

<b>Application Details</b>	
Application Reference Number:	<u>53/21/0010</u>
Application Type:	<u>Outline Planning Permission</u>
Earliest decision date:	05 July 2022
Expiry Date	<u>12 January 2022</u>
Extension of time	28 February 2022
Decision Level	Committee
Description:	Application for Outline Planning with all matters reserved, except for principle means of access, for the erection of up to 80 No. dwellings, local centre (of up to 1000sqm of Class E and hot food takeaway) and access onto Dene Road with associated road/footway/cycleway provision, open space, landscaping, surface water attenuation and ancillary works on land at Dene Road, Cotford St Luke
Site Address:	<u>LAND AT DENE ROAD, COTFORD ST LUKE</u>
Parish:	53
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	<b>No</b>
Case Officer:	<u>Darren Roberts</u>
Agent:	
Applicant:	HALLAM LAND MANAGEMENT
Committee Date:	24 February 2022
Reason for reporting application to Committee	Number of objections and objection from Parish Council

## 1. Recommendation

### 1.1 Conditional Approval

## 2. Executive Summary of key reasons for recommendation

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan, unless material considerations indicate otherwise. There is a shortfall against the Council's requirement to provide a 5YHLS, an indicator that the future the needs of local people will not be met. Specifically, this means that the presumption in favour of sustainable development set out in the Framework paragraph 11d) is engaged.

2.2 As a consequence, the weight that can be given to conflict with CS Policy SP1, and other provisions relating to the settlement hierarchy, is reduced by the fact that the growth needs of the former Taunton Deane area are not being met. As a result, there is limited weight to the harm arising from this conflict. It is acknowledged that Cotford St Luke has had some recent development, with the

completion of 30 homes at Luscombe Road, and at the Orchard Vale development, and that the village has a poor public transport provision, lacks a secondary school and medical facilities.

2.3 Balanced against this are the social, economic and environmental benefits of the proposal. In particular, it would contribute up to 80 new homes, including up to 20 affordable dwellings. This would be in an area where there is a shortfall in housing land supply, and in a location with good access to the village. As a greenfield site it is also likely that the site could be delivered within 5 years, thereby assisting with current housing land supply issues. Weight should therefore be given to the provision of market and affordable housing.

2.4 . The economic benefits of the proposal would include the creation of construction jobs and ongoing additional expenditure in the local economy. This also attracts weight. There would also be financial contributions towards healthcare provision, the provision of public open space and , improvement of PROW and a requirement to introduce car clubs to minimise private transport usage. These matters are primarily intended to address the impact of development and respond to the needs arising from it, nonetheless some modest weight can be attached to the wider social and environmental benefits this would bring, particularly in terms of biodiversity improvements .

2.5 Given the above planning balance, it is recommended that the application is approved.

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

#### **3.1 Conditions are proposed to cover the following: (full text is set out in appendix 1)**

1. Outline permission and time scale
2. Plans
3. Local Centre floorspace restriction
4. No removal of hedgerows
5. Sustainable drainage details
6. Surface Water plan
7. CEMP (Biodiversity)
8. LEMP
9. Lighting design for bats
10. No vegetation removal without licence
11. Biodiversity Enhancement Plan
12. Visibility at access
13. Details of access
14. Layout of roads
15. Layout of footways and cycleways
16. CEMP (Highways)
17. EV charging point
18. Travel Plan

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

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

##### **3.3 Obligations**

1. Woodland Creation for Phosphate Mitigation

2. Maintenance and management of woodland
3. Biodiversity Enhancement
4. Affordable Housing
5. Right of Way
6. Provision of £579 per dwelling towards primary healthcare provision
7. Funding towards an electric car club
8. Management and maintenance of open space

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

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

This is an outline application to construct 80 dwellings, and a local centre including a convenience store, cafe and workplace. The proposal is for all matters to be reserved, except for means of access, which is shown as being from Dene Road. An indicative plan has been included with the application which shows the local centre to the south east of the site, with predominantly two storey housing. The proposal retains the existing hedgerows around the site and includes SuDs, allotments and orchards within the north west corner of the site.

##### **4.2 Site and surroundings**

The site is characterised by a large field to the north side of the built up area of Cotford St Luke. There is existing housing to the south and west. The field fronts Dene Road to the east, opposite which is further housing. The land slopes down from this point to the west. At the far end of the field the slope levels off, and a ditch crosses the site from south to north. This is close to the western boundary of the site which is characterised by a low hedge and a tall single oak tree.

4.3 A footpath runs along the northern boundary of the site, it is separated from the site by a low hedge and fencing. On the southern side of the field, between the housing, is a substantial hedgerow, which also runs along the eastern side between Dene Road and the site. There is an existing field access adjacent to the footpath in the north east corner of the site.

#### **5. Planning (and enforcement) history**

53/22/0005 More recent application submitted for 80 dwellings in outline form. Decision yet to be made.

