



Appeal Decision

Site visit: 25 February 2026

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2026

Appeal Ref: APP/E3335/W/25/3374315

Land off Cheddon Road, Taunton, TA2 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Gladman Developments Ltd against Somerset Council.
 - The application Ref is 08/19/0035 and is dated 18 October 2019.
 - The development proposed is described as '*Outline planning application with all matters reserved, except for means of access, for the erection of up to 112 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point off Cheddon Road, Taunton*'.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application with all matters reserved, except for means of access, for the erection of up to 112 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point off Cheddon Road, Taunton, at Land off Cheddon Road, Taunton, TA2 7EB in accordance with the terms of the application, Ref 08/19/0035, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted to the Local Planning Authority (LPA) (Somerset West and Taunton at that point) in October 2019. The application form indicated that planning permission was sought for up to 180 dwellings.
3. On the submitted appeal form, the Appellant indicated that the description of the development had changed. This indicated that outline planning permission up to 112 dwellings was sought. I have proceeded on the basis that it is this lesser quantum that permission is sought for.
4. I note that much of the documentation submitted by the Appellant assesses impacts against the higher figure of dwellings sought, rather than the figure of up to 112 dwellings now sought. However, a smaller number of dwellings is likely to have no worse impact(s) than the original 180 sought. Therefore, whilst noting the reduction in overall numbers, I do not consider that this would prejudice the case of the parties when considering the evidence base before me.
5. In late 2025, the Applicant exercised their right to appeal against the non-determination of the application by Somerset Council (who have subsequently become the Local Planning Authority (LPA)).

6. Somerset Council, as the LPA, wrote to the Planning Inspectorate on 19 December 2025 indicating:

'During its meeting on 16 December 2025, the Planning Committee formally considered the Officer Report, which recommended grant of permission subject to conditions and the completion of a Section 106 legal agreement.

The Planning Committee resolved that, had the Council been in a position to determine the application, the Council would have approved application 08/19/0035, subject to the appellant entering into a legal agreement to secure the following planning obligations and amendment/ addition to the schedule of planning conditions...

Having regard to all of the above, and for the reasons set out in the Committee Report, the Council's the Council invites that Inspector to grant planning permission subject to the obligations and planning conditions detailed herein...'

7. I have proceeded on the basis that there is no dispute between the main parties; subject to considering the above. Nonetheless, concerns have been raised by the local community; including Parish and Town Councils, local residents, and school. I have taken these into account as part of the consideration of this appeal.
8. I also note the planning history of the site, which I have been cognisant with in determining the appeal. This includes an awareness of other nearby proposals, as indicate by various parties in their submissions.
9. An Environmental Statement (ES) has been submitted as the proposal is considered to be one requiring an Environmental Impact Assessment (EIA). This include subsequent addendums in 2021 and 2023. In reviewing its content, and mirroring the Council's assessment, I find that the submitted ES is adequate for the purposes of considering the 'Likely Significant Effects' (LSE) of the proposed development. I have taken this into account in determining the appeal proposal.

Main Issue

10. The main issue is whether or not the proposal would make adequate provision for infrastructure.

Reasons

11. The appeal site consists of 3 agricultural fields to the north of Cheddon Road, located between Pyrland Hall Farm and Pyrland Farm. The site is within the western end of the Kingston Gap Green Wedge and is surrounded by hedgerows. There is a public right of way to the west and north of the site. The Quantock Hills National Landscape lies approximately 2.3 kilometres to the north of the site.
12. The application seeks outline planning permission for the erection of up to 112 dwellings. All matters are reserved for future consideration except for the proposed means of access.

Infrastructure (planning obligations)

13. A certified completed (signed and dated 19 December 2025) legal agreement under s106 of the Town and Country Planning Act 1990, as amended, has been submitted.
14. Put simply, at Paragraph 13 (page 14 of 61) of the submitted legal agreement, it sets out that if the Decision Letter expressly states that any part of an obligation secured by the legal agreement exceeds what is required under the (*Community Infrastructure Levy*) *Regulations 2010*, as amended, then that obligation shall be deemed to be reduced varied or vitiated.
15. Within this section of the Decision Letter, I set out the obligations sought and whether or not they meet the CIL tests set out in the Regulations and Paragraph 58 of the Framework. Namely:
 - a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
16. The obligations in this case secure the following:
 - 25% of the dwellings as **affordable homes**;
 - **Education** total contribution of £1,604,698.79 representing a figure of £14,327.67 per dwelling. The constituting parts are as follows:
 - towards early years (£2618.81 per dwelling);
 - primary (£6476.18 per dwelling);
 - secondary (£4711.15 per dwelling); and,
 - SEND education provision (£521.53);
 - **NHS contribution** of £50,028 towards additional GP space in the locality;
 - A contribution of £244,892.63¹ towards **sustainable transport improvements** in the north of Taunton;
 - Maintenance and provision of **Public Open Space** (POS), provision of Local Equipped Area for Play (LEAP), Neighbourhood Equipped Area for Pla (NEAP);
 - **SuDS** drainage to mitigate flood risk and phosphate output;
 - **Highways** works;
 - **Travel Plan** and future monitoring; and,
 - A **monitoring fee** of £5,770 to be paid to the Council.

Affordable housing

¹ The figure given in the LPAs SoC is £234,062. However the figure of £244,892.63 is that secured by the legal agreement. I have proceeded on the basis of the legal binding figure.

17. The development proposes 25% of the dwellings as affordable housing. This equates to 28 affordable dwellings. Of these, 60% would be secured as social rented properties. This provision would accord with Policies CP4 and SS2 of the *Adopted Taunton Deane Core Strategy 2011-2028* (adopted September 2012) (herein CS).
18. I note that the Housing Enabling team has further requested that 10% of the properties are fully designed and specified for disabled residents. They also suggested that a mix of affordable dwelling sizes is provided. However, there are provisions within the submitted s106 to agree such details at a later date. This is a practical approach as, after the submission of the subsequent reserved matters application(s), the full details of proposed house types will be known.
19. Nonetheless, the Council's Housing Enabling Team has commented that there is a significant need for affordable housing in this part of the district. In Cheddon Fitzpaine alone there are a recorded 66 people in housing need, of which four have indicated they have a need for adapted accommodation.²
20. The provision of 25% affordable housing in this instance would accord with the adopted development plan for the area, and is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. As such, I find that this obligation meets the CIL tests.
21. I also afford the provision of 25% affordable homes, equating to 28 units, as a significant benefit in favour of the proposal. Not only in terms of accordance with the adopted development plan, but in terms of it being able to meet a specific localised need as detailed by the Housing Enabling Team in this area of Somerset.

