



Appeal Decision

Inquiry held on 5 February 2025

Site visit made on 5 February 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2025

Appeal Ref: APP/E3335/W/24/3352740

Land to the South of Fossefield Road, Fosse Way, Stratton on the Fosse, Somerset BA3 4AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Persimmon Homes against the decision of Somerset Council.
 - The application Ref is 2022/0614/OUT.
 - The development proposed is an outline application for erection of up to 180 dwellings with all matters reserved except for access.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of up to 180 dwellings with all matters reserved except for access at land to the South of Fossefield Road, Fosse Way, Stratton on the Fosse, Somerset BA3 4AN in accordance with the terms of the application, Ref 2022/0614/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council confirmed that they no longer intended to defend the reasons for refusal detailed in the decision notice. The Council did not present any witnesses at the Inquiry, although they did attend and made representations with regards to the session on planning conditions and obligations.
3. A draft Section 106 Legal Agreement had been submitted however, this Agreement had not been signed by the close of the Inquiry. I allowed a period up to 13 February 2025 for the appropriate signatures to be added. The final signed Agreement was submitted within the prescribed time. I return to this below.

Main Issues

4. Whilst the Council have withdrawn their reasons for refusal, interested parties made representations at the Inquiry and in written correspondence, detailing objections to the proposal. On this basis, the main issues are:
 - the effect of the proposal on agricultural land;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - whether the proposal is suitably located.

Reasons

Agricultural land

5. Annex 2 of the National Planning Policy Framework (the Framework) defines best and most versatile agricultural land as being land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 187 of the Framework states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and versatile agricultural land.
6. The appeal site is an arable field with 27% of the land classified as subgrade 3a as identified in the ALC, with the remaining 73% classified as subgrade 3b. The subgrade 3a land is located in the south east corner of the site, partly on the narrow section of the site.
7. It has been described that the current use of the appeal site relates to cereal crop and the gross margin for cereal crops is around £1000 per hectare. In relation to the appeal site this therefore equates to a loss of gross margin of approximately £6,600 per annum, of which the contribution resulting directly from the subgrade 3a land is about £1,800 per annum.
8. Given the location of the subgrade 3a land within the overall site, and the relatively low gross margin figure that would be lost through the proposed development, I am satisfied that the proposal would not have a harmful effect in terms of the loss of best and versatile agricultural land. Accordingly, the proposal would not be contrary to paragraph 187 of the Framework.
9. Policies CP1, CP2 and CP4 of the Mendip District Local Plan (MDLP) detailed in the Council's decision notice do not specifically relate to agricultural land nor have any other policies of the MDLP been brought to my attention that relate to best and versatile agricultural land.

Character and appearance

10. The area surrounding the appeal site is characterised predominantly by residential dwellings at the edge of built settlement with open countryside beyond. There is a mix of architectural styles and design of buildings in the area. It is apparent the built form of the settlement has been extended recently due to new housing estates that have been constructed to the west of the site and currently under construction to the south west.
11. The proposal would result in the loss of greenfield agricultural land, however, the site is directly adjacent to existing housing to the north and west. Due to the location and scale of the site, it is considered that a proposed residential scheme would fit in well with the existing built development and would not appear out of keeping with the existing pattern of development of the wider settlement. Whilst this is an outline proposal, given the variation in the design of surrounding buildings, an appropriate form of development can be delivered which would not have an adverse effect on the character and appearance of the surrounding locality.
12. The proposal would not have a harmful effect on the character and appearance of the surrounding area. It would not compromise the aims of Policies CP1, CP2 and

CP4 of the MDLP which seek to control development in the open countryside, support the provision of new housing and sustain rural communities.

Location

13. The appeal site is located immediately south of the settlement of Midsomer Norton, which has a wide range of public services and facilities, including shops, schools and healthcare facilities. The site would be well connected to these facilities to the north with an existing footpath on the west side of the A367 highway which is the road directly to the west of the site. Two footpath links are proposed from the site to the A367 road with a toucan pedestrian crossing proposed to aid future occupants of the site crossing the road.
14. I heard at the Inquiry, evidence in relation to walking distances and times from the appeal site to various services. Services and facilities that people expect to use on a daily basis are within acceptable walking or cycling distance from the appeal site. There are bus stops in close walking distance, which have regular services linking to surrounding built development, that provide access to other facilities including employment opportunities.
15. I am satisfied from the evidence before me that there are alternative methods of travel available to future occupiers of the proposed development and there would not be a need to rely on private vehicle for travel.
16. The proposed development would be suitably located and would not be contrary to Policies CP1, CP2, CP4 and DP9 of the MDLP which seek to enable the most sustainable pattern of growth, support the provision of new housing, sustain rural communities and maximise the use of sustainable forms of transport.

