

<b>Application Details</b>	
Application Reference Number:	<u>3/21/22/011</u>
Application Type:	Variation of conditions
Earliest decision date:	10 March 2022
Expiry Date	26 April 2022
Decision Level	Planning Committee
Description:	Variation of Condition No. 21 (to remove the wording 'before their construction begins' in relation to roads, footways, footpaths, paving, verges, junctions, street lighting, sewers, drains, walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriage way gradients, car, motorcycle and cycle parking, and street furniture) of application 3/21/21/015
Site Address:	Land off Seaward Way, Minehead
Parish:	Minehead
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
AONB:	N/A
Case Officer:	Kieran Reeves
Agent:	Mr T Lewis
Applicant:	Classic Builders South West Ltd
Committee Date:	07 April 2022
Reason for reporting application to Committee	Somerset West and Taunton are the applicants

## 1. Recommendation

### 1.1 Grant

## 2. Executive Summary of key reasons for recommendation

2.1 The Highway Authority have concluded that there are exceptional circumstances that allow the proposed variation of Condition 21 to be allowed from their perspective. Officers have concluded that the proposed variation would not lead to the condition becoming unsound and there would still be a trigger within the condition that requires the details to be agreed and implemented prior to first occupation of the approved dwellings.

### **3. Planning Obligations and conditions and informatives**

#### **3.1 Conditions**

The conditions from planning permission reference 3/21/21/015 have been carried over to this Section 73 approval, with the exception of Condition 21, which has been amended to the wording suggested by the applicant.

#### **3.2 Informatives (bullet point only)**

The informatives from planning permission reference 3/21/21/015 have been carried over to this Section 73 approval.

##### **3.2.1 Proactive Statement**

In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

#### **3.3 Obligations**

No planning obligations secured as part of this approval.

### **4. Proposed development, site and surroundings**

#### **4.1 Details of proposal**

The application seeks to vary a condition attached to planning permission reference 3/21/21/015. The original planning permission was for the erection of 54 low carbon homes comprising 33 flats (17x1 bedroom & 16x2 bedroom) and 21 houses/bungalows (12x2 bed, 7x3bed & 2x4+ bed) on land to the south of Seaward Way, Minehead. The scheme is for 100% affordable housing, funded by 'Right to Buy' receipts. This current application is seeking to vary the wording of Condition 21 of the 2021 planning permission to alter the stage when certain details are required to be submitted and approved.

#### **4.2 Sites and surroundings**

The application site is a regular shaped piece of land located to the south of Seaward Way (A39) at the eastern entrance to Minehead. It is approximately 1.2ha in size, although the rhine drainage system that runs around the southern and eastern periphery of the site limits the developable part of the site to approximately 0.85ha. The site is currently vacant and relatively flat, apart from the spoil from a recently dug attenuation pond, that would serve the development and the newly built commercial buildings, to the east. A new access road, Rainbow Way, has been provided off Lutterell Way to the south-western corner of the site. This links, via a small roundabout, to a junction onto Seaward Way.

The surrounding area is of mixed character. Butlins holiday camp occupies a large site on the opposite (northern) side of Seaward Way; Sandpiper Close and Little

Plover Close, part of an established residential area, are located to the south and private sports facilities belonging to West Somerset Community College (secondary school) are to the south-west. The wider area, beyond the new commercial buildings, contains the Minehead Community Hospital and Premier Inn. Tesco's, Morrisons and Lidl supermarket stores are located to the north.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/21/21/015	Erection of 54 No. low-carbon affordable homes with associated works	Granted	14th July 2021
3/21/18/021	Erection of 2 No. industrial units with associated parking and access roads	Granted	25th October 2019
3/21/18/020	Erection of 40 No. dwellings with associated roads, gardens & parking	Granted conditionally subject to a Section 106 legal agreement to secure affordable housing and a Travel Plan	23rd October 2019

## 6. Environmental Impact Assessment

No Environmental Impact Assessment submitted in relation to this application.

