

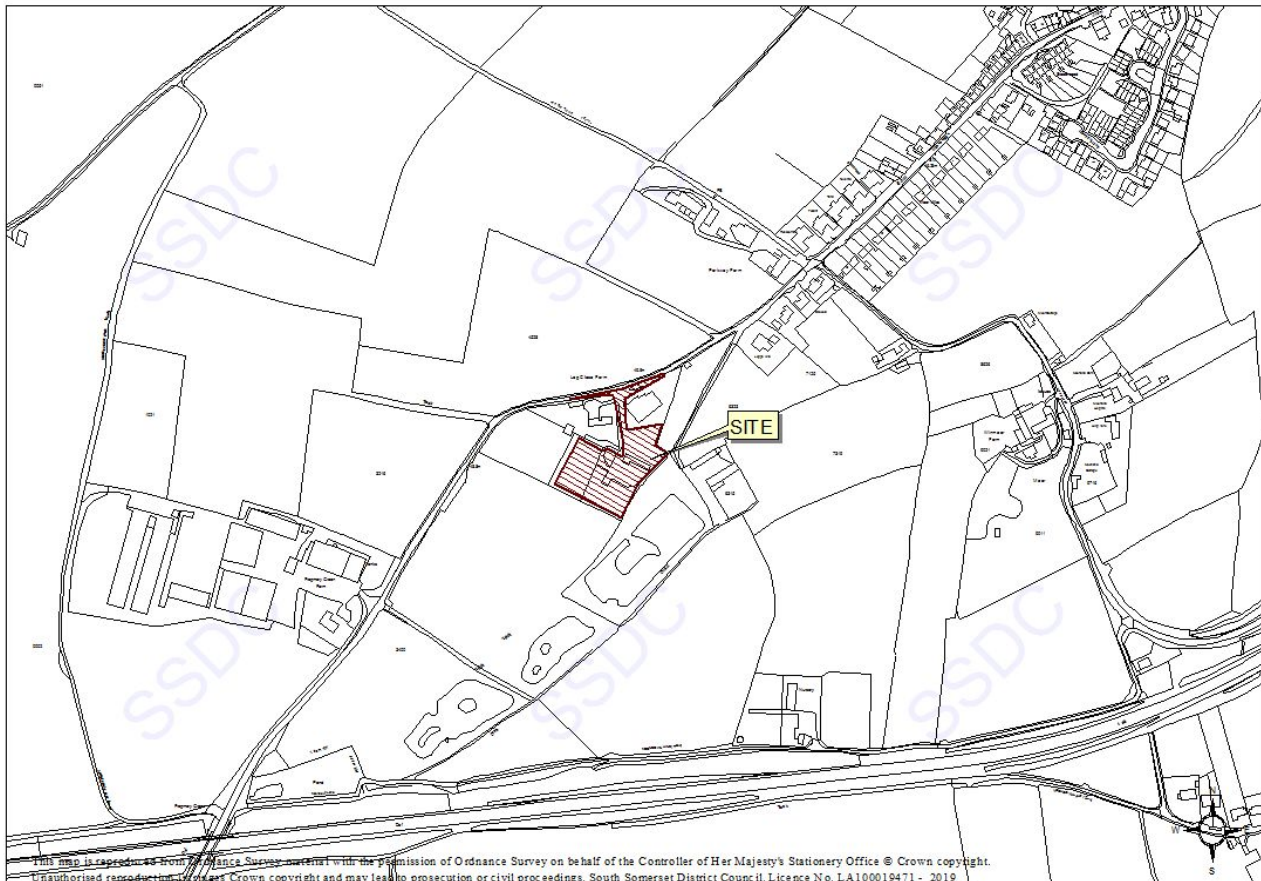
Officer Report on Planning Application: 18/03416/FUL

