



Appeal Decision

Site visit made on 14 May 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/E3335/W/23/3324775

Land off Broadway Hill, Horton, Ilminster, Somerset TA19 9QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Galion Ltd against the decision of Somerset Council.
 - The application Ref is 20/03277/FUL.
 - The development proposed is construction of 49 dwellings and formation of vehicular access.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 49 dwellings and formation of vehicular access at Land off Broadway Hill, Horton, Ilminster, Somerset TA19 9QU in accordance with the terms of the application, Ref 20/03277/FUL, subject to the conditions in the attached Schedule.

Applications for costs

2. An application for costs was made by Galion Ltd against Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In the interest of clarity, I have taken the post code from the appeal form as it was not provided on the planning application form.
4. The description of the proposal on the planning application form relates to fifty dwellings. However, I have been provided with correspondence which refers to a change in the description to forty nine dwellings and this is reflected in the Decision Notice issued by the Council and on the Appeal Form. Given that the plans before me indicate forty nine dwellings, I have proceeded to determine the appeal on that basis.
5. The Council have confirmed that it resolved to approve an amended scheme for 49 dwellings at the appeal site on 26 March 2024¹ ('amended scheme'). However, I have not received correspondence indicating that the Council no longer wish to pursue the reasons for refusal in this appeal and accordingly, I have proceeded to determine the appeal.

Main Issues

6. The main issues in this appeal are:

¹ LPA Ref: 23/01649/FUL

- Whether the appeal site is a suitable location for the appeal scheme having regard to the spatial strategy for housing in the development plan;
- The effect of the proposed development on the character and appearance of the area;
- Whether the appeal scheme delivers social and community infrastructure; and
- The effect of the proposed development on the integrity of the Somerset Levels & Moors Special Protection Area and Ramsar site.

Reasons

Location

7. Policy SS1 of the South Somerset Local Plan 2006-2028, adopted March 2015 (LP) sets out the development strategy in the plan area. It steers development towards Yeovil, a Strategically Significant Town followed by the Market Towns and then Rural Centres. Horton does not fall into any of these settlements. It is considered to be a Rural Settlement² within the countryside to which national countryside protection policies apply and a presumption against development unless key sustainability criteria can be met.
8. Policy SS2 of the LP only permits housing development in Rural Settlements that have access to two or more key services. There is no dispute between the main parties that as a Rural Settlement, Horton has access to two or more key services, including a post office, play area, village hall, public house and a faith facility and that in this respect, no conflict with Policy SS2 of the LP would arise.
9. Policy SS2 confirms that development in Rural Settlements will be strictly controlled and limited to that which provides employment opportunities appropriate to the scale of the settlement; and/or creates or enhances community facilities and services to serve the settlement; and/or meets identified housing need, particularly for affordable housing.
10. Whilst there would be some increased patronage of local facilities and jobs during the construction phase, the proposal itself does not provide employment opportunities of the type set out in the supporting text to Policy SS2³. Equally, the proposal includes some increased provision of open space but this would primarily serve the residents of the proposed development rather than being the creation or enhancement of community facilities and services. I therefore turn to whether the proposal meets an identified housing need.
11. There appears to be no dispute between the parties that the Council cannot demonstrate a five year housing land supply and there is a district wide need for 3,377 affordable homes over the plan period. Whilst the provision of 49 dwellings including 17 affordable homes would contribute towards that need, it is clear from the supporting text to Policy SS2 that housing in Rural Settlements should meet an identified local need⁴. I have not been provided with any substantive evidence, such as a Housing Needs Assessment which

² Paragraph 5.11 of the South Somerset Local Plan 2006-2028

³ Paragraphs 5.35 – 5.37 of the South Somerset Local Plan 2006-2028

⁴ Paragraph 5.44 of the South Somerset Local Plan 2006-2028

indicates that the appeal proposal would do this. This would also conflict with the requirement in Policy SS2 to meet an identified housing need.