## 7. Habitats Regulations Assessment

7.1 The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 01 February 2022

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: 04 February 2022

#### 8.4 Site Notice Date: 17 February 2022

#### 8.5 Statutory Consultees

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
Minehead Town Council	<p>Minehead Town Council is unable to pass opinion on this complex matter as it is unclear from the application where the risks and benefits lie in changing and/or improving the variation to Condition 21. Minehead Town Council wishes to refer the matter back to Somerset County Council Highways and Somerset West and Taunton District Council.</p>	
Highways Development Control	<p>The application is for the variation of condition 21 of planning consent 3/21/21/015.</p> <p>I have taken the opportunity to review the submitted planning statement in relation to the justification for this submission. The Highway Authority usually requires the works to be technically approved prior to the commencement of development on site. The reasoning is to reduce the risk of abortive works and cost to the developer. As such the Highway Authority would usually raise objection to an application of this nature.</p> <p>Notwithstanding the above the Highway Authority understands that this proposal is for affordable housing within the district and that Homes England grant funding could be lost if there is a significant delay to this development. The Highway Authority has worked with the applicant to see if there were any alternative solutions which enable works to be commenced. However, it was noted that these would have the potential to impact on the funding of the site.</p> <p>Consequently, when taking all these matters into consideration the Highway Authority raises no objection to this S73 application. However, it should be noted that this decision is based on the exceptional circumstances which have</p>	

been put forward to allow for the delivery of these affordable homes and therefore does not represent an overall change in position from the Highway Authority on these matters.

SCC - Ecologist	No comments received
Environmental Health Team	No comments received
SCC - Education	No comments received
Environment Agency	No comments received
Leisure Development	No comments received
Housing Enabling Officer	No comments received
Asset Management	No comments received
Landscape	No comments received
Regeneration and Infrastructure	No comments received
Tree Officer	No comments received
South Western Ambulance Service	No comments received
Highways England	National Highways was not consulted on application 3/21/21/015, which we assume is based on the scale of development and proximity to our network, the site being approximately 30km north of the M5 motorway.

We may therefore have been consulted on application 3/21/22/011 in error, and offer no comments regarding the application.

Network Rail	No comments received
National Grid	No comments received
NHS - GP Practices	No comments received
Avon & Somerset Police	I have no further comments to add to those contained in my letter dated 23rd February 2021 submitted in respect of the original application (3/21/21/015).

Western Power	No comments received
Wessex Water Authority	No comments received
Emergency Planning	No comments received
West Somerset Railway	No comments received
Devon & Somerset Fire & Rescue Service	<b>1. Means of Escape</b> Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

## **2. Access and Facilities for the Fire & Rescue Service**

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

### **8.6 Internal Consultees**

No responses received from internal consultees.

### **8.7 Local representations**

Neighbour notification letters were sent in accordance with the Council's Adopted Statement of Community Involvement.

No public representations have been received in relation to this application.

## **9. Relevant planning policies and Guidance**

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.

Relevant policies of the development plan in the assessment of this application are listed below:

### **West Somerset Local Plan to 2032**

Policy SD1 - Presumption in favour of sustainable development  
Policy SC1 - Hierarchy of settlements

Policy SC2 - Housing Provision  
Policy SC3 - Appropriate mix of Housing types and tenure  
Policy SC4 - Affordable housing  
Policy SC5 - Self-containment of settlement  
Policy MD1 - Minehead Development  
Policy MD2 - Key Strategic development allocations at Minehead/Alcombe  
Policy TR1 - Access to and from West Somerset  
Policy TR2 - Reducing reliance of the private car  
Policy CF1 - Maximising access to health, sport, recreation and cultural activities  
Policy CF2 - Flood Risk Management  
Policy CC1 - Carbon Reduction, small scale schemes  
Policy CC2 - Flood Risk Management  
Policy CC3 - Coastal Change Management Area  
Policy CC4 - Coastal Protection Zone  
Policy CC5 - Water Efficiency  
Policy CC6 - Water Management  
Policy NH6 - Nature conservation and the protection and enhancement of biodiversity  
Policy NH7 - Green Infrastructure  
Policy NH9 - Pollution, contaminated land and land instability  
Policy NH13 - Securing High Standards of Design  
Policy NH14 - Nationally Designated Landscape areas

#### Retained saved polices of the West Somerset Local Plan (2006)

Policy W/4 - Water Resources  
Policy W/7 - River Corridor Protection  
Policy BD/9 - Energy and Water Conservation  
Policy T/8 - Residential Car Parking  
Policy NC/4 - Species protection  
Policy NC/5 - Wildlife Habitats

#### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021  
District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

### **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

The principle of the development is established as acceptable under the original planning permission that this application seeks to vary. The applicant is seeking to vary Condition 21, which states the following:

*The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority before their construction begins. 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. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.*

The reason for attaching the condition was to ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority. As such, the opinion of the Highway Authority will be integral to whether the variation sought by the applicant can be approved.

