



Appeal Decision

Hearing held on 8 October 2025

Site visits made on 6 October and 8 October 2025

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/E3335/W/25/3365456

Land west of South Street, South Street, Castle Cary, Easting 363581 and Northing 131514

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Tizzard (Castle Cary LVA LLP and Mrs A M Targett) against the decision of Somerset Council.
 - The application Ref is 23/02258/OUT.
 - The development proposed is an outline planning application for the erection of up to 46 dwellings with associated works including the formation of a vehicular access, provision of open space and landscaping.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 46 dwellings with associated works including the formation of a vehicular access, provision of open space and landscaping at Land west of South Street, South Street, Castle Cary, Easting 363581 and Northing 131514 in accordance with the terms of the application, Ref 23/02258/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with appearance, landscaping, layout and scale identified as reserved matters. As such, where the proposed site plans show any information relating to those reserved matters, I have treated this as illustrative for the purposes of making my decision.

Background and Main Issues

3. During the hearing, it became apparent that the effect of the proposal on character and appearance, and the settings of certain heritage assets, was a topic that merited considerable discussion. On that basis, and as a result of the conclusions I have reached in relation to those issues, I have elevated these matters to form a main issue in this decision.
4. As such, the main issues are:
 - whether the location of the site is appropriate, including taking account of the Council's spatial strategy;
 - the effect of the proposed development on the character and appearance of the area, including its effect on the settings of the Castle Cary Conservation Area and other heritage assets; and

- the effect of the proposed development upon the integrity of the Somerset Levels and Moors Ramsar site, with particular regard to phosphates.

Reasons

Location

5. The appeal site is an agricultural field which is situated on the edge of the settlement of Castle Cary. Policy SS5 of the South Somerset Local Plan 2006 – 2028 (the LP) sets out the spatial strategy for the area. For Castle Cary and Ansford, it states that 374 homes will be delivered within the plan period. During the hearing, it was confirmed to me by both of the main parties that the appeal site is outside of the development area for Castle Cary, as well as the identified direction of growth as set out within LP Policy LMT1. As such, the fact that the proposed development would conflict with the Council's adopted spatial strategy is not a matter in dispute between them.
6. As part of their evidence, the Council has provided up to date housing monitoring data. This shows that, as of October 2025, 381 homes have been completed in Castle Cary and Ansford, while extant planning permissions exist that would deliver a further 579. If these permitted developments were built out, then the total amount of new housing in the area would greatly exceed the figure within LP Policy SS5. However, during the hearing the Council acknowledged that the figures within the policy are minimum numbers. As a result, the proposed development would not lead to conflict with this element of the policy. Furthermore, the Council set out that the only harm arising from the proposed development would be that the Council's spatial strategy would be undermined.
7. Several third parties, including the Town Council, suggested at the hearing that the amount of development likely to take place in the immediate area could affect services and facilities such as schools and health provision, but that the situation is currently unclear. However, no substantive evidence has been provided in this regard, and it is notable that there are no objections to the appeal scheme from service providers. I therefore do not find harm in this regard.
8. Third party concerns have also been raised in relation to the accessibility of the site. However, during my initial site visit, I noted that there is a pavement on the entire route between the appeal site and the town centre, thereby allowing a range of services and facilities to be reached within a relatively easy walking distance. I did observe that there are some historic steps along the route where the pavement rises slightly up above the level of the road. While I acknowledge that this would make the journey more difficult for disabled people or parents with pushchairs, it is readily apparent that the pavement would provide a safe and convenient route into the town centre for the vast majority of future occupiers of the proposed homes.
9. Nevertheless, despite the lack of any identified 'on the ground' harm, the fact that the site is situated just outside of the development area for the town means that, in policy terms, the site cannot be considered to be in an appropriate location and the proposal would be contrary to LP Policies SD1, SS1, SS5 and LMT1. In part, these policies provide support for development that would accord with the spatial strategy for the area.