12. The Council's case however, centres on the second criteria in Policy SS2 which requires that development is commensurate with the scale of the settlement and increases the sustainability of a settlement in general. The supporting text⁵ to Policy SS2 of the LP indicates that the scale of growth in Rural Settlements needs to be consistent with the spatial strategy and that the size, role, function, local priorities and constraints of the settlement will be factors in determining the appropriate level of growth in a particular Rural Settlement.
13. The Council's Statement of Case provides details of housing completions and commitments for the neighbouring village of Broadway. However, I saw at my site visit that Broadway contains its own key services as set out in Policy SS2, including a primary school, village hall and public house. I also saw that it was a geographically separate settlement from Horton. Policy SS2 of the LP does not require that the level of development in one Rural Settlement is a factor which should determine the appropriate level of growth in another. Consequently, I see no reason why the delivery of homes in Broadway should be combined with that in Horton in considering whether the appeal proposal is commensurate with the scale and character of Horton.
14. The Council say that 42 dwellings have been delivered in the parish of Horton during the plan period. There are commitments for a further six dwellings and together with the appeal proposal, this would double the number of new dwellings provided in Horton.
15. The occupiers of those properties would need access to essential everyday services. This would be likely to increase footfall to those key services which already exist in Horton. There is no substantive evidence before me that the number of dwellings proposed would overwhelm local services such as school and health facilities. Indeed, the consultation responses from the NHS and education authority indicate that there is capacity at nearby surgeries and the closest primary school.
16. However, notwithstanding the increase in people working from home and home shopping deliveries, future occupiers of the proposed dwellings would need to travel further afield to access services and facilities such as employment, education, medical facilities and supermarkets in larger centres.
17. The appellant's Transport Statement concludes that as well as being accessible by foot to Broadway, cycling opportunities link Horton to the Primary Market Towns of Ilminster and Chard and there is a bus service operating from a bus stop around 200m from the appeal site. However, the bus service is limited to one per day and would not provide a realistic alternative to the car. There are no dedicated cycle routes from the appeal site. This would limit the appeal of cycling particularly in inclement weather and the dark. I therefore find that residents of the proposed dwellings would be reliant on the private car to access those services not provided for in Horton.
18. Given the number of new dwellings proposed, I conclude that the scale of the proposal is not commensurate with the level of service provision within Horton. This would require an increased number of trips to Rural Centres, Market

⁵ Paragraphs 5.29 and 5.30 of the South Somerset Local Plan 2006-2028

Towns and Yeovil and despite some limited benefit to existing services in Horton, it would not increase the sustainability of the settlement generally, as required by Policy SS2 of the LP.

19. Policy SS2 also requires that proposals should generally have the support of the local community, following robust engagement and consultation. Taking into the account the number of representations received from interested parties, I find the proposal also conflicts with Policy SS2 in this regard.
20. Taking the above points together, I find that the appeal proposal would not meet the limitations set out in Policy SS2 of the LP in terms of meeting an identified local need for housing commensurate with the scale of the settlement. The proposal would introduce new housing into the countryside in a way which would not adhere to the distribution of development policies of the development plan including Policies SS1 and SS2. This would undermine the planned approach to the distribution of development and be harmful, given the public interest in having a genuinely plan led system that provides consistency and direction.

Character and Appearance

21. The Council's third reason for refusal relates to the layout and orientation of dwellings close to the proposed site access. However, the Council have consulted on an amended layout as part of the 'amended scheme' and those drawings have been provided as part of the appeal submissions. Given that interested parties have had an opportunity to see and comment on the proposals, I am satisfied, in applying the 'Wheatcroft Principles', that I am able to accept the amended plans and details and determine the appeal on that basis.
22. Horton is a settlement with a mix of house types, styles, sizes and materials. There are older properties which tend to be close knit and located close to the back edge of the roadway. Other properties are orientated perpendicular to the road interspersed with twentieth century suburban type development and bungalows. Properties vary in size and there is a mixed materials palette.
23. The submitted drawings indicate that plot 4 would be orientated to face Broadway Hill with plots 1-3 set further back into the site to follow the informal building line of existing properties along Broadway Hill. This, together with the provision of hipped roofs to some plots would more authentically reflect the style, design and siting of existing development in the settlement. I therefore find no conflict with Policy EQ2 of the LP which requires development to reinforce local distinctiveness and respect local context.

Infrastructure Provision

24. Policy SS6 of the LP sets out that the Council will secure the necessary provision of, or financial contributions towards, affordable housing and other social, physical and environmental infrastructure and community benefits through planning obligations. In doing so, they will have regard to the scale of the development, the capacity of existing infrastructure and the impact of the proposed development on the surrounding area.
25. At the time the Council determined the planning application, a planning obligation to secure affordable housing, other infrastructure and community