The applicant is seeking to amend the wording of the condition by removing "before their construction begins". The subject wording requires details to be submitted to, and approved in writing, by the Local Planning Authority prior to their construction. The applicant is seeking to avoid delays to the construction of the affordable homes that would potentially be caused by the condition as currently worded as delay could jeopardise the £1m of grant funding provided by Homes England. Additionally, it is stated that a temporary haul road would have to be constructed in order to minimise the delay as no roads could be constructed prior to details being agreed. The haul road would have an impact on the finances of the project and also have environmental implications.

It is important to note that conditions that require details to be submitted and approved require triggers in the condition to ensure that they are submitted and approved at some point in the process. Officers note that should the requirement for the details to be submitted prior to construction be removed, then there would still be a requirement for them to be agreed prior to first occupation of the approved dwellings. This means that the condition would not become unsound as a result of the proposed variation.

The Highway Authority have advised that they usually require the works to be technically approved prior to the commencement of development on site so that there is a reduction to the risk of abortive works and cost to the developer and therefore they would usually raise objection to an application of this nature. However, they have acknowledged that the scheme is 100% affordable housing and that the grant funding could be compromised by significant delay that may be caused by agreeing details on roads prior to construction. They have informed Officers that they have worked with the applicant to find an alternative solution, but it is understood that these would have the potential to impact on the funding of the site. Overall, the Highway Authority have concluded that they consider there to be exceptional circumstances which have been put forward to allow for the delivery of these affordable home and therefore they raise no objections to the proposed



variation of Condition 21.

## **11 Local Finance Considerations**

11.1 Community Infrastructure Levy - N/A

## **12 Planning balance and conclusion**

12.1 The general effect of Paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 Therefore, it is considered that, on balance, the proposed variation of Condition 21 would not compromise the condition and leave it unsound. The Highway Authority's no objection to the proposal due to the exceptional circumstances is noted and as they requested the condition in the first place, their view carries notable weight. On this particular occasion, the proposed variation would not conflict with the adopted development plan and it would not result in a negative impact in the context of the previously approved scheme.

12.3 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that the variation of condition sought by the applicant be approved.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## Appendix 1 – Planning conditions and Informatives

### Recommended Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 3/21/21/015 dated 14th July 2021.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 901-03B Landscape proposals

(A1) DrNo ES17.71 DrNo 01.03 Rev.P3 Kerbing & Surface Layout

(A1) DrNo ES17.71 DrNo 02.02 Rev.P7 Highway Site levels Sheet 2

(A1) DrNo ES17.71 DrNo 02.15 Rev.P3 Section 38 Adoption Layout

(A1) DrNo ES17.71 DrNo 03.02 Rev.P6 Drainage Plan Sheet 2

(A1) DrNo ES17.71 DrNo 03.16 Rev.P1 Surface Water Catchment Overall Plan

(A1) DrNo ES17.71 DrNo 60.00 Rev.P4 Proposed Rhyne Layout & Cross Sections

(A1) DrNo ES17.71 DrNo 06.10 Rev.P3 Cut & Fill Layout Residential

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-005 Rev. P07 Site Access Plan

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010 Rev. P09 Site Plan GFL

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-015 Rev. P08 Site Plan 1FL

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-020 Rev. P07 Site Roof Plan

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-025 Rev. P08 Site Plan Parking

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-030 Rev. P02 Site Plan Boundary Treatment

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-001 Rev. P01 Existing Site Plan

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-100 Rev. P05 Elevations -Blocks

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-105 Rev. P06 Elevations Flats

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-130 Rev. P06 Site Sections

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-140 Rev. P06 Site Sections

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-180 Rev. P06 3D ORTHO SW

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-185 Rev. P06 3D ORTHO NE

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-190 Rev. P06 3D ORTHO NW

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-195 Rev. P06 3D ORTHO SE

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8EL Rev. P05 Block 7&8 Elevations

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8PL Rev. P05 Block 7&8 Plans

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK9 Rev. P05 Block 9 Flats

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-110 Rev.P05 Materials Board

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK01-PL Rev. P0 3 Block 01- Houses 1-2

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK02-PL Rev. P03 Block 02 – Houses 3-6

