



Appeal Decision

Hearing held on 8 November 2022

Site visit made on 8 November 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/Q3305/W/21/3286463

Land East of Coalpit Lane, Stoke St Michael, Somerset, BA3 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Stoke St Michael LVA LLP against the decision of Mendip District Council.
 - The application Ref 2020/0580/OTS, dated 25 February 2020, was refused by notice dated 14 May 2021.
 - The development proposed is for the residential development of up to 47 no. dwellings, public open space, ecological mitigation land, landscaping and associated works with access from Coalpit Lane.
-

Decision

1. The appeal is allowed and planning permission is granted for the residential development of up to 47 no. dwellings, public open space, ecological mitigation land, landscaping and associated works with access from Coalpit Lane, at Land East of Coalpit Lane, Stoke St Michael, BA3 5JT. This is in accordance with the terms of the application Ref 2020/0580/OTS, dated 25 February 2020, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been submitted by the appellant against Mendip District Council. This will be the subject of a separate decision.

Preliminary Matters

3. The proposal is for a residential development, though the application is in outline with all matters reserved except for access. In so far as there has been plan details of the proposals submitted other than relating to access, I have generally considered these as illustrative only.
4. The Council has confirmed that with the further information submitted with this appeal by the appellant that the second reason for refusal relating to mineral safeguarding has been withdrawn.
5. A Unilateral Undertaking legal agreement was submitted at the Hearing which contains planning obligations to be secured under Section 106 of the Town and Country Planning Act 1990. The Council did confirm that with updated information that the education contribution was not required anymore, but otherwise the planning obligations as submitted was acceptable to the Council.

Main Issues

6. The remaining main issue relates to the first Council reason for refusal. This includes whether the location of the proposed residential development is acceptable and sustainable, having regard to Development Plan policies.
7. Also, there is the issue of the effect of the proposed development on the character and appearance of the area.
8. As discussed at the Hearing, there is also a consideration of the effects of the development on the significance of nearby heritage assets.

Reasons

Location and Planning Policy

9. The site is within a field to the northern edge of the village of Stoke St Michael. This is a 'Primary Village' as set out in Core Policy 1 (CP1) of the Mendip District Local Plan part 1: Strategy & Policies 2006-2029 (the Local Plan). This policy sets out that Primary Villages offer key community facilities (including the best available public transport services) and some employment opportunities making them the best placed to accommodate most new rural development. However, this site is outside of, but adjacent to, this village development limits and so in planning terms it is considered to be in the open countryside, where CP1 states that development would be strictly controlled.
10. The site has not been allocated in any way, including with allocations under the Local Plan Part II. Therefore, the proposal is contrary to Core Policy 1: Mendip Spatial Strategy. The proposal, due to its location outside the development limits of the village, is also contrary to policy CP2, which sets out circumstances where new housing should be supported. The location of the proposed housing does not meet with these policy requirements.
11. Policy CP4 relates to sustaining rural communities. It includes the provision for housing within Primary Villages, but not outside these villages as proposed in this case.
12. The proposed development, for housing outside of the development limit of the village, is contrary to these policies.
13. However, as discussed at the Hearing, the Council cannot currently demonstrate a five-year rolling supply of deliverable housing sites. The level of supply that the Council can demonstrate is a significant shortfall. The proposed housing would contribute towards addressing this shortfall and is considered in more detail with the planning balance.

Accessibility

14. The site is on the northern side of the village of Stoke St Michael. Within the village centre is a pub, church, shop and a community hall. The route between the site and the village centre is along Tower Hill and Church Street, which does not have continuous footpaths along the route and can be narrow with limited visibility at certain places. There are sections where people have to walk in the road, with some restricted forward visibility. There is also a change in gradient along this route which may be difficult for some to walk. However, this is an established main route through the village that people will have used over many years. There is no substantive evidence that people walking this route

has resulted in many accidents or is particularly dangerous as a pedestrian route.

