



Appeal Decision

Site visit made on 31 October 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/W3330/W/22/3312150

Land at Dillons Road, Creech St Michael TA3 5DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Huntworth Properties against Somerset Council.
 - The application Ref 14/22/0035, is dated 19 July 2022.
 - The development proposed is residential development of up to 7 bungalows and associated works.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 7 bungalows and associated works at land at Dillons Road, Creech St Michael, TA3 5DS in accordance with the terms of the application, Ref 14/22/0035, dated 19 July 2022, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal was submitted against the failure of Somerset West and Taunton Council to give notice of its decision within the appropriate period. Somerset Council has now taken over the functions of Somerset West and Taunton Council. Somerset Council has therefore been named in the banner header, above.
3. This appeal follows an outline application, where the only matter to be considered is access. Matters of appearance, landscaping, layout, and scale are reserved for later consideration. I have treated the details on the Proposed Site Plan¹ relating to appearance, landscaping, layout, and scale, as indicative only.
4. Access is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as, amongst other things, the accessibility to and within the site. As access is being considered in detail at this stage, this appeal decision relates to both access to the site and the internal circulation routes. For the purposes of this appeal decision, this does not however include the individual driveways to the proposed dwellings, nor the proposed pathway to the east of the appeal site shown on the Proposed Site Plan. In this regard, the Council will consider the submitted details relating to the layout of the scheme at reserved matters stage.
5. The Council submitted representations subsequent to the appellant's Final Comments. The matters referred to in those representations are not covered in evidence already received, and are directly relevant and necessary to this

¹ Drawing No. 100 (Rev. B)

decision. Hence, taking account of the advice in the Procedural Guide: Planning appeals – England, the appellant was provided with an opportunity to comment on these representations, and I have taken the Council's representations, and the appellant's comments on these, into account in my determination of this appeal.

6. Since the appeal responds to the Council not having determined the application, there is no decision notice. Nonetheless, they have stated it would have been refused. The reasons for which have informed the main issues of the appeal. Specifically, the Council has confirmed that, had the appeal not occurred, planning permission would have been refused on the grounds of a lack of a mechanism for the delivery of financial contributions towards affordable housing, public open space, a monitoring fee, and the implementation of and the appropriate management measures for the proposed nutrient neutrality scheme.
7. A planning obligation (deed dated 7 March 2023) was submitted during the appeal process. The Council have stated that the amounts proposed in a draft planning obligation relating to affordable housing and public open space are acceptable to the Council. The Council do however consider that they are unable to conclude that there will not be an adverse impact on the Somerset Levels and Moors Ramsar site (the Ramsar site) by way of an increase in nutrients resulting from the development. Additionally, the appellant has queried whether the requested off-site affordable housing contribution is justified in planning policy terms.

Main Issues

8. Considering the above, the main issues in this appeal therefore are:
 - whether the proposed development is subject to affordable housing and public open space contributions, and if so, whether these contributions have been secured; and
 - the effect of the proposed development on habitats sites, with particular regard to nutrient neutrality for the Ramsar site.

Reasons

Affordable housing & public open space

9. Paragraph 64 of the National Planning Policy Framework (the Framework) provides that, amongst other things, provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Designated rural areas are defined in the Framework, and encompass, in addition to National Parks and Areas of Outstanding Natural Beauty² which the site does not fall within, areas designated as 'rural' under s157 of the Housing Act 1985. Similar advice is given in the Planning Practice Guidance³ (PPG).
10. The evidence before me does not confirm that the site has been designated as a rural area under the Housing Act 1985. The Council have pointed to a 'TDBC Council Decision June 2016' document, which the Council says states that in

² Since 22 November 2023 Areas of Outstanding Natural Beauty are known as National Landscapes.

³ Paragraph 23b-023-20190901

Designated Rural Areas (including Creech St Michael) a financial contribution in lieu of affordable housing will be sought for developments of 6 - 10 units, but no copy of that document has been provided.

