



Appeal Decision

Site visit made on 9 January 2025

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/E3335/W/24/3343122

Land north of Ducks View, Ducks Hill, Huish Episcopi, Langport TA10 9FL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Messrs PC and AJ Jotcham against Somerset Council.
 - The application Ref is 23/03050/FUL.
 - The development proposed is Proposed development of nine dwellings with associated parking, services and domestic curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for development of nine dwellings with associated parking, services and domestic curtilage at Land north of Ducks View, Ducks Hill, Huish Episcopi, Langport TA10 9FL in accordance with the terms of the application, Ref 23/03050/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Messrs PC and AJ Jotcham against Somerset Council. The application is the subject of a separate decision.

Preliminary Matters

3. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council's appeal statement sets out the grounds for refusal had it determined the application. In summary, these were that the proposal would be inappropriate development in the countryside which would be harmful to protected species and harmful to protected habitats sites. It would also require a site specific flood risk assessment (FRA) and should make a contribution to affordable housing and social, physical and environmental infrastructure and community benefits.
4. The Council has referred to contributions to infrastructure and community benefits but related these to policy HG3 of the South Somerset Local Plan 2015 (the SSLP) relating to affordable housing. It has also not explained what development would trigger such infrastructure and community benefit contributions. In the absence of any such explanation or identified policy conflict, I have not considered this matter further.
5. The appellants provided a response to the Council's reasons for refusal, including a FRA and additional and updated information in respect of protected species and habitats sites. I sought the Council's views on these submissions. Consequently,

the Council determined that its concerns about protected species and flood risk have been addressed, subject to the imposition of relevant conditions. I have proceeded on this basis.

6. Since the appeal was submitted, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. The parties have had the opportunity to comment on the changes to the Framework insofar as they are relevant to this appeal. I have proceeded on that basis. References in the decision are to the December 2024 Framework.
7. The appellants submitted late evidence in the form of a recent planning permission¹ for 8 dwellings at Land at Drayton Nurseries, Drayton. This was approved on 7 January 2025 and after the appeal had been submitted. This decision was submitted on the basis that it was relevant to the consideration of the requirement for affordable housing and community benefits contributions in the appeal scheme. I have accepted this evidence and the Council has been given the opportunity to comment on it. I have proceeded accordingly.

Main Issues

8. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the integrity of the Somerset Levels and Moor Ramsar site; and
 - whether the proposal is required to make contributions to affordable housing.

Reasons

Character and appearance

9. The appeal site lies within an open agricultural field, behind linear housing development, comprising a mix of recently developed two-storey and single-storey dwellings, fronting the A372 road and on Ducks View. There are other sporadic pockets of linear housing along the length of the main road interspersed by hedgerow bordered fields. The site is relatively level and in an elevated position. To the west, the remaining land within the field slopes down towards a rhyne and residential development along Wagg Drove, set behind trees and hedgerows. A native field hedgerow encloses the eastern boundary of the site.
10. The proposed development would be located to the east of the built-up area of Huish Episcopi but separated from it by Wagg Rhyne and the remainder of the agricultural field in which the site is located. Due to the site's elevated position and the intervening open land, the proposed dwellings would appear visually separate from the settlement. This is similar to existing development along the A372, including that directly south of the appeal site, which is also visually and physically separate. Unlike this frontage development, the appeal scheme would be backland development. It would bring built development closer to that on Wagg Drove, where it would appear to encroach into the open and undeveloped countryside.

¹ Council Ref: 21/03106/FUL

The backland nature of the appeal scheme would also be at odds with the linear pattern of development elsewhere along the A372 in the locality.