15. It is also not uncommon for there to be a lack of footways in the core of old villages. It is not an ideal situation, but I would still expect people from the proposed houses to often walk this route and not be dissuaded to do so by the lack of continuous footpaths. The increase in traffic from the site or other nearby developments would not be at a level that would likely make walking this route discernibly less safe.
16. Within a short distance of the site is the Primary School in the village, at the end of Moonshill Road. To get to the school people would need to cross Coalpit Lane and possibly St Michaels Close too. Though I recognise that there can be frequent traffic through this area, there is not the evidence to demonstrate that such a pedestrian trip would be unsafe or unreasonable to expect people to make such a trip by foot. My visits to the site indicated further that crossing of these roads could be safely achieved. There is also a new footpath connection proposed between the site entrance and St Michaels Close which would help with providing pedestrians with a link to the village streets from the site. This should still allow for road width and have very little impact to the character of Coalpit Lane, given the proposed paths short distance.
17. Further past the school there is a route through residential streets over what is a relatively short distance to the football pitch and play area, to the western side of the village.
18. Though the village is not ideal for walking I would still consider the site as being reasonably accessible for services and facilities for a development of the scale proposed, especially considering the rural character of this village. As such, though the site is outside of the village settlement boundary, it benefits from reasonable access to its services and facilities.

Character and Appearance

19. The proposed housing development is to the northern edge of the village of Stoke St Michael. The field is currently undeveloped and part of the countryside setting of the village. This rural character would change significantly with the proposed development, with the introduction of built form and an urbanising effect to parts of the field, with additional noise and artificial lighting for example. The loss of this 'greenfield' land, which is part of the countryside and therefore has an intrinsic beauty (as set out in the Framework) would be harmful to this rural setting of the village. I am also aware of the Stoke St Michael Village Design Statement on these matters, particularly the section on the character of the landscape setting of the village.
20. However, this harm is mitigated to some degree by certain factors. Firstly, the site has a good level of enclosure, through the boundary hedgerows and also the sloping topography down towards the stream, for example. The development would not be prominent in the wider landscape and such visual impacts would be largely localised.
21. Furthermore, the housing as proposed would be seen against the backdrop of existing built up residential areas of the village from many vantage points. It would be seen as an extension of the village rather than an isolated development. Housing is therefore not an incongruous feature in the area of

the site, being that the proposed houses would adjoin existing housing plots. The edge of the village would be projected north, but when built it would appear just as part of the village itself. It would be in keeping with the adjacent modern housing that already exists.

22. Another mitigating factor is that there is substantial scope for landscaping, as already indicated by the appellant, which would help the development blend with its 'edge of settlement' location.
23. Whilst this mitigates the harm to a low level, there would still be some clear views of the development which would significantly change the character of this currently undeveloped field, such as from the public right of way which crosses the site, from neighbouring dwellings, or from other nearby locations. However, this harm can be reduced to a low level by the mitigation.
24. In terms of density, as indicated on the proposed layout plan the density would be comparable with adjacent housing areas and would not appear out of character as an extension to this part of the village. There would be parking and garden areas for the housing, plus public open space, as indicated on the submitted plans, though this is not detailed at this outline stage. However, at this stage, from the evidence and plans before me, the proposed development for up to 47 dwellings would not be necessarily cramped or appear as an overdevelopment of the site. This is an issue which could be assessed at reserved matters stage when detailed plans are submitted.
25. The proposal would be large scale for the village, but it would still be a proportionate increase given that this is a larger settlement than many other rural villages. Even if the development at Frog Lane was approved and implemented, the housing increases would not, in my view, be disproportionate as extensions to the overall village. This level of housing could also go towards the Government aim to boost housing supply.
26. There would be no significant tree loss and there would be more hedgerows planted within the development which outweighs the harm from hedgerow loss. However, landscaping is a reserved matter at this stage.
27. Overall, though mitigation could reduce the visual impact, due to the urbanising impact to this undeveloped field within the countryside, the proposal on this main issue does not fully accord with policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014). These policies require that development should not significantly degrade the quality of the local landscape and that developments are of a scale, mass, form and layout appropriate to the local context, amongst other things.

Heritage Issues

28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a

designated heritage asset, great weight should be given to the asset's conservation.

29. The proposed residential development would be within the setting of the Grade II listed Mill Cottage and Stoke Mill, which lie just outside the south-eastern boundary of the site. Historically, their setting would have been particularly rural before the expansion of the village. The field to which the houses are proposed to be developed would further change the character with more urbanisation of the area, which I would regard as being part of the setting of these listed buildings. However, there is already housing within this setting and also there is a significant separation distance between the listed buildings and the nearest proposed houses. Furthermore, suitable landscaping could help to preserve the setting of the listed buildings to some extent, along with positioning proposed houses as far from these heritage assets as possible within the site.
30. Overall, as set out in the Council Conservation Officer comments, I would agree that the harm to the setting of these listed buildings would be at the lower end of 'less than substantial'. In accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal. In this case there would be substantial public benefits (as set out in detail in the 'Planning Balance', such as both market and affordable housing provision) which would clearly outweigh this very limited heritage harm, even with the asset's conservation being given great weight. This also accords with Core Strategy policy DP3 as the low level of harm has been justified in this case.