11. Nevertheless, Policy CP4 of the Adopted Taunton Deane Core Strategy 2011 – 2028: Development Plan Document (adopted 2012) (Core Strategy) provides that, amongst other things, affordable housing contributions will be sought on sites of 5 or more dwellings. Similarly, the Affordable Housing Supplementary Planning Document (SPD) provides that, amongst other things, affordable housing will be sought on sites of 5 or more net additional dwellings, and that affordable housing may be secured via on-site or off-site affordable housing provision, whether provided in-kind or an equivalent financial contribution.
12. Paragraphs 3.62 to 3.66 of the Core Strategy sets out a clear rationale for the required number of affordable housing units over the plan period in order to achieve tenure balance, which, as required by Policy CP4, helps to contribute towards the creation of sustainable, mixed communities. Given the stated aims of Policy CP4, and the rationale provided in its supporting text, the provision of affordable housing is clearly required across the district.
13. Moreover, the SPD is an adopted document, and the SPD highlights that the affordable housing contribution would be used by the Council for (amongst other things) funding the provision of new affordable housing through Registered Providers and purchasing land for new affordable housing schemes.
14. Taking all of the above into account, based on the evidence before me, the Framework and the PPG, whilst being material considerations, do not outweigh the requirements of the development plan. In this regard, it is common ground between the main parties that the relevant measures contained in the submitted planning obligation provide the necessary amount of financial contribution for affordable housing and public open space, and I have no substantive evidence to indicate otherwise.
15. I therefore consider that these measures in this unilateral undertaking relating to affordable housing and public open space are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development and that they would comply with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), so far as is relevant to this unilateral undertaking, and the tests for planning obligations set out in the Framework.
16. For the reasons given above, the proposed development would comply with Policies CP4, CP5 and CP7 of the Core Strategy, which collectively provide that, amongst other things, new housing should help to contribute towards the creation of sustainable, mixed communities, and with Policy C2 of the Taunton Deane Adopted Site Allocations and Development Management Plan (adopted 2016) which provides that, amongst other things, the Council will seek to ensure that increased demand for recreational open space arising from new residential development responds to the relevant standards.

Nutrient neutrality

17. The Council has raised concerns that the proposed development would adversely impact upon the Ramsar site, by adding to the concentration of phosphates in the area, which are already excessive. In this regard, the

appellant has put forward a mechanism for securing the implementation of, and management measures for, a proposed nutrient neutrality scheme. It is proposed to offset the phosphate surplus arising from the proposed development by installing a Klargester Biodisc Package Treatment Plant with phosphate dosing at the site.

18. I am required to undertake an Appropriate Assessment in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). Regulation 63(3) of the Habitats Regulations provides that the competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.
19. Accordingly, in relation to nutrient neutrality, and considering the submitted letter from RMA Environmental (dated 22 February 2023) and the submitted planning obligation, Natural England's advice was sought as to whether or not their concerns (set out in Natural England's correspondence of October 2022) have been overcome. A response from Natural England was received, confirming that Natural England is content that the concerns previously raised have been addressed and that Natural England has no objections, subject to the mitigation being secured.
20. The main parties were provided with an opportunity to comment on Natural England's representations. No comments were received from either main party. I have not been provided with substantive evidence which might cast doubt on Natural England's assurances that the proposed nutrient neutrality scheme would achieve its aims. The evidence therefore shows that the proposed development would achieve nutrient neutrality, thereby avoiding adverse effects on the Ramsar site.
21. In concluding this Appropriate Assessment, I therefore find that there would not be adverse effects on the Ramsar site with particular regard to the concentration of phosphates in the area arising from the proposed development when considered in combination with other development. It follows that the proposal would comply with the Habitats Regulations and s40 of the Natural Environment and Rural Communities Act 2006 (as amended).
22. I therefore consider that these measures in this unilateral undertaking relating to nutrient neutrality are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development and that they would comply with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), so far as is relevant to this unilateral undertaking, and the tests for planning obligations set out in the Framework.
23. For the reasons given above, the proposed development would comply with Policies CP8 and DM1 of the Core Strategy which collectively provide that, amongst other things, the Council will conserve and enhance the natural environment. It would also comply with chapter 15 of the Framework, which seeks to conserve and enhance the natural environment.

Other Matters

24. The site is located outside of the settlement boundary for Creech St Michael. Policy DM2 of the Core Strategy, which relates to development in the

countryside, provides a list of uses which will be supported in such areas. Whilst housing development is not listed amongst the uses listed in Policy DM2, equally that policy does not mandate that housing development in the countryside should be refused.