11. The small settlement of Pibsbury is located east of Huish Episcopi. It comprises a fairly loose arrangement of housing either side of Windmill Lane and more development, separate from this and further east along the A372. The physical and visual separation between Huish Episcopi and Pibsbury is limited due to the existing pockets of frontage development along the A372, including that at Ducks View. Due to this existing development, the sloping topography and the hedgerow enclosure to fields along the A372, the proposal, whilst visible from public viewpoints, would not result in a significantly greater loss of separation between these settlements than already arises from existing intervening development.
12. A similar palette of materials would be used to that of the properties directly to the south and in this regard, the scheme would appear as part of this. These materials are also acceptable in terms of those used in the locality.
13. I appreciate that advice sought at the pre-application stage, indicated that the impact on visual amenity and surrounding landscape arising from the scheme would be acceptable. However, this comment was made in the context of the absence of a five year housing land supply. It was also pre-application and therefore not binding upon the council.
14. The proposal would cause modest harm to the character and appearance of the area. It would therefore conflict with Policy EQ2 of the SSLP which requires development to achieve a high quality, to conserve and enhance the landscape character of the area and respect local context.

Habitats sites

15. The appeal site lies within the hydrological catchment of the Somerset Levels and Moors Ramsar site (the Ramsar site). This is an internationally important wetland site, subject to statutory protection under the Conservation of Habitats Regulations 2017 (the Regulations).
16. The Ramsar site is one of the largest and richest areas of traditionally managed wet grassland and fen habitats in lowland UK. Much of the area is only a few metres above mean sea level and drains through a network of ditches, rhynes, drains and rivers, between low-lying fields and meadows. The site is designated for its internationally important wetland features, attracting internationally important numbers of wildfowl in winter and provides an important area for breeding. Generic conservation objectives for all Ramsar sites can be summarised as to ensure that the site is maintained or restored as appropriate.
17. The vast majority of the ditches within the Ramsar site are classified as being in unfavourable conditions, or at risk, from the effects of eutrophication caused by excessive phosphorus. Natural England (NE) considers that development which results in increased phosphorus discharges to the Somerset Levels and Moor catchment should be considered in combination to have a likely significant effect upon the Ramsar site and therefore require an Appropriate Assessment (AA) under the Regulations. As new residential development generating wastewater this would occur without mitigation.

18. The submitted Nutrient Neutrality Assessment and Mitigation Strategy² (NNAMS) sets out that the development will achieve nutrient neutrality through inclusion of a sustainable drainage system (SuDS), and the introduction of a new package treatment plant (PTP) connected to a pumping chamber which shall in turn discharge to a zero-discharge willow bed.
19. In accordance with the Regulations, I consulted NE as the appropriate nature conservation body and I have had regard to their representations. NE was content with the proposed mitigation but queried the calculations in relation to the amount and classification of the land use to be changed to residential. This has been addressed in the latest version of the NNAMS (24 February 2025) and the Council has confirmed the calculations are now correct.
20. It is proposed to secure the mitigation measures through an appropriately worded planning condition which would secure their implementation prior to occupation and secure ongoing maintenance of the mitigation measures.
21. In this way harmful effects would be prevented. As a result, following an AA, the proposal would not adversely affect the integrity of the Ramsar site. There would therefore be no conflict with Policy EQ4 of the SSLP and the scheme may proceed under the Regulations.

Affordable housing

22. Policy HG3 of the SSLP requires that 35% on-site affordable housing be provided in schemes of 6 no dwellings or more. This requirement sets a lower threshold to that set out in the Framework. The development plan pre-dates the Framework and is inconsistent with it. In view of this conflict, I give greater weight to the Framework and a threshold of 10 dwellings is therefore appropriate before affordable housing is sought.
23. The appeal site would provide nine dwellings and would fall below the threshold and would not trigger a requirement for affordable housing. The Council has argued that the scheme should deliver affordable housing because adjacent land that was in the appellants' ownership has delivered 2 and 4 dwellings respectively under earlier approvals³ to the land south of the appeal site. In combination with the appeal proposal this would amount to 15 dwellings, which would trigger the requirement for affordable housing under the Framework. The earlier approvals were granted on 22 August 2017 and 9 February 2018 respectively.
24. Caselaw⁴ has identified three core tests as a starting point for consideration. These are whether the sites are in single ownership, whether they constitute a single site for planning purposes and whether proposals can be deemed a single development.
25. The adjacent site is no longer in the same ownership as it was sold off to a developer, with the first scheme built out and occupied before April 2020 and the second scheme before July 2021. The site has therefore been in different ownership for some years. Furthermore, the time elapsed between those earlier approvals and the validation of the appeal scheme is nearly 6 years and not insignificant. This does not indicate a scheme that is being brought forward as part

