

STATEMENT OF COMMON GROUND

APPEAL REFERENCE APP/R3325/W/20/3259668

DATE OF INQUIRY 9 – 12 November 2021
24 November 2021

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Land north of Ansford Hill, Ansford, Castle Cary, Somerset
BA7 7PD

Erection of 200 dwellings (70 affordable and 130 open market)
with associated highways, drainage, landscaping and public
open space

APPELLANT Wyke Farms Ltd &
Andrew Hopkins Concrete Ltd

LOCAL PLANNING AUTHORITY South Somerset District Council

Contents

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Appendix A. Planning Conditions

1. Description of the site

- 1.1 Refer to planning application drawing GMA-0121-02 Existing Site Location Plan.
- 1.2 The site is located to the north of Ansford Hill (A371), east of Station Road (A371), and south of Castle Cary railway station and railway lines.
- 1.3 The site measures 9.76 hectares in area.
- 1.4 Topographically, the site slopes down towards the north and northwest.
- 1.5 The larger field comprising the majority of the site is arable farmland owned by Wyke Farms Limited, which is separated by a hedgerow from the smaller field which is an area of semi-improved grassland owned by Andrew Hopkins Concrete Limited. There is a mature Common Oak tree located centrally within the larger field, and a barn and agricultural yard on the southern part of the larger field. There is a small stable and yard within the smaller field. The site is mainly bound by existing hedgerows. The southern boundary comprises a low hedge. On the south west corner there is a low stone wall.
- 1.6 Low voltage overhead power cables run across the site.
- 1.7 The site is located within Flood Zone 1.

2. Description of the area

- 2.1 Public right of way WN 2/16, which forms part of the Monarch's Way long distance footpath, adjoins the eastern site boundary, connecting directly with the railway station at the northern end and with Ansford Hill at the southern end. The boundary between the site and WN 2/16 comprises a concrete post and wire fence in a poor state of repair.
- 2.2 The site is located within the Parish of Ansford. The village of Ansford is located to the southeast of the site. The town of Castle Cary is located to the south of the site, although its railway station is to the north of the site. Whilst Ansford and Castle Cary are discrete as a village and town respectively and have their own identities, they are physically connected and treated together in the South Somerset Local Plan as a combined settlement.
- 2.3 The closest neighbouring dwellings to the site are located at:
- Hillcrest Farm to the south east;
 - Station Road including Creech Hill View to the west; and
 - Lovel's Farm development to the south west (currently under construction by Backhouse).

3. Planning history of the site

3.1 There is no relevant planning history on the site.

4. Appeal proposals

- 4.1 Outline planning permission, with all matters reserved save access, is sought for erection of 200 dwellings (70 affordable and 130 open market) with associated highways, drainage, landscaping and public open space.
- 4.2 Drawing GMA-0121-04 Parameters Plan was submitted and intended for approval, showing the location of the proposed highways access off Ansford Hill on the southern site boundary, and the intention to retain most of the existing green infrastructure, leaving the majority of the site for residential development.
- 4.3 Drawing 1278_0720_P1 Site Access Layout was submitted and intended for approval. It is proposed to create a new highways access from Ansford Hill comprising a bell-mouth priority junction with visibility splays of 4.5 x 90 metres in each direction, turn radii of 10 metres, and a carriageway width of 5.5 metres. A new right-turn lane with traffic islands would be created, enabling separation of traffic turning right into the site from traffic continuing westwards along Ansford Hill.
- 4.4 Drawing GMA-0121-01 Indicative Site Layout Plan was submitted to show indicatively how the site might be developed, to demonstrate that the site has the capacity for the proposed development, and as a basis for the various surveys and assessments that supported the planning application.
- 4.5 The drawings submitted by the applicants with the original application are as follows:
- GMA-0121-01 Indicative Site Layout Plan;
 - GMA-0121-02 Existing Site Location Plan*;
 - GMA-0121-03 Indicative Road and Path Layout Plan;
 - GMA-0121-04 Parameters Plan*;
 - 1278_0100_P3 Existing Overland Flood Routes
 - 1278_0120_P3 Indicative Impermeable Area Plan
 - 1278_0500_P3 Indicative Drainage Layout Sheet 1
 - 1278_0501_P3 Indicative Drainage Layout Sheet 2
 - 1278_0700_P6 Indicative Highway Layout Sheet 1
 - 1278_0701_P6 Indicative Highway Layout Sheet 2
 - 1278_0720_P2 Site Access Layout*;
 - 1278_0730_P2 Indicative Highway Long Sections Sheet 1;
 - 1278_0731_P2 Indicative Highway Long Sections Sheet 2;
 - 1278_0732_P2 Indicative Highway Long Sections Sheet 3;
 - 1278_0733_P2 Indicative Highway Long Sections Sheet 4;

