the dwelling hereby permitted shall not commence until December 2024, when the associated AMP7 Works to the subject Wastewater Treatment Plant have been completed.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Policy EQ4 of the South Somerset Local Plan and Chapter 15 of the National Planning Policy Framework.

13. Prior to the commencement of the development, a Measures-only Travel Statement shall be submitted to and approved in writing by the Local Planning Authority. Such Measures-only Travel Statement should include soft and hard measures to promote sustainable travel. There should be a timetable for implementation of the measures.

The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented for the duration.

Reason: To support future staff and potential visitors in making informed decisions about their travel and to provide staff with the necessary management tools to enable them to choose sustainable modes of travel to the site. In doing so, the adverse impacts of travel on the environment and the local highway network will be minimised, thus having regard to Policies SD1, TA1, TA4, TA5 and EQ2 of the South Somerset Local Plan and relevant guidance in the NPPF.

Pre-construction or installation conditions

14. Notwithstanding the details indicated on the submitted drawings, application form and Design and Access Statement, prior to construction/progression of any part of the new dwellings hereby permitted above slab level/ground floor level, a schedule of materials and (colour) finishes (including samples and/or trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

- a) Details of all materials to be fixed to the roofs of the dwellings and garages, including the type, size, colour and profile of slate and tile, together with type, colour and profile of ridge tiles.
- b) The colour finish and texture of all external walling finishing materials.
- c) Constructional details at an appropriate scale of all eaves, verges and barge boards. Unless otherwise agreed in writing by the Local Planning Authority, all new (and any subsequent replacement) fascia boards shall be fitted tight to the wall face and the barge shall be finished either with a close-fitting timber board or the wall finish taken directly up to the underside of the roof covering.
- d) Elevation, plan and vertical sectional drawings at an appropriate scale of all external windows and doors (including garage doors) indicating details of their design, appearance (including

thresholds), profiles, position in wall reveals, opening lights (if any), materials, finish and colour, including their method of opening, and materials and finish of all lintels and sills.

e) The locations, heights, sizes, materials of construction and colour finishes of all flues, ducts, rainwater goods, external vents, extracts, external meter / service boxes and any other external attachments. All meter /service boxes should be fitted to an internal wall where practical and feasible but, if proven to the Local Planning Authority that internal siting of meter / service boxes is not practical and feasible then all external wall mounted meter /service boxes shall be located away from the primary elevations and prominent side walls.

f) The type, size, siting and method of fixing of any rooflights and solar panels to be used. All rooflights and solar panels shall be fitted flush to the roof plane wherever possible.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation/construction at an appropriate stage in the course of the development to ensure that the development displays good design practise and reflects local distinctiveness, having due regard to safeguarding the character and appearance of visual amenity in general, and in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will the Highway Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

Reason: In the interests of highway safety further to Policies TA5 and EQ2 of the South Somerset Local Plan 2006 - 2028.

16. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), a Lighting Strategy for all such external lighting shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, Somerset Ecology Services and the Avon and Somerset Police Crime Prevention Design Advisor. All external lighting shall be installed in accordance with the specifications and locations set out in the approved Lighting Strategy design (unless the Local Planning Authority gives prior written approval to any subsequent variations)

The Lighting Strategy shall:

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

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. No artificial lighting associated with the development shall illuminate the boundary habitats, newly created habitats, or any proposed bat boxes, bat roosts or flight paths used by foraging or commuting bats

c) be designed to accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and shall demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill shall be used where necessary to achieve the required light levels.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species and to safeguard the character and appearance of the area and the residential amenities of owners/occupiers of the existing neighbouring property and the new dwellings themselves, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

17. The on-site surface water drainage scheme, approved pursuant to condition 07, shall be implemented and installed in accordance with the approved details prior to the construction of development above slab or damp-proof course level, or as otherwise may previously be agreed in writing by the Local Planning Authority (in consultation with the Highway Authority and Lead Local Flood Authority) and maintained and retained at all times thereafter.

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

Pre-occupancy or other stage conditions

18. No part of the development hereby permitted shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority and Lead Local Flood Authority).

The following information will be required:

- a) 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.
- b) 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.

Thereafter, the approved drainage works shall be completed and maintained in accordance with the details agreed.