#### **6. Environmental Impact Assessment**

6.1 The site is not Schedule 1 development and lies below the threshold for Schedule 2 development. An Environmental Impact Assessment is not required.

#### **7. Habitats Regulations Assessment**

7.1 Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development,

infrastructure supporting the intensification of agricultural use and anaerobic digesters.

7.2 The project being assessed here will result in a positive phosphate output and therefore the waste water from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site ('the Ramsar Site'). The pathway is via the wastewater treatment works. Therefore, the increased phosphate output needs to be mitigated in order to demonstrate phosphate neutrality and ensure no adverse impact in combination with other plans and projects which will arise on the affected designated area.

7.3 In response to this, the applicant has calculated the phosphate budget created by the number of proposed dwellings to be 6.74kg of phosphate per year, based on a methodology proposed by Natural England, and therefore seeks to provide sufficient mitigation which would demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.

7.4 It is proposed to take 9 hectares of agricultural land out of production and to replace with low maintenance grassland, without applying natural or artificial fertiliser. The land is to be fallowed prior to the first occupation of any dwelling constructed following the granting of reserved matters consent and retained in perpetuity by a S106 planning obligation.

7.5 A 'shadow' Habitat Regulations Assessment (sHRA) has been submitted by the applicant, and this has been considered by the LPA, Natural England and Somerset Ecology Services.

7.6 Natural England has been formally consulted and have confirmed that the submitted sHRA provides a firm basis for the LPA to assess the implications of the application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and they would anticipate the LPA being able to reach a conclusion subject to the proposed mitigation of no adverse effect on the integrity of the site.

7.7 Somerset Ecology Services, as the Council's/LPA's retained ecologists, have agreed with the methodology put forward by the applicant, however in their response have raised concerns that the proposed method of fallowing involves cropping of the land, which is not in accordance with the current advice. In response, the applicant has stated that the proposal is now to permanently fallow the land to enable transition into woodland with minimal intervention. Details of this approach have been forwarded to the Somerset Ecology Service and a response is awaited.

## **8. Consultation and Representations**

Statutory consultees have been consulted as set out in the table below (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 15/10/2021

8.2 Date of revised consultation (if applicable): 25/3/22

8.3 Press Date: 15/10/2021

**8.5 Statutory Consultees the following were consulted:**

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
COTFORD ST LUKE PARISH COUNCIL	<p>OBJECT</p> <p>Not sustainable development, would result in increase in population of the village, which has already had sufficient development.</p> <p>Outside settlement boundary therefore contrary to local plan. Infrastructure insufficient to cope.</p> <p>Increase in vehicle movements to Taunton</p> <p>Poor bus service</p> <p>Would increase rat running</p> <p>Will result in loss of trees at entrance</p> <p>Harm to views from footpath</p> <p>No requirement for a new village centre</p> <p>Issues with surface water run off</p> <p>Potential for anti-social behaviour</p> <p>Car club will not be achievable</p>	<p>See Section 11</p> <p>See Section 14</p> <p>See 17.1</p> <p>See 15.1</p> <p>See Section 13</p> <p>See 19.1</p>
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LEAD LOCAL FLOOD AUTHORITY	<p>(Response following revised information received)</p> <p>Somerset County Council as the LLFA advises the LPA that the LLFA is content with the information provided and recommends the development be conditioned with two conditions.</p>	<p>The proposed recommendation includes these two conditions, requiring details of the water drainage scheme for the site, and a plan for future responsibility and maintenance of the system.</p>
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - ECOLOGY	<p>Agree with the calculations to remove land for fallowing.</p> <p>The method of fallowing the land does not comply with current advice and therefore further information is required.</p> <p>Conditions are required for a Construction Environmental</p>	<p>See sections 7 and 18</p>

	Management Plan, a Landscape and Ecological Management Plan, Lighting and Bats, Dormouse licence, Biodiversity Net Gain	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - CHIEF EDUCATION OFFICER	We have no comments on this application as there is sufficient capacity in the local schools to accommodate any new pupils from the development	Noted
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - RIGHTS OF WAY	<p>We have no objections to the proposal, subject to the following:</p> <p>We welcome the proposed connection to footpath T 4/23. Subject to securing consent for a legal agreement with third party landowners, the connection should be secured through a s106 agreement.</p> <p>Any proposed works must not encroach onto the width of the PROW.</p> <p>The following bold text must be included as an informative note on any permission granted:  <b>Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.</b></p>	<p>Will be subject to S106 Agreement</p> <p>Informative added</p>