Other Matters

17. A grade II listed building called Boundary Post, described at the Inquiry as the Milepost, is located to the south west of the appeal site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Moreover, paragraph 212 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
18. The listing description for the Boundary Post states that it's a handsome turnpike trust boundary mark, cast iron with 2 faces separated by narrow strip with legend "Bath Turnpike Trust" and dated at the top. This listed structure has historical significance within the area.
19. The listed structure sits within the verge of the existing highway adjacent to existing residential properties and given its size is not highly noticeable. Due to its location and proximity to the appeal site, the proposed development would not have a harmful effect on the setting or the significance of the heritage asset. The proposal would therefore preserve the setting of the grade II listed structure.
20. Interested parties also made oral and written submissions. Having regard to these, the proposed development would introduce new residential occupiers into the area that could increase demand on services and facilities in the local area, including on

schools, healthcare and emergency services. A legal agreement has been submitted which seeks to provide contributions in a number of areas including education and healthcare. I will return to this matter below. With regards to increase demand for emergency services, there is no substantial evidence before me to suggest that the scale or location of the proposed development would put undue pressure on existing emergency services.

21. The submitted Transport Assessment (TA) deals with highway and traffic matters including matters on site accessibility, movement strategy, development trip generation and a review on the highway network. The proposal would introduce a single vehicular access in the form of a simple T-junction and other improvements are proposed such as enhanced footways and new crossings. The TA concludes that the proposal is in a highly sustainable location and would not have any severe impacts on the local network.
22. In terms of archaeology, the submitted Historic Environment Desk-Based Assessment examined archaeological potential, effects and mitigation measures. The assessment concludes that the site has a known potential to contain the remains of Post-Medieval field boundaries along with other features and would result in the physical loss of any remains. The loss of archaeological remains can however be mitigated by a programme of archaeology works that would realise the research potential of any buried remains and provide information on the past use of the site. A programme of archaeology works can be secured through a condition.
23. The Flood Risk Assessment and Drainage Strategy Report identifies that the site is within a Flood Zone 1 and deals specifically with matters including flood risk, surface water and foul water drainage. The report concludes that the proposed development would not lead to an increase in the level of flood risk to the site or neighbouring sites.
24. The Air Quality Assessment, which included assessing traffic generation concentrations, concluded there were to be negligible effects to all sensitive receptive locations and that air quality impacts as a result of the operation of the development were considered to be not significant.
25. I note that a High Court decision has been raised by an interested party. The appellant has responded to this matter by indicating that this is reference to a Judicial Review of the Local Plan Part II which focussed on site selection process undertaken by Mendip District Council. From the evidence provided, I do not consider this matter alters my findings on the development subject of this appeal.

Planning Conditions and Obligations

Planning conditions

26. In the interests of precision and clarity I have undertaken some editing and rationalisation where necessary of the conditions suggested and agreed between the appellant and the Council. I have also had regard to the six tests set out in paragraph 57 of the Framework.
27. Conditions relating to timeliness, the submission of reserved matters and the identification of plans are necessary in the interests of certainty. In the interests of highway safety and pedestrian safety conditions are necessary in relation to storage of recycling and waste, bicycle storage, details of internal road layout,

garages and main access. To safeguard the living conditions of neighbouring occupiers and future users of the development, conditions are necessary in relation to a construction management plan, ground and floor levels, storage of recycling and waste and noise mitigation. To prevent undue risk to the local surrounding environment it is necessary to attach conditions relating to environmental management plan, landscape and ecological management plan, hazel dormice, bat habitat, drainage, and archaeology. To ensure renewable energy within the scheme is encouraged conditions are considered necessary in relation to solar panels, air source heat pumps, rainwater harvesting and biodiversity net gain. A condition relating to electric vehicle charging was suggested however, this is not necessary as this matter would fall under building regulations.