25. Rather, Policy CP8 of the Core Strategy, which also does not prohibit suitable development in the countryside, provides that, amongst other things, development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. Policy CP8 sets out a number of criteria which must be met for development outside of settlement boundaries to be permitted.
26. In other words, despite the fact that the site is outside of the settlement boundary, none of the above-mentioned policies direct that planning permission should be refused as a matter of course. This was illustrated in appeal decision Ref APP/D3315/W/17/3179264, where the Inspector found that, although the site was situated outside the settlement boundary, this factor did not weigh against the proposal where no actual conflict was found with Policies DM2 and CP8 of the Core Strategy.
27. With respect to the 1st and 7th bullet point of Policy CP8, which together refer to Ramsar sites and any necessary mitigation measures, following my findings on the second main issue above, I consider that the combination of planning conditions and the submitted planning obligation would be sufficient to ensure that the natural environment (including relevant protected species and habitats) are safeguarded.
28. With respect to the 2nd bullet point of Policy CP8, which requires development to be appropriate in terms of scale, siting and design, and the 4th bullet point of Policy CP8 which requires development to protect, conserve or enhance the interests of natural and historic assets, as layout and scale are reserved matters, the Council would have scope to ensure that any issues relating to the living conditions of nearby residents with respect to overlooking and loss of privacy are minimised, including for residents on Dillons Road and Ryesland Way. The Council would also be able to ensure that the barn owl nesting box, present on the garage gable end of 36 Dillons Road, would not be obstructed, if required.
29. With respect to the 3rd bullet point of Policy CP8, which requires development to protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements, given the limited quantum of dwellings proposed and the size of the site in comparison to this amount of dwellings, and that the proposed development would not meaningfully reduce the break between Dillons Road and settlements further afield, I do not doubt that a successful scheme could be put forward at reserved matters stage in relation to these matters. Although it has been stated that local services and facilities are presently oversubscribed, as the proposed development relates to up to 7 dwellings only, any impact in this regard would be limited.
30. The proposed dwellings would have direct access from Dillons Road for vehicles and pedestrians. Hence, although the length of the existing cul-de-sac would be extended, a private estate would not be created. Given the limited number of dwellings proposed and the location of the site being directly to the east of

existing residential development, the character of the local area would not be significantly altered.

31. The appeal scheme would not alter the fact that Dillons Road does not have street lighting. As appearance is a reserved matter, the presence of lighting within the proposed development site would be a matter for the Council to consider at reserved matters stage.
32. A condition could be imposed requiring a Construction Method Statement to be approved in writing, thereby ensuring that the Council would be able to ensure that the living conditions of the occupiers of nearby properties would be safeguarded with respect to noise and disturbance during the construction period for the proposed development. Similarly, as layout is a reserved matter, the Council would be able to ensure that the proposed dwellings are appropriately sited to minimise disturbance in these respects over the lifetime of the proposed development.
33. With respect to the 5th bullet point of Policy CP8, which requires development to not exacerbate, and where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water), the site is situated within Flood Zone 1, and accordingly has a low probability of river or sea flooding. The Flood Risk Assessment and Drainage Strategy⁴ proposes that an attenuation basin could be installed, which would discharge into the watercourse to the north of the site. Although the location put forward in that strategy is outside the red line boundary of the site, it lies within an area of land which is within the ownership of the appellant. Hence, a planning condition could be imposed requiring details of a surface water drainage scheme to be approved in writing by the Local Planning Authority.
34. With respect to the 6th bullet point of Policy CP8, which requires development to protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area, although mention has been made of the site being home to or frequented by various wildlife (including deer, hedgehogs, field mice, sheep, horses, birds of prey, and foxes) few details have been provided from interested parties to demonstrate the amount and frequency for which the site is used by the same.
35. In these circumstances, given the evidence before me which includes a detailed survey of the site (undertaken as part of the Ecological Impact Assessment⁵), it would be appropriate for a condition to be imposed requiring a Landscape and Ecological Management Plan (LEMP) to be approved in writing by the Local Planning Authority. As this would include a detailed species list, I am satisfied that the concerns raised by Creech St Michael Parish Council in relation to the timing of the site walkover mentioned in the Ecological Impact Assessment, which was conducted during the month of September, would be addressed. As the proposed dwellings would be located away from the stream to the north of the site, the safety and well-being of any otters near that area could be secured by their inclusion in a species list within any LEMP.
36. As Dillons Road is a cul-de-sac, to gain access to the site vehicles will need to use the existing junction between St Michael Road / North End and Dillons Road. St Michael Road / North End is subject to a 20mph speed limit near to