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - TRANSPORT DEVELOPMENT GROUP	Impact of increased traffic movements is unlikely to be severe. A number of issues have been identified which can be controlled by condition. These include visibility distances, road gully positions, internal layout, a travel plan requirement, and cycleway details.	See section 14
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
Climate Change Officer	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
TREE OFFICER	<p>This site is blessed with some good boundary planting already, as well as two TPO'd oak trees, one in the south east corner and one near the north east corner. The proposed housing is shown to be well away from these two trees. The illustrative layout gives sufficient space between boundary planting and proposed houses and roads – this must be maintained at the detail stage. As much as possible of the boundary planting should be retained either side of the new road access, as shown on the layout.</p> <p>Although the illustrative plan has been peppered with lots of proposed trees, I'd like to see some intelligent thought going into the details with regards to species and locations, so that species will survive and thrive to maturity without the need for significant pruning or the likelihood of removal by residents. Some space for a larger feature tree or two in the centre of the</p>	<p>see section 17</p> <p>Detailed plan required at reserved matters stage</p>

	layout would be welcome.	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ECONOMIC DEVELOPMENT	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
Environmental Health - all Areas including Housing Standards	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
HOUSING ENABLING	<p>The proposal to deliver 26% (13 homes) of the scheme as affordable homes is welcomed. There is a demonstrable need for affordable housing in Cotford St Luke. There are currently 26 households registered on Homefinder Somerset for the parish. Of these the majority (20 households) require either 2 or 3 bedroom homes. 4 households require 1 bedroom properties and 2 require 4 bedroom properties.</p> <p>The rented properties should be in the form of 1, 2, 3 and 4 person dwellings. The 1 bedroom properties should be maisonette style houses with separate access way and garden. The majority of the shared ownership should be a mix of 2bedroom 4person houses and 3bedroom 5person houses subject to further discussions in relation to affordability.</p> <p>10% of the total affordable housing provision should be in the form of fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the</p>	<p>Will form part of Section 106 Agreement. Applicant has agreed to provision as part of Heads of Terms</p> <p>N.B. Figure quoted by the housing enabler is incorrect - the proposal is to provide 25% affordable housing which equates to 20 homes</p>

	<p>Building Regulations 2010. The type and size of the affordable housing units to be provided should reflect the distribution of property types and sizes in the overall development and the housing need requirements. In addition, the affordable housing is to be evenly distributed across the site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site. Service charges should reflect the necessity to keep these properties affordable. A local connection clause will be required for the affordable housing and as such should be included in a S106 Planning Agreement. Early engagement with the Development Enabling Specialist to agree the affordable housing provision is recommended. The developer should seek to provide affordable homes through a Registered Provider</p>	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LANDSCAPE	Initial concerns regarding the proposed planting, views into the site, topography. Revised plans have incorporated additional woodland planting and screening which lessens impact on landscape.	See 15.1
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	No response	

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ENVIRONMENT AGENCY	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NHS - GP PRACTICE	The CCG's concern is that the surgeries of Quantock Vale Surgery and Orchard Medical Centre, a community facility, are already over capacity within their existing footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 14,487 patients registered and this new development will increase the local population by a further 181 persons. Taking this into account the requirement is for £46,285 (£579 per dwelling).	Applicant has agreed to contribution to be provided as part of the S106 agreement
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>

POLICE ARCHITECTURAL LIAISON OFFICER	Outline stage so difficult to make comments. Suggestions made on road and footpath layout, orientation, car parking. Recommends LAP to be more central for good surveillance. Secured by Design required	Details will be agreed at reserved matters stage
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
THE RAMBLERS ASSOCIATION	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOUTH WESTERN AMBULANCE SERVICE	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOMERSET WASTE PARTNERSHIP	No response	

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESTERN POWER DISTRIBUTION (BRISTOL)	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESSEX WATER	No response	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
HIGHWAYS ENGLAND	Offers no objection. The supporting Transport Statement (TS) utilises trip rates derived from the TRICS database using the 'Privately Owned' category, for a robust assessment. The presented trip rates are considered low given the location of the site, but we have undertaken our own assessment of trip generation applying higher rates and accept the difference is marginal. The TS makes no provision for external trips generated by the Class E Local centre, however given the scale of the proposed development and the proximity from the M5 it is considered unlikely that trips generated by this element of the proposal will result in a material impact on the SRN.	Noted
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NATURAL ENGLAND	considers that the mitigation project proposed in the Nutrient Assessment will be sufficient to achieve nutrient neutrality for the proposed development. Natural England supports the principle of land use change for the purposes of providing a mitigation solution to enable development.	see section 7
SOMERSET WILDLIFE TRUST	We have noted the above mentioned Planning Application as well as the	noted

	supporting Ecological Appraisal provided by FPCR Environment and Design Ltd. We would agree with the findings of that Appraisal. We would also fully support the proposals for Mitigation and Enhancement in Section 6 which must be included in the Planning Application if it is decided to grant Planning Permission	
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## 8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

26 number of letters have been received (all objections) making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Traffic through the village is bad and would be made worse	see Section 14
School is oversubscribed	Education Officer has raised no objection
Will harm biodiversity	see Section 18
Will increase crime	Further applications will be subject to secured by design
Contrary to development plan	see Section 11
Distant from secondary schools and employment	see 11.5
Supermarket is very limited	See 13.2
Surgeries cannot cope	NHS have requested a contribution to enhance facilities
Need for sustainable features	Detailed design will need to incorporate sustainability
Shops will become houses	Condition proposed to retain units as commercial
No public house in the village	Noted
Removal of mature trees	see 17.1
Fields should be farmed	This is designated as Grade 3 farmland
Removal of hedgerow	see 17.1
Issues with sewage treatment	No response from Wessex Water- details of foul water drainage will be required

