

Appeal Decision

Inquiry held on 10 June 2025

Site visit made on 11 June 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2025

Appeal Ref: APP/E3335/W/25/3358746

Land at Anchor Road, Coleford BA3 5EH

- 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 Rainier Developments Ltd and; K.T.Dowling, N.D. Young, J.E. Cureton Corbett, and D. A. Bissex against the decision of Somerset Council.
 - The application Ref is 2024/0163/OUT.
 - The development proposed is described as “outline application for the erection of up to 75 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from Anchor Road.”
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Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 75 dwellings, associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from Anchor Road at Land at Anchor Road, Coleford BA3 5EH in accordance with the terms of the application, Ref 2024/0163/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved except for access. I have determined the appeal on this basis.
3. The Council confirmed that they no longer intended to defend the reasons for refusal detailed in their 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.
4. A section 106 legal agreement had been submitted however, alterations were required to this agreement in terms of an updated plan relating to proposed footway works and changes to the wording of the agreement to reflect this revised plan. I allowed a period up to 25 June 2025 for a signed and completed agreement to be submitted. I also allowed a period up to 18 June 2025 for the Council and the appellant to provide an updated list of suggested planning conditions. Both the legal agreement and the suggested conditions list were submitted within the prescribed times.

Main Issues

5. The main issues are whether the proposed development would be suitably located with regards to services; the effect of the proposal on the character and appearance of the surrounding area and landscape; and the effect of the proposal on the surrounding area in terms of drainage and flooding.

Reasons

Location

6. The appeal site is situated to the north of the Coleford settlement, to the west of Anchor Road. Coleford is described as a Primary Village in Core Policy 1 of the Mendip District Local Plan Part 1 (MDLP) which states that these villages offer key community facilities (including the best available public transport services) and some employment opportunities making them the best placed to accommodate most new rural development. The settlement of Coleford has a wide range of public facilities and services, including a convenience store, public house, primary school, medical practice, recreational ground, church and other commercial facilities.
7. The proposed development would deliver a footpath along the west side of Anchor Road connecting the appeal site with the village as well as the appeal site with the bus stop to the north. This would offer residents of the development, a pedestrian access to the services in the village, which are mostly all within two kilometres of the site. This footpath provides an accessible means for future residents to walk to nearby facilities and would also benefit residents of existing properties to the north of the village. Concerns were raised that the proposed footpath would encroach onto third party land, and at the Inquiry, I heard that the proposed footpath was achievable as it would all be contained within adopted highway land.
8. The proposed development would be within a short walking distance to bus stops, that have regular services that run Monday to Friday which visit larger settlements in the area. From the evidence submitted, in terms of timings of the bus services, I am satisfied that these public transport links would largely offer an opportunity for future residents of the development to access employment opportunities as well as other services and facilities within surrounding settlements. There are no bus services on a weekend from the bus stops close to the site, therefore residents would be mostly relying on private vehicles to access services in surrounding settlements on a Saturday and Sunday.
9. In terms of cycling, off road cycle routes and traffic free cycle routes have been identified as being around five to eight kilometres away from the site. These cycling routes connect some of the larger settlements in the area including Midsomer Norton, Radstock and Frome. The highway network surrounding the appeal site is generally made up of narrow rural lanes with interested parties indicating this would deter residents from cycling in the area. The appellant argues that the surrounding highway network is primarily low trafficked rural lanes. The narrow rural lanes could be a barrier to future residents using cycling as a method of transport. However, given the low trafficked roads and that there are specific cycle routes within cycling distance to the appeal site that directly connect to larger settlements, these would be factors that could encourage future residents to cycle.
10. The settlement of Coleford does have a good range of facilities and services which would be easily accessible from the proposed development by means of walking and cycling, and this means would be further enhanced by the introduction of a proposed footpath. Bus stops are located within close walking distance to the site with regular services running Monday to Friday and there are facilities in the wider area which would encourage cycling. Residents of properties in rural areas are generally going to be more reliant on private vehicles for travel given the locational nature. However, 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, particularly for everyday needs of future residents.

11. The proposed development would be suitably located with regards to services and would be in accordance with Policy DP9 of the MDLP which seeks development proposals to demonstrate how they will improve or maximise the use of sustainable forms of transport.