² Nutrient Neutrality Assessment and Mitigation Strategy , Enviren, dated 24 February 2025 (Document Ref: 2300247-NNAMS)

³ Council Ref: 16/04427/FUL and 17/04828/FUL

⁴ R (Westminster City Council) v First Secretary of State & Blandford Limited [2003] JPL 1066

of a single site for planning purposes in phases to avoid contributions to affordable housing. It follows that it is not a single development.

26. From a site layout and design perspective, the appeal scheme would align with and follow a similar pattern to the frontage development. It would share the same access but this does not mean it forms piecemeal development to avoid affordable housing contributions.
27. I am also mindful of the recent approval at Land at Drayton Nurseries where the Council granted consent for 8 dwellings on land in the same ownership as an earlier consent⁵ for 6 dwellings. These consents were less than 5 years apart and the Council considered that due to this time period and the absence of a five year housing land supply it would not look at those two developments together in terms of providing affordable housing. The Council still lacks a five year housing land supply. To my mind the circumstances are almost the same as those in the appeal before me. I appreciate that the Council states those schemes would meet a housing need. However, the appeal scheme provides a mix of housing sizes and types and has not been found wanting by the Council in terms of meeting housing need.
28. In the circumstances of this case, and particularly given the timescales for bringing development forward, the evidence that this is piecemeal development is not persuasive. For these reasons, I conclude that the appeal proposal does not trigger the requirement to provide affordable housing. Whilst it would conflict with Policy HG3 as referred to above, it would not conflict with the Framework requirement for the provision of affordable housing.

Other Matters

29. The land slopes down from the appeal site towards Wagg Rhyne and properties on Wagg Drove to the north and west of the site. Local residents have raised concerns about increased run-off due to additional development, surface water drainage, the capacity of Wagg Rhyne as well as flooding events to properties on Wagg Drove and Ducks Hill.
30. A FRA and updated information has been provided as part of the appeal submissions. Subject to securing appropriate surface water drainage on site through a planning condition, the Council has accepted this addresses its concerns about flooding and drainage in respect of the site. I have no substantive evidence to the contrary that the attenuation pool would be inadequate, nor that increased flooding or drainage issues would arise as a consequence of this proposal. A planning condition would ensure that discharge rates do not exceed greenfield runoff rates and volumes. In addition to securing appropriate drainage capacity, the condition would secure ongoing maintenance. Safety concerns about the attenuation pond could be addressed as part of the details to be secured through a condition.
31. The wastewater management measures have been accepted by NE and the Council. I have no firm evidence before me that this would be inadequate or would give rise to unacceptable impacts to nearby planting or properties. It would be possible for a pump to be employed to overcome gravity issues associated with the topography of the area. Management, maintenance and monitoring of both the

⁵ Council Ref: 19/10457/FUL

willow bed and the PTP would be controlled through a planning condition. This would ensure that no wastewater is emitted from the system. There is no evidence that the PTP would generate unacceptable levels of noise. In the event this were to occur and result in a statutory nuisance, the Council has other powers to deal with this.

