
Appeal Decision

Hearing held on 28 July 2026

Site visits made on 27 and 29 July 2026

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 18 September 2026

Appeal Ref: APP/E3335/W/25/3375062

Land At Great Dunns Close , Beckington, Frome, Somerset, BA11 6AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Cotswold Homes Ltd & Redrow Homes Ltd against the decision of Somerset Council.
 - The application Ref is 2024/1865/FUL.
 - The development proposed is the erection of 20 dwellings (including affordable housing) with associated highway access, public open space, landscaping & external works, including demolition of an outbuilding & installation of a sewage pumping station & electricity sub-station.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 20 dwellings (including affordable housing) with associated highway access, public open space, landscaping & external works, including demolition of an outbuilding & installation of a sewage pumping station & electricity sub-station on land at Great Dunns Close, Beckington, Frome, BA11 6AJ in accordance with the terms of the application, Ref 2024/1865/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. Prior to the hearing a written application for costs was made by Cotswold Homes Ltd and Redrow Homes Ltd against Somerset Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since the hearing closed a new (August 2026) version of the National Planning Policy Framework (NPPF) has been published. This makes significant changes to the format of the document. In relation to the issues in this appeal it is my judgement that the new NPPF does not materially affect the considerations before me such that it was necessary to refer back to the parties. There remains a requirement in the NPPF to identify sufficient deliverable land to provide a 5 year supply of housing sites. It is not in dispute that the Council is unable to demonstrate such land supply in this case.
4. The NPPF retains the requirement to conserve heritage assets in a manner appropriate to their significance. Loss or harm to significance should be justified and it is necessary to identify the degree of any harm. As in previous iterations of national policy substantial (previously great) weight should be given to the

conservation of heritage assets. Any harm must be weighed against the public benefits of development.

5. The appeal site is not allocated for development and lies outwith the defined village envelope. However, as there is no 5 year supply of deliverable housing sites the NPPF indicates (at Policy S5) that such sites may be suitable for development where (amongst other matters) there is evidenced unmet need, subject to being well related to the settlement and of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.
6. The development plan in this case includes the Mendip Local Plan Part 1 (LPP1) and the Mendip Local Plan Part 2 (LPP2). Policies referenced in the Council's decision notice are found in LPP1. I take particular note of Policies CP1, CP2, DP3, DP8 and DP9 which I consider to be the most relevant for determining the appeal.

Main Issues

7. The main issues in the appeal are:
 - The effect of the proposed development on the setting of nearby listed buildings and the Beckington Conservation Area (CA);
 - Whether the proposed development would be likely to unacceptably increase the risk to bathing water quality at the designated Farleigh Hungerford river bathing site;
 - Whether the proposed development would be suitably located and whether it would be harmful to the long term sustainability of the settlement.

Reasons

Listed Buildings and Conservation Area

8. The appeal site is located to the north of the historic core of Beckington. Its southern boundary is contiguous with the boundary of the CA. A number of listed buildings are located within the CA here, most pertinently those which front onto, or take access from, Goose Street. My duty under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly I am required under S.72 of the same Act to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. Land rises from Goose Street towards the site, and within the site the rise gently levels off. Subsequently there is a slight fall towards the proposed access point from Great Dunns Close. Built development in the form of the proposed dwellings would be located just beyond the highest part of the site. From Goose Street itself, in the gaps between buildings, the tops of proposed dwellings would be glimpsed, but at least part of the lower sections of dwellings would be hidden from view.
10. Some listed buildings are closer to the site than those fronting Goose Street itself. Although not listed I was able to see the site from a property some distance to the north of Goose Street. It is clear that from there, and from the listed buildings set

behind Goose Street, the development would be more clearly observed. This is confirmed by my visit on to the site itself, where listed buildings can be seen.