Character and appearance

12. The area surrounding the appeal site is characterised predominantly by residential dwellings at the edge of built development with open countryside beyond. The built form of the settlement is fairly linear to the north with buildings either side of Anchor Road. The further south into the settlement, the form of the built development deviates from the linear pattern with streets of development stretching away from the primary route of Anchor Road.
13. The proposal would result in the loss of open greenfield land. The appellant accepts that there would be limited harm to open and rural character as a result of the development. In context though, the appeal site is not highly prominent, and the open aspects of the site which contribute to the surrounding landscape are limited to close range views, in particular the Public Right of Way (PROW) that runs through the site. Most views from outside the site are screened by the sites surrounding hedgerow.
14. The proposal has incorporated provisions to mitigate against the limited harm described. The illustrative masterplan shows that the proposed properties would be located to the east of the site which would reflect somewhat the existing built form of the existing settlement. The west part of the site, in which the PROW runs across, would be a green corridor that maintains open land and provides landscaping. Existing boundary planting would also be primarily retained. Hedgerow would be removed from the east boundary to provide access and allow for visibility splays, however, the intention would be to translocate the existing hedgerow with secondary hedgerow planting if required.
15. Due to the limited views into and out of the site, and with the mitigation measures that are proposed with the development, the proposed development would not have an adverse effect on the open rural character of the surrounding landscape setting. The proposed built form would also be consistent with the existing pattern of development of the settlement of Coleford and therefore the proposal would not have a detrimental effect on the character and appearance of the surrounding area.
16. The proposal would not have a harmful effect on the character and appearance of the surrounding area or landscape. The proposal would not be contrary to DP1 of the MDLP which seeks development proposals to contribute positively to the maintenance and enhancement of the local identity and distinctiveness.

Drainage and flooding issues

17. The Council had concerns regarding foul drainage from the proposed site and the effect it would have on the capacity of the sewage network in the area. The appellants have undertaken further investigation works and hydraulic modelling, in consultation with Wessex Water, to produce a strategy for foul drainage.

18. The investigation works and modelling confirms that the existing sewage network has sufficient capacity to accommodate the foul flows from the proposed development with point of connection to the existing sewer being at the junction of Anchor Road and Farley Dell. It has been demonstrated that there would be a predicted increase in the number of spills at Coleford Sewage Treatment Works by two spills per annum. This spill increase is a result of modelling allowance creep. Wessex Water have stated that in this regard, overflow investigations are already planned with a view to implement improvement works, and these works would take into account the proposed development including creep and climate change allowance. Wessex Water in their consultation response conclude that they do not deem the proposed development poses a significant risk to the network or sewage treatment works.
19. A Flood Risk Assessment and Drainage Strategy has been submitted and this details that the development is located within a Flood Zone 1 with low probability for tidal and fluvial flooding, and no significant flood risk to the site from surface water, overland flows, existing sewers, ground water or artificial water bodies. To dispose of surface water run off, the proposed development would provide a new sustainable drainage network which would include infiltration via the use of soakaways or infiltration basins, attenuation and discharge to a local watercourse and attenuation and discharge to a public sewer network. In response to concerns from the Lead Local Flooding Authority, a Technical Note was produced. This Note provides details on an alternative outfall to avoid any third party or riparian implications, which would have surface water drainage routing out the site via Anchor Road and Brewery Lane to avoid existing woodland and ecological impacts, then routing north across adjacent land with an outfall formed in an existing ditch that leads to a tributary of the Kilmersdon Stream.
20. Concerns had been raised regarding potential mineshafts within the site, possibly within the vicinity of the proposed attenuation basin. I heard at the Inquiry that further on site ground investigation works had been undertaken with regards to these possible mine workings. Extensive exploratory works indicated that there is limited risk to the structural stability of the proposed attenuation basin from mine workings and that there had been some trial workings that confirmed that there was no coal in this area.
21. Accordingly, the proposal would not have a harmful effect on the appeal site or the surrounding area in terms of drainage and flooding. The proposal would be in accordance with Development Policy 23 of the MDLP which seeks development to be resilient to flooding, incorporate sensitively designed mitigation measures and incorporate water management measures to reduce surface water run off.