Should include post office	Operational matter for post office
Lack of facilities for cyclists	The site proposes a cycle link and future homes will require cycle facilities
No facilities for people in the village	see 11.5
Recent developments have provided no benefits to village	Developments should be considered on merits. Application includes commercial units.
Will increase flooding	see 19.1
Support - None	

#### 8.6.1 Summary of objections - non planning matters

Developer has no interest in local communities

#### 8.7.2 Summary of support - non planning matters

### 9. Relevant planning policies and Guidance

9.1 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 Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

9.2 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government agreed proposals for local government reorganisation and a Structural Change Order agreed, with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a new local plan within 5 years of vesting day.

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

- CP8 - Environment,
- SD1 - Presumption in favour of sustainable development,
- CP1 - Climate change,
- CP2 - Economy,
- CP3 - Town and other centres,
- CP4 - Housing,
- CP5 - Inclusive communities,
- CP6 - Transport and accessibility,

CP7 - Infrastructure,  
SP1 - Sustainable development locations,  
SP4 - Realising the vision for rural areas,  
DM1 - General requirements,  
DM4 - Design,  
TC3 - Local shopping,  
TC4 - Primary Shopping Areas (PSA),  
TC5 - Out-of-centre proposals,  
A1 - Parking Requirements,  
A5 - Accessibility of development,  
I4 - Water infrastructure,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
ENV2 - Tree planting within new developments,  
D7 - Design quality,  
D8 - Safety,  
D9 - A Co-Ordinated Approach to Dev and Highway Plan,  
SB1 - Settlement Boundaries,  
MIN1 - East of Dene Barton, Cotford St Luke,

#### 9.4 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 (March 2022)

#### 9.5 Neighbourhood plans:

Cotford St Luke has no made Neighbourhood Plan

#### 9.6 National Planning Policy Framework (the NPPF)

The NPPF is a material consideration. The following chapters within the  
NPPF are considered the most relevant to this application

Achieving Sustainable development  
Decision making  
Delivering a sufficient supply of homes  
Promoting healthy and safe communities  
Making effective use of land  
Achieving well-designed places  
Conserving and enhancing the natural environment

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

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

The principle of development

Design of the proposal  
Proposed Commercial Units  
Access and Parking  
Impact on the character and appearance of the area  
Impact on neighbouring residential amenity  
Impact on trees  
Impact on ecology and biodiversity, including phosphates  
Flood Risk and Water Disposal  
Heritage Impact  
Provision of Housing and Affordable Housing  
Any other matters

These are considered in the sections below

## 11. The principle of development

11.1 The site lies to the north west of the built up part of the existing village of Cotford St Luke. It is outside of the development boundary for the village, as indicated in the Site Allocations Document of the Local Plan. As part of this plan, an allocation is shown at Cotford which is partially outside and partially within the development boundary. This is known as 'MIN1' and is described as 'Land East of Dene Barton' within the Local Plan, being a site for 60 dwellings and small scale Class B employment units. Planning applications for this land have been submitted in two parts - with applications for 30 dwellings in each part. The northern part of the allocation has since been built out and now forms the area known as Luscombe Road.

The southern part of this allocation was granted permission for 30 homes in 2018. However work on this site was not commenced and the permission has now lapsed. No employment units have been provided as stated within Policy MIN1

11.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan, unless material considerations indicate otherwise. As a starting point there would be conflict with policies in the Plan as this is not an allocated site. However there is a shortfall against the Council's requirement to provide a 5YHLS as evidenced by the recent publication of the position in the former Taunton Deane area which shows etc. The plan led system means that in situation such as this where future housing needs are not being met the Framework sets out that the development plan provisions must be balanced against wider social, economic and environmental objectives. This means that the presumption in favour of sustainable development of the NPPF paragraph 11d) is engaged.

11.3 This is a material consideration in the determination of the application. The NPPF is clear that the presumption in favour of sustainable development should apply in decision making, meaning that any adverse impacts of granting permission must significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies within the Framework as a whole.

11.4 Core Strategy Policy DM2 states that outside of settlement limits certain uses will be supported (not including housing development) although it does not state that other types of development will be refused. Other uses should therefore be

determined against Policy CP8, which provides that development outside of settlement boundaries will be permitted where a number of criteria are met.

These are that the development is in accordance with policies for development within rural areas;

is appropriate in terms of scale, siting and design;

protects, conserve or enhance landscape and townscape character whilst

maintaining green wedges and open breaks between settlements;

protects, conserve or enhance the interests of natural and historic assets;

does not exacerbate the availability of water resource;

protects habitat and species and provides for any necessary mitigation measures.