Character and Appearance and Heritage Assets

10. The appeal site is located adjacent to the Castle Cary Conservation Area (the CA). From the evidence before me, and from what I saw when I visited the site, the significance of the CA, in so far as it is relevant to this appeal, is derived from the value of the development of Castle Cary over many years, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of the buildings that comprise the CA. The existing sense of openness associated with the fields that surround the edges of the CA contributes to its setting.
11. As part of their evidence, the appellant has provided a Heritage Desk-Based Assessment which was prepared by Cotswold Archaeology in June 2023 (the HDBA). The HDBA concludes that the lack of intervisibility between the CA and the appeal site means that the proposal would not result in harm to the setting of the CA.
12. Nevertheless, during my site visit, I noted that the appeal site does contribute to the setting of the CA to some extent as a result of its existing openness which forms part of the transition from the urban form of the town to the surrounding countryside. However, when viewed from South Street, it is the case that views into the site are almost wholly screened by existing mature planting along the northern and eastern boundaries. As such, the existing openness of the site, and its relationship with the southern extent of the CA, can only be appreciated to a meaningful degree from elevated vantage points such as South Bank, public footpaths on the ridge line to the east, and as part of much longer-range views across the valley to the west. Nevertheless, from these vantage points, the transition from urban to rural would be eroded to some degree.
13. However, given the existing homes that are present immediately to the east and north of the site, it is clear that the proposed development would appear as being well related to the existing urban form rather than a contrived incursion into the surrounding countryside. Moreover, while the proposed layout plan is only indicative, it does demonstrate the potential for additional planting and landscaping as well as the provision of landscape buffers to the west and south to further soften views. Therefore, while I do find harm in relation to the setting of the CA, this would be at the lower end of less than substantial.
14. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification. In this instance, the development would provide up to 46 homes, 35% of which would be affordable. Given the existing shortfall in housing supply in the wider area, these benefits must be afforded very significant weight. I therefore find that the public benefits associated with the housing provision alone would outweigh the less than substantial harm to the setting of the CA that I have identified, despite affording that harm great weight. Through the finalised Section 106 agreement (the S106), financial contributions would also be made towards play space, playing pitch facilities, public open space, youth facilities and education.
15. The cemetery and mortuary chapel, which are situated to the south of the appeal site, are regarded as being a non-designated heritage asset. Its significance arises from its appearance and the importance of the historic use to the evolution of the

town. Furthermore, when I visited the cemetery during my initial site visit, I noted that the tranquillity of the immediate area also added to the significance of the heritage asset. The proposed development would introduce a significance amount of built form to the north of the cemetery. It is therefore inevitable that the existing tranquillity that exists would be reduced. However, the indicative site plan shows the potential to include a landscape buffer between the entrance road to the cemetery and the proposed dwellings. Moreover, the cemetery is already experienced within the context of existing nearby homes. As such, I am satisfied that the harm to the setting of the cemetery and mortuary would be limited.

16. The HDBA identifies that there are two Grade II listed assets (South Cary House and Belle View and Ferndale Villas) and three other non-designated heritage assets (Avalon House, Ellesmere House and Limestones) that could be sensitive to the proposed development. These assets are also referenced in a heritage response that was provided on behalf of the Care4Cary community group (C4C). From the information provided, it is clear that their significance is also derived from their historic design features and the contribution that this makes to the character of the wider CA. However, given that any visibility of the site from these assets is limited, and the fact that their significance is primarily appreciated from close range, I am content that there would be no harm in this regard. I note that the Council does not appear to disagree with this position.
17. The C4C response also raises concerns about the potential impact of the proposed development upon the Grade II* listed Lower Cockhill Farmhouse. The significance of this asset is derived from its aesthetic and historical value. However, it is notable that the farmhouse is quite some distance from the appeal site, with several fields, farm buildings and mature trees in between. Furthermore, the potential to include a landscape buffer to the western edge of the appeal site would ensure that any visibility between the two would be minimal. As such, even taking into account the topography of the land, the significance of the listed farmhouse would be unaffected.
18. Given that I have found some harm to the settings of both the CA and a non-designated heritage asset, it is inevitable that there would also be harm in relation to character and appearance more generally. The appellant has provided a Landscape and Visual Assessment which was prepared by Amalgam Landscape in February 2023 (the LVIA). The LVIA concludes that any negative impacts arising from the development could be mitigated to an acceptable degree through additional planting and landscaping. I note that the LVIA has been critiqued by both the Campaign to Protect Rural England and a third party acting on behalf of C4C. In particular, the latter asserts that the landscape sensitivity of the appeal site is high and that the level of harm arising from the development would be significant. In making my decision, I have given careful consideration to these representations.
19. In my view, the LVIA does underplay the harm associated with the erosion of the transition from the urban form to the rural surroundings. In addition, part of the existing hedgerow on the eastern boundary of the site would need to be removed to facilitate the proposed access, while public views of the wider landscape from South Bank would be degraded. However, due to the close relationship that the appeal site has to existing homes, the existing natural screening, and the potential for further screening, including the use of landscape buffers at the more visually sensitive western and southern edges of the site, I find that this harm would be