- CWD-AWF-CC-LA-00328-01 Indicative Landscaping Arrangements Sheet 1;
- CWD-AWF-CC-LA-00328-02 Indicative Landscaping Arrangements Sheet 2;
- CWD-AWF-CC-LA-00328-03 Indicative Landscaping Arrangements Sheet 3; and
- CWD-AWF-CC-LA-00328-04 Indicative Landscaping Arrangements Sheet 4.

4.6 Drawings marked with an asterisk * are intended for determination.

4.7 The submitted drawings were not revised / re-submitted by the applicants during the determination period.

4.8 Other documents submitted by the applicants with the original application are as follows:

- Acoustic Consultancy Report;
- Affordable Housing Statement;
- Agricultural Circumstances Report;
- Application Form;
- Arboricultural Report;
- Archaeological Gradiometer Survey Report;
- Design and Access Statement;
- Ecological Impact Assessment;
- Flood Risk Assessment (including Appendices A-E);
- Geoenvironmental Assessment and Geotechnical Design Report;
- Geoenvironmental Desk Study;
- Landscape and Visual Impact Assessment;
- Planning Statement;
- Pre-Application Engagement Statement;
- Section 106 Draft Heads of Terms;
- Transport Assessment; and
- Travel Plan.

4.9 The following additional documents were submitted by the applicants during the determination period:

- Ecology Addendum Report (04.10.19);
- Section 106 Draft Heads of Terms (Revision 1, 16.10.19);
- Travel Plan (Revision 1, 16.10.19);
- Acoustic Consultancy Report – Railway Noise (20.11.19);
- Transport Assessment Addendum (04.03.20); and
- Ecology Tree Inspection (11.02.20).

4.10 The following additional documents were commissioned by the LPA during the determination period:

- Walking, Cycling and Horse-Riding Assessment Review (03.03.20);
- Review of Landscape and Visual Impact Assessment (Final Report & Summary (16.03.20); and
- Heritage Assessment (27.04.20).

4.11 Copies of the application drawings and documents for the appeal proposals are submitted with the appeal.

5. Development plan

5.1 The South Somerset Local Plan 2006-2028 adopted in March 2015 and the Castle Cary and Ansford Neighbourhood Plan 2016-2028 made in September 2019 together comprise the Development Plan.

5.2 The most important Local Plan policies for determining this appeal are as follows:

- SD1 Sustainable Development;
- SS1 Settlement Strategy;
- SS4 District Wide Housing Provision;
- SS5 Delivering New Housing Growth;
- SS6 Infrastructure Delivery;
- LMT1 Ansford / Castle Cary Direction of Growth;
- HG3 Provision of Affordable Housing;
- HG5 Achieving a Mix of Market Housing;
- TA1 Low Carbon Travel;
- TA4 Travel Plans;
- TA5 Transport Impact of New Development;
- HW1 Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development;
- EQ1 Addressing Climate Change in South Somerset;
- EQ2 General Development;
- EQ3 Historic Environment;
- EQ4 Biodiversity;
- EQ5 Green Infrastructure;
- EQ6 Woodland and Forests; and
- EQ7 Pollution Control.

5.3 The most important Neighbourhood Plan policies for determining this appeal are as follows:

- DP1 Development Principles;
- HOU2 Housing Development in the Direction of Growth;
- TRA1 Opportunities to Improve the Transport Network; and
- ENV1 Protection of Green Corridors and Natural Environment.