- benefits and nutrient neutrality was not before them. However, the Council have confirmed that if one was subsequently provided, they would not seek to defend their second reason for refusal.
26. Two signed planning obligations were submitted during the appeal. One sought to secure on-site provision of affordable housing and open space and the implementation of a Travel Plan together with financial contributions towards the provision of sport, youth and play facilities in the settlement and secondary education facilities. The second sought to mitigate the effects of the development on protected habitats which I will deal with later in this decision.
 27. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 requires that if planning obligations are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
 28. Turning to the provision of affordable housing, Policy HG3 requires that in residential scheme of six dwellings or more, 35% on-site affordable housing shall be provided with at least 25% of those units being First Homes. I am therefore satisfied that the requirement for 17 affordable dwellings with 5 being First Homes is necessary to ensure compliance with the development plan.
 29. As the proposal would have a direct impact on the demand for school places, and the secondary provision at Holyrood Academy is at capacity, mitigation is required. Contributions have therefore been sought towards the cost of a new extension to the school. The level of contribution has been calculated based on the current cost to build and the number of pupils generated by the proposed development. The contribution sought is directly linked to the development, reasonably related in scale to it and necessary to making it acceptable in planning terms.
 30. Policy HW1 states that where new housing development generates a need for additional open space, playing space, sports, cultural or community facilities this will be required to be provided either on-site or may be required to form part of a contribution towards off-site provision of either new or improved facilities. As the occupiers of the proposed development would need access to adequate recreation, the provision of on-site open space and financial contributions towards the provision of sport, youth and play facilities in the settlement would be directly related and necessary to make the development acceptable in planning terms.
 31. The provision and implementation of a Travel Plan stems from the development and the need to mitigate the impact on the surrounding highways network and to ensure that future occupiers have a choice of means of travel. I am satisfied that this requirement is fair, reasonable and necessary to mitigate the impacts of the development.
 32. As the legal agreement would secure the necessary infrastructure to support the development, I am satisfied that the Council's second reason for refusal is addressed and no conflict with Policies SS6, HG3 and HW1 of the LP which seek to ensure that the effects of new development are adequately mitigated, would arise.

Habitats

33. The submissions indicate that the appeal site is located within the hydrological catchment of the Somerset Levels and Moors Ramsar and Special Protection Area (SPA). While the SPA is designated for its international waterbird communities, the Ramsar Site is designated for its internationally important wetland features including the floristic and invertebrate diversity and species of its ditches.
34. Recreational disturbance and air quality impacts are unlikely to arise due to the distance of the appeal site from the Ramsar and SPA. In relation to the SPA, Natural England are satisfied that additional nutrients from new residential units are unlikely, either alone or in combination, to have a likely significant effect on the internationally important overwintering bird species for which the site is designated.
35. However, the interest features of the Ramsar are considered unfavourable, or at risk, from the effects of excessive phosphates largely derived from the discharge from wastewater treatment works (WWTW). The proposed development would generate surface water run-off and wastewater effluent which would be discharged via the WWTW in Broadway into the Parratt River, Ding River and River Isle. This would result in increased phosphate loading within the hydrological catchment of the Ramsar leading to a likely significant effect upon the wetland features of the Ramsar either on its own or cumulatively with other similar development, without avoidance measures. As the competent authority, I am required to carry out an Appropriate Assessment pursuant to the Habitat Regulations. I have consulted Natural England accordingly.
36. Calculations provided by the appellant indicate that the proposed development will increase phosphate loading in the area by 29.17kg of phosphates per year (kgP/yr) under current permitted discharge levels including 20% budget). This would reduce to 3.71kgP/yr after the completion of the improvements to the Broadway WWTW set out in the Asset Management Programme which will be completed by the end of 2024. That calculation is premised on water usage being limited to 110 litres per person per day.
37. A planning obligation has been submitted to secure the necessary mitigation which includes temporarily fallowing 52.213 hectares of productive agricultural land within the same river catchment area until the Broadway WWTW has been upgraded and thereafter planting 6.68 hectares of permanent woodland. Subject to the imposition of a condition relating to water usage, Natural England confirm that as a result, the proposal would not result in adverse effects on the integrity of the Ramsar.
38. On this basis, the planning obligation is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The obligation therefore meets the tests of the Community Infrastructure Levy Regulations 2010, as amended, and the Framework. The development can therefore proceed without harm to the integrity of the SPA and Ramsar, thus complying with the expectations of the Habitats Regulations and Policy EQ4 of the LP which seeks to prevent adverse impacts on the integrity of designated sites.