Education

22. When the application was submitted, the local education service was Somerset County Council. At the time of the appeal, it is now Somerset Council who has this responsibility. There are a number of representations from the local education service (variously Somerset County Council and now Somerset Council) from 2019 through to 2025, which detail the reasons for the monies being sought for various education provisions, including early years, primary, secondary and SEND.
23. Given that the development proposed will introduce up to 112 new households into the area which are likely to include families with children of school age, I find that the obligations relating to education provisions meet the tests set out within paragraph 58 of the Framework and the CIL Regulations. This obligation meets the CIL Regulations tests.

NHS contribution

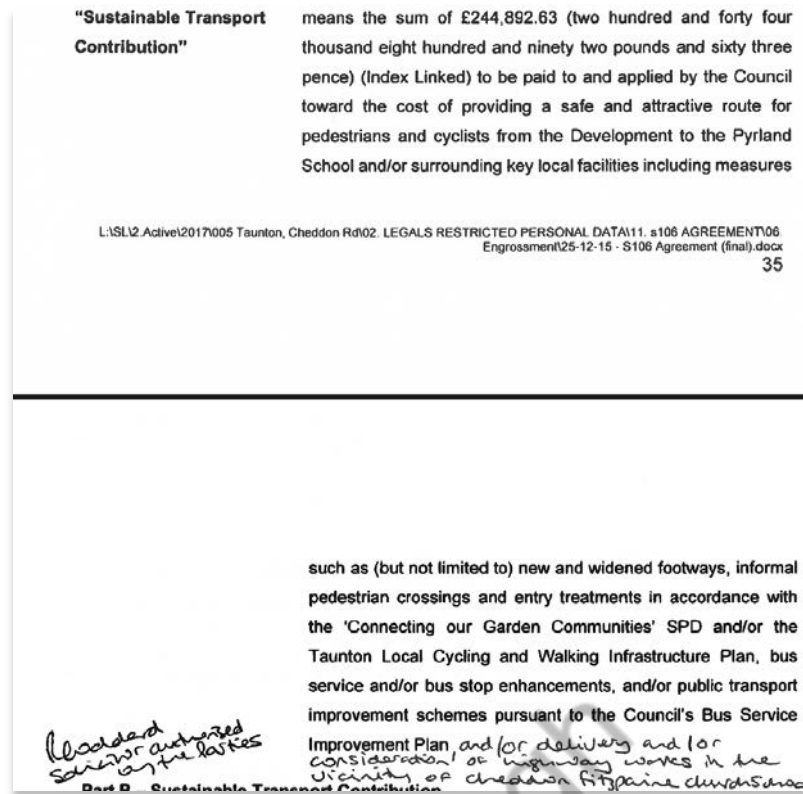
24. I note the representation made by the NHS Somerset Integrated Care Board (ICB) dated 16 October 2024. This sets out how funding for General Practitioners (GPs) works, including relating to capital for providing new services. Such services would be needed for new residents of the proposed development.

² Page 32 of 117 LPA SoC, paras 16.2.1 and 16.2.2

25. Strategic Objective 7 (Infrastructure) of the CS and Policies CF1 (Maximising Access to Health...) and ID1 (Infrastructure delivery) of the *West Somerset Local Plan to 2032* (adopted 2016) support the provision of such facilities or their securing by means of planning obligations.
26. The representation also sets out that the current combined medical centres within the local area, as identified by the ICB, are up to their capacity and will not be able to absorb the increased patients arising from the proposed development. Using the calculation of 84 market dwellings and excluding 28 affordable housing units and working on the assumption of 2.22 occupants per dwelling, the ICB considers that the development would result in 186 residents. The current patient list size for existing centres is already over capacity by 5,296 patients. As such the proposed development would put further strain on existing services.
27. To address this in relation to the appeal scheme, the submitted legal agreement secures by planning obligation the sum of £50,028 (being approximately £596 per dwelling).
28. I consider that such an obligation is necessary to make the development acceptable in planning terms (in meeting local development plan policies as specified), is directly related to the development as the occupants of the proposed dwellings would require access to GP services, and that the obligation sought is fairly and related in scale and kind as it uses a nationally used methodology (the *Health Contributions Technical Note*) and applies it to the proposed development in order to ascertain the need arising from the specific proposal. It therefore meets the CIL tests.

Sustainable transport

29. A sum of £244,892.63 is secured for a 'sustainable transport contribution'. As set out on page 38 of 117 of the LPA's SoC, this was sought for the provision of an upgraded footway and cycle path to Nerrols School. However the footpath upgrade is a requirement of a recent planning permission for 292 dwellings at Lyngford Lane (ref 38/19/0129), and therefore it would duplicate this already secured infrastructure requirement.
30. Nonetheless, the sustainable public transport improvements are considered by the LPA and highways authority essential to mitigate the impacts of the development in transport terms, supporting the delivery of schemes including but not limited to 'Connecting our Garden Communities', LCWIP, BSIP and bus service and bus stop enhancements.
31. This would align with Policies DM1, CP6, A2, A3 and A5 of the *Taunton Deane Adopted Site Allocations and Development Management Plan* (adopted December 2016) (herein SADMP).
32. To that end, the certified copy of the legal agreement before me includes a handwritten amendment:



33. It is clear, therefore, that the sustainable transport contribution could be used for a number of different transport improvements; including to works in the vicinity of Cheddon Fitzpaine Church School. Given that a number of concerns have been raised by local residents in relation to pedestrian, cycle and vehicle access to local schools for parents and children (considered in the Other Matters section below), and that it is highly likely that children from the proposal would attend local schools including that at Cheddon Fitzpaine, I find that the obligation sought in respect of Sustainable Transport Contribution meet the CIL tests.