⁴ Flood Risk Assessment and Drainage Strategy (RMA Environmental Limited) (July 2022)

⁵ Ecological Impact Assessment (GE Consulting) (August 2022)

Dillons Road, and several traffic calming measures are present along it near the junction with Dillons Road. Visibility is constrained when exiting Dillons Road onto St Michael Road / North End and looking towards the right, due to the presence of a wall and hedge pertaining to Dillons House. Nevertheless, the Transport Statement⁶ demonstrates that adequate visibility displays are achievable at this junction, and that no recorded personal injury collisions have been recorded between 1999 to 2021 (inclusive).

37. I observed that the footpath between 22 and 24 Dillons Road is signposted as being private with no public right of way. Hence, this footpath would not be available for use by the future residents of the proposed development.
38. To access the centre of the village on foot the future residents would be required to cross St Michael Road / North End to use the footway on the west side of St Michael Road / North End. As mentioned above, visibility is somewhat restricted at this junction due to the presence of a wall and hedge pertaining to Dillons House. Nevertheless, considering the 20mph speed limit in place, the presence of traffic calming measures in the vicinity, and that the proposed development would not be restricted to occupation by older people only, I am satisfied that the proposed development would not cause undue risks with respect to pedestrian safety.
39. The Vehicle Swept Path Analysis⁷ provided in the Transport Statement shows that a large refuse vehicle would need to pass onto the opposite side of the road when arriving and departing the main part of the field. Even so, based on this illustrative layout, this manoeuvre would only be required over a brief part of the route, and given that in all likelihood refuse vehicles would only be accessing the site once per week, an unacceptable impact on highway safety (including in relation to pedestrians and cyclists) would not arise. In any event, as layout is a reserved matter and further details of the access arrangements can be confirmed at reserved matters stage, the Council would have scope to ensure that any adverse impacts in this regard are minimised as far as possible.
40. In these circumstances, and taking account of the fact that the proposed development of up to 7 houses would be unlikely to result in a significant uplift in vehicle movements or pedestrians traversing the existing junction between St Michael Road / North End and Dillons Road, I consider that the proposed development would not be likely to result in an unacceptable impact on highway safety, which paragraph 111 of the Framework sets as the threshold for development to be prevented or refused on highways grounds.
41. Moreover, whilst I note the reference to a recent traffic study which highlights that there are on average 5,500 vehicles a day passing through the village, the maximum amount of 7 new dwellings proposed would not be likely to result in such a significant uplift in terms of traffic generation that the proposed development would result in severe residual cumulative impacts on the road network, with respect to paragraph 111 of the Framework, nor any undue noise and disturbance arising from the presence of this limited number of new dwellings, even taking account of the likelihood of a minimum of 2 cars per dwelling.

⁶ Transport Statement (Bellamy Transport Consultancy Ltd) (June 2022)

⁷ Vehicle Swept Path Analysis of a Large 3-Axle Refuse Vehicle (Drawing No. SPA-01) (Rev. P2)

Planning Balance

42. I have found the proposal to be acceptable in relation to both of the main issues. It follows from my reasoning in relation to the other matters above that none of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. In these circumstances, where the development plan is up-to-date, paragraph 11 c) of the Framework advises that planning permission should be granted without delay.
43. The main parties are in dispute as to whether the Council can demonstrate a 5-year supply of deliverable housing sites. However, I have found above that the proposed development would comply with the adopted development plan. If it were the case that the Council could not demonstrate a 5-year supply of deliverable housing sites, this would be a positive factor which would provide additional support for the proposed development.
44. Reference has been made to various brownfield development sites located within defined settlement boundaries in the Local Planning Authority's area. This is noted, but I must determine this appeal on the basis of the scheme before me, which for the reasons given above has been found to be acceptable. Furthermore, any future planning applications would be decided on their own merits. Therefore, the proposed development would not set a precedent.

Conditions

45. I have had regard to the conditions suggested by the Council and other interested parties, including Creech St Michael Parish Council and local residents. I have considered them against the advice on conditions set out in the Framework and the PPG.