11. The significance of these buildings, and the CA, was examined in a previous appeal relating to a proposal for 30 dwellings on this land¹. The context was different in that the site was allocated for development at that time, but I agree with the heritage findings of that Inspector. In my parallel assessment the significance of the listed buildings and the CA lie principally in their illustration of the historic development of the village and the links to surrounding land. The listed buildings relate to the village street and the village itself, with (in general) their rear curtilages simply defining the extent of the village envelope in previous years.
12. Whilst it is clear that the proposed development lies within the setting of the listed buildings and CA, it is equally clear that the setting has already changed significantly over time. This development would change the setting again, but minimally. The importance and significance of the buildings in the history of the village would not be materially eroded, and nor would the understanding of their relationship with the surroundings be changed to any degree. Given that context I agree that the intrusion of this proposal into the settings, and any harm, would be minor.
13. Nonetheless I must afford considerable importance and weight to this limited harm as required by the NPPF. Against this the public benefits of the scheme must be weighed. I deal with this matter in the planning balance below.

Water Quality

14. I start with the acknowledgment that Wessex Water and the Council have no objection to the proposal in its current form. This is resultant, in large part, from the agreed planning condition which would be attached to any permission. However, local residents and members of the Farleigh and District Swimming Club remain concerned that bathing water quality at the designated river bathing site at Farleigh Hungerford would be affected by the proposal.
15. It became clear during the hearing that the objectors are not claiming that Wessex Water is continuously breaching its discharge permit at either Beckington or Rode water treatment works (WTW). These are the 2 WTWs most immediately upstream from the bathing site. Beckington is about 8.5km upstream and Rode about 4.5km upstream. The concern lies with their belief that even when operated in accordance with the permits the water quality at the bathing site is not consistently rated as excellent or good, but that in some 40% of the samples taken it is poor. For its part Wessex Water does accept that the WTWs have a high potential to affect the quality of water downstream of the WTWs at Farleigh Hungerford. It cannot be seriously questioned that that is so, but it does not automatically follow that the discharges from the WTWs are the primary source of any unacceptable water quality issues downstream at the bathing site.
16. A complication in this matter is the fact that there is no actual 'certainty'² in any of the evidence. There is no dispute that there are periods during which high levels of contamination at Farleigh Hungerford are recorded. But there is no conclusive evidence of where the contamination emanates from. Some may be from

¹ APP/Q3305/W/21/3289537

² On the balance of probabilities

Beckington WTW, some may be from Rode WTW, but equally some may be from other sources such as the Staplemead Creamery a little further upstream, which has its own discharge permit. There is no public information on discharges from that site. Similarly, there is no information relating to any pollution which may result from contaminants washing off surrounding land.

17. Information presented in writing and at the hearing illustrates a link between water quality and episodes of combined sewage overflows (CSO). That is when current WTWs fail to cope with the inflows to WTWs and so release untreated water into the river. This is a well-known problem and concern countrywide and has led to plans being drawn up to improve WTWs in order to manage or eliminate CSOs. CSOs are different to discharges which occur daily in accordance with discharge permits.
18. Wessex Water is obliged to permit connections to its system if that system can absorb the flows, or to make provision to enable connection. Here, Wessex Water is content that the waste water flows from the development would be capable of being dealt with at Beckington WTW in accordance with its discharge permit. It is suggested that the increase in flows to the WTW would be in the order of 4%, which is manageable. The WTW at Beckington is in any event scheduled for upgrade works by 2035 to reduce or eliminate episodes of CSOs. But before that time, and outwith the periods when there are CSOs Wessex Water is content that the sewerage provisions proposed are acceptable.
19. I understand the concerns of local residents, and particularly the members of the swimming club that water quality at the bathing site should not give rise to health risks. That said, if Wessex Water is not breaching its discharge permit it is difficult to see what could be done in advance of the upgrade to the WTW (Rode is also scheduled for improvements). I recognise that in periods of CSOs (usually after heavy rainfall) contaminants in the river will be higher and water quality may decline for a period. However, Wessex Water is content that the waste flows from the appeal development can be catered for and there is no reason to argue against that expert assessment. The real concern is the presence of the bathing site and how the health of its users is protected. This is a matter which has been the subject of discussion and an agreed position has emerged with regard to a planning condition. This seeks to preclude waste water from the development entering the WTW in periods of CSO.
20. Turning to the proposed planning condition, it is designed to avoid waste water flowing through the sewers within the centre of the village, and to provide on site storage of waste water, for a period of 24 hours, during CSO events at the Beckington WTW until such time as the WTW is upgraded. It would, in effect, operate as a Grampian condition in the period until the WTW is improved. The Council and Appellants are content with this approach. The Parish Council and local residents are broadly supportive (on this narrow point) but with some reservation about the amount of on site storage proposed. In order to avoid the sewerage system in the village the waste water would be pumped northwards to connect to an alternative route which avoids the village centre. This is a marked difference from previous schemes but is similar to an agreed proposal for a development to the east which has recently been permitted.