Reference to these criteria will be made within the appropriate section below. Policy A5 of the Site Allocations Document also deals with accessibility, and states that residential development is acceptable where it is within walking distance, or has access by public transport to employment, convenience and comparison shopping, education, health care, leisure and other facilities.

11.5 In the case of this site, access to the primary school, shop, playing field, and church are available within walking distance of the site, and would be accessed along lit roads and a proposed new pedestrian access to Manning Road. The village does not benefit from a range of employment opportunities (although the proposal includes provision for Class E use and a takeaway) or from a secondary school. A bus service connects the village to Taunton and Wiveliscombe with a one to two hourly frequency, although this does not operate at evenings or on Sundays.

11.6 A material consideration in respect of the principle of development is the 'Bagley Road' appeal in Wellington in 2018. This was an application for 205 dwellings and 60 care apartments to the west of the development boundary for the town. In that case, the Inspector decided that a site which was well related to the settlement, accessible along footpaths and was not considered to have any impact on the landscape of the area was considered to be acceptable in principle, despite being located outside of the development boundary. Since that decision, and in particular since August 2020 housing delivery has been more challenging with the issue of phosphates delaying many development schemes.

11.7 It is therefore necessary to balance the location of the proposal site with other considerations, such as the provision of housing, including affordable housing, and employment opportunities within the commercial units and during construction. This will be undertaken at the end of the report.

## 12. **Design of the proposal**

12.1 An indicative layout shows the arrangement of 80 dwellings, broadly shown as being semi-detached or small terraces of houses. Vehicular access is proposed from Dene Road, created by punctuating an existing hedgerow. There are also proposed pedestrian accesses, one using the existing field access adjacent to the public right of way, and a new access to Manning Road. The layout shows a series of cul-de-sacs.

12.2 It should be noted that officers have requested that the application be considered by the Quality Review Panel. This is because the Districtwide Design Guide states that 'the Council will generally expect schemes of more than 50 homes

to be informed by review. Design is underpinned by both local and national policy (NPPF, para 126) .However, the applicant has not agreed to this request, stating that this should be considered at the reserved matters stage.

12.3 The proposal for 80 homes within an area of 2.06 hectares gives a density of 39 dwellings per hectare. The Design Guide is clear that density alone is not a measure of residential quality, however the proposed indicative layout shows how two storey dwellings can appear within the development, and this would be in keeping with the location of this development on the edge of the village, allowing for a mix of house sizes and types and provide for internal play spaces and green areas.

### **13. Proposed commercial units**

13.1 In addition to housing, the application also proposes what it describes as a local centre, comprising up to 1000 square metres of Class E and hot food takeaway. The Design and Access Statement states that the new local centre will provide retail, commercial and community space with opportunity for new shops, restaurants, takeaways and facilities such as clinics, crèches and nurseries. The application, being in outline, seeks flexibility at this stage, although it is stated that any food store will be no larger than 280 square metres, in order to allow longer hours trading on a Sunday.

13.2 Due to the proximity of the Co-Op store, the Council requested additional information in respect of the need for a further convenience store. A detailed report has been submitted on behalf of the applicants. The methodology for this report is deemed to be appropriate, in that it first defines the catchment area, and then considers the available expenditure taking into account existing retail floor space. This report concludes that there is sufficient trading capacity within the village and surrounding areas to allow for an additional 349 square metres of convenience store floor space. Because this exceeds the proposed amount stated within the design and access statement, the report concludes that an additional store of this size is needed within the village, and is unlikely to result in the closure of the existing Co-op store.

13.3 The other units, with the exception of a proposed takeaway, offer services not currently available in retail premises within the village, and would give opportunities for people within the village to use local facilities, rather than making trips to other towns and villages in the area.

13.4 The need for the local centre is therefore accepted, however it is considered necessary to restrict the size of the centre and of the convenience store in order to reflect the local nature of the facility and to reflect the need.

### **14. Access, Highway Safety and Parking Provision**

14.1 It is proposed to provide one vehicular access from Dene Road, at a point just below the entrance to North Villas. This would be a standard 'T' junction at a point in the road which is relatively straight. A further new access is proposed to Manning Road, although this will be reserved for pedestrians and bicycles. The proposed layout has been subject to a highway safety audit by Somerset County Council. Visibility at the main junction accords with the recommended standards, and the road is of sufficient width to allow large vehicles to pass each other. Whilst it is acknowledged that there will be an increase in vehicle movements it is stated by the highway authority that it is unlikely that this will be severe and therefore the highway

authority has not objected to the application.

14.2 There are a number of issues which require further details or clarification. These include the need to show that refuse vehicles can turn within the site, that surface water will not collect on site, that there is a suitable travel plan, and that construction traffic is controlled and car parking for contractors is clearly shown. These are matters that can be covered by the imposition of conditions.