Public Open Space

34. Policy CP5 of the CS seeks to ensure that development provides new formal and informal green space such as play spaces, allotments, playing pitches, sports facilities as well as promoting walking and cycling. Policy C2 of the SADMP seek to ensure that new residential development would not impact on existing provision in the local area. Policy C4 of the CS requires the provision of children's play space at a rate of 20 square metres per family dwelling (a dwelling with 2 or more bedrooms) to comprise casual play space, LEAPs (Local Equipped Area of Play) and NEAPs (Neighbourhood Equipped Area of Play) to the required standard.
35. The framework plan illustrates two play areas, a LEAP and a LAP (Local Area of Play). The amount of play space required will be dependent on the number of 2+ bedroom dwellings provided within the scheme. There are suggested planning conditions relating to the specifics of what could be provided on site. In relation to the obligation, the areas of public open space which would include grass verges, play spaces/areas, hedges and structural and general landscaping including any landscaping buffers, the Footpaths and the LEAP and

NEAP, would be secured. This includes no less than 400sqm LEAP and NEAP of not less than 1000sqm.

36. Such obligation would accord with the adopted development plan, and relate to the size, scale and future needs of occupiers of the development. As such, this obligation sought would meet the CIL tests.

SuDS and Phosphates

37. Policy CP8 of the Taunton Deane Core Strategy sets out the Borough Council³ will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance. Proposals that will have an adverse impact on Natura 2000 and Ramsar sites and/or features which provide ecological support for their conservation objectives will not be supported.
38. The outline drainage strategy states that SuDS features across the site will attenuate water on site with a controlled discharge to an existing pond on the southern boundary of the site. As set out in the Council's SoC⁴, the design of SuDS drainage within the site will ensure that the phosphate load of the development is reduced and that the development does not increase flood risk elsewhere via increases in water runoff and discharge from the site. The details of the future management of the SuDS drainage will be secured via a Section 106 agreement to ensure that it will continue to operate to the required efficiency to ensure the protection of the Somerset Levels and Moors Ramsar site (in relation to phosphates, which I consider in further detail in the Other Matters section of this decision letter).
39. It is clear that the building of up to 112 new dwellings and associated infrastructure (such as hardstanding and access roads) would increase the amount and/or concentration of surface water run-off. This necessitates the provision (and management/maintenance thereof) of Sustainable Drainage Systems (SuDS) which the obligation seeks to secure.
40. Important within this location is ensuring that any surface runoff contained and/or managed by the SuDS does not adversely affect the Somerset Levels and Moors Ramsar site. This would accord with the aims of Policy CP8 of the CS. As such, the obligation would fulfil and meet the CIL tests.

Highways works

41. The obligation in respect of highways works relate to the Highway Act 1980, and the provision of vehicular access from Cheddon Road, pedestrian crossing points, footways and works to layby, and all ancillary works associated with such works.
42. These are necessary as access is required from the appeal site into the wider network, it is directly related as the access would serve the proposal, and it is related in scale and kind as the submitted evidence demonstrates that such provision is required by the scale of the development proposed. It therefore meets the CIL tests.

³ As it was at that time as LPA.

⁴ LPA's SoC, Pages 43 to 44 of 117, Paragraph 16.12.6

Travel Plan

43. The travel plan obligation secures a Travel Plan scheme for the site, including monitoring costs for the LPA. This is necessary in order to encourage sustainable transport modes, directly related as the Travel Plan is for the proposal site, and is reasonable in scale given the size of the proposed development. I find, therefore, it complies with the CIL Regulation tests.

Monitoring fee

44. A monitoring fee of £5,770 is secured by obligation. This appears to be a proportionate amount in relation to the number of obligations secured by the submitted legal agreement. It is fairly and reasonably related in scale and kind to the development proposed in this case, and the need to monitor the obligations, which I have found above meet the CIL tests. As such I consider that the monitoring fee meets the CIL tests in this case.

Other Matters

45. A number of matters have been raised by the local community. I now consider a number of these before coming to an overall decision.

Habitats Regulations Assessment (HRA)

46. As the 'Competent Authority' in this case, it is my responsibility to consider the submitted HRA, undertake an Appropriate Assessment (AA), and be accountable for its conclusions. In this respect I have taken into account the shadow HRA and the advice provided by Natural England, who are the government's adviser on the natural environment.
47. The site is located within the catchment area of the River Tone. It is also within the catchment area of the Somerset Levels and Moors Ramsar Site, Special Area of Conservation (SAC) and Special Protection Area (SPA), including the Somerset Levels and Moors Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).
48. Development in the catchment area of the protected site has the potential, either alone or in combination with other development, to cause changes to water quality resulting from increased nutrients entering watercourses which are hydrologically linked to the Ramsar. New residential development within the catchment area has the potential to increase phosphate loading through the production of wastewater during operation, potentially leading to degradation of habitat or changes in water quality.
49. The application is supported by a nutrient neutrality statement and a shadow Habitat Regulations Assessment which shows how the nutrient impact from the proposed development can be mitigated. The mitigation strategy for this development is to offset the phosphate load of 7.47 kg/yr through the purchase of P-credits via a third party provider, 'WCI'. This calculation is based on achieving a reduction of 0.73kg per year via sustainable urban drainage (SuDS) being incorporated into the development.
50. A planning condition is recommended which has been agreed by the Council's Phosphate specialist to secure the purchase of the P credits with the final number dependent on the design and efficiency of the SuDS being submitted