5.4 Policies underlined are referred to in the reason for refusal.

6. Other relevant planning policy, guidance and material considerations

6.1 The National Planning Policy Framework, July 2021, is a material consideration, in particular:

- Paragraph 8
- Paragraph 11;
- Paragraph 12
- Paragraph 14
- Paragraph 74;
- Paragraphs 110-113;
- Paragraph 174; and
- Paragraph 203.

6.2 The emerging South Somerset Local Plan Review is a material consideration. The Local Plan Review Issues and Options consultation took place between October 2017 and January 2018. The Local Plan Review Preferred Options document was consulted on during summer 2019. A public consultation on the Publication version of the Local Plan Review is scheduled for mid 2022. Limited weight should be afforded to the emerging Local Plan Review due to its early stage of preparation.

7. Areas of common ground

Settlement hierarchy

- 7.1 Local Plan Policy SS1 establishes the settlement hierarchy for the District, under which Ansford and Castle Cary (considered together as 'the settlement') are categorised as a 'local market town' suitable for residential, employment and other development with the intention of increasing its self-containment and role as a service centre.

Ansford and Castle Cary 'Direction of Growth'

- 7.2 Local Plan Policy LMT1 establishes the Ansford and Castle Cary 'direction of growth' for housing, employment and education, the location of which it describes as, "north of Torbay Road and East and West of Station Road".
- 7.3 The accompanying Local Plan proposals map (Ansford/Castle Cary Inset 1) shows five brown lines, which the map key identifies as 'direction of growth'.
- 7.4 The application site is located both north of Torbay Road and east of Station Road, as per the wording of Policy LMT1, but is not marked by any of the five brown lines on the inset map.

District-wide housing need and supply

Five Year Housing Land Supply

- 7.5 The Council's latest five year housing land supply position comprises the September 2021 Paper which covers the period 2021 to 2026. The September 2021 Paper states a 4.7 year supply of 3,391 homes.
- 7.6 At the time of writing, according to the Council's revised standard methodology for calculating housing need based on the 2014 Sub National Household Projections for the 10 year period from 2021-2031, and 2021 affordability data, the housing requirement figure is 690 homes per/annum, excluding any buffer.
- 7.7 The Housing Delivery Test result for South Somerset published by MHCLG in January 2021 was 95%. It is agreed therefore that the appropriate buffer in the calculation of five year housing land supply is, at the time of writing, 5% to ensure choice and competition in

the market for land.

7.8 Within the September 2021 Paper, based on the use of the standard methodology requirement of 690 homes, a 5% buffer and a claimed deliverable supply of 3,391 homes, the Council claims that it can demonstrate a housing land supply of 4.7 years. This represents a shortfall of 232 dwellings against the identified 5-year housing requirement of 3,623 dwellings, and annual completion rate of 725 dwellings (rounded).

7.9 Subsequent to the publication of the September 2021 Paper, 17 sites have been raised as sites which are affected by the need for phosphate solutions to be agreed and so should not be considered as being deliverable by the appellant including:

- Crewkerne Key Site 1 between A30 and A356
- Gunville Farm Bungalow, Harvest Lane, Charlton Horethorne
- Land adj. The Orchard, Cherry Pie Lane, Sparkford (adjoining site)
- Lower Listock Farm, Fivehead
- Builders yard and Store, School Lane, Lopen
- Land OS 9687 Martock Road, Long Sutton
- Land OS 4500, Catscrow Hill, Pitney
- Tailles Farm, Durnfield, Tintinhull
- Land At Upton Lane Seavington St Mary
- 1 Milford Road, Yeovil
- 16A Wyndham Street, Yeovil
- 1, Great Western Terrace, Yeovil
- Parkway Farm, West Street, South Petherton
- Land Rear Of Drovers Rise, South Petherton
- Land OS 9121 At Butts Drove Gosling Street, Barton St David
- Goosemead Cottage, Westport
- Land Opposite Number 30, Orchardleigh, East Chinnock

7.10 In addition, the appellant has contested that the Council should not include any windfall sites within its 5-year HLS. The Council disputes this point.