14.3 In terms of parking, the indicative layout generally shows two parking spaces per dwelling, in line with adopted parking standards. However a detailed layout will need to be submitted at reserved matters stage which will show the detailed level of parking within the development, as well as arrangements for EV charging, cycle and powered two wheeler parking.

14.4 The local centre will also require parking. The indicative layout shows in excess of 40 spaces split between the convenience store, and other retail units. This would give a ratio of approximately 1 space per 40 square metre of floor space, which is in keeping with the parking standards stated within the Development Management Plan.

## **15 The impact on the character and appearance of the locality**

15.1 The land slopes towards the north west, where there is a proposed orchard and allotments adjacent to an existing brook. The slope of the site gives rise to concerns over how housing and the proposed retail area will be seen, in particular from the farmland to the north and west. For that reason, a significant amount of planting adjacent to the right of way is proposed, in addition to the orchard planting. Whilst an application in outline form only, it is considered that due to the amount of proposed planting it would be possible to provide for a well landscaped scheme.

15.2 The site is currently beyond the development boundary for Cotford St Luke and is situated on the opposite side of hedgerows from the village. Currently, there are views from the open countryside to the north and west across the public right of way into the site. Development of these fields for housing will inevitably alter views into the site from the surrounding area. However it is considered possible that a sensitive development which works with the topography of the site and the physical features such as trees and hedgerows will not impact negatively on the character of the area, and therefore meets the specific criterion in Policy CP8 which relates to the preservation of landscape character.

## **16 The impact on neighbouring residential amenity**

16.1 The site is some distance from the rear of existing houses, and currently separated by hedgerows. There is no concern that the new properties will result in overlooking of existing properties. The main impact is likely to be from the proposed new pedestrian access onto Manning Road, which would require an opening in the hedge and result in pedestrians and cyclists using the Manning Road area to visit other parts of the village. However as this is not a vehicular access it is considered that impact will be minimal, and will also enable existing residents to walk to the proposed shops and the footpaths to the north of the village. It is not considered that there will be any unacceptable harm on the amenity of nearby residential areas, in accordance with Policy DM1 of the Core Strategy.

## 17 **The impact on trees**

17.1 The site is an existing arable field and no trees exist within the field itself. A number of mature trees are situated on the borders of the site and all are proposed for retention. There will however be tree removals to provide the entrance to the site and the foot/cycle path to Manning Road. Whilst this would result in the loss of approximately 7 metres of continual hedge and therefore habitat, these have been assessed as Category C trees within the arboricultural report, and the proposal is to replace these with a considerable amount of further native planting, including the proposed orchard. Conditions would be required to ensure planting of new trees to increase biodiversity within the site.

## 18 **The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.**

18.1 The Ecological Appraisal submitted with the application has been assessed by the County Ecologist and Natural England. The conclusions are that the principal areas of wildlife habitat within the site, namely trees and hedgerows, will largely be maintained, and the addition of new habitat in the form of woodlands will result in an increase in biodiversity. The site lies outside of the bat consultation zone and low numbers of bats are recorded across the site, however conditions are recommended in respect of the minimisation of lighting which may affect bats, as well as conditions relating to the need for surveys prior to habitat removal to ensure that protected species such as dormice are safeguarded, and further conditions requiring biodiversity enhancement and a Landscape and Ecological Management Plan (LEMP).

18.2 Due to the location of the development within the catchment of the Somerset Levels and Moors Ramsar site, it is necessary to achieve nutrient neutrality. The proposal to fallow adjacent land in addition to building on the existing land. This would reduce the amount of phosphate within the catchment area. Rather than being intensively farmed, the fallow land will contain coarse grass species managed under a low-maintenance regime which would be suitable for local wildlife. The precise nature of the uplift in biodiversity will need to be agreed by way of a detailed biodiversity action plan, but will need to include an intervention strategy which allows for habitat succession to scrub or woodland.

18.2 The NPPF in paragraph 180 requests that opportunities to improve biodiversity in and around developments; this proposal would seek to achieve that by way of the measures outlined above.

## 19 **Flood risk and water disposal**

19.1 The site is entirely within Flood Zone 1, meaning there is less than a 0.1% change of fluvial flooding annually. There is a risk to surface water flooding, located in the vicinity of the ditch which is at the lowest part of the site. This part of the site is not proposed for built development. In terms of drainage, it is proposed to use a mixture of attenuation basins, permeable paving and rain gardens. Disposal of foul water will be into the existing sewers either by direct connection or by pumping, depending on land ownership. It is acknowledged that no response to the application has been received either from the Environment Agency or Wessex Water. However, the Lead Local Flood Authority have responded and are content with the information provided, providing conditions are placed on any permission requiring further details

of the drainage system and details of future maintenance.

## 20. **Affordable Housing**

20.1 The village lies within the former Taunton Deane area. The adopted SPD for this area states that 25% of all new housing should be in the form of affordable units. This is what is being proposed by the applicant as stated within their heads of terms.