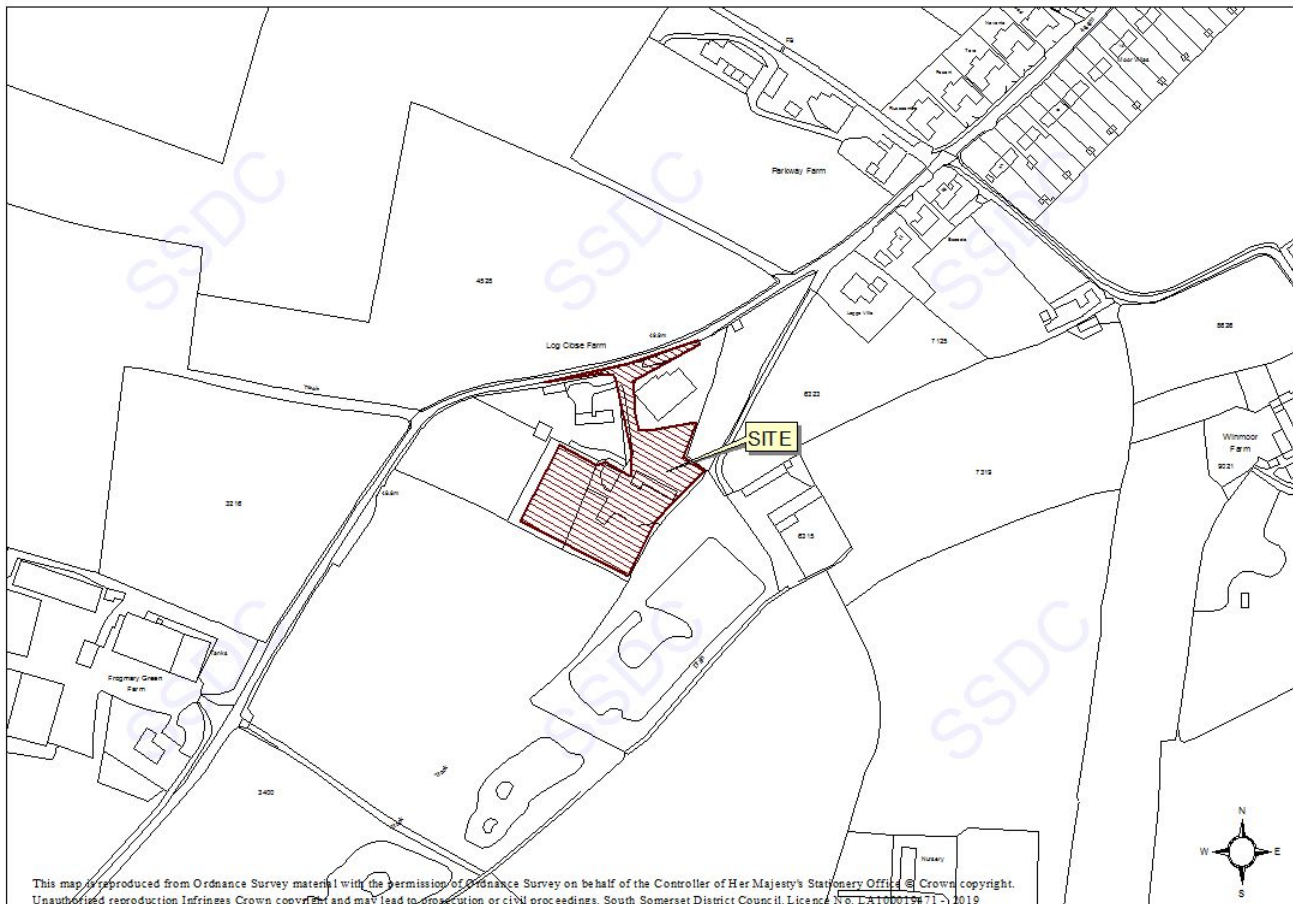
Proposal:	Demolition redundant commercial buildings and erection of 9 dwellings and change of use of commercial unit to accommodate 4 self contained commercial B1 units (Town and Country Use Classes Order 1987 (England) (As amended)).
Site Address:	Land Rear Of The Old Garage, West Street, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members	Councillor Adam Dance Councillor Crispin Raikes
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date:	18th January 2019
Applicant:	Mr Costigan
Agent: (no agent if blank)	Boon Brown Architects Ltd, Motivo, Alvington, Yeovil BA20 2FG
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is being referred to committee to at the request of the ward member and with the agreement of the Vice Chairman due to planning concerns being raised over the neighbourhood plan and drainage.

SITE DESCRIPTION AND PROPOSAL





This is an application seeking planning permission for the demolition of redundant commercial buildings and the erection of 9 dwellings and change of use of commercial unit to accommodate 4 self-contained commercial B1 units at The Old Garage, West Street, South Petherton.

The site is located on the south western fringe of South Petherton. There is a dwelling house located to the north of the site and dwellings to the northeast. Directly to the east are some other commercial units.