32. Some consultees have referred to The Orchard being adversely impacted by outflows of foul water. However, the wastewater management measures would control the outflow of wastewater. Wessex Water have also indicated that a connection to the public foul sewer could be made. In addition, on the limited details provided to me, it appears that The Orchard lies to the west of both Wagg Rhyne and existing development along Wagg Drove, and some distance from the proposed development. I have no firm evidence as to how it would be affected by the proposals.
33. An ecological impact assessment has been undertaken which has surveyed the ecological value of the site and sets out various mitigation against harm to wildlife and includes proposals for biodiversity enhancement. These measures would be secured through appropriately worded planning conditions.
34. The proposed dwellings and existing development to the south are indicated to be separated by a distance of over 28 metres. Additional landscaping is proposed as a buffer between them. Separation distances between properties on Wagg Drove would be considerably further. Consequently, the proposal would not give rise to unacceptable overlooking or overbearing impacts to neighbouring properties. Lights from car headlamps may be visible at times as they are already when vehicles enter Ducks View. However, with proposed hedgerow and other planting around the site which would be controlled by a landscaping condition, this could be screened to reduce any adverse impacts arising from this.
35. Solar PV panels are proposed to the lower south facing roofslopes of the proposed dwellings and their garages. With planting proposed in the intervening space between these roofslopes and the existing development to the south, glare arising from these panels would be filtered once that screening has become established and it would also only occur on sunny days. This would not unduly harm the living conditions of occupants to the south.
36. There are limited public transport opportunities for future occupants, however, they would be able to access facilities and services on foot along the formed footpath which links to Huish Episcopi. Future occupants would not be solely reliant on private motorised transport for their day-to-day needs.
37. I have no substantive evidence that local services cannot accommodate the needs of occupants associated with a development of nine dwellings. The proposal is modest in size and would not give rise to unacceptable traffic impacts. The Council has not raised an objection on this issue. There is no evidence that the proposal would lead to the use of Wagg Drove as a rat run nor that it would lead to increased HGV use of this road. Traffic associated with construction of the scheme would be managed through an agreed Construction Method Statement, which could be conditioned.
38. There is no firm evidence of an intention to further develop the remaining land within the appellants ownership. Any application to do so would be considered on its own individual merits.

39. The appeal site is an open field which I observed to be grassland. Concerns have been raised about the loss of the Best and Most Versatile Agricultural Land. I have no confirmation as to the category of this land. I note the Council did not raise an objection to the scheme on this basis.
40. The Council's Housing and Economic Land Availability Assessment (HELAA), dated August 2021, provides an assessment of opportunities for housing and economic development. The appeal site was assessed as part of this process and not found to be suitable, available or achievable.
41. I have been told that Huish Episcopi has already exceeded its housing quota. I have not been provided with full details in support of this. Nevertheless, there is a shortfall in housing across the South Somerset District (now part of Somerset Council) which the appeal scheme would help to address. Neither this nor the HELAA findings prevents an application to develop the site from being made which must be then considered on its own individual planning merits, as I have done here.
42. Concerns have been raised about consultation and notification of the proposals. This is essentially a procedural matter. However, it is evident from the representations made that local people were aware of the scheme and have had the opportunity to make their views about it known and taken into account.

Planning Balance

43. The Council cannot demonstrate a five year supply of deliverable housing sites. The most recent figures calculated under the new Framework standard method⁶, indicate that the supply is 2.11 years for the South Somerset District Council area (now Somerset Council – Area South). The Council acknowledges this figure and confirms that it has a significant shortfall in supply.
44. Due to the shortfall in supply, the policies relating to the supply and location of new housing are deemed to be out-of-date. This is not disputed. In such circumstances, paragraph 11d)ii. of the Framework is engaged.
45. In terms of securing well-designed places, the proposal would not preserve the area's prevailing character due to the location of the dwellings behind the linear frontage development as I have set out above. Modest harm to the character and appearance of the area would arise from this. This weighs against the proposal.
46. The scheme, in delivering nine dwellings, would make a modest contribution to addressing the significant shortfall in supply. It would provide a mix of housing, in a reasonably accessible location within walking distance to services and facilities where future occupants would not be solely reliant upon private transport to meet their day-to-day needs. Furthermore, the scheme would deliver economic and social benefits both during the construction and subsequent occupation of the dwellings, through providing jobs as well as through supporting and helping to sustain local services and facilities. Having regard to the Framework and the provisions of paragraph 73, as a small site it can make an important contribution to meeting the housing requirement of the area, which are recognised as being essential for small and medium enterprise housebuilders to deliver new homes,

⁶ Polden Planning, December 2024

and are often built-out relatively quickly. These are positive aspects of the scheme to which I attach significant weight.