Other Matters

22. The appeal site does not lie within or directly adjacent to a European Site. The proposed development would be within the potential Zone of Influence of the Edford Woods and Meadows Site of Special Scientific Interest (SSSI), located within two kilometres of the site, and the Mells Valley and Mendip Woodlands Special Areas of Conservation (SAC) which are within 10 kilometres of the site. A Shadow Habitats Regulations Assessment (SHRA) has been submitted which includes an Appropriate Assessment (AA). These Assessments identify that except for greater horseshoe bats which could originate from the SAC, the appeal site does not support any of the other species that are qualifying features of the nearby

European Sites. The AA recommends a number of requirements which include provision of area for greater horseshoe bats within the development scheme, adherence to habitat boundaries set out in the illustrative masterplan, production of a sensitive lighting strategy, and the production of a construction environment management plan and a landscape and ecological management plan. These requirements have been suggested as planning conditions and will be discussed below. The Council and Natural England have not raised any objections to the SHRA and the AA. I am satisfied that the proposal would not have a harmful effect on SSSIs and SACs.

23. The highway network surrounding the appeal site is characterised by rural lanes which includes narrow sections of road, some being single width, with pinch points that vehicles have to navigate. I heard at the Inquiry from local residents, and their experiences with traffic problems in the area. I have also had regard to photographs that have been provided which show examples of traffic blockages where vehicles have been unable to pass each other. Some traffic collisions in the area have also been described although there is little substantive evidence on these collisions and the reasons for them. The submitted Transport Assessment details that at peak hours in the morning there would be around 44 vehicle movements to and from the appeal site with approximately 46 vehicle movements at peak hours in the afternoon. The current situation with vehicles having to navigate narrow rural lanes is not unusual for a countryside location. Given the traffic generation and vehicle movements proposed, including traffic from the Gladman development¹, the proposed development would not have a harmful effect on the surrounding highway network or on the safety of road users. The proposed development would provide a new vehicular access that would have sufficient visibility splays to ensure safe egress of vehicles into and out of the site without compromising safety. Concerns have been raised with regards to construction traffic during the build out of the development. A condition is suggested for a construction management plan to be in place which would aim to reduce the effect construction traffic has on the surrounding network.
24. The submitted Archaeological and Heritage Assessment (AHA) identifies several listed buildings that are situated within 235 metres of the appeal site. These identified buildings have been assessed as having historical and architectural interest. Given the location and visual relationship of these listed buildings with the proposed development, it is considered that there would be no harmful effects on the setting or the significance of the heritage assets. The proposal would preserve the setting of these listed buildings. The AHA also concludes that the site is unlikely to contain archaeology of such significance to require preservation in situ that would prejudice delivery of the proposed development.
25. An Ecological Assessment submitted with this appeal provides details on matters such as designated sites, habitats, protected species, priority species and notable species. With an appropriate mitigation strategy, that can be secured through appropriate planning conditions, the proposed development would not have an adverse effect on ecology, wildlife and biodiversity matters.
26. Interested parties have made oral and written submissions. Having regard to these, the development would introduce new residents to the area that could increase demand on services and facilities in the area. A legal agreement has been

¹ Permission granted under appeal decision APP/Q3305/W/20/3265459

submitted which seeks to provide contributions in a number of areas including open space, highways and health care. I will return to this matter below. Due to the location of the site, I am satisfied that the proposed properties would not have a detrimental effect on the living conditions of neighbouring occupiers. The submitted Landscape and Visual Appraisal states that there is an Ancient Woodland located approximately 500 metres north of the appeal site and given the location of this in relation to the proposed development, I am satisfied that the proposal would not have an adverse effect on this Ancient Woodland. The proposal would result in the loss of agricultural land, however, the land has been identified as mostly subgrade 3b agricultural land which would likely be too wet for spring cultivations and arable cropping all year round. Concerns have been raised with regards to lack of affordable housing in the area, and the proposed scheme would contribute to this matter by providing 30% of the proposed properties as affordable. I have also had regard to the Gladman development, which has planning permission for housing on the site to the east of this proposal but at the time of my site visit the development had not begun. From the evidence before me, I am satisfied that the proposed development subject of this appeal can be delivered regardless of whether the Gladman development permission is implemented or not.