HISTORY

17/03997/DPO: application to vary a S106 agreement dated 01/11/91 between South Somerset District council and JPJ Rawle and PE Rawle related to planning permission 903159 to vary wording of tie - permitted

17/01206/S73A: application to vary condition 3 (occupation tie) and 5 (business use) of planning permission 903159 to vary the occupation tie and allow B1, B2 and B8 uses - approved 02/06/17

903159: erection of workshop and offices for motor vehicle repairs and servicing and occupation of dwellinghouse in association with the business - approved 11/11/91

851635: erection of a dwelling (reserved matters) - approved 26/09/85

842173: erection of a farm workers house (outline) - approved 18/07/85

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11 and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS4 - District Wide Housing Provision
Policy SS5 - Delivering New Housing Growth
Policy EQ1 - Addressing climate change in South Somerset
Policy EQ2 - General Development
Policy EQ4 - Biodiversity
Policy EQ5 - Green Infrastructure
Policy EQ7 - Pollution control
Policy EP3 - Safeguarding Employment land
Policy TA1 - Low Carbon Travel
Policy TA5 - Transport impact of new development
Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 5: Delivering a sufficient supply of homes
Chapter 6: building a strong, competitive economy
Chapter 9: Promoting sustainable transport
Chapter 12: achieving well designed places
Chapter 14: meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance Design

Policy-related Material Considerations

Somerset County Council Parking Strategy
Somerset County Council Highways Development Control - Standing Advice
South Petherton Neighbourhood Plan

CONSULTATIONS

South Petherton Parish Council:

Recommend "approval with the recommendation that there are conditions imposed by highways, Wessex Water and the Environment Agency, particularly in respect of water run off and dispersions."

SCC Highway Authority:

No objection, subject to conditions, full comments are available on the file.

SSDC Highway consultant:

"Refer to SCC comments"

Ecologist:

No objection subject to conditions, full comments are on the file.

Environmental Protection Unit:

No objection subject to recommended conditions, full comments are on the file.

South West Heritage Trust:

No objection on archaeological grounds.

Somerset Wildlife Trust:

"We have noted the above mentioned planning application as well as the supporting ecology report provided by Encompass Ecology. We would fully support the proposed enhancements in terms of bird and bat boxes. We would also request that all external lighting is designed so as to be low light-pollution design, that all boundaries are designed so as to allow the free passage of small mammals and that all landscaping is of native trees which will support wildlife. All of these proposals should be included in the planning conditions if it is decided to grant planning permission."

Environment Agency:

No objection subject to recommended conditions and informatives, full comments are available on the file.

Economic Development:

"...we have re-evaluated the proposal and would like to withdraw our previous objection to the site. The subsequent letter submitted from Mr Travers of Boon Brown Architects outlines the business's future in greater detail and explains the economic benefits of the application.

From an economic development prospective there are two key reasons which have justified our decision:

1. The business has outgrown its current premises and the development will allow the owners to relocate and reinvest in the business. This has the potential to improve contract frequency and would lead to the creation of additional employment opportunities in the area.
2. The owner has plans to refurbish the existing workshop and create 3-4 smaller business units. We believe that these will add benefit to the local economy by providing businesses with the opportunity of an attractive "starter unit". Maintaining this as an employment use is critical and we would require a planning condition that reflects this. "

REPRESENTATIONS

Three neighbours were notified and a site notice displayed. 6 no. objections, comments in summary are:

- Increase volume of traffic
- Lack of commercial units in the area and development may stop approved business units being built
- New dwelling would have a negative impact on existing business (eternal kitchens)
- Against the village plan
- Contradicts the RDPE Growth Programme
- Current and future businesses will disrupt new residents by way of noise.
- Staff redundancies if business disrupted or made to close
- Flood risk, their drainage must not go into private ditch, there is no legal right of easement
- Additional security measure will be required
- Noise from residents could affect business
- Do not want to have to relocate again

- There is a tie on the house
- Adverse impact on wildlife
- Local amenities over stretched
- Proposed housing is outside of the village with no pavement.

7 no. support, comments in summary are:

- Provides lifelong housing (bungalows)
- Good access and off road parking provided
- Allows for several smaller commercial units
- Development will enhance the area

CONSIDERATIONS

The main issues to assess as part of this application is the principle of development, sustainability, impact on ecology, flooding, highway safety, visual amenity and residential amenity.

Principle of Development and Sustainability:

There have been objections and support for the proposal and the Parish Council support the scheme.

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 11 which states that where development plan policies are out-of-date planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and limited weight is given to housing policies within the SSLP.