20.2 There is a demonstrable need for affordable housing in Cotford, with 26 households currently registered on Home Finder for the parish, with the majority requiring either 2 or three bedroom homes. If 80 dwellings were built within the development, 20 would need to be affordable units, which would accommodate the majority of the identified need within the parish.

20.3 The indicative layout does not specify which units will be affordable, however it is agreed that the location, tenure and mix of the affordable units should be subject to ongoing discussions should the application be approved, with details being submitted at the reserved matters stage.

## 21 **Any other matters**

21.1 Whilst it is stated that there is insufficient infrastructure to support the additional housing, no objections have been raised from the Education department in terms of the need for additional primary or secondary school accommodation, and the response from the NHS has stated that a contribution towards facilities will be sufficient. The applicant has agreed to provide this contribution by way of a Section 106 agreement. It is acknowledged that a significant number of trips are likely to be by private car, although there is a bus service into Taunton which could be used by residents, which stops at Aveline Court, about 400 metres from the site.

21.2 Any permission would be subject to a Construction Management Plan, which would consider issues of access by construction vehicles, dust and mud control and routing of vehicles through the site

21.3 Finally, there is a policy requirement (D13) for public art to be introduced into developments of this size. This is not shown at this stage, but we would require a suitable scheme to be submitted at the reserved matters stage

## 22 **Local Finance Considerations**

### 22.1 Community Infrastructure Levy

22.2 The creation of dwellings and retail development is CIL liable. Outline application submitted so no detailed plans. Planning Statement submitted advises residential dwellings at 37dph so have used medium density residential testing assumptions to provide this response.

22.3 Residential development measures approx. 7325sqm. The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is

approximately £915,750.00. With index linking this increases to approximately £1,300,000.00.

22.4 Class E development measures 1000sqm. Exact uses not yet known. The application is for possible retail development outside of Taunton and Wellington town centres where the Community Infrastructure Levy (CIL) is £140 per square metre. Based on current rates, the CIL receipt for this development is approximately £140,000.00. With index linking this increases to approximately £200,000.00.

## **23 Planning balance and conclusion**

23.1 It is acknowledged that the site is outside of the development boundary for Cotford St Luke as shown in the adopted Development Plan. The village has seen some development in the past ten years, in accordance with the allocation outlined within the Development Plan. This development would therefore increase the number of dwellings in a village which has seen some recent new development. The site is sloping and providing a scheme for 80 homes and a local centre which would not result in impacts on the landscape will be challenging.

23.2 Balanced against this are the social, economic and environmental benefits of the proposal. In particular, it would contribute up to 80 new homes, including up to 20 affordable dwellings and a local centre. This would be in an area where there is a current shortfall in housing land supply. Significant weight should be given to the provision of market and affordable housing.

23.3 The economic benefits of the proposal would include the creation of construction jobs and ongoing additional expenditure in the local economy. This attracts moderate beneficial weight. There would also be financial contributions towards health infrastructure, biodiversity improvements and green infrastructure, and phosphate mitigation. These matters are primarily intended to address the impact of development and respond to the needs arising from it, nonetheless some modest weight can be attached to the wider social and environmental benefits this would bring, particularly in terms of biodiversity improvements.

23.4 Finally, it should be noted that this is an application in outline form with all matters reserved except for access. Whilst there are concerns over the impact the development will have on the character of the area, since the adoption of the design guide and emphasis on high quality development it is clear that any reserved matters will need to address this, and demonstrate how this can be achieved without detriment to the character of the area.

23.5 For the reasons outlined above it is considered that, whilst the proposal does not fully accord with the Development Plan, for the reasons stated above the 'tilted balance' applies. It is considered that the adverse impacts of the development do not significantly and demonstrably outweigh the benefits. The application is therefore recommended for conditional approval subject to the prior completion of S106 planning obligation to secure the following:

Woodland creation for phosphate mitigation

Maintenance and enhancement of woodland

Biodiversity Enhancement

Minimum of 25% Affordable Housing

Protection of right of way

£579 per dwelling towards primary healthcare provision

Funding towards an electric car club

Maintenance and management of open space

23.6 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

### Conditions

1. Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A1) DrNo 8786-L-13 Rev E Location plan

(A1) DrNo 8786-L-16 Rev B Existing and Proposed Access Elevations

(A1) DrNo: 8786-L-14 Rev M Parameters Plan

(A3) DrNo: 8786-L-01 Rev B Pre Submission Planting

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

3. The proposed local centre shall not comprise more than 1000 square metres of floor space. Any use within the local centre shall be either under Class E of the Use Classes Order 1987 (as amended in 2020) or shall contain hot food takeaway comprising no more than 180 square metres of floor space. A single convenience store is permitted and shall not exceed 349 square metres in net floor space.

Reason: In order to provide a facility of a scale to primarily serve the immediate catchment within the village and surrounding area in accordance with Policy TC3 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016

4. No removal of scrub or hedgerow shall take place between 1st March and 31st August inclusive in any year, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy

5. 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 2018) and the Flood and Water Management Act (2010). The development shall include measures to prevent the 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.
  