Conditions imposed

46. As the application was made in outline, it is necessary for details of the reserved matters to be submitted to and approved in writing by the Local Planning Authority (condition 1). Given the scope of access under consideration in this appeal decision, described at paragraph 4 above, it is necessary for a condition to be imposed specifying that the details relating to the reserved matter of layout shall include the individual driveways and car parking provision for each dwelling hereby permitted (condition 2). As the Crime Prevention Design Advisor has recommended that the proposed pathway to the east of the site should be excluded from the proposed scheme, I have not imposed a mandatory requirement that it should be included as part of the details to be submitted at reserved matters stage.
47. To provide a time limit for the commencement of development, it is necessary for conditions to be imposed specifying that the application for approval of the reserved matters shall be made not later than 3 years from the date of the permission (condition 3), and that the development shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved (condition 4). In relation to these conditions, I have adopted the relevant timescales as set out in s92 of the Town and Country Planning Act 1990 (as amended).
48. A condition is necessary, in the interests of clarity and enforceability, setting out the approved plans (condition 5).

49. A condition is necessary, restricting the number of dwellings which may be built on site to a maximum of 7, to ensure that the as-built development reflects the quantum of development proposed (condition 6).
50. The Highways Authority have requested further details of the proposed access, including in relation to access for agricultural / maintenance vehicles and further swept path analysis drawings to demonstrate that the largest refuse vehicles will be able to enter, turn and leave the site in forward gear. As the approval of these details by the Local Planning Authority will assist in ensuring that the proposed development has an acceptable effect on highway safety, I have imposed a condition relating to this matter (condition 7).
51. A condition is necessary, requiring details of a surface water drainage scheme to be approved in writing by the Local Planning Authority, to ensure that flood risk is not increased off-site (condition 8).
52. A condition is necessary, requiring a Construction Method Statement to be approved in writing by the Local Planning Authority, to protect the living conditions of nearby residents (including in relation to noise and disturbance arising from the construction period), and in the interests of highway safety (condition 9).
53. The details to be provided within the Construction Method Statement would be sufficient to limit noise and vibration levels to that appropriate to the residential area. In accordance with section 5.1 of the submitted Ecological Impact Assessment, the Construction Method Statement also requires details of construction-period airborne and waterborne pollution prevention measures to be specified. The Construction Method Statement will specify details of the parking arrangements for vehicles of site operatives and others, but given that large-scale construction works will not take place for this proposed development of up to 7 dwellings only, it is not necessary for the parking areas for construction vehicles to be patrolled.
54. A condition is necessary, requiring a survey of the condition of the adopted highway to be approved by the Local Planning Authority, to ensure that any damage during the construction period is remedied by the developer (condition 10).
55. A condition is necessary, requiring a Landscape and Ecological Management Plan to be approved in writing by the Local Planning Authority, to ensure that the proposed development achieves a net gain for biodiversity and that appropriate measures to manage relevant species (including otters) are evaluated, to ensure that the proposed development contributes to the enhancement of the natural environment in accordance with Policy CP8 of the Core Strategy (condition 11).
56. A condition is necessary, requiring a survey for badger setts, to ensure that badgers are not harmed by the proposed development (condition 12).
57. To cover the eventuality that the proposed development could involve the removal of hedgerow on site, it is necessary for a condition to be imposed setting out the procedures for vegetative clearance, to avoid harm to any dormice which might be present within the hedgerow (condition 13).
58. A condition is necessary, controlling the removal of trees and vegetation, to protect nesting wild birds which may be present on site (condition 14).

59. A condition is necessary, requiring any vegetation in the construction area to be cut to a specified height, in the interests of avoiding harm to protected species (condition 15).
60. A condition is necessary, restricting the timings for construction works and requiring that a lighting design for bats be submitted to and approved in writing by the Local Planning Authority, to minimise the impact of the proposed development on commuting and foraging habitat for bats (condition 16).
61. A condition is necessary, detailing the provision of covered cycle and electric vehicle charging points to be submitted to the Local Planning Authority, in the interests of promoting sustainable transport (condition 17).
62. A condition is necessary, requiring that the proposed roads shall be constructed to ensure that the dwellings shall be served by a properly consolidated and surfaced footpath and carriageway, in the interests of highway and pedestrian safety (condition 18).