21. To summarise on this issue I make the following observations:

- Wessex Water is content with the connection of this development to the Beckington WTW using a route avoiding the village centre;
- The assertion that poor water quality at the Farleigh Hungerford bathing site is almost inevitably causally linked to discharges at Beckington (and Rode) WTW(s) is not established on the balance of probabilities;
- There are other sources of contaminants which are likely to be affecting water quality which it is difficult, if not impossible, to quantify or assess;
- Maximum protection is possible, in planning terms, by the imposition of a condition stipulating sewage storage on site when necessary until the WTW is upgraded.

22. Taking all of the above into consideration, and in light of the condition agreed between the Council and the Appellants (which would provide suitable mitigation) it is my judgement that there is now no reason to withhold planning permission on the basis of the likely impact of waste water inflow at Beckington WTW. The potential for any worsening of water quality at the Farleigh Hungerford bathing site as a result of this development has not been made out. The situation and proposals have changed since the previous appeal decision and I am satisfied that the previously identified risks associated with the former scheme have been satisfactorily addressed.

23. Before leaving this topic relating to drainage I briefly address the matter of surface water disposal. There is agreement that the surface water disposal strategy associated with this case is now acceptable. The strategy allows for drainage to the north and conditions can ensure that the system is provided and kept in working order.

24. Local Plan policy DP8 seeks to avoid or minimise pollution in all its forms. The proposal includes an assessment of potential risks and the solution reached satisfies the relevant environmental body, as required. Hence the proposal satisfies provisions of this policy, which in its objectives is consistent with the NPPF.

Location and Sustainability

25. It is notable that Beckington is designated as a primary village in the Local Plan (Policy CP1) 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.”* Its designation as such follows the principles set out in the NPPF. Beckington has a range of services. These include a shop (albeit unusually associated with a service area located on the edge of the settlement adjacent to a major road junction). Even so the shop is accessible on foot from the site entrance in less than 5 minutes. There is a primary school, recreation ground, doctors surgery, café and 2 public houses. None is more than about 10 or 11 minutes on foot from the site. Furthermore there are bus stops less than 5 minutes away from where services to nearby towns and cities are relatively frequent.

26. Taking these matters into account, and given that Beckington is located in a rural area, I am satisfied that the opportunity to avoid using a private vehicle is readily

available for many trips. I would not expect car use to be insignificant for major shopping trips or to visit leisure or work locations, but in my judgement Beckington has facilities which enables residents to avoid many day to day excursions by car.

27. It must be the case that the Council takes a similar view since it has recently permitted a larger housing development to the east of the appeal site. That permission relates to land which is no better linked to village amenities overall. The Council sought to argue that the availability of a pedestrian link to the south of that site makes it acceptable. I reject that argument because the pedestrian link only has minor benefit for the accessibility of a small number of village facilities. In short I consider that the appeal site benefits from its proximity to Beckington's amenities.
28. I am aware that the village was identified for some growth in the Local Plan in Policy CP2³, and that the suggested growth figure has been exceeded by a significant amount. It is acknowledged, however, that the development plan figure is not a ceiling. In any event, the Council cannot seriously argue that Beckington has no room for more housing given the recent planning permission to the east. The third reason for refusing the appeal proposal alleges overdevelopment and failure to consider sustainable and alternative travel patterns. How this can be defended in light of the recent planning permission to the east I do not understand.
29. In any event, even without that recent permission, it is my judgement that the appeal proposal would not result in any overdevelopment of the village. It would add a small percentage of homes, but not enough to unbalance or harm the community. There would also be sufficient opportunity to utilise sustainable and alternative travel patterns. Impact on infrastructure is addressed in the planning obligation I refer to below.
30. Beckington, a primary village as identified in the Local Plan, has a range of services, include alternative transport modes as set out. This complies with Policy DP9 which is itself consistent with the NPPF. The proposal before me also includes a contribution towards improving transport infrastructure. Taken in the round it is my judgement that this proposal would be situated in a sustainable location and would not conflict with the objectives of the Local Plan as set out in Policies CP1 and DP9. Any minor conflict with the numerical objectives of CP2 is of lesser weight in light of the fact that this policy is not wholly compliant with the NPPF.