Planning Balance

39. There is no dispute that the Council cannot demonstrate a five-year housing land supply. The extent of the shortfall is however disputed with the Council saying it sits at 3.24 years and the appellant suggesting figures of between 3.97 and 2.87 years. Even if I take the higher of the figures, this represents a significant shortfall. In such circumstances Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
40. This does not mean that the most important policies for determining the appeal are set aside but it does temper the weight attached to them in the planning balance. As an adverse impact, the proposal would conflict with Policies SS1 and SS2 of the LP in terms of the location of housing. As these policies are more than five years old and relate to the distribution of housing, the appellant says that they should carry no weight in the decision.
41. However, both policies are broadly consistent with the Framework in terms of protecting the countryside but providing for some development to rural settlements. They are also consistent with Paragraph 83 of the Framework which acknowledges that where there are groups of smaller settlements, development in one village may support services in a village nearby, and the LP is consistent with this by seeking to ensure that a range of services are provided within a cluster of settlements⁶. However, I have given limited weight to the criteria in the Policy which requires that proposals have the support of the local community as this would effectively thwart development that was otherwise sustainable, on the basis of local opposition alone. Accordingly, overall, I ascribe moderate weight to Policies SS1 and SS2 of the LP.
42. That said, the South Somerset Housing and Economic Land Availability Assessments 2018 and 2021 identify the appeal site as suitable, available and achievable for housing and a paper entitled 'The Potential for Rural Settlements to be Villages 2018' indicates that Horton could be designated as a village as part of the Local Plan Review (LPR). However the LPR only reached an early stage in the process. The Council say it has now been delayed indefinitely due to the transition from district council to unitary in April 2023 and that accordingly I should give this very limited weight and I agree.
43. Compliance with Policy EQ1 in terms of sustainable construction and the lack of objection from consultees on matters such as flood risk and highways are neutral in my assessment.
44. However, the proposal would deliver several benefits. There would be increased footfall to local amenities and benefits to the local economy in terms of the construction and on-going occupation of the dwellings. The Government's overall objective is to significantly boost the supply of homes. The erection of 49 houses would make a very useful contribution to both housing supply and choice at a point in time when there is a significant shortfall. Together I give these benefits moderate weight.
45. A significant benefit of the appeal scheme would be the provision of 17 affordable homes in line with Policy HG3 of the LP. When taken together with

⁶ Paragraph 5.41 of the South Somerset Local Plan 2006-2028

the other benefits set out above, I conclude that the adverse impacts of the appeal scheme would not significantly and demonstrably outweigh its cumulative benefits. This is an important material consideration that in this instance indicates the appeal should be determined otherwise than in accordance with the development plan.

Other Matters

46. The submissions indicate that the appeal site lies adjacent to an area known to be associated with the manufacture of Donyatt pottery and that there is some potential for the presence of associated features and kilns on the appeal site. The Senior Historic Environment Offices comments of 17 March 2021 do not refer to the Historic Environment Record. They do not set out how close the appeal site is to other known locations of archaeological interest, how large the area associated with the manufacture of the pottery is and what information has been used to determine that there may be some potential for archaeological remains on the appeal site. The Council consider that a pre-commencement condition would be reasonable to secure the implementation of a programme of archaeological work to include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. On the basis of the evidence before me, this would be a proportionate and reasonable approach in this instance.
47. The impact on protected species has been assessed in the Ecological Impact Assessment⁷ and subsequent surveys relating to Great Crested Newts and bat activity. I am satisfied that appropriate mitigation can be secured by conditions such that there would be no conflict with Policy EQ4 of the LP.
48. The appeal site lies approximately 2.3km from the Blackdown Hills National Landscape (formerly Area of Outstanding Natural Beauty). A Landscape and Visual Impact Assessment (LVIA) accompanied the application. Given the sites location at the edge of the built settlement, and the distance from the National Landscape, the LVIA concludes that with a robust landscaping strategy the residual effects are likely to be negligible and from the evidence before me I agree. In coming to this conclusion, I have sought to further the purpose of conserving and enhancing the natural beauty of the area⁸ and have given great weight to conserving and enhancing landscape and scenic beauty in the Blackdown Hills National Landscape as required by Paragraph 182 of the National Planning Policy Framework
49. Interested parties have raised a number of concerns relating to highway safety. The planning application was accompanied by a Transport Statement. The Parish Council commissioned a speed survey and as a result, the Highway Authority requested that visibility splays be increased at the site entrance. I have before me the detailed comments of the Highway Authority which indicate that subject to relevant conditions, they are satisfied that there would not be an unacceptable impact on highway safety. From the evidence before me and with reference to Paragraph 115 of the Framework, I see no reason to disagree.

⁷ Carried out by Clarkson and Woods Ecological Consultants dated January 2021

⁸ Section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling Up and Regeneration Act 2023

50. Interested parties raise concerns relating to surface water, drainage and water pressure. Whilst I have no specific evidence before me relating to poor water pressure, I note that both the Lead Local Flood Authority and the statutory water authority have not raised any objections to the proposal subject to the imposition of conditions. From the evidence before me, I am satisfied that adequate provision for surface and foul drainage can be provided.
51. There is no substantive evidence before me that the timber fencing in this instance would increase the risk of fire, nor that existing houses for sale in the village which are not selling, indicates that there is no demand for housing in Horton. Any future proposals for the development of adjoining land would be determined on their own merits.
52. Impacts on existing residents such as noise, vibration and dust can be controlled through a condition requiring a Construction Environment Management Plan.
53. The Council's Officer Report considers the impacts of the proposal on the living conditions of existing residents in some detail. From all that I have seen and read, I agree that the appeal proposal will not result in an unacceptable overbearing impact or result in harmful overlooking or loss of privacy to existing neighbouring occupiers. Planning is concerned with land use in the public interest⁹. As such the protection of purely private interests such as impact on the value of a neighbouring property or loss of a view is not a consideration I have given any weight to.
54. Reference is made to the proximity of some of the proposed dwellings to the village hall where noise-generating events may be held. However, the Council's Officer Report sets out that there are existing dwellings which would be closer to the village hall than those on the appeal site and therefore I am not persuaded that the impact on the proposed dwellings would be unacceptable.