- and agreed in writing. A Section 106 agreement will secure the maintenance and management of the SuDS features on the site.
51. Natural England and the Council's Phosphates Officer have confirmed that the principle of the strategy is sound. They comment that the new development should be limited to the optional standard of 110l of water use per person per day. This requirement could be secured via a separate planning condition.
52. I also note that the Council's Habitat Regulation Assessment (last updated January 2024) refers to the Hestercombe House SAC and bats. In this most recent iteration on that matter, the Council, as the then competent authority, considered that there is unlikely to be an effect on the integrity of the consideration objectives of the Hestercombe House SAC provided certain conditions are applied, or the permission is subject to a s106 agreement. Given that these would be imposed/secured, I see no reason to take a different view or conclusion that that assessment by the Council, undertaken and checked by various Ecologists.
53. Returning to the AA, I find that the development contains measures intended to avoid or reduce the likely harmful effects on European sites (relating in particular to phosphates), which cannot be taken into account when determining whether a plan or project is likely to have a significant effect on a site.
54. Having carefully considered the measures, I consider that these appropriately mitigate the impacts from the development on the designated sites cited above. This can be secured by both planning conditions and planning obligations. As competent authority, I am content that these measures, can be robustly secured, monitored and enforced in perpetuity.
55. Given the above, I conclude that the proposal could have an adverse effect on the Somerset Levels and Moors Ramsar Site, Special Area of Conservation (SAC) and Special Protection Area (SPA), including the Somerset Levels and Moors Site of Special Scientific interest (SSSI) and National Nature Reserve (NNR). However, I am satisfied that mitigation measures, which can be secured by condition and/or planning obligation, provide sufficient confidence that these effects would be adequately mitigated in this instance.

Highway safety

56. A number of concerns have been raised by the local community, including residents, a local school, and Cheddon Fitzpaine Parish Council, in terms of highway safety matters.
57. During my site inspection, I saw that Cheddon Road is a relatively narrow road, with the situation on Lyngford Lane not much better (with parts of it hemmed in by established hedging on its sides; and no obvious or clear footpath provided to Cheddon Fitzpaine and the primary school located there. I note the points made by local residents in terms of motorists can often encounter large farm vehicles, lorries and other delivery vehicles. This is exacerbated by the volume of traffic along Cheddon Road having increased over time, is likely to increase further with other nearby developments. I also

understand that this is considered by the local community to be a key cycle route to the Quantock Hills National Landscape area.

58. However, there is a reasonable ability to use planning conditions and obligation(s) to control certain highway measures. As assessed in the main issue, these obligations, which include monies and/or programme in relation to highways works and travel plan, are considered to meet the CIL tests and therefore would mitigate elements of this highway safety matter. Moreover, in terms of planning conditions, it is typical to use planning conditions as an effective mechanism with which to control matters such as parking and access details. Given these, I find that the refusal of planning permission would not be justified in this instance on the basis of highway safety grounds.
59. I am reinforced in this conclusion, by the fact that the Local Highways Authority accepts the principle of the scale of development in this location, including the traffic generation and highway capacity considerations. It is considered by the Highway Authority that the impact of the development on the highway network would not be severe.⁵
60. I note the observations made in respect of noise and disturbance the proposed traffic arising from the development may create. However, there is little within the submitted evidence that suggests that this would be anything above that typically associated with a residential development. As such, I do not find that this provides justification for the dismissal of the appeal.
61. Lastly, my attention has been drawn to the loss of a potentially planned link road from the scheme. I understand that this relates to earlier iterations of the local plan: which I also understand were not adopted. In any case, there appears to be no planning policy basis for dismissing the appeal on the grounds that there may have been, and continues to be in some quarters, an aspiration for some form of link road within or near to the site.
62. I therefore find that, when considering highway safety matters as a whole, the proposed development would accord with the overall aims of Transport Policy T1: Developing a comprehensive and high-quality cycle and footpath network of the *West Monkton & Cheddon Fitzpaine Neighbourhood Plan 2021-2028*, which seeks to encourage sustainable transport modes including footpaths.

Kingston Gap green wedge

63. The matter of the Kingston Gap Green Wedge has been raised. The SADMP defines a green wedge as:
64. *"A multi-functional area of land assisting towards a number of objectives including the protection of an area of landscape importance and visual amenity, the prevention of coalescence of settlements, the provision of a 'green lung' for the health and wellbeing of residents, and a valuable wildlife corridor and habitat".⁶*
65. Based on the above assessment (within the Officer Report), the Council considers that this part of the green wedge is already undermined by the existing housing allocation and, in addition, due to its peripheral location does not contribute significantly to the objectives of the green wedge allocation. It

⁵ LPA SoC page 38 of 117, para 16.7.1

⁶ LPAs SoC page 33 of 117, para 16.4.2

is therefore accepted that the development of this site would not undermine the maintenance and protection of the wider Kingston Gap Green Wedge allocation and, in this regard, any conflict with the policy objectives of Policy CP8 is significantly reduced⁷. I see no reason to disagree with that assessment and therefore concur with its conclusion.

Ecology

66. The site is within the consultation distance of Hestercombe SAC and so the impact on Lesser Horseshoe bats has to be considered. The Ecology Officer is in agreement with the appellant's submitted wildlife assessment. It concludes that there is a likely absence of dormice across the site. I see no reason to disagree in terms of dormice.
67. It also concluded dispersed activity by bats across the site, particularly associated with hedgerows and Common pipistrelles were the most common species detected. Lesser horseshoe and Barbastelle bats were recorded in low numbers across the site, and it was concluded that this was likely limited to occasional individuals passing through while travelling across the landscape.
68. The applicant has submitted a shadow HRA which concludes that there would be no likely significant effect upon Hestercombe House SAC is predicted as a result of impacts arising from the proposed development at Cheddon Road, either alone, or in combination. This has been assessed by the Council's Ecologist who agrees with the conclusion. Whilst it is necessary to ensure that specific avoidance, enhancement and compensation measures identified in the HRA such as the provision of new woodland habitat, creation of buffer zones to hedges and incorporation of sensitive lighting are secured; this can be achieved by planning conditions.
69. This does not provide justification for the dismissal of the appeal proposal.