Planning obligations

28. A completed legal agreement has been submitted which details obligations for affordable housing, travel plan, highway works, on-site public open space (POS) and contributions towards off-site POS, education and healthcare. It is necessary that I consider these obligations against the three tests set out in the Framework and Regulation 122(2) of the CIL Regulations.
29. Policy DP11 of the MDLP sets out that the proposed development should provide a provision for 30% of the total number of new homes to be provided in affordable tenures. From the 180 dwellings, there would be a provision of 54 dwellings being secured as affordable housing units, of which 80% of the affordable homes would be social rented units and 20% shared ownership units. The proposed development would help to contribute towards a mixed and balanced community and meet an identified affordable housing need. The affordable housing contribution would comply with Policy DP11 of the MDLP.
30. A Travel Plan for the development scheme would be required which would directly benefit future residents. It would incentivise and encourage greater use of sustainable travel by providing support to and enhancement of local bus services as well as enabling future residents to have easy access by foot and cycle to services, facilities and employment. The proposed development would encourage sustainable forms of transport and minimise carbon emissions. This contribution would comply with Policies DP9 and DP19 of the MDLP.
31. The proposal would introduce increased amounts of pedestrians and cyclists travelling from the site to facilities and services in the surrounding area. There is no footpath on the east side of the A367 at the location of the appeal site. The highway contribution would ensure that a new toucan crossing is provided on the A367, the existing cycle route is extended and that a new pedestrian and cycle path in the north west corner of the site connects to the local network. The proposed highway contribution would ensure highway safety and support sustainable modes of transport, therefore being in accordance with Policies DP9 and DP19 of the MDLP.
32. The appeal site is close to the boundaries between the former Mendip District and Bath and North-East Somerset (BANES) District, and future occupiers of the development would likely use local green spaces within the BANES administrative area. The BANES Green Space Strategy 2015 details a deficit of 10.64 hectares and 5.72 hectares of park and recreational land in the Midsomer Norton and Westfield areas respectively. The off-site POS contributions would go towards identified greenspace improvement projects within the Midsomer Norton and

Westfield areas. The obligations would also ensure that POS, in the form of pocket parks, are provided within the appeal site as well as a management and maintenance scheme for these areas. Future occupants of the development would increase pressure on green spaces in the area, and the POS contributions would mitigate this and be in accordance with Policy DP16 of the MDLP and Policy CP7 of the BANES Core Strategy.

33. The education contribution would mitigate the additional demand that future occupants of the proposed development would place on local schools. The surrounding schools are considered to have sufficient capacity to meet the school needs of the proposed development. However, it has been identified that there is a deficiency in terms of Special Educational Needs and Disability (SEND) facilities with the proposal expected to yield an average of 1.7 SEND pupils. The proposed education contribution would mitigate the additional demand by providing local schools with additional facilities to accommodate SEND school places, and therefore would accord with Policy DP19 of the MDLP.
34. New residents of the proposed development would increase the local population and place further demand on healthcare provisions in the area. To mitigate this demand, the proposed contribution would help local services, identified in the Midsomer Norton and Radstock areas to improve the general practitioner services. This would be in accordance with Policy DP19 of the MDLP.
35. The contributions that would be secured through the submitted legal agreement would meet the statutory tests in Regulation 122(2) of the CIL Regulations and therefore would be material considerations in this appeal.

Conclusion

36. The proposed development would not conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
37. For the reasons given above, I conclude that the appeal should be allowed subject to the appropriate conditions and the relevant terms of the submitted section 106 legal agreement.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

J. Litton KC	Landmark Chambers
He called:	
A. Field	Agricultural Consultant
M. A'Lee	Transportation and Highways Consultant
J. Millard	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

K. Garvey	Kings Chambers (attended online)
T. Jones	Somerset Council

INTERESTED PERSONS:

D. Hudson	Local Resident / Parish Council
B. Bretton	Local Resident

Documents submitted at the Inquiry:

Appellant's opening statement
Council's opening statement

Documents submitted after the Inquiry:

Signed Section 106 Legal Agreement
CIL Statement appendices
Bath and North East Somerset Planning Policies and Guidance Documents
Listing description for Boundary Post, Fosseyway
Department for Education "Securing developer contributions for education" document
Fields in Trust Standards "Creating great spaces for all" document