limited in nature. Indeed, I note that the Council's landscape officer has not objected to the proposals, subject to conditions, and this matter did not form one of the Council's reasons for refusal.

20. The proposal would introduce a cul-de-sac style of development. However, while the dwellings opposite the appeal site, along South Bank, are linear in form, other areas nearby are not, such as the development at Alma Field. Therefore, while the layout of the scheme is not before me as part of this appeal, I do not consider that a non-linear form of development would be harmful to the wider character and appearance of the area.

The Somerset Levels and Moors Ramsar Site

21. The site is within the catchment of the Somerset Levels and Moors Ramsar site which is one of the largest and richest areas of traditionally managed wet grassland and fen habitats in lowland parts of the UK. The network of ditches supports an assemblage of aquatic invertebrates, particularly beetles. The objectives for the site, which apply to all Ramsar designations, are to ensure that its integrity is maintained or restored as appropriate, while ensuring that the site contributes to achieving the wise use of wetlands across the UK.
22. The proposed development would increase phosphates within the hydrological catchment through the production of wastewater which could lead to degradation of habitats or changes in water quality within the Ramsar site. Significant effects therefore cannot be ruled out. It is necessary for me, as the competent authority, to conduct an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 in relation to the effect of the development on the integrity of the Ramsar site.
23. The Ramsar site broadly covers the same area as the Somerset Levels and Moors Special Protection Area (SPA). However, in a letter to local authorities in August 2020, Natural England confirmed that additional nutrients from new developments would be unlikely to have a significant effect on the international bird communities for which the SPA is designated. On that basis, any likely significant effect on the SPA can be screened out at this stage of the appropriate assessment.
24. The appellant has provided a Nutrient Neutrality Assessment and Mitigation Strategy which was produced by RMA Environmental in November 2023. The strategy concludes that the proposed development would result in a total phosphate surplus of 3.28 kg/yr. The main parties have agreed that the effect of the proposal on phosphates can be successfully mitigated by upgrading an existing septic tank which serves four dwellings at 1-4 Abbey Gardens in Galhampton. This would involve replacing the septic tank with a Package Treatment Plant (PTP). The installation of the PTP would result in a reduction in phosphates to the degree of 3.85 kg/yr, thereby providing nutrient neutrality overall. The use of a PTP to provide mitigation is in accordance with the Council's strategy, a weblink to which has been provided to me.
25. The Council consulted Natural England (NE) as part of the application process. As part of their response in December 2023, NE confirmed that they did not object to the scheme subject to the installation, maintenance and future replacement of the PTP being secured. Given the amount of time that has subsequently passed, I have found it necessary to consult NE again as part of this appeal. NE has

re-confirmed that their previous response remains extant and that they have no objection subject to the proposed mitigation being secured.