Conditions

55. I have had regard to the advice in the Planning Practice Guidance and the conditions provided by the Council. The appellant has had sight of those conditions and, with the exception of two of them, has not indicated that I should not impose them. I have considered all the suggested conditions and imposed them where they meet the tests set out in Paragraph 56 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
56. In addition to the standard time limit (1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (2). This is in the interests of certainty.
57. A condition requiring a written scheme of investigation relating to archaeology is necessary to preserve as a record, any archaeological information before it is destroyed by the development (3). A condition requiring tree and hedgerow protection measures and retention is necessary in the interests of visual amenity (4). A Construction Environment Management Plan is necessary in the interest of highway safety and to protect the living conditions of neighbouring occupiers (5). I have also attached conditions requiring the submission of full construction details for the estate road layout and that access and visibility be

⁹ Paragraph: 008 Reference ID: 21b-008-20140306 of the Planning Practice Guidance

provided onto Broadway Hill before development commences which are necessary in the interests of highway safety (6, 7). A condition requiring the submission of a surface water scheme is necessary to prevent surface water flooding within and around the site and to manage climate change (8). A foul water drainage strategy is also necessary to ensure the development and existing properties are provided with adequate facilities in accordance with Policy EQ1 (9). Conditions (10), (11), (12), (13) and (14) are necessary in the interest of securing the necessary biodiversity mitigation and enhancements. These are all pre-commencement conditions and must necessarily apply before any development is commenced. The appellant has given their consent in writing that these may be imposed.

58. Conditions requiring the submission of facing materials and refuse and recycling areas are necessary in the interest of visual amenity (15) (16). A condition requiring details of any external heat pumps is necessary in the interests of visual amenity and carbon reduction (17). A condition requiring details of the boundary treatment is necessary in the interests of visual amenity and to protect the living conditions of neighbouring occupiers (18). A condition requiring cycle parking facilities is necessary in the interests of promoting sustainable travel modes (19). A condition to ensure the remediation of potential contamination is necessary to ensure the site is safe for the use proposed (20).
59. Condition (21) is necessary to ensure that the development is properly drained as required by Policy EQ1 of the LP. Conditions (22) and (23) are reasonable to ensure compliance with Policies TA6 and TA1 of the LP respectively. The implementation of carbon reduction and energy efficiency measures is necessary to ensure compliance with Policy EQ1 of the LP (24).
60. I have not attached the Council's suggested conditions requiring the submission of a detailed parking or soft landscaping scheme as the submitted plans are sufficient for this purpose. However, it is necessary to secure their provision and retention in the interest of highway safety and in the interests of visual amenity and to protect the living conditions of neighbouring occupiers respectively (25)(26). Condition (27) relating to water usage is necessary for the reasons given in paragraphs 36 and 37 of this decision. I have not attached a condition requiring details of wheel washing and a condition survey of the existing public highway as this can be adequately controlled by condition 5 as can a restriction on the hours of construction and deliveries.
61. I have not attached the Council's suggested condition relating to the retention of the car ports as this is adequately covered by condition 25 and the requirement for an Ecological Clerk of Works can be secured by condition 10.
62. I have not attached the Council's suggested conditions relating to a Travel Plan and a phased scheme of implementation for the three areas of public open space as both of these would be secured under the terms of the signed legal obligation.

Conclusion

63. The proposed development would be contrary to the development plan but in this instance material considerations, namely the Framework, indicate the proposal should be determined otherwise than in accordance with the development plan. Thus, for the reasons given, the appeal has succeeded.