Flooding risk

70. I note the concerns raised by interested parties in respect of heavy rain causes flooding within the local area. This is a factor of particular concern to one resident as the run off from the field passes through their garden. This is considered a situation which would in all probability be worsened by replacing grass with hard surfaces.
71. However, the appellant have provided details on drainage (including in relation to phosphates) and the Lead Local Flooding Authority (LLFA) indicate that they are unable to maintain objection on the grounds of flood risk or surface water flooding. I also note that the Environment Agency indicate that the advice of the LLFA should be referred to. Given that there is an ability to control surface water drainage and SuDS matters through planning conditions, it is unlikely that the proposed development would create any worse situation than currently exists. That is because the development, and the conditions attached, require that the water running off hard surfaces is both calculated and where this water would travel to.
72. In such circumstances, I do not find that the localised flooding, for which I have been provided with very little evidence to substantiate or demonstrate

⁷LPA SoC, Page 34 of 117Para 16.4.7

what and how this is caused, provides justification for the dismissal of the appeal scheme in this case.

National Landscape impacts

73. In November 2023 Areas of Outstanding Natural Beauty (AONBs) were renamed as 'National Landscapes'. Section 245 of the *Levelling-Up and Regeneration Act 2023* (LURA23) amended several statutes concerned with the purposes of conserving and enhancing the natural beauty of National Parks, AONBs and the Broads. This sets out that decision-makers must 'seek to further' these statutory purposes rather than 'shall have regard' as in the earlier legislation.
74. Being mindful of my duty to seek to further the statutory purposes of the Quantock Hills National Landscape as a National Landscape, I am satisfied that the application scheme leaves the natural beauty of the Quantock Hills National Landscape unharmed. That is because the development does not take place within the Quantock Hills National Landscape.
75. I have properly sought to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape, by satisfying myself that to grant planning permission for the application scheme will leave the specified characteristics of the Quantock Hills National Landscape, within the National Landscape itself, unharmed in this instance.
76. With regard to setting of the Quantock Hills National Landscape, it is evident that the proposal scheme is likely to be seen from the National Landscape in places given that it is located about 2.5km south easterly from the National Landscape. However, these are unlikely to be anything greater than partial and/or distant views, and would be experienced within the context that the town of Taunton would provide the background for viewing the proposed development.
77. Furthermore, the Council's Statement of Case⁸ sets out the background of the appeal scheme, and how it has been reduced in size since it was submitted in order to address concerns raised by the Council's landscape expert. I do not, therefore, seek to reiterate the Council's position here in detail. The important aspect to the appeal, is that the Council's Landscape Officer supports the principle of the smaller scheme stating that the scheme would have a much-reduced impact on the wider rural landscape to the north, the retained agricultural land to the north would have a form that matches the grain of the surrounding field network pattern.
78. They also comment that the creation of a strong hedge bank on the northern boundary would be necessary. Following the submission of the amended framework plan, the Councils' Landscape Officer has not raised any objection to the scheme and has further commented that an accredited landscape architect should be employed at reserved matters stage. This can be secured by means of planning conditions.

⁸ LPAs SoC page 35 of 117, para 16.5.2

79. In this case, there are various mitigation measures, which principally revolve around establishing soft landscaping and planting schemes in and around the application site, in addition to the reality of partial and distant views from and to the National Landscape. These would go some way to helping reduce the impact of the application scheme on the setting of the Quantock Hills National Landscape. Furthermore, I consider that in this instance, there are justified benefits – which are set out in greater detail later in this decision – which outweigh this extremely limited and localised harm to the setting of the Quantock Hills National Landscape.
80. I note that the Local Planning Authority considered that there would be no harm to the setting of the Quantock Hills National Landscape given the distance of it to the north of the site⁹. However, for the reasons given above, I respectfully disagree.

Heritage assets

81. The appeal site lies within a 1km proximity to two Grade II* listed buildings¹⁰, 22 Grade II listed buildings, the Cheddon Fitzpaine Conservation Area, and a Grade I Registered Park and Garden (RPG). Around 1.3km is Hestercombe House, which is a Grade I listed building (which is situated within the aforesaid RPG).
82. The main and interested parties indicate potential harm with a few of these. I have therefore focused my attention to those where harm is considered to be present, whilst cognisant with all nearby heritage assets. Furthermore, s66(1) of the *Planning (Listed Building and Conservation Areas) Act 1990*, as amended, sets out that the decision-maker needs to pay special regard to the desirability of preserving the building or its setting. A brief detail of the significance includes:
83. Pyrland Farmhouse, Taunton (NHL ref. 1344493), Grade II listed. Located 85 metres south-east of the Site at its closest: The significance of the farmhouse primarily lies in its architectural and historic special interest as a vernacular agricultural building which presents as a farmhouse which historically supported a farm operation of moderate means.
84. *Pyrland Hall* (NHL Ref. 1176079), Grade II* Listed. Located 320 metres west of Site: The significance of the Pyrland Hall Grouping is largely defined by the historic and architectural special interest of the house and the interest of the remnant parkland, primarily to the south and west, which once supported the house as moderate country residence.
85. *Cheddon Corner* (NHL ref. 1308056), Grade II listed. Located 720 metres north of the Site: The significance of Cheddon Corner lies primarily in the architectural and historic special interest as a nineteenth century minor gentry house set within landscaped gardens.

⁹ LPAs SoC page 37 of 117, para 16.5.9

¹⁰ I note that within submitted *Built Heritage Statement*, September 2019, pages 13 and 14 of 48, paragraph 3.4.2 and 3.4.3 refers to Hestercombe House as both a Grade II* and Grade I listed building at different points. I also note that on pages 14 and 15 of 48, at paragraph 3.4.5, reference is made to a Grade I listed Orangery in Hestercombe. I have proceeded on the basis of the Hestercombe Grouping approach adopted by the Heritage Statement; which is not disputed by in terms of identification of heritage assets.