26. Based on the evidence before me, I am therefore satisfied that the installation of the PTP would sufficiently mitigate the increase in phosphates likely to be caused by the development and would be pursuant to the Council's published strategy. I am also satisfied that this mitigation has been secured through the finalised planning obligation that has been provided to me. As such, I find that the proposal would not result in an adverse effect on the integrity of the designated site.

Other Matters

27. A finalised S106 was submitted as part of the appeal. The S106 has been agreed and signed by both of the main parties and the Council confirmed during the hearing that the clauses within it fully address the second reason for refusal as provided on the decision notice.
28. The S106 secures affordable housing in accordance with LP Policy HG3. It also secures financial contributions towards early years and primary education, equipped play space areas, playing pitch facilities, youth facilities and on-site public open space. During the hearing, the Council confirmed that each of these elements was based on a set formula and that the figures were provided by the relevant Council department in each case as part of the consultation on the application. The consultation response from the Highway Authority also sought to secure various highway measures including the extension of the existing footway and the provision of tactile paving. These measures have also been included within the S106. Finally, the aforementioned PTP, which is required to provide nutrient neutrality, is also secured via the S106, along with its future maintenance.
29. Based on the evidence before me, and from what I heard during the hearing, I am satisfied that each of the elements of the S106 are necessary to make the development acceptable in planning terms. They are also directly related to the development and fairly and reasonably related in scale and kind. As such, the S106 meets the tests set out within the relevant regulations.
30. The proposal would result in the loss of Grade 1 agricultural land. The Framework sets out that, in considering development proposals, poorer quality agricultural land should be preferred to those areas of higher quality. However, while the proposal would not conform with this aspect of the Framework, the appeal site is a relatively small area of land, and the Council has noted that there is a significant stock of such land in the surrounding area. As such, I only find limited harm in relation to this matter.
31. During the hearing, several third parties raised concerns in relation to the impact of the proposed development on local traffic and parking. However, there is no objection from the Highway Authority in relation to these matters and there is therefore no substantive evidence before me that would lead me to conclude that the development would lead to harm.
32. I have also received comments in relation to the proposed site access from LvW Highways on behalf of C4C. As part of this response, it has been suggested that, given the difference in ground levels between South Street and the site itself, a greater proportion of hedgerow would need to be removed to facilitate the provision of a safe access. However, the plan included as part of the appellant's

Transport Assessment (Vectos, June 2023) does demonstrate that, at the point of access itself, the required visibility splays can be achieved. In this instance, it is only the point of access itself which is before me, and I note that there is no objection in this regard from the Highway Authority. Nevertheless, the difference in ground levels and the layout of the proposed development, including the gradient and extent of the road that extends into the site from the point of access, would need to be considered carefully as part of the reserved matters stage. This is a matter of detailed design that falls outside of the scope of this appeal.

33. The appellant has provided a detailed Ecology Impact Assessment (HalpinRobbins Ltd) in order to assess the potential impact of the development upon wildlife, including protected species. The report concludes that, with mitigation, any impacts upon local ecology would be acceptable. I also note that the Council's ecology officer has not objected to the scheme, subject to the imposition of relevant conditions. Based on the evidence, I can see no reason to disagree, and I am therefore satisfied that the development would be acceptable in this regard.
34. While the proposed development would affect private views from various existing properties, this is not a planning matter and is therefore not relevant to this appeal. Moreover, there is no substantive evidence before me to suggest that the scheme would harm the living conditions of existing residents in relation to outlook, privacy, light, noise or smell. While there would be some disruption during the construction phase, this could be managed to an acceptable degree through the use of conditions.
35. The Lead Local Flood Authority has no objection to the proposal, subject to conditions. The use of Sustainable Urban Drainage techniques (SuDS) will be required to manage surface water, but this can be addressed fully through the imposition of a suitably worded condition. I therefore have no concerns that the proposal would be unacceptable in relation to flood risk. There is also no substantive evidence before me to suggest that the proposal would be harmful in relation to foul drainage.
36. Several concerns have been raised in relation to the potential to undermine the policies within the Castle Cary Neighbourhood Plan (NP). NP Policy HOU2 states that development will be paused within the identified direction of growth until it has been confirmed that there is a local need for it. However, this 'pause' does not apply to sites elsewhere in the vicinity. Meanwhile, LP Policy SS2, which concerns rural settlements, requires that proposals should have the support of the local community. However, while the site is just outside of the development area of Castle Cary, it cannot be said to form part of a rural settlement.
37. The level of biodiversity net gain (BNG) that would be provided as part of the development is a matter that would be addressed at the detailed design stage. However, the statutory requirement to deliver 10% BNG does not apply to this proposal given that the application was submitted prior to this requirement being introduced.