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 03 – Houses 7-10  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 04 - Houses 11-12  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK05-PL Rev. P04 Block 05 Houses 14-16  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK06-PL(P05) Block 06 - Houses 17 – 21

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall be commenced, 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. Such scheme should aim to meet the four pillars of SUDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). 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 unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

- 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 has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Expedite FRA ref: ES17.71 Revision 2 dated January 2021 and in particular, the following mitigation measures detailed within the FRA:

1. Finished floor levels for the proposed affordable homes shall be set no lower than 7.425 Metres above Ordnance Datum (AOD).
2. Provision of safe pedestrian routes as a minimum into and out of the site, built no lower than 6.47mAOD, to an area outside the tidal flood risk area shall be provided/demonstrated.

The flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To reduce the risk of tidal flooding to the proposed development and future occupants over the lifetime of the development and to ensure safe

access and egress from and to the site in the event of any flooding incident.

- 6 Prior to the first occupation of any of the dwellings hereby approved, the applicant shall prepare and submit for written approval, a Flood Warning and Evacuation Plan for the site. A copy of the Flood Warning and Evacuation Plan shall be provided to each household prior to the commencement of their tenancy / transfer of ownership. The Flood Warning and Evacuation Plan shall be reviewed every 5 years and households informed of any changes/updates.

Reason: The site is located in Flood Zone 3, where there is a high probability of flooding during the lifetime of the dwellings. The Local Planning Authority wishes to ensure that adequate warning and evacuation measures are in place in the event of a flood, in accordance with Policy CC2, Flood Risk Management, of the Somerset West Local Plan to 2032 and paragraph 163 of the NPPF.

- 7 If the solar panels hereby approved cease to produce electricity, they shall be safely removed and disposed of within 3 months of them permanently ceasing electricity generation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the long term appearance of the building within the urban landscape.

- 8 Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.

Reason: To safeguard the character and appearance of the buildings and the area.

- 9 Prior to the first occupation of any of the dwellings, the applicant shall submit a green travel plan to the Local Planning Authority. The green travel plan shall set out in detail the measures to be adopted to encourage the use of sustainable transport (walking, cycling, public transport, car sharing etc.). Written approval of the Local Planning Authority shall be secured before first occupation. It shall subsequently be implemented in accordance with the approved plan.

Reason: To promote sustainable transport, as an alternative to reliance on the private motor car, in accordance with Policy TR2 (Reducing reliance on the private motor car) of the West Somerset Local Plan to 2032.

- 10 (i) The landscaping/planting scheme shown on the submitted plan, DRNO 901 03B (Landscape), shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition

and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 11 Prior to the commencement of development, the applicant shall investigate the history and current condition of the site, to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

- 12 The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate bin storage facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 13 The development hereby permitted shall not be commenced until details of a

strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Ecological Appraisal dated June 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the bats, nesting birds and reptiles
4. Arrangements to secure the presence of an Ecological Clerk of works on site
5. Measures to prevent pollution of the ditch

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and reptile hibernacula and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note: It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning permission) must comply with the appropriate wildlife legislation.

- 14 There shall be no occupation of any dwelling hereby approved until ball stop netting in the location and form recommended in the Labosport Technical Report dated 18th March 2021 has been erected.

Reason: To prevent cricket balls causing injury to people in the development or damage to property.

- 15 No part of the development hereby permitted shall be occupied until the access works have been carried out generally in accordance with a design and specification that shall first have been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Local Highway Authority.

Reason: To ensure a safe access is provided.

- 16 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: To ensure surface water does not impede traffic movement and in the interest of highway safety.

- 17 The gradients of the proposed drives to the dwellings hereby permitted, shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: To ensure gradients are satisfactory and useable.

- 18 In the interests of sustainable development, none of the dwelling units hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage walking and cycling as an alternative mode of transport to the private car.

- 19 Prior to first occupation of the development hereby permitted, 126 covered cycle spaces (70 communal) and 11 motor cycle parking spaces, shall be provided, in accordance with the details submitted and they shall then be maintained for cycle/ motorcycle parking throughout the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure provision is made for motorcyclists.

- 20 Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will need to be available to all dwellings through charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that infrastructure is provided and in place to support the use of electric vehicles in order to contribute towards the sustainability of the development and mitigate the impact of climate change.

- 21 The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority prior to first occupation of any dwelling unit on the site. 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. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

Reason: To ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority.

- 22 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.