Planning Conditions and Obligations

Planning conditions

27. 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 National Planning Policy Framework (the Framework).
28. Conditions relating to timeliness, the submission of reserved matters and identification of plans are necessary in the interests of certainty. In the interests of highway and pedestrian safety conditions are necessary in relation to footpath and cycle connections, highways condition survey, new access and visibility splays, and the construction of roads, footpaths and turning areas. To safeguard the living conditions of neighbouring occupiers and future users of the development, conditions are necessary in relation to finished ground levels and construction management plan. To prevent undue risk to the local surrounding environment it is necessary to attach conditions relating to landscape and ecological management plan, lighting and bat strategy, drainage and water usage, construction ecological environment management plan, trees and archaeology. In the interests of living conditions of residential occupiers and to reduce carbon emissions a condition is necessary in relation to a sustainability strategy statement.
29. The condition relating to standard water usage refers to compliance with building regulations and this would usually not be necessary as a planning condition given the requirement is covered under separate regulations. However, it was explained at the Inquiry that this condition would ensure a higher water usage rate that is only optional under building regulations. This higher water usage rate would contribute towards the proposed drainage of the overall site and I therefore consider this condition necessary. A condition relating to a landscaping scheme was suggested however, this is not necessary as this matter would be a requirement of a reserved matters application submission.

Planning obligations

30. A completed legal agreement has been submitted which details obligations for affordable housing, travel plan, public open space, highway works and contributions towards healthcare and sports and recreation facilities. 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.
31. Policy DP11 of the MDLP sets out that the proposed development should provide a provision of 30% of the total number of new homes to be provided in affordable tenures. The development would deliver 30% of the proposed homes as affordable, within that number, 66.7% of the affordable homes would be social rented units and 33.3% would be first homes. 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.
32. A Travel Plan is necessary in order to promote sustainable travel choices, reduce reliance on private car use and mitigate effect on the local highway network. A Travel Plan for the proposed development would directly benefit future residents. The proposed development would encourage sustainable forms of transport and minimise carbon emissions and this contribution would comply with Policy DP19 of the MDLP.
33. Policy DP16 of the MDLP and the Councils Greenspace Supplementary Planning Document (SPD) states that all new residential development should make a contribution towards the provision of new open space, including accessible natural greenspace, to meet the needs of the growing population. The SPD identifies the Fields in Trust requirements for open space and recreational facilities indicating that a proposal of this scale would need to provide a Local Area for Play (LAP), a Locally Equipped Area for Play (LEAP) and a contribution towards outdoor sport and recreation in the area. The obligations provide for a LAP and a LEAP to be provided for on the site as well as for a contribution to be made towards the provision and enhancement of the recreation ground on Highbury Street in the settlement of Coleford. The proposed development would introduce new residents that would increase pressure on open space and recreational space in the area, and these contributions would mitigate this and be in accordance with Policy DP16 and the SPD.
34. The proposed development would increase the local population and place further demand on healthcare provisions locally and further afield. To mitigate this demand, contributions would be made to primary care at the Mendip Country Practice in Coleford for additional surgery space, and towards healthcare facilities administered by the Royal United Hospitals Bath NHS Foundations Trust within the administrative area of Somerset. This would be in accordance with Policy DP19 of the MDLP.
35. The development would increase the number of pedestrians and cyclists travelling from the site to the services and facilities in the area. The proposal includes the creation of a new road junction onto Anchor Road as well as a new footpath on the western side of Anchor Road. An obligation within the legal agreement would secure these highway improvements and ensure highway safety and support sustainable modes of transport, being in accordance with Policy DP9 of the MDLP.