47. I have found the scheme to be acceptable in terms of its impact upon protected habitats sites and that the requirement for providing affordable housing is not applicable. These are neutral factors in the balance.
48. The adverse impact arising from modest harm to the character and appearance of the area would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Consequently, the presumption in favour of sustainable development applies and this indicates that permission should be granted.

Conditions

49. The Council has proposed a number of conditions should the appeal be allowed. I have considered these and imposed them where they meet the tests set out in Paragraph 57 of the Framework, amending where necessary to avoid duplication and for the sake of simplicity, clarity and precision.
50. In addition to those conditions which I have already referred to and the standard timescale for commencement, a condition specifying compliance with submitted drawings is necessary in the interests of certainty (2).
51. A condition securing a construction method statement (3) is necessary to protect visual and local amenities and highway safety. This is required prior to development commencing on site to ensure measures are in place.
52. In the interests of safeguarding protected species and biodiversity, conditions requiring a construction environmental management plan (4), confirmation that necessary protections for great crested newts have been completed (5), agreement to a lighting strategy (6), a landscape and ecological management plan (LEMP) (7) and a survey of badger setts (8) are necessary. These arrangements and details need to be agreed before work begins on site to ensure suitable protection and mitigation is in place and are therefore pre-commencement conditions. The appellants have agreed these.
53. I have imposed a condition requiring details of hard and soft landscaping (9), removing those elements proposed that would duplicate details required as part of the LEMP. This condition is necessary in the interests of the character and appearance of the area and to provide enhancements to biodiversity. A condition securing a surface water drainage scheme (10) is necessary for surface water management.
54. To protect the character and appearance of the area, a condition controlling the materials to be used on external surfaces of the dwellings is necessary (11). Conditions securing the provision of the access in accordance with the submitted drawings (12) and to make provision for vehicle, cycle parking and turning space (13) are necessary in the interests of highway safety. Condition no 13 is also necessary in the interests of visual and residential amenity and to ensure the development is served by sufficient parking. I have imposed a condition requiring

details of refuse and recycling storage (14) to be approved and implemented prior to occupation in order to make sufficient provision for this storage and protect visual and residential amenity.

55. A condition securing mitigation in respect of protected habitats sites (15) is necessary for reasons set out above. I have also imposed a condition securing water efficiency (16) in the interests of reducing the environmental impacts of the dwellings. A condition requiring biodiversity enhancements (17) is necessary for that purpose.
56. I am mindful of the guidance in the Planning Practice Guidance⁷ which states the removal of permitted development rights may not pass the test of reasonableness or necessity. In this case, because the proposal would encroach into the open field away from the road and existing linear development, in the interests of the character and appearance of the area and the urbanising effect of domestic paraphernalia, a condition restricting such rights is reasonable (18).
57. I have incorporated the Council's suggested conditions on tree protection and the requirement for ecological monitoring into the requirements of the CEMP to avoid duplication.

Conclusion

58. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission is granted.