Reason: To ensure satisfactory roads and footpaths are provided.

- 23 During the construction phase, the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the public highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of works, and thereafter maintained until construction of the site ceases.

Reason: To ensure that the construction process does not result in deposits of waste on the public highway.

- 24 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To ensure that the impact of the development upon neighbours is minimised.

- 25 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the



Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure appropriate protection and mitigation for European and UK protected species, especially the UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) On-going monitoring and remedial measures.

The Landscape and Ecological Management Plan (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 approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

27 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by the Local Planning Authority, prior to occupation of the first dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation on 5x dwellings;
- a) A cluster of 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north or northeastern facing elevation on 5x dwellings;
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on 3x dwellings;
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 3x dwellings;
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation on 5x dwellings;
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site; and
- f) 2x hibernacula log piles as a resting place for reptiles and or amphibians constructed on the south eastern boundary.

The approved features shall remain in place to serve biodiversity at all times thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in Paragraph 170(d) of the National Planning Policy Framework.

28 The development shall not begin until a scheme for the provision of affordable

housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2019 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing, with reference to the provisions of Policy SC4 (Affordable Housing) and Policy ID1 (Infrastructure Delivery) of the adopted West Somerset Local Plan to 2032.

- 29 A Travel Plan detailing measures to encourage the use of sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling hereby approved. The provisions and associated fees of the Travel Plan shall be fully adhered to in accordance with the timetable contained therein, unless, otherwise varied in writing by the Local Planning Authority.

Reason: To promote sustainable travel and mitigate the impacts of climate change upon the environment, in accordance with the provisions of Policy TR1 (Access to and from West Somerset) of the adopted West Somerset to 2032.

## **Recommended Informatives**

- 1 The notes provided below outline the information the LLFA will expect to see in order to discharge the above conditions.

Drawing / plans illustrating the proposed surface water drainage scheme including: The sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. Consideration of how to better integrate this rectangular basin into the placemaking and public open space of this development. Any potential additional small scale / Source Control features – the aim being to supplement the attenuation volume to enhance the overall sustainability of the scheme providing water quality, amenity and biodiversity benefits. The current proposals may be treated as a minimum and further SuDS should be considered as part of a ‘SuDS management train’ approach to provide resilience within the design. Detailed,

network level calculations demonstrating the performance of the proposed system are required and this should include: Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations. Where relevant, calculations should consider the use of surcharged outfall conditions. Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific. It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development. Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route. Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk. With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required. How will maintenance access to the proposed basin be provided? Detailed information regarding the adoption of features by a relevant body. 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 longterm operation of the drainage system throughout the lifetime of the development.

- 2 Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
  - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
  - Where relevant, calculations should consider the use of surcharged outfall conditions.
  - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
  - Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward.
  - Results should be provided as a summary for each return period

- (as opposed to each individual storm event).
  - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- 3 Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- 4 It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development.
- 5 Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- 6 Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- 7 With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required:
  - How will maintenance access to the proposed basin be provided?
  - Detailed information regarding the adoption of features by a relevant body. 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.
- 8 The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under Section 23 and 66 of the Land Drainage Act 1991 from the Parrett Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.
- 9 In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

- 10 The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

## Appendix 2 - Neighbour representations summary

Material Planning Considerations	
Objections	Officer Comment
No objections received	
Support	Officer Comment
No supports received	

## Appendix 1 – Planning conditions and Informatives Recommended Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 3/21/21/015 dated 14th July 2021.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - (A1) DrNo 901-03B Landscape proposals
  - (A1) DrNo ES17.71 DrNo 01.03 Rev.P3 Kerbing & Surface Layout
  - (A1) DrNo ES17.71 DrNo 02.02 Rev.P7 Highway Site levels Sheet 2
  - (A1) DrNo ES17.71 DrNo 02.15 Rev.P3 Section 38 Adoption Layout
  - (A1) DrNo ES17.71 DrNo 03.02 Rev.P6 Drainage Plan Sheet 2
  - (A1) DrNo ES17.71 DrNo 03.16 Rev.P1 Surface Water Catchment Overall Plan
  - (A1) DrNo ES17.71 DrNo 60.00 Rev.P4 Proposed Rhyne Layout & Cross Sections
  - (A1) DrNo ES17.71 DrNo 06.10 Rev.P3 Cut & Fill Layout Residential
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-005 Rev. P07 Site Access Plan
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010 Rev. P09 Site Plan GFL
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-015 Rev. P08 Site Plan 1FL
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-020 Rev. P07 Site Roof Plan
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-025 Rev. P08 Site Plan Parking
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-030 Rev. P02 Site Plan Boundary Treatment
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-001 Rev. P01 Existing Site Plan
  - (A1) DrNo2231-MAL-ZZ-ZZ-DR-A-100-100 Rev. P05 Elevations -Blocks
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-105 Rev. P06 Elevations Flats
  - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-130 Rev. P06 Site Sections