Alison Fish

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location	HTN-WBR-ZZ-ZZ-DR-A-11101 Rev.P03
Site Sections	HTN-WBR-ZZ-XX-DR-A-14301 Rev.P12
Site Layout Plan	HTN-WBR-ZZ-ZZ-DR-A-13302C Rev.P19
Tenure Plan	HTN-WBR-ZZ-ZZ-DR-A-13303C Rev.P18
Boundary Condition Plan	HTN-WBR-ZZ-ZZ-DR-A-13304C Rev.P13
Type ZZ Plot 9	HTN-WBR-ZZ-ZZ-DR-A-14702 Rev.P02
Parking Strategy	HTN-WBR-ZZ-ZZ-DR-A-14701 Rev.P09
Masterplan	HTN-WBR-ZZ-ZZ-DR-A-13201 Rev.P02
Planting plan and schedule	PP01 Rev.J
Hardworks layout	HW01 Rev.I
Areas of POS	HTN-WBR-ZZ-ZZ-DR-A-13305 Rev.P04
Planting plan sheet 1	PP01.01 Rev.J
Planting plan sheet 2	PP01.02 Rev.J
Planting plan sheet 3	PP01.03 Rev.J
Planting plan sheet 4	PP01.04 Rev.J
Planting plan sheet 5	PP01.05 Rev.J
Housetype A1 Floor Plans	HTN-WBR-A1-ZZ-DR-A-21102 Rev.P05
Housetype A2 Floor Plans	HTN-WBR-A2-ZZ-DR-A-21102 Rev.P04
Housetype A3 Floor Plans	HTN-WBR-A3-ZZ-DR-A-21102 Rev.P07
Housetype A5 Floor Plans	HTN-WBR-A5-ZZ-DR-A-21102 Rev.P04
Housetype A6 Floor Plans	HTN-WBR-A6-ZZ-DR-A-21102 Rev.P04
Housetype A7 Floor Plans	HTN-WBR-A7-ZZ-DR-A-21102 Rev.P05
Housetype A8 Floor Plans	HTN-WBR-A8-ZZ-DR-A-21102 Rev.P01
Housetype B1 Floor Plans	HTN-WBR-B1-ZZ-DR-A-21102 Rev.P05
Housetype B2 Floor Plans	HTN-WBR-B2-ZZ-DR-A-21102 Rev.P05
Housetype GG Floor Plans	HTN-WBR-GG-ZZ-DR-A-21102 Rev.P08
Housetype G2 Floor Plans	HTN-WBR-G2-ZZ-DR-A-21102 Rev.P01
Housetype H2 Floor Plans	HTN-WBR-H2-ZZ-DR-A-21102 Rev.P03
Housetype H3 Floor Plans	HTN-WBR-H3-ZZ-DR-A-21102 Rev.P01
Housetype II Floor Plans	HTN-WBR-II-ZZ-DR-A-21102 Rev.P07

Housetype A1 Elevations	HTN-WBR-A1-XX-DR-A-21111 Rev.P04
Housetype A2 Elevations	HTN-WBR-A2-XX-DR-A-21111 Rev.P02
Housetype A3 Elevations	HTN-WBR-A3-XX-DR-A-21111 Rev.P05
Housetype A5 Elevations	HTN-WBR-A5-XX-DR-A-21111 Rev.P05
Housetype A6 Elevations	HTN-WBR-A6-XX-DR-A-21111 Rev.P03
Housetype A7 Elevations	HTN-WBR-A7-XX-DR-A-21111 Rev.P05
Housetype A8 Elevations	HTN-WBR-A8-XX-DR-A-21111 Rev.P01
Housetype B1 Elevations	HTN-WBR-B1-XX-DR-A-21111 Rev.P04
Housetype B2 Elevations	HTN-WBR-B2-XX-DR-A-21111 Rev.P04
Housetype GG Elevations	HTN-WBR-GG-XX-DR-A-21111 Rev.P06
Housetype G2 Elevations	HTN-WBR-G2-XX-DR-A-21111 Rev.P01
Housetype H2 Elevations	HTN-WBR-H2-XX-DR-A-21111 Rev.P02
Housetype H3 Elevations	HTN-WBR-H3-XX-DR-A-21111 Rev.P01
Housetype II Elevations	HTN-WBR-II-XX-DR-A-21111 Rev.P06
Housetype A1 Sections	HTN-WBR-A1-XX-DR-A-21121 Rev.P03
Housetype A2 Sections	HTN-WBR-A2-XX-DR-A-21121 Rev.P02
Housetype A3 Sections	HTN-WBR-A3-XX-DR-A-21121 Rev.P04
Housetype A5 Sections	HTN-WBR-A5-XX-DR-A-21121 Rev.P02
Housetype A6 Sections	HTN-WBR-A6-XX-DR-A-21121 Rev.P03
Housetype A7 Sections	HTN-WBR-A7-XX-DR-A-21121 Rev.P03
Housetype A8 Sections	HTN-WBR-A8-XX-DR-A-21121 Rev.P01
Housetype B1 Sections	HTN-WBR-B1-XX-DR-A-21121 Rev.P03
Housetype B2 Sections	HTN-WBR-B2-XX-DR-A-21121 Rev.P03
Housetype GG Sections	HTN-WBR-GG-XX-DR-A-21121 Rev.P04
Housetype G2 Sections	HTN-WBR-G2-XX-DR-A-21121 Rev.P01
Housetype H2 Sections	HTN-WBR-H2-XX-DR-A-21121 Rev.P02
Housetype H3 Sections	HTN-WBR-H3-XX-DR-A-21121 Rev.P01
Housetype II Sections	HTN-WBR-II-XX-DR-A-21121 Rev.P04
Carport LL Plans	HTN-WBR-LL-ZZ-DR-A-22101 Rev.P03
Carport MM Plans	HTN-WBR-MM-ZZ-DR-A-22101 Rev.P03
Carport NN Plans	HTN-WBR-NN-ZZ-DR-A-22101 Rev.P03
Carport OO Plans	HTN-WBR-OO-ZZ-DR-A-22101 Rev.P03