Other Matters

31. Following requests from local residents I visited properties close to the application site to assess the impact of the development from those dwellings. In relation to No 21 Great Dunns Close I was able to observe that the nearest proposed house would be a few metres from the back (eastern) boundary of that property. The proposed dwelling would have a gable wall facing No 21 with a single small en-suite window at first floor level. Hence whilst the new dwelling would undoubtedly change the outlook from No 21 it would not lead to an unacceptable reduction in amenity there.
32. The Orchard is located adjacent to the south-west corner of the appeal site with an access from Goose Street. The common boundary between the property and the

³ Policy CP2 is not wholly consistent with the NPPF as it largely precludes the opportunity to make judgements relating to proposals outside development limits

site would abut the location of the proposed open space/orchard in the development proposals. Again, I have no doubt that the outlook from The Orchard would change and that part of the development would be visible. There is significant boundary vegetation which would filter any intervisibility and new planting on the appeal site, including hedging and trees, would enhance the feeling of separation. I am satisfied that there would be no unacceptable impact on the residential living conditions of this dwelling and its associated buildings and garden

Conditions

33. A list of suggested conditions was submitted. It was agreed between the Appellants and the Council. I agree that conditions are reasonable and necessary, and meet the other required tests, in order to address the following:

- Confirmation of the plans and reports which form the basis of the permission, in order to ensure that the permission is defined;
- In order that the development is implemented in a satisfactory manner so that it would be acceptable in this location conditions which address:
 - Drainage (surface and foul water)
 - External finishes and detailing
 - Confirmed slab and ground levels
 - Hard and soft landscaping and tree protection
 - Provision and construction of roads, footpaths and parking
 - Provision of a play area
- In order to protect the environment and encourage sustainable living:
 - Provision of recycling and waste containers
 - Provision of cycle parking
 - Provision of electrical charging points
 - Energy efficiency measures
- To protect living conditions of residents during construction and later:
 - Noise mitigation measures
 - Construction and environment management plan
 - Construction management plan
- In order to enhance biodiversity and protect wildlife
 - Construction and environment management plan:biodiversity
 - Landscape and ecological management plan
 - Biodiversity gain and a habitat management and monitoring plan
 - Provision of bird and bat facilities
 - An external lighting design
- Exceptionally in this case I agree with a condition to restrict the provision of boundary treatments unless pre-authorised in view of the careful design of the boundaries included with the proposals.

Where necessary I have amended the wording of conditions for clarity and precision. I have also removed some text which was in the nature of informatives. It is for the Appellants/developer to address those matters in drawing up schemes for approval.

Planning Obligation

34. The Appellants have submitted an executed Unilateral Undertaking (the planning obligation) pursuant to S106 of the 1990 Act. This obligation makes provision for a number of benefits to flow from the development.
35. The most important of these is the provision of 6 affordable housing units on site, 5 for social rent. This is a benefit which attracts significant weight in the planning balance. The obligation also makes provision for the establishment of the management of the open space to be provided on site. In addition a number of financial contributions are included. These are:
- Contributions to mitigate the anticipated increased demand at Beckington Family Medical Practice;
 - Contributions towards the improvement of early years provision;
 - A contribution towards mitigating anticipated extra demand at Royal United Hospitals;
 - Contributions towards improvements to 2 roundabouts resulting from the increase in population.
 - Contributions towards a multi use games area (MUGA).
36. S106 obligations are required to meet the tests set out in the Community Infrastructure Levy (CIL) Regulations 2010 (Regulation 122(2)). These tests mean that a planning obligation may only constitute a reason for granting planning permission if the obligation is:
- Necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
37. I have considered the obligation and its associated CIL compliance statement. I agree that the provision of affordable housing and the establishment of management for open space meets the above tests. I also agree that the contributions for the Beckington Family Practice, early years provision, NHS hospital provision and improvements to the road network are directly related to the development and meets the tests.
38. However, the MUGA contributions have not been shown to my satisfaction to be either necessary to make the development acceptable or directly related to the development. In particular it has not been possible to indicate where a MUGA may be located. It could be many miles distant, and that would be most unlikely to have any direct relationship to this site. I therefore discount that part of the obligation as being unnecessary and not a reason for granting planning permission. The remainder of the obligation has been justified.