CORE DOCUMENTS

Key Appeal Documents	
Ref	Document Description
1	Decision Notice
2	Planning Committee Report 06.08.2024
3	Site Location Plan
4	Planning Statement of Common Ground
5	Highways/Accessibility Statement of Ground
6	LPA Statement of Case
7	Planning Proof of Evidence (J Millard –Appellant)
8	Highways/Accessibility Proof of Evidence (M A'Lee – Appellant)
9	Agricultural Land Proof of Evidence (A Field – Appellant)
10	Conditions
11	S106
12	Development Parameters Plan 3501A
13	Concept Masterplan 3008B
14	Site Access Layout – General Arrangement 10871-SK-01C
15	Proposed Pedestrian and Cycle Access 10871-SK-003
16	Landscape Strategy WHL-1358-07 Rev C
17	Mendip District Local Plan Part 1 (LP1) 2014 – Policy CP1
18	Mendip District Local Plan Part 1 (LP1) 2014 – Policy CP2
19	Mendip District Local Plan Part 1 (LP1) 2014 – Policy CP4
20	Mendip District Local Plan Part 1 (LP1) 2014 – Policy DP9
21	Interested Parties Representations
Planning Application Documents	
A1	Design and Access Statement
A2	Design Summary Document
A3	Transport Statement
A4	Travel Plan
A5	Agricultural Land Classification Report
A6	Landscape and Visual Impact Assessment
A7	Proposed Exterior Lighting and Illuminance Layout
A8	Proposed Exterior Lighting and Illuminance Layout
A9	Shadow Habitats Regulation Assessment
A10	Habitat Value Calculation
A11	Ecological Appraisal and Protected Species Survey
A12	Wildlife Protection Plan
A13	Biodiversity Metric
A14	Hazel Dormouse Construction Protection Methods
A15	Flood Risk Assessment & Drainage Strategy Report
A16	Typical Sections of Infiltration Features
A17	Drainage Strategy
A18	Drainage Maintenance and Management Plan Correspondence
A19	Planning Statement
A20	Affordable Housing Statement
A21	Application Form
A22	Air Quality Assessment
A23	Geo-Environmental & Geotechnical Assessment
A24	Topographical Survey

A25	Waste Management Strategy
A26	Gradiometer Survey Report
A27	Tree Survey and Constraints Plan
A28	Street Scene
A29	Street Scene
A30	Street Scene
A31	Historic Environment Desk Based Assessment
A32	Noise Impact Assessment
A33	EIA Screening Checklist
A34	EIA Screening Letter
Consultee Responses to Application	
B1	SC Archaeologist 13.05.22
B2	Environmental Protection 30.05.22
B3	SC Education 03.07.24
B4	SC Education 17.05.22
B5	SC Ecology Re: SHRA 13.03.24
B6	SC Ecology 23.01.24
B7	SC Ecology 12.12.24
B8	SC Crime Prevention Officer 27.07.23
B9	SC Crime Prevention Officer 25.04.22
B10	SC Contaminated Land Officer
B11	SC Contaminated Land Officer
B12	SC Biodiversity and Landscape Officer Comments
B13	SC Affordable Housing 31.08.23
B14	SC Affordable Housing 01.06.22
B15	Active Travel England 07.08.23
B16	TA Review – WSP May 2022
B17	Wessex Water 25.09.2023
B18	SC Waste Management
B19	SC Waste Management 31.05.2022
B20	SC Tree Officer
B21	NHS 19.01.2023
B22	NHS 17.08.2023
B23	Natural England 09.04.24
B24	Natural England 21.08.23
B25	Natural England 13.06.22
B26	LLFA 25.05.22
B27	LLFA 30.11.23
B28	LLFA 27.10.23
B29	LLFA 25.09.23
B30	LLFA 17.08.23
B31	LHA Travel Plan 19.02.24
B32	LHA Travel Plan 16.01.24
B33	LHA Comments 23.11.23
B34	LHA Travel Plan 17.11.23
B35	LHA Comments 19.10.23
B36	Transport Modelling Review May 2022
Third Party Comments to Application	
C1	SC Public Access Comment Full Response
C2	Councillor Jackson (BANES) 06.08.24
C3	BANES Council 25.05.22
C4	BANES Comment on Obligations 19.01.24