7.11 It was agreed that 15 of the 17 'contested' sites affected by phosphates should be withdrawn from the HLS as well as the erroneous double counting of sites (Upton Lane Seavington St Mary and Land OS 9121 At Butts Drove Gosling Street, Barton St David). It has been agreed that Lower Listock Farm has an agreed solution and so should remain as deliverable. Crewkerne Key Site 1 remains

a contested site by the appellant. The recalculated 5-year HLS figure as now presented by the Council equates to 3356, or 4.6 years (rounded), representing a shortfall of 267 dwellings for the period of 1st April 2021 to 31st March 2026.

Housing Delivery Against Local Plan Requirements

7.12 Local Plan Policy SS4 establishes a District-wide housing need of at least 15,950 dwellings over the plan period April 2006 to March 2028. 15,950 is a minimum requirement, not a maximum. This gives an average figure of 725 dwellings per annum. Against this requirement, the Council has recorded the following completions:

Monitoring Year	Completions (2007-20)	Shortfall/surplus annual against LP target of 725 homes	Shortfall/surplus cumulative
2006/07	620	-105	-105
2007/08	724	-1	-106
2008/09	547	-178	-284
2009/10	482	-243	-527
2010/11	984	259	-268
2011/12	480	-245	-513
2012/13	528	-197	-710
2013/14	511	-214	-924
2014/15	770	45	-879
2015/16	606	-119	-998
2016/17	616	-109	-1107
2017/18	563	-162	-1269
2018/19	650	-75	-1344
2019/20	651	-74	-1418
2020/21	1093	368	-1050

7.13 Up to 31st March 2021, the Council has delivered 1,050 homes less than the minimum Local Plan requirement.

7.14 Local Plan Policy SS5 establishes a housing requirement of 374 dwellings for Castle Cary and Ansford (together) across the Plan period.

- 7.15 Exceedences of the minimum housing figures in Policies SS4 and SS5 are not considered significantly and demonstrably harmful.
- 7.16 A reserved matters application would be expected to demonstrate a variety in housing mix such that Local Plan Policy HG5 is capable of being complied with in due course.

Affordable housing need and supply

- 7.17 Local Plan Policy HG3 concerns affordable housing, requiring 35% of dwellings to be affordable.
- 7.18 The Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (2016) finds a net need for 206 new affordable homes per annum between 2014 to 2039 when using the Liverpool approach to backlog needs.
- 7.19 There were 1,996 households on the housing register on 6 October 2020.
- 7.20 At 1 April 2020 there were 44 households being housed in temporary accommodation within the District, a 5% increase from 1 April 2019.
- 7.21 The ratio of average house prices to average incomes in South Somerset stood at 10 for the 2018/19 period.
- 7.22 70 of the proposed 200 dwellings would be affordable, secured via a S106 planning obligation. There are no viability concerns raised for the delivery of a policy compliant level of affordable housing.
- 7.23 The affordable homes are a significant benefit of the proposal weighing in favour of the development.

Landscape and visual

- 7.24 The LVIA produced by Redbay Design submitted with the application sets out the appellants' judgements regarding the predicted landscape and visual effects of up to 200 new homes and open space. It is agreed that the proposed development has the potential to generate residual adverse effects on landscape resources and visual amenity within the local area. However, there is disagreement over the extent, duration and overall importance of these effects and the effectiveness of proposed mitigation.
- 7.25 It is agreed that the site does not lie within, or near to, any of the

following statutory designations of specific relevance to landscape:

- National Park
- Area of Outstanding Beauty
- Heritage Coast
- Registered Historic Parks and Gardens

7.26 Local landscape designations do not currently exist within South Somerset District and no formal assessment has been made of 'valued landscapes' in the context of the NPPF within a District-wide or local context. There are no statutory or non-statutory heritage or wildlife designations relating to the site. There are some local features of wildlife, landscape and heritage interest within and around the site.

7.27 The current published landscape character assessment, the Landscape of South Somerset (1993), provides the district-wide context for assessment of landscape character.