Planning Balance

39. The balance in this case is relatively straightforward.
- There would be harm to the setting of listed buildings and the CA. This must carry considerable importance and weight even though the harm would be limited as explained above.

- The benefits of the proposal include the provision of market housing, which carries significant weight in a location where there is evidenced unmet need.
 - The provision of affordable housing also attracts significant weight.
 - In addition there are benefits resulting from the provision of open space available to the public and the economic benefits associated with the construction phase and support for village services. These carry moderate weight.
 - There is no conflict with the development plan in respect of drainage or location as set out above.
40. In my judgement the benefits of the proposal clearly outweigh the harm to heritage assets. Local Plan Policy DP3 requires that proposals must justify any harm to heritage assets and demonstrate overriding public benefits which would outweigh harm. The proposal complies with this requirement, which is also generally compliant with the NPPF. Therefore the harm does not provide a strong reason to refuse planning permission. As I set out above the development also complies with a number of other Local Plan policies which in my judgement accord with the objectives of the NPPF.
41. The NPPF applies a presumption in favour of sustainable development. In this case there are no adverse impacts which would lead to conflict with Policy S5 of the NPPF and there is no identified harm which would preclude the grant of planning permission.

Conclusion

42. For the reasons given above the appeal should be allowed.

Philip Major

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in full accordance with the following approved drawings and reports:
 - 150 Site Location Plan
 - 100 Proposed Site Plan
 - 102 Proposed Site Layout with Wall Materials
 - 103 Proposed Site Layout with Roof Materials
 - 104 Proposed Site Layout with Tenure Mix
 - 105 Site Layout with Ownership
 - 111 Proposed Demolition Plan
 - 200 Revision A Proposed Street Scenes
 - 929 External Finishes Report
 - 004 House Type A Proposed Floor Plans
 - 005 House Type A Proposed Elevations
 - 006 House Type A2 Proposed Floor Plans
 - 007 House Type A2 Proposed Elevations
 - 008 House Type A3 Proposed Floor Plans
 - 009 House Type A3 Proposed Elevations
 - 010 House Type B Proposed Floor Plan with Side Bay
 - 011 House Type B Proposed Elevations with Side Bay
 - 012 House Type B Proposed Floor Plan
 - 013 House Type B Proposed Elevations
 - 015 House Type D Proposed Floor Plans
 - 016 House Type D Proposed Elevations
 - 018 House Type DV1 Proposed Floor Plans
 - 019 House Type DV1 Proposed Elevations
 - 020 House Type M Proposed Floor Plans
 - 021 House Type M Proposed Elevations
 - 025 House Type P Proposed Floor Plans
 - 026 House Type P Proposed Elevations
 - 027 House Type P Proposed Elevations
 - 030 House Type T Proposed Floor Plans
 - 031 House Type T Proposed Elevations
 - 032 House Type U Proposed Floor Plans
 - 033 House Type U Proposed Elevations
 - 034 House Type V Proposed Floor Plans
 - 035 House Type V Proposed Floor Plans
 - 050 Single and Double Garage Proposed Elevations and Floor Plans
 - 051 Large Double Garage Proposed Elevations and Floor Plans
 - 052 Substation Proposed Elevations and Floor Plan
 - BNG Baseline Habitat Plan All Ecology
 - Tree Protection Plan as part of Arboricultural Impact Assessment June 2024
 - 204 16-LAB-TPP-Rev A-NB
 - Contaminated Land Assessment R/13011/008
 - Noise Impact Assessment Ref. 10913/SL
 - Sustainability and Energy Statement July 2024
 - Transport Statement P24-0028/TR01
 - Measures Only Travel Statement P24-0028/TR02