86. *Hestercombe House* (NHL ref. 1060513) Grade II* listed located north-east of the Site by 1.3 km and *Hestercombe Registered Park and Garden* (NHL ref. 1000437) Registered Grade I, located 550 metres north-east at its closest, and *Hestercombe Conservation Area* located 550 metres north-east at its closest: The significance of the Hestercombe House Grouping is largely defined by the historic and architectural special interest of the house and the designed landscape which encloses the house. The garden planting schemes were created by Gertrude Jekyll (1843-1932).
87. *Pyrland Hall Farmhouse*, detailed in the HER and considered in this report as being worthy of non-designated heritage asset status located 45 metres south-west of the Site: The significance of Pyrland Hall Farmhouse lies primarily in its vernacular architectural interest, its materials usage and the evolution of the building to remain compatible with its agricultural role.
88. *Pyrland Hall Parkland* detailed in the HER and considered in this report as being worthy of non-designated heritage asset status located 17 metres west of the Site at its closest.
89. Cheddon Fitzpaine Conservation Area located 850 metres east of the Site: The significance of Cheddon Fitzpaine Conservation Area derives from the evidential value which the village possesses through legibility of the historic settlement pattern; the density and group value of historic buildings and the historic layout of the development and infrastructure. However, given the distance from the site, and the fact that there would remain fields around the conservation area, enabling it to be understood as a rural settlement, I do not find that the proposal would result in a negative impact to the setting of this conservation area.
90. Returning to listed buildings, the Council consider that the development, as amended, would not result in harm the setting of Hestercombe House. The Council's Conservation Officer has commented that there would be no harm to the setting of Kings Hall School. Given the distances involved and clear separation of the site and any direct links to the Grade I listed building and its RPG, and the Kings Hall School buildings, I concur.
91. The Council's Conservation specialist further concludes that there would be some harm to the setting of Pyrland Farm and Askins Cottage which are adjacent to the site and that this would be at the lower end of the 'less than substantial' spectrum.¹¹ In this respect, given the close proximity of these assets to the site, and the way in which they would be experienced (with the loss of open agricultural fields) I agree with that assessment. Therefore the proposal would result in some conflict with Policy ENV4 of the SADMP which, amongst other aims seek to preserve their archaeological and historic interest, character and setting.
92. I note that it is considered that these impacts could be addressed at reserved matters stage to include careful design, scale and materials. Open space such as the NEAP could be located within the vicinity of Pyrland Farm along with additional planting which could help mitigate the impact in this part of the site. Furthermore, the setting of these listed buildings has already been impacted upon by existing development. The provision of dwellings within the site therefore would not represent an incongruous feature within their setting.

¹¹ LPA's Statement of Case page 41 of 117 Officer Report 16.10.2

Nonetheless, I find that some harm would arise to the significance (and settings) of Pyrland Farm and Askins Cottage as listed buildings. Accordingly, I find that the proposal would result in less than substantial harm as defined by Paragraph 215 of the Framework.

93. The Planning Practice Guidance sets out that where such harm is found, it should be articulated further. In this case, given that the historic fabric of the listed buildings would remain intact, and that the listed buildings sit within their own defined grounds, I find that the arising harm would be no greater than minimal within the less than substantial harm spectrum. As set out in Paragraph 215 of the Framework, this less than substantial harm should be weighed against the public benefits of the proposal. I consider this within the overall planning balance.

Agricultural Land

94. With regard to agricultural land classification, I understand that parts of the site are considered to comprise grade 1 agricultural land. This means that it falls within the Best and Most Versatile Agricultural Land classification (BMVAL). However, whilst recognising that land within this classification is amongst potentially some of the most fertile agricultural land, there is not a specific policy in the Local Plan relating to loss of grade 1 land.
95. The Framework mentions recognising the importance of the best and most versatile agricultural land, and states that in allocating sites and that Local Planning Authorities should give preference to allocating land of lower grade. However, as indicated in the LPAs SoC at page 25 of 117, this was not considered to be a strong reason for refusal; especially when set against the benefits of the proposal. I see no reason to disagree in this instance, where the proposal will provide 112 new homes including 28 affordable housing units in an area where there is a critical shortage of both in terms of housing supply, and identified affordable housing need within this part of the county.

Local plan and housing supply

96. I note that there is some conflict with local development plan policy, as the SADMP identifies part of the site nearest Cheddon Road as suitable for residential development of around 45 dwellings under policy TAU3: Pyrland Farm. As such, the proposed development would conflict with this policy in terms of the number of dwellings being provided on site.
97. The Council cannot presently demonstrate a 5 year housing land supply. The latest housing land supply assessment dated July 2025 has established a figure of 3.95 years.¹² This means that policies relevant to the delivery of housing are considered out of date and accordingly the so called tilted balance in paragraph 11d of the NPPF is engaged. Accordingly, for decision making this means that planning permission should be granted unless any harm identified 'significantly and demonstrably' outweighs the benefits of the development.
98. I consider these factors in the overall planning balance section of this decision.

¹² Page 32 of 117 LPA statement of Case para 16.1.5

Conditions

99. A list of suggested conditions have been provided by the LPA. In considering these I have been mindful of Paragraph 57 of the Framework, and the guidance provided in the national Planning Practice Guidance in the use of planning conditions.
100. Conditions requiring the submission of 'reserved matters' within three years (1), the reserved matters to include certain design features (3), and no more than 112 dwellings being erected (4), are necessary and reasonable in order to provide certainty. A condition requiring the proposed development to be carried out in accordance with the submitted plans (2) is necessary for the same reasons.
101. However I have omitted reference to 'internal access roads' in suggested condition 1 as this is not a specific reserved matter under the regulations, and could be considered under other reserved matters such as layout.
102. Conditions relating to technical vehicle pedestrian and cycle access (5), pedestrian and vehicle visibility splays (6 and 7), a Construction Environmental Management Plan (CEMP) being submitted and approved (8), the removal of mud from construction vehicles (9), that a constructors compound is provided (10), a Condition Survey of the existing public highway is undertaken and submitted (11), that surface water is prevented from discharge onto the public highway (12), that a footway is provided along the frontage of the site (13), and that cycle and footway connections have been constructed before occupation (14) are necessary in the interest of highway safety and relevant to the development being permitted.
103. Conditions relating to an agreed Sustainable Urban Drainage Scheme (SuDS) (15) and the submission of an Allocation Certificate (16) relating to phosphate matters are necessary, reasonable and related to the development to be permitted in order to ensure the development is phosphate neutral so as to minimise and mitigate any impacts on the environment including on the Somerset Levels and Moors Ramsar site.
104. Conditions relating to drainage on the site (17) and drainage management (18) are necessary in order to ensure that the site is adequately drained in accordance with Policy CP8 of the CS, and to minimise any impacts in terms of localised flooding.
105. A condition requiring a noise and odour assessment to be submitted with reserved matters (19) is reasonable given the proximity of the appeal site to existing agricultural uses, and in order to comply with Policy DM1 of the CS.
106. The submission of draft reserved matters schemes to a design panel secured by condition (20) is necessary and reasonable in this instance given the outline nature of the scheme, its edge of existing settlement location, and its proximity to listed buildings. Such a condition would also ensure that the final scheme accords with Policies DM1 and CP8 of the CS and Policy D7 of the SADMP.
107. A condition relating to the detailed specification of an equipped children's play space (21) is reasonable and necessary to ensure that future residents have access to such facilities for health and well-being purposes.