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-140 Rev. P06 Site Sections  
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-180 Rev. P06 3D ORTHO SW  
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-185 Rev. P06 3D ORTHO NE  
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-190 Rev. P06 3D ORTHO NW  
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-195 Rev. P06 3D ORTHO SE  
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8EL Rev. P05 Block 7&8 Elevations  
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8PL Rev. P05 Block 7&8 Plans  
(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK9 Rev. P05 Block 9 Flats  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-110 Rev.P05 Materials Board  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK01-PL Rev. P0 3 Block 01- Houses 1-2  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK02-PL Rev. P03 Block 02 – Houses 3-6  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 03 – Houses 7-10  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 04 - Houses  
11-12  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK05-PL Rev. P04 Block 05 Houses 14-16  
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK06-PL(P05) Block 06 - Houses 17 – 21

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall be commenced, 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. Such scheme should aim to meet the four pillars of SUDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). 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 unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

- 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 has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Expedite FRA ref: ES17.71 Revision 2 dated January 2021 and in particular, the following mitigation measures detailed within the FRA:

1. Finished floor levels for the proposed affordable homes shall be set no lower than 7.425 Metres above Ordnance Datum (AOD).



2. Provision of safe pedestrian routes as a minimum into and out of the site, built no lower than 6.47mAOD, to an area outside the tidal flood risk area shall be provided/demonstrated.

The flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To reduce the risk of tidal flooding to the proposed development and future occupants over the lifetime of the development and to ensure safe access and egress from and to the site in the event of any flooding incident.

- 6 Prior to the first occupation of any of the dwellings hereby approved, the applicant shall prepare and submit for written approval, a Flood Warning and Evacuation Plan for the site. A copy of the Flood Warning and Evacuation Plan shall be provided to each household prior to the commencement of their tenancy / transfer of ownership. The Flood Warning and Evacuation Plan shall be reviewed every 5 years and households informed of any changes/updates.

Reason: The site is located in Flood Zone 3, where there is a high probability of flooding during the lifetime of the dwellings. The Local Planning Authority wishes to ensure that adequate warning and evacuation measures are in place in the event of a flood, in accordance with Policy CC2, Flood Risk Management, of the Somerset West Local Plan to 2032 and paragraph 163 of the NPPF.

- 7 If the solar panels hereby approved cease to produce electricity, they shall be safely removed and disposed of within 3 months of them permanently ceasing electricity generation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the long term appearance of the building within the urban landscape.

- 8 Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.

Reason: To safeguard the character and appearance of the buildings and the area.

- 9 Prior to the first occupation of any of the dwellings, the applicant shall submit a green travel plan to the Local Planning Authority. The green travel plan shall set out in detail the measures to be adopted to encourage the use of sustainable transport (walking, cycling, public transport, car sharing etc.). Written approval of the Local Planning Authority shall be secured before first occupation. It shall subsequently be implemented in accordance with the approved plan.

Reason: To promote sustainable transport, as an alternative to reliance on the private motor car, in accordance with Policy TR2 (Reducing reliance on the private motor car) of the West Somerset Local Plan to 2032.

- 10 (i) The landscaping/planting scheme shown on the submitted plan, DRNO 901 03B (Landscape), shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 11 Prior to the commencement of development, the applicant shall investigate the history and current condition of the site, to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

- 12 The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate bin storage facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 13 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Ecological Appraisal dated June 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the bats, nesting birds and reptiles
4. Arrangements to secure the presence of an Ecological Clerk of works on site
5. Measures to prevent pollution of the ditch

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and reptile hibernacula and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note: It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning permission) must comply with the appropriate wildlife legislation.

- 14 There shall be no occupation of any dwelling hereby approved until ball stop netting in the location and form recommended in the Labosport Technical Report dated 18th March 2021 has been erected.

Reason: To prevent cricket balls causing injury to people in the development or damage to property.