Waste Management Plan (Construction)
Proposed Site Layout with ASHP and PV Locations and Water Butt Locations
106 Revision A
Exceedance Cross Section BR31178JNP-90-XX-DR-C-2002 Revision P01
Culvert Cross Section BR31178JNP-90-XX-DR-C-2003 Revision P01
SuDS Management and Maintenance Plan BR31178-JN-P-XX-XX-RP-C-1001
Flood Risk Assessment including Foul Drainage Assessment and Sustainable Urban Drainage Strategy Rev P04
Boundary Treatment and Hard Surfaces Plan 101 REV A
Detailed Soft Landscape Plan (BNG Post-Intervention Proposed Habitat Plan) 24_131_101 Revision F

- 3) No development shall be commenced until details of the sustainable surface water drainage scheme for the site during both the construction and operational phases of the scheme, has been submitted to and approved in writing by the local planning authority. Such scheme should meet wider sustainability aims as specified by The National Planning Policy Framework (2026) and the Flood and Water Management Act (2010). The development shall include a timetable for its implementation and measures to control and attenuate surface water. Once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.
- 4) No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system and watercourse under riparian ownership of the site has been submitted to and approved in writing by the local planning authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.
- 5) The surface water drainage scheme, including attenuation and flow control shall be fully implemented prior to occupation of any dwellings. 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.
- 6) The culvert under Bath Road shall be cleared prior to construction of the dwellings, with details agreed with the Lead Local Flood Authority, and submitted to and approved in writing by the local planning authority.
- 7) Foul drainage from the site shall be directed northwards from the site. No development shall commence until a detailed scheme for the disposal of foul drainage from the development, including details:
 - i of the specification and operation of the pumping station, and
 - ii for the provision of foul water storage to be agreed with Wessex Water up to a maximum volume of 24 hours flow from the site during overflow events at the Beckington Water Recycling Centre between the date of this permission and completion of the Beckington Water Recycling Centre upgrade workshas been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the

- approved details and completed prior to the occupation of any of the permitted dwelling and maintained as set out within the scheme.
- 8) Prior to their use on site a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, solar panels and boundary treatments, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out only in accordance with the approved details.
 - 9) No ducts, pipes, rainwater goods, vents, meter cupboards or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the local planning authority. All such attachments shall thereafter be retained in that form.
 - 10) All hard and soft landscape works shall be carried out in accordance with the approved landscape strategy plan (24_131_101 Revision F Detailed Soft Landscape Plan). The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme (phasing) agreed in writing with the local planning authority. Any trees or plants indicated on the approved scheme which die, are removed or become seriously damaged or diseased shall be replaced in accordance with the Habitat Management and Monitoring Plan (required under Condition 34) during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscape works shall be permanently retained in accordance with the approved details.
 - 11) No individual dwelling shall be occupied until the recycling and waste containers stores for that individual unit(s) have been provided on site in accordance with the approved plans. The works shall be permanently retained and maintained in accordance with the approved details thereafter.
 - 12) No development activity shall commence until the protective measures as stated in the approved annotated tree protection plan 2404 16-LAB-TPP-Rev A-NB Tree Protection Plan received as part of Arboricultural Impact Assessment May 2024 are implemented.
 - 13) A strategy for the implementation of the recommended noise mitigation measures as set out in the Noise Impact Assessment Ref. 10913/SL July 2024 shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the proposed construction method for any acoustic fencing taking account of the tree and hedge protection measures detailed within the approved Arboricultural Impact Assessment Report and shall be completed in full prior to the occupation of any of Plot Nos 3-7. The works shall be permanently retained and maintained in accordance with the approved details thereafter.
 - 14) No development shall commence, including site clearance, groundworks or construction, until a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, has been submitted to and approved in writing by the local planning authority. The CEMP shall include as a minimum:
 - a) Measures to regulate the on-site routing of construction traffic;
 - b) The importation of spoil and soil on site;
 - c) The removal /disposal of materials from site, including soil and vegetation;