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

19. All planting and landscaping measures comprised in the approved planting and landscaping scheme indicated on the approved drawings nos. 3078-5-2 DR-5000 S5-P5 (Landscape Masterplan), 3078-5-2 DR-5001 S5-P4 (Softworks Proposals), 3078-5-2 DR-5002 S5-P4 (Softworks Proposals), 3078-5-2 DR-5003 S5-P4 (Softworks Proposals), 3078-5-2 DR-5100 S5-P3 (POS Hard Surfaces, Boundaries & Play Features) and 3078-5-2 DR-5500 P2 (Tree Planting Details) shall be carried out within the first available dormant planting season (November to February inclusively - for the planting measures) and all other approved landscaping installations must be completed upon or prior to the first occupation of the development hereby approved.

Reason: To safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ3 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

20. Photographs showing the erection, construction or installation of all the ecological enhancement measures approved pursuant to condition 05 shall be submitted to the Local Planning Authority by the applicant/developer prior to first occupation of any of the dwellings hereby permitted, and the Local Planning Authority shall acknowledge receipt and confirm its acceptance of the photographs within 21 days thereafter following its receipt.

Reason: The provision of, and submission to, and written confirmation of acceptance by, the Local Planning Authority of the photographs of the stated ecological enhancement measures is fundamental to ensure that the development contributes to the Government's target of no net

biodiversity loss as set out in the NPPF and Policy EQ4 of the South Somerset Local Plan, and obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

21. Prior to completion of the development or at the end of the next available planting season, whichever is the sooner, a report, prepared by the Ecological Clerk of Works or similarly competent person, shall be submitted to and approved in writing by the Local Planning Authority, certifying that the required mitigation and compensation measures identified in the CEMP: Biodiversity have been completed to the Local Planning Authority's satisfaction. This report shall detail the results of site supervision and any necessary remedial works undertaken or required. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and that Policy EQ4 of the South Somerset Local Plan has been complied with.

22. The proposed access shall be constructed in accordance with details shown on the approved drawings and shall be made available for use prior to first occupation (including show homes etc.) of any dwelling. Once constructed the access shall be maintained and retained thereafter in that condition in perpetuity.

NOTE: As approval of the construction either on or directly adjacent to the highway will require an Agreement or Licence with the Highway Authority. No discharge of this condition will be agreed until either technical approval or the licence has been granted.

Reason: In the interests of highway safety and public convenience, in accordance with Policies EQ2, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

Reason: In the interests of highway safety and public convenience, in accordance with Policies EQ2, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

24. All residents' and visitors' garaging, vehicular and bicycle parking spaces and turning areas and access thereto shall be provided and laid out in accordance with the details indicated on the approved drawings and shall be hardened, surfaced, drained and delineated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

No dwelling hereby permitted shall be occupied until its associated garage and/or parking spaces to which they serve have been provided. Thereafter all garaging and parking spaces shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings hereby permitted to which they serve and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for any form of accommodation.

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

25. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each dwelling within its associated garage or parking area as indicated on the approved drawings.

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

26. The bin collection areas shall be provided as indicated on the approved drawing no. 22514/5014B prior to first occupation of any dwelling to which they serve. The bin collection areas shall thereafter be retained and maintained for such purposes of bin collection unless the Local Planning Authority gives prior written approval to any subsequent variations.

Reason: To provide adequate provision of bin collection areas to serve the development to ensure that any impact on visual and residential amenity is kept to a minimum, having regard to Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

27. No individual dwelling hereby permitted shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with Policies SD1, EQ1 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF, including paragraphs 139, 159 and 186.

Conditions relating to post occupancy monitoring and management

28. All external lighting, installed in accordance with the Lighting Strategy design approved pursuant to condition 16 shall be retained and maintained thereafter in accordance with the approved Lighting Strategy design. Under no circumstances should any other external lighting be installed without prior written approval from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species and to safeguard the character and appearance of the area and the residential amenities of owners/occupiers of the existing neighbouring property and the new dwellings themselves, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

29. Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans approved pursuant to condition 19, all existing and newly planted trees, hedges and shrubs shall be protected and maintained in a healthy weed free condition. If within a period of five years from the date of occupation of the last dwelling or completion of the approved landscaping scheme (whichever is later) any retained trees, hedges or shrubs that cease to grow or are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, shall be replaced by trees, hedges or shrubs of similar size and species, or other appropriate trees, hedges or shrubs as may be approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

30. The approved footpath links to the existing public right of ways shall be retained and maintained and remain open for public access in perpetuity and shall, at no times, be obstructed and public use prevented, unless there is a need for the carrying out of essential repairs and maintenance to any part of the footpath, in which case prior written notification from the applicant/developer shall be submitted to the Local Planning Authority with clear details provided as to the extent of repair or maintenance works to be carried out and the length of time such obstruction will occur, and subsequent written approval provided by the Local Planning Authority.