3. No development shall take place until the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which shall have been submitted to and approved in writing by the local planning authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

4. No site clearance, preparatory work, on-site storage of material or development shall take place until a scheme of tree and hedgerow protection measures has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to any other works taking place and shall remain in-situ for the duration of the development. The approved protection measures shall only be moved, removed or dismantled with the prior written consent of the local planning authority or on completion of the development. No retained tree or hedge shall be cut down, uprooted, destroyed

or damaged in any manner without the prior written consent of the local planning authority.

[In this condition 'retained tree or hedge' means an existing tree or hedge which is to be retained in accordance with the details required above

5. No development shall take place until a site-specific Construction Environment Management Plan (CEMP) has been submitted to and been approved in writing by the local planning authority. The CEMP shall demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction and shall include, but not be limited to:
- a) Processes for keeping local residents informed of works being carried out and dealing with complaints including contact details of the Site Manager;
 - b) Hours of construction and deliveries to and removal of plant, equipment, machinery and waste from the site;
 - c) the parking of vehicles of site operatives and visitors;
 - d) loading and unloading of plant and materials;
 - e) storage of plant and materials used in constructing the development;
 - f) measures to control the emission of dust and dirt during construction including wheel washing facilities;
 - g) Measures to control the use of site lighting whether required for safe working or for security purposes;
 - h) Measures set out in BS 5228:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites to minimise noise (part 1) and vibration disturbance (part 2) from construction works.

The approved Construction Environment Management Plan shall be adhered to and implemented throughout the construction period.

6. No development shall take place until a detailed design and specification for the access and visibility splay onto Broadway Hill have been submitted to and approved in writing by the local planning authority. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 62 metres either side of the access. Such access and visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.
7. No development shall take place until plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction of the estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details. No dwelling shall be occupied unless and until served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

8. No development shall take place until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels;
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+20% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a discharge rate to be agreed with the Lead Local Flood Authority;
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected;
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system;
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational;
 - g) Evidence that an appropriate right of discharge for surface water has been obtained;
 - h) A phasing scheme and timetable for implementation.

The surface water drainage scheme works shall be implemented in accordance with the approved details and maintained thereafter.

9. No development shall take place until a foul water drainage strategy shall have been submitted to and approved in writing by the local planning authority. The required drainage details shall include:
- a) the replacement of the existing septic tank serving the properties known as 'Bushgarth', 'Home Dean', 'Rosaria', 'Banklands' and 'Camellias' with a connection to the proposed new network on site;
 - b) the proposed replacement and relocation of the septic tank serving the properties known as 'Bushgarth', 'Home Dean', 'Rosaria', 'Banklands' and 'Camellia's in the case where consent for a connection to the proposed new network on site is not obtained from the owners/occupants of said properties;
 - c) details of the pumping station to be adopted by the statutory undertaker. This shall include the compound layout and boundary treatment, and dimensions, appearance and materials of the above ground infrastructure and shall provide the required 160 litres of storage per dwelling;
 - d) the connection to the public sewers on Forest Mill Lane;
 - e) the prevention of surface water drainage into the foul water network;
 - f) a phasing scheme and timetable for implementation of the foul water drainage strategy.

The foul water drainage strategy shall be implemented in accordance with the approved details and maintained as such thereafter.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Construction Environmental Management Plan (BCEMP) has been submitted to and approved in writing by the local planning authority. The BCEMP 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 including nesting birds habitat clearance measures, badgers buffer zones, dormice precautionary working method statement, precautions for reptiles, etc;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons, lines of communication and written notifications of operations to the local planning authority;
 - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs;
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works;
 - j) Measures to protect the habitats in and around the site including the Drakes Meadow and Weir Local Wildlife Site from air, water and litter pollution, as detailed in the Ecological Impact Assessment by Clarkson and Woods, dated January 2021.

The approved BCEMP shall be adhered to and implemented throughout the construction period.

11. No development shall take place until a Lighting Strategy for Biodiversity (the 'Strategy') has been submitted to and approved in writing by the local planning authority. The Strategy shall include the specifications and locations for all external lighting and:
- a) identify those areas/features of the site that are particularly sensitive for bats, dormice, and other species that are vulnerable to light disturbance;
 - b) indicate how and where external lighting is to be installed;
 - c) be designed to avoid light spillage and pollution on habitats used by light sensitive species;
 - d) be designed so that it is the minimum needed for security and operational processes; and
 - e) be designed to minimise potential pollution caused by glare and spillage.
 - f) a timetable for the implementation of all measures.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved Strategy and shall be maintained thereafter in accordance with the Strategy.