Internationally Important Habitats

31. The site of the proposed houses is close to Mells Valley Special Area of Conservation (SAC) and the Mendip Woodland SAC. Surrounding the SAC designation is St Dunstan's Well Catchment SSSI (Site of Special Scientific Interest - a national designation). These are designated for their important maternity population of Greater Horseshoe bats.
32. Natural England (NE) consider that without appropriate mitigation the proposal would have an adverse effect on the integrity of Mells Valley SAC and Mendip Woodlands SAC. This could be to do with loss or degradation of foraging habitat resulting in a reduction in food availability, or through new artificial lighting, for example. Mitigation is therefore required.
33. NE requires that the proposed new north-eastern hedgerow extends across the full north-eastern boundary to separate the mitigation area from the development and restrict access to the mitigation land for residents. A lighting scheme for bats and also biodiversity enhancements can be provided. The Council has recommended a condition to secure planting schedule for the habitat creation/enhancement. Furthermore, conditions/obligations for a Landscape and Ecological Management Plan (LEMP) and a lighting scheme for bats are recommended and can be attached to an approval of this outline proposal.
34. With this mitigation, as competent authority, I would consider that the proposed development is unlikely to have an adverse effect on the integrity of SAC or the St Dunstan's Well Catchment SSSI.

Other Matters

35. There have been comments received with regard to highway safety, in terms of increased vehicular traffic on the surrounding road network. Some of the roads near to the site are narrow and I also observed the tight angled junction between Moon Hill and Frog Lane. There would be an increase in traffic as a result of the housing development, but the evidence demonstrates that this will not result in significant levels of congestion. Furthermore, there is not a substantive level of evidence to demonstrate that the traffic generated by the proposed development would cause unacceptable highway safety issues. The road layout is as existing and having driven around the area myself I would not consider the roads and junctions as dangerous, nor that increased traffic would make them dangerous or materially less safe.
36. The proposed access is suitably located, towards the edge of the village. Vision splays can be incorporated to a sufficient level. There are some access points opposite, but with suitable visibility from the site there should be no likely conflict or safety issues.
37. There would be disruption likely with the construction period, particularly through construction traffic with HGVs. However, this would be for a temporary period of time and a condition requiring a Construction Management Plan can be imposed which could help with such matters.
38. I note that there is no objection to the proposal from the Highways Authority, subject to conditions, which I have taken into consideration.
39. With the public footpath running across the site, it is clear that many local residents use this route through the field and place a high value on it remaining as an open field. A route through the site shall remain, and there is no Council objection from a public right of way perspective, but the character of the site will change. However, this is just a small section of the right of way network through the countryside near this village. Access into the countryside will remain for walkers.
40. The proposed development is in outline form, but there is no reason to conclude that a detailed layout and house design cannot be formed which does not result in unacceptable and significant loss of amenity and living condition standards for existing neighbours to the site. Furthermore, though there will be increased noise and light from the development when compared to an undeveloped field, there is no detailed evidence to suggest that it would be at an inappropriate level, or greater than at adjacent housing areas.
41. There are comments received which have raised concerns about increased anti-social behaviour from future occupants, but there is no substantive evidence to support that this will be the case if this development is constructed and occupied.
42. In terms of scale, the proposed development of 47 dwellings is substantial, though not of a level that would be disproportionately large for this village. Stoke St Michael has a good level of facilities and a bus service (albeit limited). The additional population could help support the vitality of the village along with the pub and shop for example. The development would not overwhelm the village or the services and facilities within it. Furthermore, the Council has

confirmed there is sufficient school places available to meet the needs of future occupiers.

43. There has been comments with regard a lack of local need, however, on a District basis there is clearly a housing need, especially with affordable housing, with the proposed housing being able to contribute towards this.
44. There would be the loss of agricultural land to the proposed development, though this is a relatively small area and a single field. Even if the field was of high agricultural value I would not consider the development of it to be particularly harmful due to the limited loss of land for agriculture.
45. There has been comment that the identified Frog Lane development would be preferable to the proposed site, for reasons such as accessibility for example. However, the site before me to determine is at Coalpit Lane and if I find this proposed development as acceptable in planning terms than the potential for housing at Frog Lane is not a reason to withhold permission.
46. There have been other issues raised, such as drainage, flooding, archaeology etc. I have taken all matters raised into consideration though, subject to some conditions, none of these matters would indicate that the development should be prevented.