Conditions not imposed

63. As scale is a reserved matter, the Council will consider the height of the proposed dwellings, including in relation to nearby properties on Ryesland Way and Dillons Road, at reserved matters stage. Therefore, a condition is not necessary regarding this matter. Similarly, as appearance and scale are reserved matters, the Council will have the option of considering at reserved matters stage whether permitted development rights would need to be withdrawn with respect to the proposed dwellings.
64. Given my findings above with respect to highway safety, there is no requirement for a planning condition to be imposed in relation to the provision of a speed table for nearby roads, or improvements to the junction between St Michael Road / North End and Dillons Road, or for a crossing point on St Michael Road.
65. I note the aspiration that the proposed development would provide dwellings which would be particularly suitable for older people, including those wishing to down-size. However, I have not been referred to any particular planning policy which might indicate that the proposed development would be objectionable if it were permitted on an unconstrained basis. Hence, it is not necessary for a condition to be imposed restricting the occupancy of the proposed bungalows to a particular age group, or that local retired residents are given first preference of purchase. Similarly, as scale is to be considered at reserved matters stage, the size of the proposed bungalows is reserved for later consideration by the Council.
66. The Council's Rights of Way Officer has suggested wording for an informative note relating to the public right of way which runs adjacent to the site. However, the PPG advises that informative notes do not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes⁸. Given the scope of access under consideration in this appeal decision, described at paragraph 4 above, it is not necessary for a condition to be imposed either in relation to removing the proposed pathway to the east of the site, or in relation any adoption agreement in relation to public footpath T 10/9.

⁸ Paragraph 21a-026-20140306

Conclusion

67. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

Conditions Schedule

Reserved matters & time limit for commencement of development

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) The details relating to the reserved matter of layout shall include the individual driveways and car parking provision for each dwelling hereby permitted.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Details & drawings subject to which the outline planning permission is granted

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to access only: Existing Location Plan (Drawing No. 001), Proposed Site Plan (Drawing No. 100 (Rev. B)), except in respect of the individual driveways to each dwelling hereby permitted and the pathway to the east of the site shown on the Proposed Site Plan (Drawing No. 100 (Rev. B)).
- 6) No more than 7 bungalows and associated works are hereby permitted on site.

Pre-commencement conditions

- 7) The details of the proposed access, as indicated on the Proposed Site Plan (Drawing No. 100 (Rev. B)), shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The access shall be constructed in accordance with the agreed details and shall be available for use prior to the first occupation of any dwelling hereby permitted on site.
- 8) No development shall be commenced until details of a surface water drainage scheme based on sustainable drainage principles together with 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. The drainage strategy shall ensure that surface water runoff post-development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Method Statement shall provide for:
 - a. 24 hour emergency contact number;
 - b. construction operation hours;

- c. expected number of construction vehicles per day;
- d. construction vehicle movements;
- e. construction vehicular routes to and from the site;
- f. arrangements for turning vehicles;
- g. construction delivery hours;
- h. locations for loading / unloading and storage of plant, waste and construction materials;
- i. arrangements to receive abnormal loads or unusually large vehicles;
- j. measures to protect vulnerable road users (including cyclists and pedestrians);
- k. parking for vehicles of site operatives, visitors, and contractors (including measures taken to ensure satisfactory access and movement for existing occupiers of nearby properties during the construction period for the development);
- l. any necessary temporary traffic management measures;
- m. methods to limit noise and vibration to levels appropriate to the residential context;
- n. methods to ensure compliance with the noise and vibration levels specified;
- o. methods of preventing mud from being carried onto the highway;
- p. methods of cleaning the highway in the event that mud / dirt from construction operations congregates on the highway;
- q. methods of communicating the Construction Method Statement to staff, visitors and nearby residents and businesses;
- r. specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice (including construction-period airborne and waterborne pollution prevention measures);
- s. a scheme to encourage the use of public transport and car sharing amongst site operatives and contractors; and
- t. measures to avoid traffic congestion impacting upon the Strategic Road Network.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10) No development shall take place (including investigation work, demolition, or siting of site compound / welfare facilities) until a survey of the condition of the adopted highway has been submitted to, and approved in writing by, the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
- a. A plan to a scale of 1:1000 showing the location of all defects identified; and
 - b. A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

- 11) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The LEMP shall detail the delivery of

enhancements to deliver biodiversity net gain as proposed in section 7 of the Ecological Impact Assessment (GE Consulting) (August 2022) and shall include the following:

- a. Description and evaluation of features to be managed, including a detailed species list (including, amongst others, otters);
- b. Ecological trends and constraints on site that might influence management;
- c. Aims and objectives of management;
- d. Appropriate management options for achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period);
- g. Details of the body or organisation responsible for implementation of the plan;
- h. Details of refuge type, hibernacula design and location of all enhancements; and
- i. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and / or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details.