Rachael Pipkin

INSPECTOR

⁷ Paragraph: 017 Reference ID: 21a-017-20190723

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than [three] years from the date of this decision.
- 2) Except where otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with drawing nos: 1947A-Loc-01 Rev E, 1947A-DR-A-080-002 Rev H, 1947A-DR-A-080-003, 1947A-DR-A-080-004, 1947A-DR-A-080-005, 1947A-DR-A-080-006, 1947A-DR-A-080-007, 1947A-DR-A-080-008, 1947A-DR-A-080-009 and 1947A-DR-A-080-010 Rev E.
- 3) No development shall take place, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved CMS shall be complied with throughout the construction period for the development and shall include details of:
 - a) site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and construction vehicles; and provision for the loading / unloading of plant and materials within the site;
 - b) a programme of works including measures for traffic management and arrangements for deliveries and management of large vehicles;
 - c) measures to control the emission of dust and dirt during construction;
 - d) wheel washing facilities;
 - e) a scheme for recycling/disposing of waste resulting from construction works;
 - f) delivery and construction working hours; and
 - g) methods of communicating the CMS to staff, visitors and neighbouring residents and businesses.
- 4) No development shall take place (including ground works and vegetation clearance) until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the mitigation and compensation measures identified in section 4 'Assessment of Effects, Mitigation and Compensation Measures' of the Ecological Impact Assessment by Halpin Robbins, dated 29 July 2024 (Ref: 01.029.078.03_EcIA_v5), as well as details of:
 - a) Practical measures (physical measures and sensitive working practices) to avoid or reduce impacts during construction, including details of protective fencing / barriers for retained hedgerows and trees in accordance with BS5837:2012 Trees in relation to design, demolition and construction. Photographs of the approved measures shall be submitted to the local planning authority prior to any vegetation clearance or groundworks and be maintained throughout the construction period;
 - b) The location and timing of sensitive works to avoid harm to biodiversity features;
 - c) The times during construction when specialist ecologists need to present on site to oversee works;

- d) Responsible persons, lines of communication and written notification of operations to the local planning authority;
- e) The role and responsibilities on site of an ecological clerk of works or similarly competent person, including regular compliance site meetings with the Council biodiversity officer and landscape officer (frequency to be agreed); and
- f) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works. Any necessary remedial works undertaken or required, shall be submitted to the local planning authority for approval before occupation of the development. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval in accordance with a timetable agreed in writing by the local planning authority.

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

- 5) No groundworks shall commence until the local planning authority has been provided with the great crested newt District Level Licence issued by Natural England (pursuant of regulation 55 of the Habitats Regulations 2017) and the respective District Level Licence payment receipt.
- 6) No development shall take place until a Lighting Strategy 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. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key and supporting features or habitats. 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.
- 7) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP will be implemented in accordance with the approved details prior to the occupation of the dwellings hereby permitted. The LEMP should include details of the permanent boundary fencing, proposed hedgerows, and lowland meadow habitat creation as set out in the Ecological Impact Assessment, Halpin Robbins dated 29 July 2024 (Ref: 01.029.078.03_EcIA_v5), as well as 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 and options for achieving these;
 - d) prescriptions for management actions;

- e) preparation of a work schedule, detailing timescales for implementation (including an annual work plan capable of being rolled forward over a five-year period);
 - f) details of who is responsible for implementation of the plan;
 - g) arrangements for on-going monitoring and remedial measures.
- 8) No works of vegetative clearance or groundworks shall be commenced on site, unless a survey for badger setts has been carried out by an experienced ecologist no more than 3 months (and ideally no more than 6 weeks) prior to the proposed commencement of groundworks or vegetative clearance. The results of these surveys will be reported to the local planning authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks.

If badger setts are found on or near the site, a 30 metre buffer should be secured around all sett entrances and a mitigation plan should be submitted to and approved in writing by the local planning authority before any works commence on site. No works can occur within this 30 metre buffer zone until / unless a Natural England licence is obtained.

Where a Natural England licence is required, a copy will be submitted to the local planning authority no later than 10 working days before works that may affect the badger resting place commence.

The works shall be implemented in accordance with the approved mitigation.

- 9) No development shall take place above slab level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- Planting plans (to a recognised scale) and schedules;
 - The method and specifications for operations associated with installation including ground preparation,
 - Specifications for plant establishment, protection, management and maintenance of all retained and new trees, hedges and shrub planting;
 - earthworks showing existing and proposed finished levels or contours;
 - means of accommodating changes in level and retaining structures;
 - site enclosures and boundary treatments;
 - hard surfacing materials;
 - an implementation programme, [including phasing of work where relevant].