12. No development shall take place until:
- a) A licence has been issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to proceed; or

- b) A statement in writing from an appropriately qualified ecologist has been submitted to the local planning authority to the effect that the specified development would not require a licence.

13.No development shall take place until a Landscape and Ecological Management Plan (LEMP) shall have been submitted to, and be approved in writing by, the local planning authority. The LEMP shall accord with the Ecological Impact Assessment carried out by Clarkson and Woods Ecological Consultants, dated January 2021 and shall include:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Management objectives specifically relating to the compensatory habitat for dormice (outlined in the BEMP);
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured;
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- i) Details of the body or organisation(s) responsible for implementation of the LEMP;
- j) On-going monitoring arrangements along with remedial and contingency measures in the eventuality that the aims and objectives of the LEMP are not met (to be effected in that eventuality to ensure that the development hereby permitted delivers the fully functioning biodiversity objectives of the approved LEMP).

The approved LEMP shall be implemented, adhered to and maintained in accordance with the approved details in accordance with the approved details.

14.No development shall take place until a Biodiversity Enhancement and Mitigation Plan (BEMP) has been submitted to and approved in writing by the local planning authority. The content of the BEMP shall accord with the mitigation, compensation, enhancement and monitoring measures set out in Ecological Impact Assessment carried out by Clarkson and Woods Ecological Consultants, dated January 2021 and include a timetable for implementation and maintenance. The development hereby permitted shall be undertaken and maintained in accordance with the approved BEMP.

15.Before any above ground works commence, details of all external facing materials and hard surfacing to be used in the development including windows and doors shall be submitted to and approved in writing by the local planning authority and, thereafter, the development shall be carried out in accordance with the approved details.

16.Before any above ground works commence, details of the refuse and recycling storage facilities serving the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority. The dwellings hereby permitted shall not be occupied until the associated refuse and recycling storage facilities have been constructed and made available for use in accordance with the approved details. Once provided the refuse and recycling storage facilities shall thereafter be retained for those purposes.

17. Before any above ground works commence, details of any external heat pumps serving the dwellings hereby permitted, including position, appearance, noise and manufacturer's specification, shall be submitted to and approved in writing by the local planning authority together with a timetable for implementation. The heat pumps shall be implemented in accordance with the approved details and maintained thereafter.
18. Before any above ground works commence, details including design and materials of all boundary treatments within the application site, as set out in Boundary Condition Plan ref. HTN-WBR-ZZ-ZZ-DR-A-13304C Rev.P13, shall be submitted to and approved in writing by the local planning authority. All boundary treatments adjoining the neighbouring properties known as 'Bushgarth', 'Home Dean', 'Rosaria', 'Banklands', 'Camellias', 'Hamstones' and 'Neroche', shall have a minimum height of 1.8m and shall comprise of enhanced hedgerows or closeboarded fencing with hedgehog gaps. A 1.2m gap shall be maintained between the existing hedges bounding the site periphery and the proposed protective mesh fencing. The boundary treatments shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter retained as such.
19. Before any above ground works commence, details of cycle parking facilities to serve each plot shall be submitted to and approved in writing by the local planning authority. The dwellings hereby permitted shall not be occupied until the associated cycle parking facilities have been provided and made available for use in accordance with the approved details. Once provided the cycle parking facilities shall thereafter be retained for those purposes.
20. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
21. The development hereby approved shall not be occupied unless and until a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the local planning authority. This shall demonstrate that the drainage system has been constructed as per the approved scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as surface water attenuation devices/areas, flow restriction devices and outfalls).
22. The development hereby approved shall not be occupied unless and until at least 1 no. active fast charge socket for an electric vehicle is provided per dwelling in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The charging provision shall thereafter be permanently maintained, kept free from obstruction and available for the purposes specified.

23. The development hereby approved shall not be occupied unless and until each dwelling is supplied with an active broadband internet connection. The broadband internet provision shall thereafter be permanently retained as such.
24. The development hereby approved shall not be occupied unless and until the carbon reduction and energy efficiency measures detailed in the approved document, Energy Statement Ref. HTN-WBR-XX-XX-RP-F-23751 Rev.P01, dated October 2022, shall have been fully implemented.
25. The dwellings hereby permitted shall not be occupied unless and until the associated parking and turning areas have been constructed and made available for use in accordance with the approved plans. The parking and turning spaces shall thereafter be kept clear of obstruction and be kept available at all times for those purposes.
26. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
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.

End of Schedule