Planning Balance

38. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, with a supply figure of just 2.22 years, the

current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term.

39. While I have found that the proposed development would result in less than substantial harm to a designated heritage asset, I do not find that the extent of this harm provides a strong reason to refuse the scheme in accordance with paragraph 11d(i) of the Framework. As a result, paragraph 11d(ii) and footnote 8 of the Framework require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. As part of this assessment, the Framework sets out that particular regard should be had to certain matters, including the need to direct development to sustainable locations, securing well-designed places and providing affordable homes.
40. The proposal is contrary to the Council's spatial strategy contained within LP Policies SD1, SS1, SS5 and LMT1. The proposal therefore conflicts with the development plan when read as a whole. The aforementioned policies are broadly consistent with the aims of the Framework, notably, in respect of seeking to promote development in sustainable locations with genuine sustainable travel choices. Consequently, I have given considerable weight to the conflict with the development plan.
41. However, while acknowledging the conflict that exists, the lack of a sufficient supply of land means that very limited weight should be afforded to the theoretical notion of undermining the Council's spatial strategy. Moreover, I have concluded that the site would be in a sustainable location, and I have not identified any physical harm arising from the policy conflict.
42. The Framework emphasises the importance of good design, the protection of heritage assets, and avoiding the use of higher grade agricultural land where possible. I have identified harm in relation to the settings of the Conservation Area and a non-designated heritage asset, as well as additional harm to character and appearance and with regards to the loss of Grade 1 agricultural land. I have already established the amount of harm associated with these factors on an individual basis. However, when considered collectively, and while affording great weight to the less than substantial harm to the CA, I still conclude that the harm overall would be moderate.
43. I have also already set out that the benefits of the proposed development would be very significant. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would not significantly and demonstrably outweigh the benefits. The development therefore represents sustainable development in accordance with the relevant parts of the Framework.

Conditions

44. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty.
45. Conditions are necessary to secure a landscaping plan and the protection of trees and hedgerows in the interests of character and appearance. A condition is necessary to secure a surface water drainage strategy in order to mitigate the risk of flooding. A Construction Traffic Management Plan is required to manage the impacts of the construction phase of the development. Several conditions have

been imposed in order to protect wildlife and ecology, including those pertaining to environmental and ecological management plans, lighting and securing a license from Natural England. A condition is also necessary in relation to the required Package Treatment Plant which will ensure nutrient neutrality.

46. Various conditions are necessary to secure the required transport and highway works, as well as vehicle and cycle parking and electric vehicle charging points. Further conditions are also necessary in relation to water usage and the provision of refuse and storage facilities. Finally, I have also found it necessary to impose conditions which ensure adequate recording of any archaeological features, and to avoid contamination of groundwater and water pollution more generally.
47. Where necessary, certain conditions have been set out as being 'pre-commencement' to ensure that critical aspects of the proposed development are properly addressed before any work begins.
48. I have not found it necessary to impose a condition to limit the number of dwellings to be provided as the description of development is already very clear in this regard.

Conclusion

49. The proposed development conflicts with the development plan when considered as a whole. However, there are material considerations, notably the provisions of the Framework, that indicate that the decision should be taken other than in accordance with the development plan. The appeal is therefore allowed.