C5	BANES Comment on Obligations 12.03.24
C6	BANES 20.09.23
C7	Kilmersdon Parish Council Minutes of Extraordinary Meeting 14.08.23
C8	C and M Martin 18.08.23
C9	Westfield Parish Council 18.01.23
C10	Samantha Colman 28.02.23
C11	Martin J Love 04.09.23
C12	Mr B Bretton 28.02.23
C13	Mrs J Carter 02.08.23
C14	D.M. Penny (Mrs) 15.08.23
C15	D.M. Penny (Mrs) 10.08.23
C16	D.M. Penny (Mrs) 28.02.23
C17	Kilmersdon Parish Council 26.09.23
C18	Kilmersdon Parish Council 20.04.22
C19	James Colman 01.03.23
Other Documents	
D1	Somerset East Area (former Mendip District LPA) Statement of Five Year Housing Land Supply October 2024
D2	Mendip Local Plan Part II – Judicial Review Judgement
D3	Mendip Local Plan Part II – Sustainability Appraisal Appendix 6
D4	Mendip Local Plan Part II – Council Hearing Statement Matter 4.1
D5	Mendip Local Plan Part II Inspectors Report
D6	Mendip Local Plan Part II Policy MN3
D7	2021/1480/OTS Decision Notice – former MN1 allocation (land at White Post)
D8	2024/0315/FUL Decision Notice – former MN2 allocation (land at Underhill Lane)
D9	Appeal Decision – Land at Underhill Lane – APP/FO114/W/24/3342994
D10	B&NES Local Plan Options Consultation 2024
D11	Town and Country Planning (Development Management Procedure) (England) Order 2015, Schedule 4
D12	Ministry of Agriculture, Fisheries and Food, Agricultural Land Classification of England and Wales, Revised guidelines and criteria for grading the quality of agricultural land, 1988.
D13	Natural England Technical Information Note 049: Agricultural Land Classification

Schedule of Conditions

- 1) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale, ("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.

The reserved matters applications shall be substantially in accordance with the following drawings/documents:

- Design and Access Statement July 2023 Rev A
 - Masterplan 3008B
- 4) The development hereby permitted shall be carried out in accordance with the following drawings/documents:
 - 1001 - SITE LOCATION PLAN - 08.03.2022
 - 10871-SK-001C - SITE ACCESS LAYOUT GENERAL ARRANGEMENT - 15.12.2023
 - 10871-SK-003 - PROPOSED PEDESTRIAN AND CYCLE ACCESS - 13.06.24
 - 3501A - DEVELOPMENT PARAMETERS - 20.02.2024

Pre-commencement

- 5) No development shall take place, including ground clearance and vegetation removal, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall provide for:
 - a) construction vehicular routes to and from site;
 - b) expected number of construction vehicles per day;
 - c) the parking of vehicles of site operatives and visitors including a plan showing the onsite parking arrangements;
 - d) loading and unloading of plant and materials;
 - e) storage of plant and materials used in constructing the development;
 - f) wheel washing facilities;
 - g) measures to control the emission of dust and dirt during construction;
 - h) delivery and construction working hours;
 - i) specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - j) a scheme to encourage the use of public transport amongst contractors;
 - k) on-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman; and

- l) measures to avoid traffic congestion impacting upon the strategic road network.

The development shall thereafter be constructed in accordance with the approved Construction Management Plan.

- 6) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds (including ground nesting birds) habitat clearance measures, badgers buffer zones etc and pollution prevention controls;
 - 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; and
 - i) ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible prior to works commencing on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 7) No development shall take place until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 8) No development shall take place, including ground clearance and vegetation removal, until a detailed scheme for the disposal of foul drainage and a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details. The Drainage Scheme shall substantially accord with the outline

drainage strategy, document reference: Sk501 P5 Drainage Strategy (July 2023) and SK502 P2 Typical Sections & Infiltration Features, (July 2023).

- 9) No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall substantially accord with the outline landscape strategy (WHL-1358-07 C, July 2023) and the outline Wildlife Protection Plan (26th July 2023). The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organization responsible for implementation of the plan;
 - h) on-going monitoring and remedial measures; and
 - i) maintenance arrangements for the on site bat mitigation habitat.

The approved plan will be implemented in accordance with the approved details.