7.28 Since 1993, there has been development consented within areas to the south of the site which has resulted in a change in landscape character in those areas.

7.29 In 2008 the council undertook the Peripheral Landscape Study (PLS) of Castle Cary with the specific purpose of assessing "the capacity of the settlement fringe to accommodate new development in a landscape-sympathetic manner".

7.30 The proposals include the provision of open space and native species tree planting.

Historic environment

7.31 The site is not subject to any statutory designations for historic environment protection.

7.32 Field evaluation of archaeological features identified by the submitted archaeological geophysical survey can be secured by condition.

Transport / access

7.33 The appeal proposals comply with Local Plan Policies TA1, TA4 and TA5 and Neighbourhood Plan Policy TRA1. Detailed design and mitigation measures can be secured by conditions and a planning obligation.

Drainage / flood risk

- 7.34 The appeal proposals comply with Local Plan Policies EQ1 and EQ7. Detailed design and mitigation measures can be secured by conditions.

Ecology

- 7.35 The appeal proposals comply with Local Plan Policies HW1, EQ4, EQ5 and EQ6 and Neighbourhood Plan Policy ENV1. Detailed design and mitigation measures can be secured by condition.

Noise, air quality and ground contamination

- 7.36 Noise assessments were submitted addressing both traffic- and railway-derived noise sources, concluding that the site is suitable for residential development, but noting that at certain locations within the site, closest to the adjacent road and railway line, there is likely to be a requirement for sound-insulating glazing and mechanical ventilation at some properties, but this will need to be subject to detailed design and assessment at reserved matters / planning condition stage.
- 7.37 The site is not in an Air Quality Management Area (AQMA); the nearest AQMA being in Yeovil, approximately 16km distant. The appeal site is not in a location where there are air quality concerns and is not of a scale that would generate significant nitrogen dioxide pollution or fine particulate matter from road traffic.
- 7.38 Contamination would not be expected to be present within the ground at the appeal site due to its history of agricultural use. Submitted desk- and field-based studies undertaken by applicants confirm this.
- 7.39 The appeal proposals comply with Local Plan Policy EQ7.

Area East Committee

- 7.40 The Officer Report on Planning Application 19-01840-OUT was presented to the South Somerset Area East Committee of 13.05.20.
- 7.41 The South Somerset Area East Committee Minutes of 13.05.20 are accurate.

Phosphates

- 7.42 It is agreed that the appeal site falls within the Somerset Levels and

Moors Ramsar site catchment, as illustrated by the catchment plan. It is furthermore agreed that Natural England have advised the Somerset planning authorities that the possibility of authorising activities which may subsequently compromise the ability to restore the site to favourable condition and achieve the conservation objectives is “necessarily limited”.

- 7.43 In order to reduce delays in the determination of planning applications that will have a likely significant effect on the internationally important bird communities for which the site is designated, the Somerset Planning Authorities have jointly commissioned the preparation of a “Phosphate Calculator” that is now available on the Councils’ websites. It is agreed that this calculator provides a mechanism to enable applicants to ascertain a transparent and rapid calculation of the net phosphate loading from their developments, including phosphate offsetting calculations for on or off site locations.
- 7.44 Following on from this step, the Somerset planning authorities are preparing a strategy to identify suitable off site mitigation projects as well as the likely costs to acquire “credits”. Once completed this will provide a mechanism to respond to the need to achieve nutrient neutrality in relation to the Somerset Levels and Moors catchment by way of a Section 106 Undertaking. It is agreed that at the time of drafting a suitable value per plot has not been agreed between the Somerset planning authorities and Natural England. It is agreed that if a sum is defined prior to the date of the Inquiry then further information will be provided to the appellant and Inspector.
- 7.45 It is also agreed that there are other potential ways in which an off-site mitigation solution could be achieved, including direct changes in land management by the appellant on other land in the appellant’s control, which is located within the relevant catchment, or the purchase by appellants of “credits” for third parties to make changes to management of their land, subject to these credits relating to a scheme approved by the planning authorities in agreement with Natural England. The appellant has prepared a bespoke Fallow Land Phosphate Mitigation Strategy relating to land at Mount Pleasant Farm, Galhampton, near Castle Cary. The Council’s ecology specialist agrees that the Strategy will deliver the required mitigation and has prepared an Appropriate Assessment on that basis, which has been approved by Natural England.