C Butcher

INSPECTOR

Appearances

For the Local Planning Authority

Michael Lowe – Somerset Council

Eren Baker – Somerset Council

Jo Wilkins – Somerset Council

For the appellant:

Claire Alers-Hankey - GTH

Alex Bullock – Land Value Alliances LLP (LVA)

Interested Parties

Cllr Trevor Oats – Castle Cary Town Council

Cllr Kevin Messenger – Somerset Council

Fletcher Robinson – Campaign to Protect Rural England

Stephen Laws – on behalf of Care4Cary

Kim Sankey – on behalf of Care4Cary

Graham House – local resident

Emma Snead – local resident

Georgia Diebel - local resident

Colin Kay – local resident

Schedule of Conditions

- 1) Approval of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2) 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.
- 3) The development hereby permitted shall be begun not later than the expiration of two years from the final 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.
- 4) The development hereby permitted shall accord with the following approved plans: CC-APG-XX-ZZ-DR-A-001 P03 - Site Location Plan; CC-APG-XX-ZZ-DR-A-004 P01- Building Heights Parameter Plan; 22604_PD01 Rev 3 - Proposed Access Design.
- 5) The landscaping scheme submitted in accordance with condition 01 of this outline grant of planning permission shall include details of:
 - (a) Planting plans (to a recognised scale) and schedules indicating the location, numbers of individual species, density, spacings, sizes, forms, root types/root volumes and size of proposed tree, hedge, and shrub. All planting stock must be specified as UK-Grown, unless otherwise previously agreed in writing by the Local Planning Authority.
 - (b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geo-textile, tree pit design, earth-moulding, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting.
 - (c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment.
 - (d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate).
 - (e) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge (banks)), where appropriate.
 - (f) An on-going management and maintenance plan of all the approved landscaping features.
 - (g) All ecological enhancement and compensation measures referred to in Section 5 of the submitted document 'Ecological Impact Assessment' ref. 01-029-013-02_EcIA prepared by Halpin Robbins Ltd dated 26th January 2023.
 - (h) A timetable for the implementation of the approved hard and soft landscaping scheme.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation (within the dormant planting season between November to February inclusively) and shall thereafter be protected, managed, and maintained in accordance with the approved scheme.

- 6) Prior to commencement of development, site vegetative clearance, groundworks, heavy machinery entering site or the on-site storage of materials:
- a) a scheme of tree and hedgerow protection measures must be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - 'Trees in relation to design, demolition and construction' (in accordance with item 6.3, the scheme must include a sequenced scheme of supervisory monitoring of the installation and maintenance of protective measures and the supervision of specialist working techniques - by a competent Arboriculturist) and shall be submitted to and approved in writing by the Local Planning Authority; and
 - b) the tree and hedgerow protection measures shall be fully installed and completed (in particular, any required fencing, signage and ground protection installations) in accordance with the details approved in writing by the Local Planning Authority and confirmed as such in writing by the Local Planning Authority within 21 days from written notification of completion of the approved protection scheme by the applicant/developer.

The approved tree and hedgerow protection scheme shall remain installed in its entirety for the duration of the construction of the development (inclusive of any hard and soft landscaping operations) and shall only be moved, removed, or dismantled with the prior written consent of the Local Planning Authority.

- 7) No development shall commence, including any demolition, groundworks, or vegetation clearance, until details of the sustainable surface water drainage scheme, based on sustainable drainage principles which aim to enhance biodiversity, amenity value, water quality and provide flood risk benefits (i.e. four pillars of SuDS) to meet wider sustainability aims, together with measures to control and attenuate surface water, how provision shall be made within the site for disposal of surface water so as to prevent its discharge onto the highway, and details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The on-site surface water drainage scheme shall be implemented and installed in accordance with the approved details prior to the construction of development above slab or damp-proof course level, or as otherwise may previously be agreed in writing by the Local Planning Authority and maintained and retained at all times thereafter.