108. Conditions relating to habitat enhancements (22), Landscape and Ecological Mitigation Plan (LEMP) (23), external lighting design (24), a construction environmental management plan (CEMP) (25), and enhancements such as house martin nests or swift bricks, sparrow terraces, bee brick and hedgehog holes (26), are necessary and reasonable in order to support, sustain and enhance the biodiversity of the site and in the interests of European and UK Protected Species, UK priority species and habitats listed under s41 of the *Natural Environment and Rural Communities Act 2006*, and to accord with Policy CP8 of the CS.
109. A condition requiring a written scheme of investigation relating to archaeology (27) is necessary and reasonable in order to preserve any archaeological remains on the site, in accordance with Policy CP8 of the CS.
110. A condition relating to the provision of public art is typical for housing developments (28), and is sought under Policies D7 and D13 of the CS. Such a condition is necessary in order to ensure that a high quality public realm is created.
111. Lastly, a condition relating to water efficiency is necessary and reasonable in order to help reduce consumption in line with the Building Regulations (29).
112. I note that information, relating to highway works, drainage and flood authority, and the Environment Agency are included in the Council's report. Whilst not conditions, the appellant is encouraged to review these as part of their further submissions.

Conclusion

Planning balance

113. The public benefits arising from the proposal includes the provision of 112 new homes in an area where there is a shortfall in housing supply. The proposal would also provide a 25% amount (being 28 units) as affordable housing. This is within the context of a specific area of the wider LPA area where there is a specific identified need for affordable housing. These are public benefits to which I afford significant weight in favour of the scheme. Moreover, I consider that these public benefits outweigh the less than substantial harm identified in respect of the settings of nearby designated heritage assets.
114. The proposed development would, nevertheless, conflict with some policies of the adopted development plan – including ENV4 (heritage matters), CP8 (green wedge and open breaks) and TAU3 Pyrland Farm. However, when the plan is considered as a whole, including the Neighbourhood Plan, and in applying s38(6) of the Planning and Compulsory Purchase Act, I consider that the proposal accords with the development plan. This is because large parts of the scheme accord with a number of policies contained within the various parts of the adopted development plan.
115. However, for clarity should that conclusion be incorrect or there is need to consider material considerations such as the Framework, including the 'tilted balance' of Paragraph 11, I find that the application of policies of the Framework which protect areas of particular importance¹³ do not provide

¹³ I also note, in exercising my duty in relation to National Landscapes, that there would be some very limited harm to the setting of Quantock Hill National Landscape. However, it is possible to mitigate this harm in a

strong reason for refusing permission and that the identified adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the Framework points in favour of granting planning permission in this case were the proposal to not accord with the adopted development plan.

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

C Parker

INSPECTOR

Richborough

reasonable way, the proposal would not affect the National Landscape itself but its setting, and there is a pressing need for homes to be provided within the LPA area including affordable homes.

Schedule of Conditions

1.) Submission of Reserved Matters

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.

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

2.) Approved plans

Other than as required by conditions, the development hereby permitted shall be carried out in general accordance with the following approved plans:

(A3) DrNo 7689-L-04 Location Plan

(A1) DrNo 4746-55-03 A Junction Layout with Footway Along Frontage

(A3) DrNo 7689-02ZB Development Framework Plan

3.) Reserved Matters

The reserved matters application(s) shall include the following design features:

- a) The retention of the land labelled as 'Retained Agricultural land' on the submitted framework Plan No. '7689-02 ZB 17th November 2023' as agricultural land for agricultural purposes. No development related to this approval shall take place on the said retained land.
- b) The retention of all hedges within and forming the boundaries of the site except for H5 as illustrated on the Phase 1 Habitat Plan Figure 3 No. 7689-E-03B within the Environmental Statement. Green buffer zones of 20 metres to hedges H6 and H8. H2 and H3 will be set within a 20 metre green corridor. All other hedges shall have a 10 metre green buffer.
- c) Provision of continuous woodland buffer zones to the north and western boundaries of the built development in general accordance with the submitted framework Plan No '7689-02 ZB 17th November 2023'.

4.) Number limit

The reserved matters details shall comprise no more than 112 dwellings.

5.) Access

(Part A): Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the vehicle, pedestrian and cycle access to the development has been submitted to and approved in writing by the Local Planning Authority in general accordance with Drawing No. 4746-55-03A, however this design must be updated to include details including, but not limited to, kerb radii dimensions, alterations to the existing layby and the location of informal pedestrian crossing points amended if necessary, and a cycle crossing designed to LTN1/20 standards which links the site access to the grass verge area on the southern side of Cheddon Road.

(Part B): Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

6.) Pedestrian Visibility

There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 1.5 metres back from the carriageway edge on the centre line of any informal pedestrian crossing point provided on Cheddon Road as part of this development and extending to points on the nearside carriageway edge 54 metres either side of the crossing point. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

7.) Vehicular visibility

There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 54 metres 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.

8.) Construction Environmental Management Plan (CEMP)

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

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

9.) Mud

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

10.) Constructors compound:

Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority.

11.) Condition survey

A Condition Survey Report of the existing public highway will need to be carried out and agreed with the Local Highway Authority (which shall be submitted to and

approved in writing by the Local Planning Authority) prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Local Highway Authority in accordance with the agreed Condition Survey Report once all works have been completed on site.

12.) Surface water

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

13.) Provision of footway

Before any dwelling hereby permitted is first occupied, a footway shall be constructed along the frontage of the site in accordance with a design and specification to be approved in writing by the Local Planning Authority.