- 15 No part of the development hereby permitted shall be occupied until the access works have been carried out generally in accordance with a design and specification that shall first have been submitted to and approved in writing by

the Local Planning Authority, in conjunction with the Local Highway Authority.

Reason: To ensure a safe access is provided.

- 16 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: To ensure surface water does not impede traffic movement and in the interest of highway safety.

- 17 The gradients of the proposed drives to the dwellings hereby permitted, shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: To ensure gradients are satisfactory and useable.

- 18 In the interests of sustainable development, none of the dwelling units hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage walking and cycling as an alternative mode of transport to the private car.

- 19 Prior to first occupation of the development hereby permitted, 126 covered cycle spaces (70 communal) and 11 motor cycle parking spaces, shall be provided, in accordance with the details submitted and they shall then be maintained for cycle/ motorcycle parking throughout the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure provision is made for motorcyclists.

- 20 Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will need to be available to all dwellings through charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that infrastructure is provided and in place to support the use of electric vehicles in order to contribute towards the sustainability of the development and mitigate the impact of climate change.

- 21 The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle

parking, and street furniture, shall be constructed and laid out in accordance with details to be approved in writing by 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. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

Reason: To ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority.

- 22 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.

Reason: To ensure satisfactory roads and footpaths are provided.

- 23 During the construction phase, the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the public highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of works, and thereafter maintained until construction of the site ceases.

Reason: To ensure that the construction process does not result in deposits of waste on the public highway.

- 24 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road

Network.

Reason: To ensure that the impact of the development upon neighbours is minimised.

25 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure appropriate protection and mitigation for European and UK protected species, especially the UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) On-going monitoring and remedial measures.

The Landscape and Ecological Management Plan (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 approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

27 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by the Local Planning Authority, prior to occupation of the first dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation on 5x dwellings;
- a) A cluster of 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north or northeastern facing elevation on 5x dwellings;
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on 3x dwellings;
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 3x dwellings;
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation on 5x dwellings;
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site; and
- f) 2x hibernacula log piles as a resting place for reptiles and or amphibians constructed on the south eastern boundary.

The approved features shall remain in place to serve biodiversity at all times thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in Paragraph 170(d) of the National Planning Policy Framework.

- 28 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2019 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing, with reference to the provisions of Policy SC4 (Affordable Housing) and Policy ID1 (Infrastructure Delivery) of the adopted West Somerset Local Plan to 2032.

- 29 A Travel Plan detailing measures to encourage the use of sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling hereby approved. The provisions and associated fees of the Travel Plan shall be fully adhered to in accordance with the timetable contained therein, unless, otherwise varied in writing by the Local Planning Authority.

Reason: To promote sustainable travel and mitigate the impacts of climate change upon the environment, in accordance with the provisions of Policy TR1 (Access to and from West Somerset) of the adopted West Somerset to 2032.

- 1 The notes provided below outline the information the LLFA will expect to see in order to discharge the above conditions.

Drawing / plans illustrating the proposed surface water drainage scheme including: The sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features,



pumping stations (if required) and discharge locations. Consideration of how to better integrate this rectangular basin into the placemaking and public open space of this development. Any potential additional small scale / Source Control features – the aim being to supplement the attenuation volume to enhance the overall sustainability of the scheme providing water quality, amenity and biodiversity benefits. The current proposals may be treated as a minimum and further SuDS should be considered as part of a ‘SuDS management train’ approach to provide resilience within the design. Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include: Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations. Where relevant, calculations should consider the use of surcharged outfall conditions. Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific. It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development. Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route. Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk. With regards to maintenance, it should be noted the condition is recommended as a ‘pre-occupation’ condition. The following information will be required. How will maintenance access to the proposed basin be provided? Detailed information regarding the adoption of features by a relevant body. 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 longterm operation of the drainage system throughout the lifetime of the development.

- 2 Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
  - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
  - Where relevant, calculations should consider the use of

- surcharged outfall conditions.
  - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
  - Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward.
  - Results should be provided as a summary for each return period (as opposed to each individual storm event).
  - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- 3 Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- 4 It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development.
- 5 Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- 6 Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- 7 With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required:
- How will maintenance access to the proposed basin be provided?
  - Detailed information regarding the adoption of features by a relevant body. 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.
- 8 The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under Section 23 and 66 of the Land Drainage

Act 1991 from the Parrett Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.

- 9 In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.
- 10 The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.