These details shall include, but not be limited to:

- (a) Drawings / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- (b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include: (i) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations; (ii) Where relevant, calculations should consider the use of surcharged outfall conditions; (iii) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates; (iv) Results should be provided as a summary for each return period (as opposed to each individual storm event and include the 100-year event with the most up to date climate

- change figure); (v) Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network.
- (c) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
 - (d) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
 - (e) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
 - (f) Details on the final discharge location, including but not limited to (where relevant), CCTV surveys of existing features upgrade/repair of existing structures, restriction of discharge rates further if required, agreement with relevant authorities/landowners/riparian owners/third party landowners, and demonstration that the receiving system has capacity and condition to take flows from the site.
- 8) No development shall commence, including any demolition, groundworks, or vegetation clearance, until a Construction Traffic Management Plan (CTMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CTMP shall be strictly adhered to.

The CTMP shall include the following:

- (a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day, temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements to and from the site, and suitable off-highway parking for all construction related vehicles.
- (b) Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route.
- (c) Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- (d) A plan showing the location area(s) to be used for the parking of vehicles of site operatives, contractors and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.
- (e) A schedule and location plan for the delivery, removal, loading and unloading of all plant, waste and construction materials to and from the site, including the times of such loading and unloading; details of how deliveries and removals, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application site; and details of the nature and number of vehicles, temporary warning signs to be

- used, and measures to manage crossings across the public highway with guidance of a trained banksman.
- (f) Arrangements to receive abnormal loads or unusually large vehicles.
 - (g) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours. Procedures for emergency deviation of the agreed working hours shall be in place, the details of which shall be agreed with the Local Planning Authority.
 - (h) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.
 - (i) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process unless prior written approval is obtained from the Local Planning Authority.
 - (j) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use, together with the regular use of a road sweeper for the local highways.
 - (k) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.
 - (l) Details of any piling together with details of how any associated vibration will be monitored and controlled.
 - (m) The location and noise levels of any site electricity generators.
 - (n) Management of surface water run-off from the site in general during the construction period.
 - (o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.
 - (p) A scheme to encourage the use of Public Transport amongst contractors.
 - (q) Contact telephone numbers and email addresses of the site manager(s) and/or other person/s associated with the management of operations at the site.
 - (r) Methods of communicating the CTMP to staff, visitors and neighbouring residents and businesses and procedures for maintaining good public relations including complaint management, public consultation and liaison (including with the Highway Authority and the Council's Environmental Protection Team).
- 9) No development shall commence, including any demolition, groundworks, or vegetation clearance, until the applicant/developer has submitted to the Local Planning Authority, and the Local Planning Authority has approved, 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 a competent licenced dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence.

- 10) No development shall commence, including any demolition, groundworks, or 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 (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers safeguarding measures, dormouse mitigation measures, precautionary safeguarding measures for bats, reptile and amphibians' clearance measures, hedgehog clearance measures, etc.
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council's Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases).
- (h) Use of protective fences, exclusion barriers and warning signs.
- (i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved details within the CEMP shall be strictly adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

- 11) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following details:
- (a) Description and evaluation of features to be managed.
 - (b) Ecological trends and constraints on site that might influence management.
 - (c) Aims and objectives of management.
 - (d) Appropriate management options for achieving aims and objectives.
 - (e) Prescriptions for management actions.
 - (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
 - (g) Details of the body or organisation responsible for implementation of the plan.
 - (h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies)/new residents responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

- 12) No removal of hedgerows, trees or shrubs, or works to or the demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences 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 and written agreement from the Local Planning Authority so obtained. Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.
- 13) No development relating to the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and a method of construction implementation programme shall be submitted to the Local Planning Authority.
- (a) Estate roads, footways, tactile paving, cycleways, pedestrian, and cycle routes and associated vehicular accesses and crossings, and junctions.
 - (b) Sewers, highway drainage and service routes.
 - (c) Retaining walls, vehicle overhang margins and embankments.
 - (d) Visibility splays.
 - (e) Proposed levels and all carriageway and drive gradients.
 - (f) Car, motorcycle, and cycle parking.
 - (g) Hard and soft structural landscape areas, means of enclosure and boundary treatment.
 - (h) Street lighting and street furniture.
 - (i) Lay-bys or alternative facilities.
 - (j) Swept path analysis for a vehicle of 11.4m length.
 - (k) Central pedestrian reserves, bollards, and lighting.
 - (l) Service corridors.