- d) The location and covering of stockpiles;
- e) Details of measures to prevent mud from vehicles leaving the site, to include wheel- washing facilities;
- f) Control of fugitive dust from earthworks and construction activities, including dust suppression measures;
- g) Noise and vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 code of practice for noise and vibration control on construction and open sites which shall be used to minimise noise or vibration disturbance from construction works;
- h) A waste disposal policy (to include no burning on site);
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- j) Details of any site construction office, compound and ancillary facility buildings;
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number;
- m) Prevention of nuisance caused by radios, alarms, PA systems or raised voices which shall confirm that noise generating activities shall not occur 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 details so approved and any subsequent amendments as shall be agreed in writing by the local planning authority shall be complied with in full and monitored by the developer to ensure continuing compliance during the construction of the development.

- 15) No development shall commence (including demolition, groundworks and vegetation clearance) until a Construction Environmental Management Plan:Biodiversity (CEMP:B) has been submitted to and approved in writing by the local planning authority. The CEMP:B shall address reptiles and bat roosts explicitly and shall also 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 habitat clearance measures, badger buffer zones;
 - 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 construction of the development shall thereafter be carried out strictly in accordance with the approved CEMP:B.

- 16) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- a) 24 hour emergency contact number;
 - b) Hours of operation;
 - c) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - d) Locations for loading/unloading and storage of plant, waste and construction materials;
 - e) Measures to protect vulnerable road users (cyclists and pedestrians)
 - f) Any necessary temporary traffic management measures;
 - g) Arrangements for turning vehicles;
 - h) Arrangements to receive abnormal loads or unusually large vehicles;
 - i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;
 - j) The proposed roads, including footways 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 footway and carriageway to at least base course level between the dwelling and existing highway.
 - k) No development on the elements listed below shall commence until the following information has been submitted to the local planning authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the local planning authority:
 - i) estate roads ii) footways iii) tactile paving iv) sewers v) service routes vi) vehicle overhang margins vii) visibility splays viii) carriageway gradients ix) drive gradients x) car, motorcycle and cycle parking xi) hard and soft structural landscape areas xii) pedestrian and cycle routes and associated vehicular accesses and crossings xiii) means of enclosure and boundary treatment xiv) street lighting and street furniture xv) proposed levels xvi) highway drainage xvii) swept path analysis for a vehicle of 10.4m (3-axle) length xviii) service corridors.

Once approved the construction of the development shall be carried out in accordance with the agreed details prior to first occupation (or prior to first occupation of each relevant phase).

- 17) No development hereby permitted shall commence until details of the internal estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for

provision of such works, have been submitted to, and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved details and timetable.

- 18) 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 is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 19) No individual dwelling shall be occupied until the parking spaces for that individual unit have been marked out, constructed and properly consolidated and surfaced (not loose stone or gravel) in accordance with the approved plans. The spaces shall thereafter be permanently retained (including the internal garage spaces) and kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access in conjunction with the approved development.
- 20) The proposed access shall be provided in accordance with details shown on the submitted plan, drawing number 929 100, and shall be available for use prior to first occupation (including show homes). Once constructed the access shall be maintained thereafter in that condition in perpetuity.
- 21) No dwelling hereby permitted shall be occupied until a scheme showing precise details of the proposed cycle parking facilities for that dwelling is submitted to the local planning authority and approved in writing. Once approved, any such scheme must be implemented in respect of that dwelling before the development is occupied and thereafter be retained.
- 22) No dwelling hereby permitted shall be occupied until an electric vehicle charging point is installed and commissioned for use for that dwelling. The charging point should be at least 7kW, an untethered connection i.e. only a socket without a built-in cable, and capable of Mode 3 charging. The charging point must be retained, kept free from obstruction and available for the purpose specified thereafter.
- 23) No dwelling hereby permitted shall be occupied until a Landscape and Ecological Management Plan (LEMP), including the management of the Public Open Space and Local Area for Play, has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
 - a non-technical summary;
 - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - 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 organisation responsible for implementation of the plan;
- h) 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 plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried out and implemented in accordance with the approved details thereafter.