36. 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

37. The appeal site is not an allocated housing site and it lies outside the settlement boundaries of the village of Coleford as defined by the MDLP. Core Policy 1 of the MDLP states that in the rural parts of the district, new development that is tailored to meet local needs will be provided for **in** [emphasis added] primary villages – with Coleford listed as one of those primary villages. Given the specific wording of this part of the policy and the location of the site, the proposed development would fail to strictly comply with this particular part of Core Policy 1.
38. Core Policy 1, at its front, expects new development to contribute positively towards delivering components of the Vision for the district and the associated strategic objectives. The Vision of Mendip District includes that by 2029 new rural housing to be primarily focussed on the villages with the best range of services and facilities, with the strategic objectives of the MDLP requiring the provision of adequate levels of decent housing to be accessible to all and to improve accessibility by means other than the private car. Core Policy 1 further states in section 3 that any proposed development outside the settlement limits will be strictly controlled and will only be permitted where it benefits economic activity.
39. I have found that the proposed development is suitably located being directly adjacent to the boundary of the village of Coleford which is identified as a settlement which offers key community facilities. The development would also offer and encourage alternative methods of transport other than the use of private vehicle travel. The proposal would have significant benefits including economic activity by contributing to housing supply, providing employment opportunities, and supporting local services and facilities. The development would support the Vision and strategic objectives of the MDLP, and it would also accord with section 3 of Core Policy 1.
40. Whilst I acknowledge that there is some conflict with total adherence with Core Policy 1, the proposed development would nevertheless deliver on large parts of this Policy including its foremost direction for all new development to contribute positively towards delivering components of the Vision for the district and the strategic objectives. I therefore find that the proposal would comply with Core Policy 1 of the MDLP as taken on the whole. I have not found that the proposed development would fundamentally conflict with any other policies of the MDLP.
41. Accordingly, 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.
42. 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:

PG Tucker KC	Counsel
A. Evans	Counsel
He called:	
M. Grist	Highways and Accessibility
R. Harrhy	Drainage
W. Gardner	Landscape
J. Richards	Planning

FOR THE LOCAL PLANNING AUTHORITY:

S. Hall	Counsel
E. Winter	Somerset Council

INTERESTED PERSONS:

I. Collins	Local Resident
M. Pierce	Local Resident
P. Ham	Councillor and Parish Chairperson
B. Collier	CPRE
A. Townsend	Parish Council
D. Munby	Somerset Live
P. Bell	Parish Council
B. Clarke	Local Resident
S. Marden	Local Resident

Documents submitted at the Inquiry:

- List of appearances for the appellant
- Plan titled "Proposed Footway Design" Drawing No: 003 Rev P3
- Appellant's opening statement
- Council's opening statement
- P. Ham's opening statement
- CPRE's statement

Documents submitted after the Inquiry:

- Email from Council Ecology dated 10 June 2025
- Signed Section 106 Legal Agreement
- List of suggested planning conditions

CORE DOCUMENTS

CD No.	Document
Section 1: Original Application Documents	
1.1	Application form and certificates
1.2	Existing Location Plan ref. 507_L01 (Edge, December 2023)
1.3	Illustrative Masterplan ref. 507_P06 (Edge, December 2023)
1.4	Design and Access Statement (Edge, January 2024)
1.5	Topographical Survey ref. 46368_T Rev 0 (Greenhatech Group, February 2023)
1.6	Flood Risk and Drainage Assessment (FRA) (Jubb, January 2024)
1.7	Planning Statement, including Affordable Housing Statement (Turley, January 2024)
1.8	Transport Assessment/Statement (Jubb, January 2024)
1.9	Proposed Access Design, ref. 23134_001_RevP2 (Jubb, November 2023)
1.10	Proposed Footway Design ref. 23134_003 Rev P1 (Jubb, November 2023)
1.11	Travel Plan (Jubb, January 2024)
1.12	Ecological Appraisal, including Biodiversity Assessment, (edp, January 2024)
1.13	Landscape and Visual Assessment (LVA) (edp, January 2024)
1.14	Agricultural Land Quality report (Land Research Associates, April 2023)
1.15	Arboricultural Impact Assessment (edp, January 2024)
1.16	Utilities Assessment (Jubb, January 2024)
1.17	Phase 1 Ground Investigation report (Jubb, April 2023)
1.18	Ground Conditions Assessment Report (Jubb, December 2023)
1.19	Sustainability Statement (Turley, January 2024)
1.20	Statement of Community Engagement (Turley, January 2024)
1.21	Archaeology and Heritage Statement (edp, January 2024)
1.22	Covering Letter, Turley, 26 January 2024 (<i>incorrectly dated 2023</i>)
Section 2- Amended/Additional Drawings / Plans	
2.1	Flow Exceedance Plan, Jubb, SK_C_003 P1
2.2	Travel Plan, Jubb, 23134-TP-03, April 2024
2.3	Technical Note on Highways, Jubb, 23134-tn-02, May 2024
2.4	Shadow Habitats Regulations Assessment, edp, edp8023_r008a