Planning Obligations

47. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) states a planning obligation may only constitute a reason for granting planning permission if the obligation passes three requirements. This is reiterated in the National Planning Policy Framework (the Framework). These requirements are that the obligation is necessary to make the development acceptable in planning terms, that it is directly related to the development and fairly and reasonably related in scale and kind to the development.
48. The obligation includes a provision for 30% on-site affordable housing, which is necessary in accordance with the Framework as the proposal is for up to 47 dwellings. This would also accord with policy DP11 of the Local Plan.
49. Other planning obligations include commitments such as on-site open space (including a local area of play) and also a contribution to off-site open space provision. There are obligations for a scheme to ensure biodiversity net gain for the development and also a LEMP. A scheme for both foul and surface water drainage is contained within the legal agreement. There is also an obligation to provide a residential travel plan. The obligations would be in the interests of providing sufficient open space provision for the increased population of the village and those future residents of the site, along with providing much needed affordable housing provision and environmental benefits, amongst other things.
50. As it has been confirmed by the Council that there is no requirement for additional school places as a result of the proposed development I do not find that the education obligation is necessary to make the development acceptable in planning terms and therefore does not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. There is no requirement for the appellant to adhere to this obligation, even though it is in the signed legal agreement.

51. Apart from where explained above that an obligation should not be included, based on the submitted evidence I consider that the provisions of the agreement are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 57 of the Framework, the Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010.
52. The legal agreement as submitted sufficiently addresses the Council third reason for refusal as it also accords with saved policies DP9, DP11, DP16, DP19 and DP23 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted December 2014). These policies require travel plans in certain circumstances in the interests of sustainable transport; provide an affordable housing contribution towards the Council's housing needs; make a contribution towards the provision of new open space; and incorporate appropriate water management measures to reduce surface water run-off; amongst other things. These obligations also accord with the policies of the Framework, including provisions to safeguard the environment and the provision of affordable housing.
53. Policy DP18 of the Core Strategy, referred to by the Council, relates to former railway land and also safeguarding paths. It is not clear how this relates to the planning obligations.

Planning Balance

54. For this appeal there is common ground that the Council cannot demonstrate a five year housing land supply. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. In respect of paragraph 11 d) of the Framework with regard to decision-making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including applications involving housing where the Council cannot demonstrate a five year housing land supply), permission should be granted unless certain criteria apply.
55. From the evidence provided to me I would regard the current shortfall as being significant. The provision of these proposed dwellings on this site would be a significant addition to local housing supply and it would importantly also help towards the Government intention to boost housing delivery, as set out in the Framework, in what I would consider to be a reasonably accessible location.
56. The development would be located outside the defined development boundary limits of Stoke St Michael. It would be a development on a 'greenfield' site adjacent to this village. Policies such as Core Policy 1 requires that proposed development outside the development limits of settlements will be strictly controlled. However, in the absence of a demonstrable five year housing land supply, I give the conflict with these Development Plan policies reduced weight. Furthermore, the site is adjacent to the village rather than being in a remote location. Occupants of the development would also be able to benefit from being part of this 'primary' village. Facilities within the village would be accessible to future occupiers, and not just by car.
57. I acknowledge that this site is valued as an open field and part of the countryside setting of the village, especially with the public right of way across

this field. I have considered all the comments received by local residents, the Parish Council, and others on their opposition to the proposal.

58. There would be some visual harm through the urbanising of this field and the loss of a portion of the countryside setting of the village. The development would result in the encroachment into the countryside of built development beyond the limits of the village. However, these impacts would be limited as the development would have the housing of the village in the backdrop. Landscaping could also help to mitigate the visual impacts.
59. There is also the limited 'less than substantial' harm to the heritage assets, which with mitigation such as a good level of landscaping would mean that there would be very little impact to the listed building settings. Nonetheless, the setting of the listed buildings would not be fully preserved, even if the harm was very limited.
60. However, there are also significant benefits, such as that the proposal would make a substantial contribution to the provision of housing and particularly affordable housing for the village and the wider District to benefit from. The development would also benefit the local/District wide economy during its construction phase and thereafter through the use of services and facilities in the area by its future occupants.
61. I have taken into account the various other approved developments, including appeal decisions, but I have considered this proposal on its own merits primarily, with the particular circumstances of this case before me.
62. Overall, I give significant weight to these benefits. For the reasons set out above, whilst the site is outside of a defined development boundary on what is a 'greenfield' site within the landscape, there are no adverse impacts which would significantly and demonstrably outweigh the benefits (such as the boost to housing provision and required affordable housing, as set out in the Framework), when assessed against the Framework as a whole. Therefore, the proposal benefits from the presumption in favour of sustainable development and should be allowed.