6. 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. This should include details of gullies, connections, soakaways and means of attenuation on site. 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 and in accordance with highway safety.
  
7. 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) to biodiversity on site, including habitats (trees, hedgerows and watercourses, including pollution prevention measures) and protected species (amphibians, badgers, bats, birds, dormice and reptiles), followed by appropriate mitigation, as required.
  - 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.

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 the interests 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 Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

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

a. Description and evaluation of features to be managed.

b. Ecological trends and constraints on site that might influence management.

c. Aims and objectives of management.

d. Appropriate management options for achieving aims and objectives.

e. Prescriptions for management actions.

f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g. Details of the body or organization responsible for implementation of the plan.

h. On-going monitoring and remedial measures.

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 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 Taunton

Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

9. No development shall commence until a "lighting design for 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 lesser horseshoe bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging.

- b. Show how and where external lighting will be installed (through the provision of lighting contour plans illustrating Lux levels accords with Step 5 of Guidance Note

08/18 Bats and artificial lighting in the UK) and do not exceed 0.5 Lux so that it can be clearly demonstrated that areas to be lit will not disturb or prevent lesser horseshoe bats using their territory or having access to their breeding sites and resting places. The design will also include any amenity and or security lighting where needed.

- c. Show the use of shields and other methods of reducing light spill (such as the installation of physical barriers) to prevent light spill.

All external lighting shall be installed in accordance with the specifications and locations

set out in the design, and these shall be maintained thereafter in accordance with the

approved details. Under no circumstances should any other external lighting be installed

without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of

European protected species, UK priority species listed on s41 of the Natural Environment

and Rural Communities Act 2006 and in accordance with, and in accordance with

Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment and Chapter 15 of

the National Planning Policy Framework 2021. This is a condition precedent as harm to

protected species needs to be prevented from the earliest stages of the development

10. The works to the site include vegetation removal shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a. a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or

- b. a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: The removal of hedgerow would result in the loss of dormouse nesting and foraging

habitat and could result in the disturbance, killing or injury of dormice.

A pre-commencement condition in the interest of the strict protection of

European protected species and in accordance with Taunton Deane Core Strategy 2011

-2028: Policy CP 8 Environment.

11. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority Prior to commencement of construction works: The content of the BEP shall include the following:
- a) Bat boxes built into the structure at least four metres above ground level and away from windows of the west or south facing elevation of 20 plots and maintained thereafter.
  - b) Bee bricks will be built into the wall about 1 metre above ground level on the south or southeast elevation of 20 plots and maintained thereafter.
  - c) A cluster of 5x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 20 plots and maintained thereafter.
  - d) 2x Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation of 20 plots and maintained thereafter.
  - 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.
  - f) 2x reptile hibernacula will be created in the north west boundary and maintained thereafter.
  - g) new hedgerows are to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, guelder rose and spindle.
  - h) All new trees planted on site should ideally be from local native stock including fruiting trees of local provenance.
- Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme will thereafter be implemented and retained in perpetuity.
- Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework
12. At the new vehicular access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres in either direction. Such visibility shall be fully provided prior to commencement and shall thereafter be maintained at all times
- Reason: In the interests of highway safety
13. The details of the proposed main access onto Dene Close and the proposed foot/cycle access onto Manning Road shall be agreed in writing with the local planning authority prior to commencement and constructed in accordance with details shown on the submitted plan, and shall be available for use before occupation of the first dwelling or commercial unit. Once constructed the access

shall be maintained to an appropriate standard at all times.

Reason: In the interests of highway safety

14. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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 by the Local Planning Authority in writing 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.

Reason: In the interest of highway safety

15. None of the dwellings hereby permitted shall be occupied until details of a network of cycleway and footpath connections within the development site and with appropriate links through the site boundary to the existing external network has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall thereafter be constructed and be available for use in accordance with a phasing strategy for these connections to be agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development

16. a) No development shall commence unless a Construction Environmental Management Plan (Highways) 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.
- b) 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 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 works commencing on site, and thereafter maintained until the construction phase is completed.

c) A Condition Survey of the existing public highway will need to be carried out and

agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site

Reason: In the interests of highway safety and control of pollution in accordance with policy DM1 of the Core Strategy

17. Prior to first occupation of each dwelling, access to covered cycle and electric vehicle charging points will be made available.

This is to be provided through garages or shared 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: In the interests of sustainable development

18. The development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of sustainable development in accordance with Policy A2 of the Taunton Deane Adopted Site Allocations and Development Management Plan

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the

developer being prosecuted if the path is built on or otherwise interfered with.

3. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
4. **WILDLIFE AND THE LAW.** Any activities undertaken on trees must take into account the protection afforded to wildlife under UK legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out in the breeding season (February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

**TREES** with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

5. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
6. The applicant will be required to secure an appropriate licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