The site is located on the edge of South Petherton which is classified as a rural centre within policy SS1. This policy states that development should meet local housing need, extend local services and supports economic activity appropriate to the scale of the settlement.

Regard also needs to be had to the South Petherton Neighbourhood Plan and the policies within it. The Neighbourhood Plan sets out that one of the visions is to cater for the needs of the older population, this application is for the erection of 9 no. bungalows. Policy H3 of the Neighbourhood Plan sets out a need for 1-2 bedroom ground floor units, and development to have a mixture of housing to meet the need. 3 no. bedroom bungalows are proposed with no mixture of units, however whilst this only partially meets the requirements set out in policy H3 it is providing a housing need that is not met and without a five year land supply only limited weight can be given to housing policies.

South Petherton would prefer to have development within their development area, however policy NE2 of the Neighbourhood Plan allows development to the edge of it where certain criteria is met, such as the housing need, design and impact on landscape character. It is considered that the housing need is being met by the provision of bungalows in accordance with the vision of the Neighbourhood Plan,

matters of design etc. will be addressed further within this report.

An access Statement has been submitted with the application, to deal with vehicular access to the site and the sustainability of the site and access to it on foot or by bicycle. Paragraph 103 of the NPPF states that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision making.'

The centre of South Petherton is approximately 1000m from the site and access would be along West Street, which has footpaths and lighting for most of the route. The application shows that a new footpath would be created as part of the scheme along the site frontage from the access point to the northeast. There is also a footpath to be constructed as part of a site close to this one, for which the planning consent has started to be implemented. The Access Statement states;

"This would mean that there would be an approximate 50m length of West Street between the current application site and the Parkway Farm scheme along which residents would have to walk within the carriageway; however, given this short distance (it would take about 40 seconds to walk this section using a typical walk speed of 80m per minute), and the relatively straight alignment of the road and the observed low vehicle speeds, it is not considered hazardous for pedestrians to walk on the road."

It is considered that the development would represent a sustainable development with opportunities for future residents to access South Petherton using sustainable modes of transport.

It is considered that the principle of housing in this location is acceptable and in accordance with policies SD1, SS1, SS4 and SS5 of the SSLP, policy NE2 of the South Petherton Neighbourhood Plan and the NPPF.

Whilst some of the employment land will be built on the application is also to retain the larger commercial building and sub-divide this into 4 no. smaller units. Economic Development have met with the agent on site and looked at supporting information submitted. They consider that there is a need for smaller commercial units in the district and as such support the proposal. This is further reflected within the Neighbourhood Plan and policy LE1. In this instance as employment land is to be retained and smaller units provided it was not considered, on balance, to insist on the premises being marketed. Economic Development accept the owner's argument to find larger premises and make 4 no. smaller commercial unit. A letter of objection further highlights that there is a lack of commercial units in the area and the RDPE Growth Programme supports smaller units.

It is considered that it has been demonstrated that the loss would not demonstrably harm the settlements supply of employment land/premises and /or job opportunities. Furthermore the overall loss is not considered significant on a settlement wide employment provision, supported by Economic Development agreeing there is a need for smaller units. Therefore the proposal is considered to be in accordance with policy EP3 of the SSLP, policy LE1 of the South Petherton Neighbourhood Plan and the NPPF.

It is considered that the principle of the development would comply with the NPPF, policies SD1, SS1, SS4, SS5 and EP3 of the South Somerset Local Plan and the policies within the South Petherton Neighbourhood Plan.

Ecology:

Objections have been raised to the proposals impact to wildlife. The agent has submitted a Preliminary Ecological Assessment and the County Ecologist has raised no objection subject to recommended conditions.

The plans indicate that there will be a wildlife corridor to encourage ecological enhancement.

It is considered that the proposed development is in accordance with policies EQ4 and EQ5 of the SSLP.

Flooding:

Objections have been raised to flooding from the site and also the use of a private ditch. The South Petherton Neighbourhood Plan states that "Where sustainable drainage systems are introduced, a management plan should be put in place for future maintenance of the system."

This application has been made with the agent providing additional information stating that "mains drainage" will not be used and the application has been updated to say "other" in regard to drainage. As this is a site of under ten dwellings there is no requirement for drainage details to be agreed at this stage or for the LLFA to be consulted.

The agent has stated that his client is of the opinion that there is an easement to discharge into the watercourse. This is disputed by the neighbouring property, however this is a civil matter between each party, if water cannot drain into the watercourse than an alternative means will need to be sought or the development will not be able to comply with building regulations.