2.5	Technical Note; Applicant Response to Somerset Council (LLFA) Consultation Response, Jubb, dated 15 January 2024 (this is an error and the document was issued in January 2025)
2.6	Proposed Drainage Strategy – Detailed Wastewater Assessment, Jubb, 11 March 2025
2.7	Technical Note, Highways Matters, ref. 23134-TN-05, October 2024
2.8	Proposed Access Design Drawing, Jubb, ref. 001 Rev P5
2.9	Proposed Footway Design Drawing, Jubb, ref. 003 Rev P2
2.10	Technical Note, Highways Matters, ref. 23134-TN-04, July 2024

Section 3 – Consultation Comments

3.1	Landscape officer comments, Landscape and Green Infrastructure Officer
3.2	Ecology Officer comments, 12 August 2024
3.3	Natural England Comments, 8 May 2024
3.4	Natural England Comments, 11 September 2024
3.5	Wessex Water Comments, 11 November 2024
3.6	LLFA Comments, 28 February 2024
3.7	LLFA Comments, 21 October 2024
3.8	LLFA Comments, 29 October 2024
3.9	LLFA Comments, 5 November 2024
3.10	Strategic Transport Planning Comments 13 March 2024
3.11	Affordable Housing Comments, 1 March 2024
3.12	Natural England Comments, 8 May 2024
3.13	Bristol Water Comments, 13 February 2024
3.14	Coleford Parish Council Comments, 11 March 2024 (and 2 appendices provided as separate files)
3.15	Strategic Transport Planning Comments 8 May 2024
3.16	Holcombe Parish Council Comments, following meeting on 5 March 2024
3.17	Environmental Protection Comments, undated
3.18	South West Heritage Trust Archaeology Comments, 20 March 2024
3.19	Waste Management Comments, undated
3.20	NHS Comments, 20 February 2024
3.21	NHS Somerset Comments, 6 February 2024
3.22	Coleford Parish Council 23 July 2024

3.23	Coleford Parish Council 16 September 2024
3.24	Education Team Consultation response, 5 March 2024
3.25	Highways Team Comments, 6 February 2024
3.26	Highways Team Comments, 5 July 2024
3.27	Highways Team Comments, 1 August 2024
3.28	Highways Team Comments, 20 September 2024
3.29	Highways Team Comments, 21 November 2024
3.30	Highways Team Comments, 19 April 2024
3.31	Rights of Way Team Comments, 17 February 2024
3.32	Coal Authority Comments, 26 February 2024
3.33	Wessex Water response, 10 March 2025

Section 4: Council Documents and Policy Documents

4.1	Decision Notice
4.2	Officer Report on the application
4.3	Somerset Local Development Scheme, 2 files; • LDS October 2023 • LDS February 2025
4.4	Mendip Local Plan Part 1
4.5	Somerset Council's 'Mendip Village Growth Monitoring – April 2024'
4.6	Report on the Examination of the Mendip District Local Plan 2006-2029 Part 2: Sites and Policies
4.7	Mendip Local Plan Part 2
4.8 and 4.8a	4.8 October 2024 housing land supply statement 4.8 a) March 2025 update to supply calculation
4.9	LPP1 Inspectors report
4.10	Local Plan Policy Map
4.11	Local Development Scheme 2025
4.12	Mendip Landscape Character assessment (adopted 2014)

Section 5: Appeal Decisions

5.1	Appeal Decision Ref: 3265459 ('Gladman' Decision)
5.2	Appeal Decision Ref: 3338956 ('Wells' decision)
5.3	Appeal Decision Ref: 3341085 (Land at 362977 147235, Chapelfield, Oakhill, Shepton Mallet)