Photographs of the installed features shall also be submitted to the Local Planning Authority prior to the first occupation of any dwelling hereby permitted on site, which shall include: One integrated bird box per building; One integrated bat box per building; One bee brick per building; 2 hibernacula should be created within suitable areas of long grassland around the retained and enhanced margins to enhance the site for reptiles, invertebrates and amphibians.

Pre-vegetative clearance & pre-groundworks condition

- 12) Within the period of 6 weeks prior to the commencement of vegetative clearance or groundworks, a survey for badger setts shall be carried out by a competent ecologist. The results of these surveys shall be reported to the Local Planning Authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required a copy shall be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing. Good practice construction measures to ensure badgers are either unable to access the construction site or cannot become trapped in excavations (for example, through covering up at night or inserting an 'escape ramp') shall be applied on site during the construction period.

Vegetative clearance conditions

- 13) Prior to any works, including groundworks, commencing on site, vegetative clearance shall be carried out in strict accordance with the following procedures, either:
- a. Between April and August in any year, a licensed dormouse ecologist shall check the site for nests immediately before clearance. If there are no nests, then the hedgerow can be removed. If present, the removal shall proceed either as per b) or c) below. The results shall be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week of the inspection; or
 - b. In September or October when dormice are still active, but avoiding the breeding and hibernation seasons, a licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using handheld tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per procedure c). The results shall be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or
 - c. Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist, the hedgerow, scrub and / or trees shall be cut down to a height of 30 centimetres above ground level using hand tools only. The remaining stumps and roots shall be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance shall be permitted between June and September inclusive in any year when females have dependent young. Written confirmation of the operations shall be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work.

- 14) No removal of habitat suitable for nesting birds (for example, hedgerows, trees, shrubs, or scrub), shall take place between 1st March and 31st August inclusive in any year, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the 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 shall be submitted to the Local Planning Authority by the ecologist, accompanied by dated photographs showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.
- 15) Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brashings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming / killing / disturbing any amphibians or reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October in any year under the supervision of a competent licensed (Great

Crested Newt) ecologist. Once cut, vegetation should be maintained at a height of less than 10 centimetres for the duration of the construction period. Any features such as rubble / brash piles which potentially afford resting places for amphibians and reptiles shall be dismantled by hand by a competent licensed ecologist. The hedgerow base (roots) must be checked prior to removal by a suitably qualified and licensed ecologist. The ecologist should also supervise the removal of this habitat. Removal of rubble piles / brash / hedgerow bases must take place between March and October in any year, during the active period for reptiles and amphibians, to avoid killing / injury / disturbance of any hibernating animals. Any individuals found should be translocated to a location agreed with the Local Planning Authority prior to works commencing on site. A letter confirming these operations and any findings shall be submitted to the Local Planning Authority by the ecologist responsible. Should Great Crested Newts be encountered, works must stop immediately and a licence be secured from the appropriate authority.

Initial construction period condition

16) In line with the recommendations from Natural England, the following procedures must be followed:

- a. Between 1st April and 31st October inclusive in any year works during the construction period shall start no earlier than 30 minutes after sunrise and shall finish no later than 30 minutes prior to sunset. No site lighting is to be left on overnight. Noise disturbance should also be kept to a minimum during this time.
- b. Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to, and approved in writing by, the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on adjacent suitable habitat (for example, hedgerows and proposed neutral grassland). All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Pre-occupancy conditions

- 17) Prior to the first occupation of any dwelling hereby permitted on site, a scheme detailing the provision of covered cycle and electric vehicle charging points (to be provided through driveways, garages or shared charging points as appropriate to each dwelling hereby permitted) shall be submitted to, and approved in writing by, the Local Planning Authority. Access to the covered cycle and electric vehicle charging points shall be made available at all times.
- 18) The proposed road(s), including footpaths and turning spaces where applicable, shall be constructed in such a manner so as to ensure that any dwelling hereby permitted on site before it is first occupied shall be served by a properly

consolidated and surfaced footpath and carriageway to at least base course level between any dwelling hereby permitted on site and the existing highway.

End of Conditions Schedule