8. Areas of uncommon ground

8.1 Areas of uncommon ground between the Council and the appellant concern the degrees to which the appeal proposals comply with the following policies:

Local Plan

- SD1 Sustainable Development;
- SS1 Settlement Strategy;
- SS5 Delivering New Housing Growth;
- LMT1 Ansford / Castle Cary Direction of Growth;
- EQ2 General Development; and
- EQ3 Historic Environment.

Neighbourhood Plan

- DP1 Development Principles.

8.2 The precise level of the Council's five year housing land supply is a matter of disagreement.

8.3 The weight attributed to the benefit of the delivery of homes on the appeal site.

8.4 The degree to which the proposed development with its associated open space and planting will adversely impact upon landscape character and visual amenity and the landscape setting of Castle Cary / Ansford is a matter of disagreement. In addition, the extent to which the proposed mitigation would be effective in reducing these impacts over time is also a matter of disagreement.

9. Planning conditions

- 9.1 Planning conditions have been agreed between the Council and the appellant and are appended to this Statement.

10. Planning obligation

10.1 Agreed heads of terms for a S106 planning obligation are as follows:

- Education contributions:
 - for early years education;
 - for primary education;
- 35% affordable housing (70 out of 200 homes), of which:
 - 80% (56 out of 200) social rent;
 - 20% (14 out of 200) starter homes, discounted market sales or other routes to affordable home ownership;
- Public open space provision:
 - 892 sq m land for on-site LEAP;
 - 223 sq m land for on-site youth facility;
 - 7,800 sq m on-site informal open space;
 - Delivery of LEAP and youth facility on site or contribution to provision of facilities;
 - Delivery of on-site informal open space;
 - Contribution to provision of new changing facilities or upgrading of existing facilities at the Donald Pither Memorial Ground;
- Highways and access:
 - Travel Plan.
- Mitigation measures to respond to the otherwise adverse impacts of development upon the Somerset Levels and Moors catchment Ramsar site.

This Statement of Common Ground

Signed for the Appellant

Signed for the LPA

Ian Roach

John Hammond

Ian Roach MRTPI
Director

John Hammond
Lead Specialist -
Built Environment

Roach Planning and Environment Ltd

South Somerset District Council

Date 18 October 2021

Date 18 October 2021

Appendix A. Planning Conditions

1. Reserved Matters (Pre-commencement)

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

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

2. Reserved Matters Time Limit (Compliance)

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.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3. Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

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

4. The development hereby approved shall be undertaken in accordance with the following approved plans:

- GMA-0121-02 Existing Site Location Plan
- GMA-0121-04 Parameters Plan

- 1278_0720_P2 Site Access Layout_P2

Reason: To define the terms and extent of the permission.

5. No more than 200 dwellings shall be constructed within the application site.

Reason: To define the extent and scope of the permission.

6. Any reserved matters application will be accompanied by a housing mix assessment that sets out how the reserved matters application has responded to the Council's most up to date Housing Needs Assessment.

Reason: To ensure that the resultant scheme is meeting housing needs within the district in accordance with Policy HG 5 of the Adopted Local Plan.

7. No development shall commence until a Construction Method Statement (Amenity) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Council's Environmental Protection Team
 - All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours shall be in place.
 - (South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.)
 - Defining those control measures that shall be in place for

control of dust and other air-borne pollutants including frequency relative to weather conditions.

- Defining those measures that shall be in place to control the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 – 2028. This is a pre-commencement condition because the activities would be undertaken from the commencement of any works on site.

8. Concurrent with the submission of any reserved matters application(s) a further Ecological Impact Assessment Report, revisiting and updating the assessments and providing detailed recommendations for both mitigation as well as biodiversity net gain across the application site, together with its long term management and maintenance, building upon the recommendations set out within the Ecological Impact Assessment (June 2019) and the Ecology Addendum Report (October 2019) shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters proposals shall accord with the approved recommendations.