14.) Cycle and footway connections

None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site, with appropriate links through the site boundary to the existing external network, in accordance with a strategy and scheme to be submitted to and approved in writing by the Local Planning Authority.

15.) Phosphates- SuDS

No development shall commence until either:

- i) a detailed Sustainable Urban Drainage Scheme including maintenance plan which delivers a reduction in surface water phosphorous load to 0.73kg year and accords with the CIRIA 808 guidance, the submitted Nutrient Neutrality Assessment and Mitigation Strategy dated 5 February 2025 and the submitted Shadow Habitats Regulation Assessment dated 4 March 2025 has been submitted to and agreed in writing by the Local Planning Authority;

or

- ii) an amended Nutrient Neutrality Assessment and Mitigation Strategy and Shadow Habitats Regulations Assessment showing that additional third-party phosphate credits will be secured to mitigate the increased phosphate budget resulting from a higher surface water phosphate load and a Reservation Notice for the whole development confirming the reservation of the increased phosphate credit requirement generated by the development has been submitted to and agreed in writing by the Local Planning Authority.

16.) Phosphates- Allocation certificate

No part or phase of the development hereby permitted shall be commenced until an Allocation Certificate for that part or phase of the development has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from that part or phase of the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.

The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by relevant part or phase of the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by that part or phase of the development when that part/phase is fully occupied enabling the Local Planning Authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

17.) Drainage

No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. This should include updated infiltration testing to BRE 365 Digest standard or an alternative method of discharge from the site. This should also show that there is a minimum of 1 metre between the base of any infiltration feature and maximum groundwater level.

If infiltration is not possible, an alternative drainage strategy with supporting calculations must be submitted to the Council for review and approval. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by the National Planning Policy Framework and the *Flood and Water Management Act (2010)* and/or any subsequent updated versions of such documents.

The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority.

This shall include but not be limited to the below details:

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - Details of design criteria and where relevant, justification of the approach / events / durations used within the calculations.
 - Where relevant, calculations should consider the use of surcharged outfall conditions.
 - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network.

- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- Details on watercourse crossings, any works to watercourses and outfall locations.

18.) Drainage management

No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

19.) Noise/ Odour assessment

The reserved matters application to consider layout shall include a noise and odour assessment which shall be carried out by an appropriately qualified professional and shall include:

- An assessment of the potential impacts of odour and noise from the adjacent farmstead to the east of the site on future receptors within the proposed development.
- Mitigation measures to prevent or reduce odour and noise impacts to acceptable levels to include green buffer zone(s) between the existing agricultural buildings and dwellings.

The development shall be carried out in accordance with the approved odour assessment and any mitigation measures shall be implemented in full prior to the occupation of the development.

20.) Quality Review Panel

Prior to the submission of each reserved matters application, the draft reserved matters submission shall be presented to a Design Review Panel. Each reserved matters submission shall include a Design Compliance Statement detailing how it has had regard to any Design Review Panel comments.

21.) Design details included in Reserved Matters application

The application(s) for approval of the relevant reserved matters shall indicate:

- materials to be used for the external walls and roofs;
- materials to be used for rainwater goods;

- the design (including joinery details where appropriate), type of material, Plus;
- proposed colour and finish of all windows and doors plus recesses:
- Finished floor levels
- details of eaves/verges;
- location and design details of all vents, flues and meter boxes;
- details of all internal and external boundary treatments; and
- the surfacing materials (and drainage details thereof) of all areas of
- hardstanding incl. driveways.

22.) Play Space

The reserved matters application to consider layout shall include an equipped play space specification detailed specification for the equipped children's play space shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include, but not be limited to type/specification of equipment, layout, hard and soft landscaping, boundary treatment and signage.

The equipped children's play space shall be constructed in accordance with the approved specification and made available for use prior to the occupation of the first dwelling.

The play space shall be maintained in accordance with the approved maintenance plan for the lifetime of the development.

23.) Habitat enhancement

Habitat enhancement shall be provided to demonstrate a minimum gain of 0.06 units of suitable replacement habitat. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority as part of the Reserved Matters submission and shall include HEP calculations to demonstrate the required minimum gain. This enhancement will be planted and provided at the earliest feasible date following permission unless otherwise agreed with the Local Planning Authority.

24.) Landscape and Ecological Mitigation Plan (LEMP)

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

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed, including all replacement habitats for bats required or related to conditions 23, 25 and 26.
- 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) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organization responsible for implementation of the plan.
- g) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP

are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

25.) Lighting

Prior to installation of any external lighting within the site, a "lighting design for bats" report for 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; and
- b) show how and where external lighting will be installed, including lighting in the public realm and domestic amenity and security lighting, (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; and
- c) shall include full details of the specification and design of external lighting and shall include modelling of light spill to demonstrate a maximum of 0.5lux on identified adjacent habitats. Unless otherwise agreed all lighting shall have an Upwards Light Ratio of 0%, a colour temperature of 2700 Kelvin or lower and a peak wavelength higher than 550nm in line with ILP/BCT guidance.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent and/or permission from the Local Planning Authority.

26.) Construction environmental management plan (CEM: Biodiversity)

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) A scheme for the protection of trees and hedges to include protective fencing in accordance with BS 5837:2012.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- h) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

27.) Enhancements

The following will be integrated into and or mounted upon buildings within the development site:

- a) A cluster of no fewer than five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level and away from windows on the north facing elevation of four plots
- b) No fewer than Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves and away from windows of the north elevation of four plots
- c) No fewer than Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations of six plots
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling of fifty dwellings
- e) Any new fencing must have accessible hedgehog holes, measuring no less than 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction works above ground level. The approved details will be implemented in accordance with the approved details.

28.) Archaeology

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 investigation, 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.

29.) Public Art

A scheme for public art and its delivery shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the first dwelling. The public art shall be provided in accordance with the approved scheme prior to occupation of more than 80% of the approved dwellings and thereafter retained.

30.) Water efficiency

No individual dwelling hereby approved shall be occupied until 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.

****** END OF CONDITIONS IMPOSED ******