5.4	Vistry Homes Limited and Fairfax Acquisitions Limited v Secretary of State for Levelling Up, Housing and Communities and Others [2024] EWHC 2088 (Admin) High Court Judgement
5.5	Hallam Land v. SSCLG [2018] EWCA Civ 1808 and Gladman v SoS for Communities and Local Government [2019] EWHC 128
5.6	R Forge Field Society v Sevenoaks District Council (2014)-EWHC-1895-(Admin)
5.7	Appeal Decision Ref: 3277137 (Edith Summerskill House, Clem Attlee Court, London)
5.8	Appeal Decision Ref: 3337232 and 3338939 (Fortescue Fields Phase II, Norton St Philip)
5.9	Appeal Decision Ref: 3337357 (Land West of Fortescue Fields, Norton St Philip)
5.10	Appeal Decision Ref: 3352740 (Land to the South of Fossefield Road, Fosse Way, Stratton on the Fosse, Somerset)

Section 6: Other Documents

6.1	Preliminary Drainage Layout
6.2	Application ref. 2019/2345/OTS - Site Location Plan
6.3	Application ref. 2019/2345/OTS - Illustrative masterplan
6.4	Application ref. 2024/1898/REM - Gladman RM layout
6.5	Appellant's notification of intention to appeal and to request the inquiry procedure
6.6	GLVIA – hard copy only
6.7	Technical Guidance Note, 02/21, Assessing landscape value outside national designations
6.8	Application ref. 2018/1279/FUL - 2 files - Site Location Plan and Layout Plan
6.9	Statement of Common Ground for Appeal ref. APP/E3335/W/24/3352740

Section 7: Appeal Documents, Evidence and SOCG

7.1	Signed Statement of Common Ground
7.2	Appellants' Statement of Case
7.3	Somerset Council Statement of Case (main doc and 2 x files of appendices)
7.4	CMC Summary Note
7.5	Proposed route for Inspector's site visit
7.6	Appellants' Landscape Proof of Evidence
7.7	Appellants' Landscape Proof of Evidence Summary
7.8	Appellants' Highways and Sustainability Proof of Evidence
7.9	Appellants' Planning Proof of Evidence, and Appendices provided as a separate file
7.10	Statement of Common Ground on general matters, agreed May 2025
7.11	Foul Drainage Strategy Plan, ref. 23134_SKC004(P1)

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| 7.12 | Offsite Foul Drainage Interim Mitigation Option, ref. 23134_SKC005(P1) |
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| 7.13 | Offsite Foul Location Plan, ref. 23134_SKC006(P1) |
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| 7.14 | CIL Compliance Statement (with 6 appendices contained as separate files) |
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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:

- Location Plan Ref: LO1
- Proposed Access Design Ref: 001 Rev P5
- Shadow Habitats Regulations Assessment, September 2024, Ref: edp8023_r008a

Reserved Matters

- 4) The reserved matters application shall include details of finished floor levels of all dwellings. Thereafter the dwellings shall be constructed in accordance with the approved details.
- 5) The reserved matters application shall include a detailed scheme of a network of cycleway and footpath connections within the site including up to the site boundaries and to public right of way FR4/9 as shown on the Somerset Public Rights of Way Definitive Map, along with a programme of implementation. The footpath and cycleway connections shall thereafter be delivered to the boundary of the site and to public right of way FR4/9 on an unencumbered basis to allow the free passage of users into and out of the site in accordance with the approved details.
- 6) The reserved matters application shall include a Landscape and Ecological Management Plan (LEMP). 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) Measures to secure the delivery of no less than 10% biodiversity net gain on the site
 - d) Aims and objectives of management.
 - e) Appropriate management options for achieving aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - h) Details of the body or organization responsible for implementation of the plan.

- i) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

- 7) The reserved matters application shall include a lighting strategy that is in general accordance with the External Lighting Strategy Report, 20th September 2024, DPA Lighting Consultants, Appendix 3 to the Shadow Habitats Regulations Assessment. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for greater horseshoe bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging.
 - b) Show how and where external lighting will be installed (through the provision of lighting contour plans illustrating Lux levels in accordance with Step 5 of Guidance Note 08/18 Bats and artificial lighting in the UK) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent greater horseshoe bats using their territory or having access to their breeding sites and resting places. The design will also include any amenity and or security lighting where needed.
 - c) Show the use of shields and other methods of reducing light spill (such as the installation of physical barriers) to prevent light spill.
 - d) No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

The approved lighting scheme shall be implemented before the occupation of the development hereby permitted and shall thereafter be permanently retained as such.