There shall be no first occupation of any dwelling until the development has been constructed in accordance with the approved details which must be retained in perpetuity thereafter.

- 14) There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access onto South Street and extending to points on the nearside carriageway edge 43 metres to the west and 43 metres to the east either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.
- 15) Prior to first occupation of the dwellings hereby permitted, written evidence and details of the acquisition and installation of the package treatment plant in accordance with details set out in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS), which has been submitted by RMA Environmental (report reference RMA-C2408, dated 2nd November 2023) including an agreed scheme for maintenance and ownership in perpetuity shall be submitted to and approved in writing by the Local Planning Authority.
- Such evidence and details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for

maintenance of the package treatment plant (the PTPs must be managed by an OWFAT), the permanent connection of the dwellings hereby permitted to said package treatment plant, and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. Prior to occupation of the dwellings, the package treatment plant shall be installed as per the approved details and maintained and retained in perpetuity as per the manufacturer's instructions and the details hereby approved.

- 16) The dwellings hereby approved shall not be occupied until:
 - i) the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and;
 - ii) a notice specifying the calculated consumption of wholesome water per person per day relating to the accommodation has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.
- 17) No dwelling hereby permitted shall be occupied until the proposed access connecting the site to South Street has been fully provided, constructed and made available for use in accordance with the details indicated on the approved drawings referenced in condition 04 of this permission. The proposed access shall be properly consolidated and surfaced (not loose stone or gravel and to a minimum of base course level) and drained in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.
- 18) The proposed roads, including footpaths, footways and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 19) All garaging, vehicular and bicycle parking and turning spaces shall be provided, laid out, properly consolidated, surfaced, drained and (where appropriate) delineated in accordance with plans to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business purposes.
- 20) No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each dwelling within its associated garage and/or parking space. Such provision shall be in accordance with details indicating siting, numbers, design, rating, and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.
- 21) No dwelling hereby permitted shall be occupied until refuse and recycling storage areas have been provided to serve each dwelling in accordance with details

previously submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting, area and means of hardening, draining, and screening of such refuse/recycling storage areas. The refuse/recycling storage areas shall thereafter be retained and maintained as such.

- 22) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- 23) Prior to first occupation of any dwelling hereby permitted, or in accordance with an alternative timetable for submission as may previously be agreed in writing by the Local Planning Authority, all the ecological compensation and enhancement features, as referred to in condition 05, shall be fully installed and photographs (and a plan showing their respective locations) of the installed ecological compensation and enhancement features shall also be submitted to the Local Planning Authority prior to first occupation and the Local Planning Authority shall acknowledge receipt and confirm its acceptance of the photographs within 21 days thereafter following its receipt.
- 24) Prior to the installation, construction, and provision of any external lighting on the site (excluding any temporary lighting provided during the construction phase of the development), details of all external lighting to be installed/provided on the site, including a lighting design for bats, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and 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 and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places,
 - (c) accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels, and
 - (d) include details of the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the application site and the hours at which such lighting is to be operated.

All external lighting shall be installed in accordance with the specifications and locations set out in the design strategy, and these shall be maintained thereafter in accordance with the design. Under no circumstances shall any other external lighting be installed on the site without prior written approval from the Local Planning Authority.

- 25) Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule approved pursuant to condition 05, if within a period of five years from the date of the completion of the dwellings or completion of the approved landscaping scheme pursuant to condition 05

(whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

- 26) All the approved ecological compensation and enhancement features, as referred to in condition 05, shall be retained and maintained in-situ and shall not be removed, either in whole or in part, without the prior written approval of the Local Planning Authority. Under no circumstances should blocking of approved bat boxes or roosts, bird boxes or other ecological enhancement features be carried out and they shall be kept free from vegetation.
- 27) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 28) No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.
- 29) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 30) Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 31) Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

End of Schedule.