- 24) Prior to the commencement of development above Damp-Proof Course Level (DPC), a plan showing the detailed design of the proposed play area shall be submitted to and approved in writing by the local planning authority. This is to include:

- a) details of the boundary treatment/gates showing a maximum height of 1 metre;
- b) layout and details of the proposed play equipment;
- c) proposed surfacing;
- d) proposed signage;
- e) proposed bins and seating;
- f) plan showing how wheelchair access will be facilitated in the play area and surrounding area.

The development shall be implemented in accordance with the approved details, no later than 90% occupation of the development hereby approved.

- 25) No dwelling hereby permitted shall be occupied until an external lighting design scheme to protect bats has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for 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 technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. The design shall also include any amenity and or security lighting where needed;
- c) show the installation of physical barriers to prevent light spill.

All external lighting shall be installed in accordance with the approved details and in accordance with any phasing plan, and shall be retained thereafter in perpetuity. No further external lighting shall be installed without further details being submitted to and approved in writing by the local planning authority.

- 26) No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a survey to assess the nesting bird activity on the

- site during this period and a scheme to protect nesting birds has been submitted to and approved in writing by the local planning authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.
- 27) No dwelling hereby permitted shall be occupied until a scheme for the provision of integrated bird and bat boxes and small mammal holes in boundary treatments of the development has first been submitted to and approved in writing by the local planning authority. No dwelling shall thereafter be occupied until the agreed features for that dwelling have been installed in accordance with the approved details.
- 28) No demolition of structures on site shall take place until a strategy including plans and a timetable for the construction of a replacement bat roost in the garage to Plot 7 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved strategy and the roost shall be retained thereafter.
- 29) Notwithstanding any slab and ground level information provided within the drawings listed in Condition 2, a plan showing the confirmed slab and ground levels for the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of construction of any of the dwellings hereby permitted. The development shall be constructed in accordance with the approved details.
- 30) The development hereby approved shall be carried out and constructed in full accordance with the energy efficiency and reduction measures detailed on the approved plans and specified within the Sustainability and Energy Statement July 2024. The works shall be retained in accordance with these approved details thereafter.
- 31) Prior to the occupation of any dwelling, a scheme for that individual dwelling for the provision of roof mounted PV panels shall be submitted to and approved in writing by the local planning authority. This scheme shall include details of the colour of the panels and any framing/fixings being used. The approved scheme shall be implemented, commissioned and retained as such thereafter.
- 32) Prior to the occupation of any dwelling, a scheme for that individual dwelling for the provision of an operational air source heat pump shall be submitted to and approved in writing by the local planning authority. Details must include specifications, siting and noise emissions. The approved scheme shall be implemented, commissioned and retained as such thereafter.
- 33) The Biodiversity Gain Plan shall be prepared in accordance with the hereby approved BNG Matrix (All Ecology) and Landscape Plan (Mood Landscape) 24_321_101 Rev F.
- 34) No development shall take place until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when:

- (f) the HMMP has been implemented; and
- (g) habitat creation and enhancement works as set out in the HMMP have been completed. A completion report, evidencing the completed habitat enhancements, shall be submitted to the local planning authority alongside this Notice.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

- 35) Notwithstanding the provisions of Class A (gates, fences, walls etc) of Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order amending or revoking that Order, no gates, fences, walls or boundary treatments other than those explicitly authorised by this permission shall be installed on the site without the express permission of the local planning authority.
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FOR THE LOCAL PLANNING AUTHORITY:

Mr S Trafford	Somerset Council
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FOR THE APPELLANT:

Mr S Choongh	Counsel
Dr J Turnock	Pegasus Group
Mr C Austin-Fell	Tetra Tech
Mr C Evans	Tetra Tech
Mr R Graham	Tetra Tech
Mr R Magno	Tetra Tech

INTERESTED PERSONS:

Ms T Hampden	Context Planning
Dr A Tyler	Local Resident
Mr C Winterbourne	Local Resident
Ms D Denton	Local Resident
Ms L Hughes	Local Resident
Mrs Taylor	Local Resident attended site visit
Mr Burke	Local Resident attended site visit

DOCUMENT HANDED IN AT THE HEARING

- 1 Plan indicating comparative walk distances with the site to the east