Conditions

63. I have considered the conditions put forward by the Council and appellant as agreed conditions, against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity, reflect consultee comments, and ensure consistency with the Framework and PPG.
64. I have attached the standard reserved matters and time limit conditions. I have also included a plans condition, as this provides certainty.
65. In the interests of visual amenities, samples of materials for external use on the proposed dwellings is required.
66. Details of storage of recycling and waste containers is required in the interests of neighbour and visual amenity.
67. In the interests of highway safety and sustainable transport options there are conditions requiring the provision in perpetuity of vision splays and the formal

access into the development; cycle parking provision; and provision of estate roads and footpaths details. There is also a condition requiring details to be agreed for the proposed footway link from the access into the site to the village street of St Michaels Close, to aid with pedestrian access.

68. A surface water drainage scheme, based on sustainable drainage principles, is required by condition in the interests of safeguarding against flood risk for example. A condition requiring details of foul drainage and another for details of rainwater harvesting are also required
69. A construction management plan is required, especially considering the close proximity of existing dwellings and the large size of site/development with substantial numbers of construction vehicles likely.
70. I have imposed a condition requiring an Arboricultural Method Statement, to safeguard on-site trees through the process of construction.
71. To ensure that the development suitably takes into account ground conditions and possible contamination conditions requiring a phased risk assessment, comprehensive intrusive investigation and remediation strategy requirements have been imposed.
72. In the interests of ecology, including bats, conditions requiring a lighting design for bats, a Wildlife Protection and Enhancement Scheme, and also another requiring a Construction Environmental Management Plan (CEMP), have been imposed. The applicant should take into account the guidance from Natural England in their submissions when seeking to discharge these conditions.
73. In the interests of sustainable development a detailed Sustainability Strategy Statement is required by condition.
74. A condition requiring details of landscaping has not been included as such details should be submitted with the relevant reserved matters

Conclusion

75. In my view, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. The proposal would therefore be the sustainable development for which Paragraph 11 d) ii indicates a presumption in favour.
76. This is a material consideration which outweighs the harm and conflict with the development plan that I have identified. It indicates to me a decision should be made other than in accordance with the development plan. There are no other material considerations that indicate permission should be withheld.
77. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions in the following schedule.

Mr S Rennie

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ms Hannah Armstrong – Pegasus Group
Mr Jonathan Coombs – Pegasus Group
Ms Wendy Lancaster – Tyler Grange
Mr Alex Bullock - LVA

FOR THE COUNCIL:

Ms Lorna Elstob – Planning Officer
Mr Andre Sestina – Planning Policy Officer
Ms Nikki White – Planning Officer
Ms Jayne Boldy – Conservation Officer

INTERESTED PARTIES:

Mr R Watts – Local Resident
Mr Alan Townsend - Local Resident
Mr Paul Street - Local Resident
Mr Simon Farnsworth - Local Resident
Cllr Keith Hambly – Stoke St Michael Parish Council
Ms Kay Watch - Local Resident
Ms Janet Culen - Local Resident
Mr Mark Reynolds – Planning Agent on behalf of local residents/Parish Council.
Ms Cerys Carty - Local Resident
Mr Sean Carty - Local Resident
Mr Peter Rhodes – Local Resident
Ms Jackie Kelly

ITEMS SUBMITTED AT OR AFTER THE HEARING:

Copy of the legal agreement.

SCHEDULE – CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 4) This decision relates to the following plans:
P18-0524_01 A - SITE LOCATION PLAN – received 15.02.2021
4388 B - PROPOSED SITE ACCESS LAYOUT – received 29.04.2021
- 5) No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.
- 6) The development hereby approved shall not be occupied until provision for the storage of recycling and waste containers has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 7) The proposed estate roads, footways, footpaths, cycleways, 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, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.
- 8) No individual dwelling shall be occupied until it is served by a properly bound and compacted footpath, carriageway and turning space(s) where applicable to at least base course level between the dwelling and the existing adopted highway.
- 9) The vehicular access into the site hereby approved shall not be brought into use until it has been constructed in accordance with drawing 4388 B - PROPOSED SITE ACCESS LAYOUT – received 29.04.2021. The vehicular access shall thereafter be permanently retained in accordance with the approved drawings.