Reason: In the interests of sustainability and allowing ease of movement for pedestrians from the application site to the existing public right of way in perpetuity in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance in the NPPF.

31. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations)
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse)
- (c) Part 1, Class C (other roof alterations)
- (d) Part 1, Class E (buildings etc incidental to the enjoyment of a dwellinghouse and
- (e) Part 2, Class A (gates, fences, walls or other means of enclosure).

Reason: To enable the Local Planning Authority to exercise control over development in order to:

- (i) safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or other alterations to the dwellings;
- (ii) ensure there is no resultant detriment to ecological, environmental and biodiversity interests;
- (iii) prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property;
- (iv) safeguard on-site parking and circulation areas; and
- (vi) ensure there is no unacceptable surface water run-off,

having regard to Policies EQ1, EQ2, EQ4, EQ5, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

32. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no construction of any gas compounds, electricity substations, buildings for the purposes of electronic communications or water pumping stations shall commence prior to the submission to and written approval from the Local Planning Authority relating to details of the siting, levels, elevations, dimensions, external materials, access arrangements, boundary treatments and landscaping for each of those utility buildings or compounds. Development shall thereafter be undertaken only in accordance with the approved details.

Reason: To ensure that the siting and external appearance of any utility compounds and buildings is acceptable in relation to the character and visual amenity of the development and the wider area, and in the interests of protecting the amenity of occupiers of neighbouring dwellings and buildings; maintaining highway safety; protecting biodiversity; protecting green infrastructure resources; and having regard to Policies EQ2, EQ4, EQ5, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. Legal Agreement

This permission shall be read in conjunction with the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between (1) Somerset Council; (2)xxxxx, and dated xxxxx 2024.

02. CIL

Please be advised that approval of this application by Somerset Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

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

You are advised to visit our website for further details Somerset CIL

(<https://www.somerset.gov.uk/planning-buildings-and-land/south-somerset-cil/>) or email cil@somerset.gov.uk

03. Birds

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

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

04. Bats

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

05. Dormice and Great Crested Newts

The developers and their contractors are reminded of the legal protection afforded to dormice and great crested newts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that either species 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. Land Drainage Act

Somerset Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.

Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

For more information, please visit

<https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-water-course/>

07. Public Rights of Way

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- o A PROW being made less convenient for continued public use.
- o New furniture being needed along a PROW.
- o Changes to the surface of a PROW being needed.
- o Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- o make a PROW less convenient for continued public use; or
- o create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

08. Allocation Certificate

The Local Planning Authority considers that condition 12 goes to the heart of the permission (by reason of being a HRA issue) and failure to discharge will result in unauthorised development at risk of enforcement and/or requiring the submission of a new application for the development.

09. Contamination

It should be noted that, with reference to the National Planning Policy Framework (December 2023) paragraph 190, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

10. Electronic Communications

The Building etc. (Amendment) (England) (No.2) Regulations 2022 (known as the "Amendment Regulations") and new requirements RA1 and RA2 to Part R in Schedule 1 to the Building Regulations has introduced new infrastructure and connectivity requirements upon developers to install the following for newly erected dwellings:

- o The gigabit-ready physical infrastructure necessary for gigabit-capable connections (ducts, chambers etc. and network termination points at each dwelling) up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to the distribution point; and

- o Subject to a £2,000 cost cap per dwelling, a functioning gigabit-capable connection (fibre optic cable or other technological means of facilitating such a connection) or where a developer is unable to secure a gigabit-capable connection within the cost cap, the next fastest technology connection available, provided this can be done without that connection also exceeding the cost cap.

In the first instance this should be a superfast broadband connection and failing that a standard public electronic communications network connection. Where a next fastest technology connection (also referred to as a 'next best' technology connection) or no connection can be secured within the cost cap, a developer must still install gigabit-ready physical infrastructure.