- 8) The reserved matters application shall include a foul water drainage works strategy, including details of the interim foul drainage measures to be secured as shown on Jubb drawing ref. SK_C_005 rev 1. The foul water drainage shall be fully implemented and maintained in accordance with the strategy as such thereafter.

Pre-commencement

- 9) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include:
 - a) The working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
 - b) Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise and vibration.
 - c) Proposals for the safe disposal of waste materials confirming that no burning of site generated waste will occur.

- d) A map to identify which route(s) is to be used by construction vehicles to access the site.
- e) The parking of vehicles of site operatives and visitors.
- f) Loading and unloading of plant and materials.
- g) Storage of plant and materials used in constructing the development.
- h) Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities.
- i) Delivery and construction working hours, which shall not permit noise generating activities outside of the following hours:

Mon - Fri 08:00-18:00

Sat 08:00 -13:00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved CMP.

- 10) No development shall commence (including ground works or vegetation clearance) until a Construction Ecological Environmental Management Plan (CEEMP) has been submitted to and approved in writing by the local planning authority. The CEEMP shall include:
- 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 for reptiles, nesting birds, dormice and badgers.
 - 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.

The approved CEEMP shall be adhered to throughout the construction period.

- 11) No development shall commence until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The development shall include

measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

- 12) No development shall commence until a condition survey of the adopted highway(s) adjacent to the site has been carried out and submitted to and approved in writing by the local planning authority. The survey shall include photographs and a written record detailing the condition of the carriageway, footways, kerbs, verges, and any associated street furniture. A second condition survey immediately following completion of the development shall be submitted to and approved in writing by the local planning authority. Any damage identified to the public highway resulting from construction traffic of the development shall be identified in the second survey and fully repaired within a time frame to be agreed by the local planning authority.
- 13) No development shall commence, until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the local planning authority. The Detailed Arboricultural Method Statement shall contain full details of the following:
 - a) Timing and phasing of arboricultural works in relation to the approved development;
 - b) Construction exclusion zones;
 - c) Protective barrier fencing;
 - d) Ground protection;
 - e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision;
 - f) Service positions; and,
 - g) details of any special engineering requirements, including 'no dig construction';

The development shall thereafter be carried out in strict accordance with the approved details.

- 14) No development shall commence until a programme of archaeological work shall be secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the local planning authority. The WSI shall include details of the archaeological monitoring, 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.

Pre-occupation

- 15) No dwelling hereby approved shall be occupied until a plan for the future responsibility and maintenance of the entire surface water drainage system, including outfall and any watercourses under riparian ownership of the site has been submitted to and approved by the local planning authority. Detailed information regarding the adoption of features by a relevant body, shall be provided, this may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company. A management and maintenance plan for the lifetime

of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development. The approved drainage works shall be completed and maintained in accordance with the details agreed.

The surface water drainage scheme, including attenuation and flow control shall be fully implemented prior to the commencement of development except for highway works. This shall include details to demonstrate that surface water will be managed during the construction phase to prevent unrestricted discharge and pollution to any receiving system. Post construction the drainage system shall be inspected, fully cleared and any remediation works undertaken

- 16) No 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 person per day has been complied with.
- 17) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 18) No dwelling hereby approved shall be occupied until the new access and associated visibility splays as shown on approved drawing number Proposed Access Design Ref. 001 Rev P5 has been constructed in accordance with that drawing. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained as such permanently thereafter.
- 19) No dwelling hereby permitted shall be occupied until a Sustainability Strategy Statement ('SSS') has been submitted to, and approved in writing by, the local planning authority. The SSS shall demonstrate how the development will, in line with a timetable, incorporate reasonable and practical sustainability measures through i) the siting, layout and design of the dwellings hereby permitted, and ii) maximising appropriate opportunities for the use of sustainable constructions techniques, renewable energy on site and water efficiency measures (including rainwater harvesting or other methods of capturing rainwater). The development hereby permitted shall be undertaken in accordance with the approved SSS, which shall thereafter be maintained as such.