- 10) No development shall take place, including ground clearance and vegetation removal, until the following has been submitted to and approved in writing by the Local Planning Authority:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from a licensed ecologist to confirm that the specified development will not require a licence.
- 11) No development shall take place until a programme of archaeological work, set out in a Written Scheme of Investigation which 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, has been submitted to and agreed in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Before first occupation

- 12) No dwelling shall be occupied until details for the storage of recycling and waste has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

- 13) No dwelling shall be occupied until a Noise Assessment and Mitigation Scheme, which shall include details of the noise impacts and mitigation methods (including in outdoor amenity areas) and demonstrate how acceptable noise levels will be achieved, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and all noise mitigation measures shall be retained in perpetuity.
- 14) No dwelling shall be occupied until details of secure and accessible bicycle storage in accordance with the Somerset Council standards has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and the bicycle storage retained in perpetuity.
- 15) No dwelling shall be occupied until the proposed roads (including footways), parking and turning spaces, are constructed to ensure that each dwelling, shall be served by a properly consolidated and surfaced footway and carriageway to at least base course level between the dwelling and existing highway; a properly consolidated and surfaced turning area; and a properly consolidated and surfaced parking area.
- 16) No dwelling shall be occupied until the programme of archaeological work has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under condition 11 and the financial provision made for analysis, dissemination of results and archive deposition has been secured.
- 17) No dwelling shall be occupied until details of solar panels to be installed on each dwelling, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and the solar panels shall be installed on each individual dwelling before the individual dwelling is occupied.
- 18) No dwelling shall be occupied until details of air source heat pumps to be installed at each dwelling, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and the air source heat pumps shall be installed at each individual dwelling before the individual dwelling is occupied.
- 19) No dwelling shall be occupied until details of rainwater harvesting, including guttering and water butts, to be installed at each dwelling, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and the rainwater harvesting shall be installed at each individual dwelling before the individual dwelling is occupied, and thereafter retained and maintained in perpetuity.

Other

- 20) No development shall take place on the elements listed below until plans and sections, showing the design, layout, levels, gradients, materials and method of construction, of the following elements have been submitted to and approved in writing by the Local Planning Authority:
 - a) estate roads;

- b) footways;
- c) tactile paving;
- d) cycleways;
- e) sewers;
- f) retaining walls;
- g) service routes;
- h) vehicle overhang margins;
- i) visibility splays;
- j) carriageway gradients;
- k) drive gradients;
- l) car, motorcycle and cycle parking;
- m) hard and soft structural landscape areas;
- n) pedestrian and cycle routes and associated vehicular accesses and crossings;
- o) means of enclosure and boundary treatment;
- p) street lighting and street furniture;
- q) all new junctions;
- r) proposed levels;
- s) highway drainage;
- t) swept path analysis for a vehicle of 10.4m (3-axle) length;
- u) central pedestrian reserves, bollards and lighting; and
- v) service corridors

The development shall be carried out in accordance with the agreed details prior to first occupation of the development, or if agreed to be brought forward as a phased development, prior to first occupation of each relevant phase.

- 21) The reserved matters application will demonstrate that a minimum habitat enhancement area, substantially in accordance with the Outline Parameters Plan (Drawing ref: 3501 A Development Parameters), of 1.26ha suitable for and accessible to horseshoe bats will be provided within the application site including:
 - a) the location of the bat mitigation;
 - b) the layout of the bat mitigation and
 - c) a detailed planting schedule for the habitat.
- 22) At the reserved matters stage, a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall substantially accord with the outline lighting details, document reference: 3026-D-01- C and 3026-D-02 C (February 2024) and Development Parameters Plan 3501 A.

- 23) The reserved matters application shall include a Statement of Biodiversity Net Gain demonstrating that at least 10% biodiversity net gain will be achieved.
- 24) The development hereby approved (including demolition, ground works, and vegetation clearance) shall be carried out in strict accordance with the recommendations set out in the section 4 of the approved 'Ecological Appraisal and Protected Species Survey of Land South-East of A367, Midsomer Norton' (reference P1148.001, received 09 Nov 2023). The Ecological Appraisal shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the use of any garage as part of this development shall not be used other than for domestic storage and the parking of domestic vehicles; and not further ancillary residential accommodation, business use or any other purpose whatsoever.
- 26) The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with drawing 10871-SK-001C SITE ACCESS LAYOUT GENERAL ARRANGEMENT (received 15.12.2023). Once constructed the access, and required visibility splays, shall be maintained thereafter in that condition in perpetuity.

END OF SCHEDULE