- 10) No occupation of the development shall commence until the footways have been constructed in accordance with details that have first been agreed in writing by the Local Planning Authority. The footways shall thereafter be permanently retained in accordance with the approved drawings.
- 11) No occupation shall commence until the visibility splay shown on drawing 4388 B - PROPOSED SITE ACCESS LAYOUT – received 29.04.2021 has been provided. There shall be no on-site obstruction within the visibility splay. The visibility splay shall be retained permanently thereafter.
- 12) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall provide for:
 - a) Construction vehicular routes to and from site.
 - b) Expected number of construction vehicles per day.
 - c) The parking of vehicles of site operatives and visitors.
 - d) Loading and unloading of plant and materials.
 - e) Storage of plant and materials used in constructing the development.
 - f) Wheel washing facilities.
 - g) Measures to control the emission of dust and dirt during construction.
 - h) Delivery and construction working hours.
 - i) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
 - j) A scheme to encourage the use of public transport amongst contractors.

The development shall thereafter be constructed in accordance with the approved Construction Management Plan.

- 13) No occupation of the development shall commence until secure and accessible bicycle storage in accordance with the Somerset County Council standards has been provided. The bicycle storage shall be retained permanently thereafter.
- 14) No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. This shall include such details as:
 - (i) The detailed layout of and a planting schedule for the creation and enhancement of habitat for Greater Horseshoe bats, generally based on Figure 3 of the Updated Ecological Impact Assessment (GE Consulting, dated October 2020, received 11.11.2020).
 - (ii) Biodiversity enhancements, generally based on those set out in Section 5 of the Updated Ecological Impact Assessment.
 - (iii) A timetable for implementation of habitat creation and enhancements, including planting.

All works shall be carried out in accordance with the approved details prior to occupation of any of the dwellings hereby approved or as agreed with the timetable.

- 15) A "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. The design shall show how and where external lighting will be installed, including technical specifications, location, number, luminance, angle of illumination and type of each luminaire or light source and a lux contour diagram showing the light spill from the scheme, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places.

All external lighting shall thereafter only be installed in accordance with the specifications and locations set out in the approved design, and these shall be maintained thereafter in accordance with the approved design.

- 16) No development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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, including nesting birds habitat clearance measures, badgers buffer zones, reptile/amphibian sensitive habitat clearance, and safeguarding measures for bats.
 - 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.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The construction of the development shall thereafter be carried out strictly in accordance with the approved CEMP (biodiversity).

- 17) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

- 18) No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 19) A detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. This shall demonstrate how the development has incorporated all practical measures through siting, layout and design, and maximised the opportunities for the use of sustainable construction techniques, renewable energy on site and water efficiency measures. The development will thereafter be carried out in full accordance with the approved details.
- 20) No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (for example - water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
- 21) A detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. The Detailed Arboricultural Method Statement shall contain full details of the following:
 - (a) Timing and phasing of arboricultural works in relation to the approved development.
 - (b) Construction exclusion zones.
 - (c) Protective barrier fencing.
 - (d) Ground protection.
 - (e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision.
 - (f) Service positions.
 - (g) Details of any special engineering requirements, including 'no dig construction'.
 - (h) A Tree Protection PlanThe development shall thereafter be carried out in strict accordance with the approved details.
- 22) No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The assessment and written submission shall include:
 - (i) a survey of the nature, extent and significance of any contamination;

- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal and justification for the preferred option(s).
- 23) No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled waters, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:
 - (i) all works to be undertaken;
 - (ii) proposed remediation objectives and remediation criteria;
 - (iii) timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures;
 - (iv) where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
 - (v) where required, additional contingency measures designed to safeguard future users and receptors

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall not commence until the approved remediation scheme has been carried out, excepting those works required to carry out remediation, or in accordance with the approved timetable of works.
- 24) No occupation shall commence until a verification report has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. Where a phasing plan has been approved no occupation shall commence of each phase until a verification report dealing with that phase has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.
- 25) In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where

remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

- 26) No part of the development hereby permitted shall be occupied until the construction of a 2m wide footway from the new access along Coalpit Lane to St Michael's Close has been carried out, in accordance with a design and specification to be first approved in writing by the Local Planning Authority. The footpath shall be fully implemented in accordance with the approved details.

END OF CONDITIONS

Richborough Estates