Reason: The previously submitted reports will be in excess of two years old before any development can commence. Further survey would should be undertaken to ensure the final scheme is designed to take account of up to date ecological assessment in accordance with the requirements of Policy EQ 4 of the South Somerset Local Plan 2006 – 2026.

9. 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 including nesting birds habitat clearance measures, bat roost buffer protection zones, badgers and reptiles; this may be represented as a set of method statements.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

10. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the SSDC for approval before occupation of each phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional Ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected /priority species and habitats are safeguarded in accordance with the CEMP and South Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

11. 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 development. The content

of the LEMP shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- 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 responsible for its delivery. The plan shall also set out where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy EQ4 of the South Somerset Local Plan Core Strategy.

12. No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, and movement of people and machinery.

Reason: In accordance with BS 5837:2012, NPPF 2018 and UK

Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018.

13. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. 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.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy EQ 4 of the South Somerset Local Plan 2006 - 2028.

14. No development shall commence unless a Construction Traffic 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.

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 commencement, and thereafter maintained until the use of the site

discontinues.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety and to protect the residential amenity of local residents, in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 – 2028.

15. No works for the excavation of foundations or road alignments and routes shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with 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. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (2021) and the Flood and Water Management Act (2010). The drainage scheme shall define the rate and volume of surface water runoff during and post development. Such works shall be carried out in accordance with the approved details.

These details shall include:

- 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.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Details to ensure that any flow from offsite will be adequately managed to prevent and manage flood risk to the proposed

- development site, or elsewhere.
- Any works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.
- Flood water exceedance routes both on and off site, noting, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled onsite and within the designed exceedance routes demonstrated to prevent flooding or damage to properties. Flood events in excess of the 100 year+40% climate change event must be managed within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. This should include any watercourses under riparian ownership of the site.

Reason: To ensure a satisfactory method of drainage in accordance with guidance set out in the National Planning Policy Framework and Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

16. The proposed highway access shall be constructed in accordance with details shown on the submitted plan, drawing number 1278_0720_P2 Site Access Layout, and shall be available for use before commencement of any other part of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

17. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (drawing number 1278_0720_P2 Site Access Layout) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times. Prior to the development hereby permitted being first brought into use the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

18. Any proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

19. There shall be no works for the construction of any of the internal roads or footpaths until full details of proposals for:
- The re-surfacing of the public footpath along the eastern boundary of site, from the railway station gate at the northern end of the footpath to the junction with Ansford Hill at the southern end,
 - The provision of a footpath link from the residential development to the footpath along the eastern boundary of the site, and
 - Provision of improvements to the existing footway along Ansford Hill on the southern edge of the site such that the

footway is no less than 2m in width;

To include timetables for implementation and specifications for construction and maintenance where they are not offered for public adoption have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter accord with the approved details.

Reason: In the interests of highway safety, in accordance with Policy TA5 of the adopted South Somerset Local Plan 2006 - 2028.

20. 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 Local 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.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy EQ4 of the South Somerset Local plan 2006 - 2028. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

21. There shall be no development above damp proof course level until samples of materials for all walls, roofs, boundary and screen walls and hard surfaces including paving have been submitted to, and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved materials.

Reason. To ensure the finish and appearance of the development is satisfactory and accords with the requirements of Policy EQ 2 of the South Somerset Local Plan 2006 – 2028.

22. Prior to the excavation of any foundations, plans showing finished floor levels and threshold levels for new openings to the buildings hereby approved have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

23. Prior to the excavation of any foundations, a noise mitigation scheme to demonstrate that the development will be constructed to provide sound attenuation against external noise in accordance with BS8233:2014 shall have been submitted to and approved in writing by the Local Planning Authority. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq, 16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time weighting) shall not (normally) exceed 45dBLAmax. The noise mitigation scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with Policy EQ 2 of the South Somerset Local Plan 2006 - 2028.