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

If, within a period of 5 years from the date of planting, the trees, hedges and shrubs (or any trees, hedges and shrubs planted in replacement for them) are removed, uprooted, destroyed or die or become seriously damaged or defective, another tree, hedge or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree, hedge or shrub unless the local planning authority gives its written consent to any variation.

- 10) No development shall take place above slab level until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the local planning authority. This scheme should aim to provide improvements in water quality and biodiversity, amenity value and provide flood risk benefits to meet wider sustainability aims. It should also provide any measures necessary to ensure safety around the attenuation pool.

The drainage scheme 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 prior to the occupation of the dwellings hereby permitted. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. The submitted details shall include:

- a) Updated drawings of the site included pipe levels and sizes as well as details of tanked permeable paving and outfall.
 - b) Further infiltration testing should be undertaken prior to construction along the length of the site.
 - c) A drainage maintenance and management plan with details of the site management company.
 - d) Inclusion of source control measures.
 - e) Details of groundwater monitoring over a 1-year period for determination of the seasonal effects on the local site hydrology.
- 11) The materials to be used in the construction of the dwellings hereby permitted shall be those as detailed within the planning application form.
 - 12) The proposed access shall be constructed in accordance with details shown on the submitted plan, Drawing No. 1947A-DR-A-080-002 Rev F. The first 6 metres of its length (as a minimum), as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) and drainage installed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The access shall be available for use prior to first occupation of the dwellings hereby permitted. Once constructed the access shall be maintained thereafter in that condition in perpetuity.
 - 13) The development hereby permitted shall not be occupied until the relevant number of parking spaces for the dwellings, garages, inclusive of electric vehicle charging points, cycle spaces (at a rate of one space per bedroom) and a properly consolidated and surfaced turning space for vehicles have

been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted. Nor shall any garages hereby approved be used for, or in connection with, any commercial trade or business purposes.

- 14) No dwelling hereby permitted shall be occupied until refuse and recycling storage areas have been provided to serve each dwelling in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Such details shall include siting and screening of such refuse/recycling storage areas. The refuse / recycling storage areas as approved shall thereafter be retained and maintained as such.
- 15) No dwelling hereby permitted shall be occupied until the Package Treatment Plant (PTP) and the Zero Discharge Willow Bed have been installed in accordance with the details set out within the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS), dated 24 February 2025 including the provision made for maintenance and monitoring set out within the Operation, Monitoring and Maintenance Plan (OMMP), Enviren, dated 31 July 2024 (Ref: 2300247-ENV-S1-SW-TR-E-0002). Written confirmation of the installation should be submitted to the local planning authority. Thereafter, the PTP and the Zero Discharge Willow Bed system shall be maintained and monitored in perpetuity in accordance with the details approved for the lifetime of the development.

Should the PTP hereby approved reach the end of its operational life during the lifetime of the proposed development, it must be replaced with an alternative PTP of equivalent or greater efficiency than the proposed PTP, which has an efficiency of 80.2%.

- 16) No individual dwelling hereby approved 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 day has been complied with.
- 17) Prior to the occupation of the dwellings hereby permitted, the following biodiversity enhancements shall have been installed and photographs of those features shall have been submitted to the local planning authority to demonstrate compliance. The enhancement features shall include the following:
 - a) An integrated bat box installed at least four metres above ground level and away from windows, on the south and/or west facing elevations of each new dwelling and maintained thereafter.
 - b) An integrated bird box (such as a swift brick or sparrow terrace) directly under the eaves and away from windows on the north and/or east elevations of each new dwelling and maintained thereafter.
 - c) Any new or replacement fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
 - d) A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.

- e) One hibernacula/log pile as a resting place for reptiles and or amphibians constructed on the site boundary, ideally near attenuation basin and maintained thereafter.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes AA, A, B, C, E and G of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.

End of schedule