The Environment Agency were consulted, as the site was within a Source Protection Zone, in addition to this contact has been made with them by an objector. The EA have raised no objection to the proposal subject to conditions and informatives. The site is not within flood zone 2 or 3.

It is considered that, subject to conditions, the scheme can be provided in accordance with policies EQ1 and EQ7 of the SSLP and the NPPF.

Visual Amenity:

The submitted Design and Access Statement sets out the material palette for the proposed development, which is in keeping with the character of other properties within South Petherton.

The plans indicate that the dwellings will be 3 no. bedroom bungalows all set out in the same design. They will all have off road parking and private rear gardens. The plans indicate landscaping and the wildlife corridor, all of which will be conditioned.

There have been no objections raised to the design of the development.

Whilst on the edge of South Petherton, and with countryside to the south and southwest, the development will predominantly take place on previously developed land, with the removal of some dilapidated sheds/storage areas. Although not in line with the linear form of development further to the northeast of the site, there are commercial units (existing and approved) to the east which are also away from the linear form of development. The dwellings are clustered together and create their own sense of character. It is considered that with appropriate landscaping the development will not adversely affect visual amenity or the landscape character.

There will be no external changes to the business unit to be retained. Works inside for the internal subdivision are shown on a submitted floorplan.

It is considered that the proposed development by reason of location, scale, design and materials does not adversely affect visual amenity or landscape character in accordance with policy EQ2 of the South Somerset Local Plan.

Residential Amenity:

Given the location and scale of the dwellings it is considered that there will be no adverse impact on residential amenity by way of over bearing or overlooking.

An objection has been raised in regard to future residents complaining about noise from neighbouring businesses which could result in them having to close. Also concern is raised on noise from the

residential development affecting the business premises. Concern over the Anaerobic Digester to the west of the site were also raised.

Environmental Protection were consulted initially and raised no objection subject to a land contamination conditions. They were further contacted when objections were received and in response to issues of noise and they stated that they had no historical complaints about the anaerobic digester and have no further comments to make.

The Environment Agency raised no objection but requested an informative to inform the developer that "should planning permission be granted, if the AD operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the installation and community will co-exist, with some residual impact. In some cases, these residual impacts may cause concern for local residents. Only in very exceptional circumstances would the Environment Agency revoke the operators Environmental Permit."

It is considered that there should be no adverse impact from the AD plant if operated correctly and as such no adverse impact on future residents.

With regard to noise there is unlikely to be an adverse effect of noise from residential activity on the neighbouring business to the east, especially when the site is currently used for Steel fabrication with outdoor activity taking place. The business to the east is concerned over complaints against his business being made or the future businesses, as there is consent for 4 no. units on the adjoining site. Equally this proposal seeks to have 4 no. units created within the existing building.

The neighbouring business and approved units have a condition on them to restrict hours of operation, these were put in place due to the commercial activity being near to already existing residential units to the northeast and the dwelling known as Second Chapter to the northwest. It is noted that the objector does not adhere to these restrictions stating in his letter that deliveries turn up early. If complaints over noise were received then the planning authority would be within their rights to enforce compliance with the restricted conditions on the planning consent granted for premises to the east of the site. To ensure that the proposed 4 units that form part of this application do not adversely affect residential amenity it is considered reasonable to put on the same time restrictions for opening hours.

It is considered that the proposal will have no significant adverse impact on residential amenity in accordance with policy EQ2 of the South Somerset Local Plan.

Highway Safety:

There have been objections raised to the application due to the increase in traffic to the site.

The application was submitted with an Access Statement. County Highways have reviewed this document and have no objections to the proposal subject to conditions. The document concluded that the cumulative impact of the development, in regard to traffic generation, would not be severe. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Parking requirement of the new development is 22.5 spaces for residents and 1.8 visitor spaces, resulting in a total of 24 spaces. The development shows provision for 22 spaces in total, this is considered to be acceptable in meeting the optimum standards set out in the Somerset Parking Strategy, as if required visitors can park on the shared surface, which does not form part of the public highway, and the standards listed are 'optimum' not minimum.

The sub-division of the commercial unit to 4 no. units, does not result in any increase in floor area. The total floor area of the units, not including welfare space and reception, is 351sq m. The Somerset Parking

Strategy requires the provision of 8.7 spaces based on this floor area. The plans indicate that there will be a total of 13 spaces provided in connection with the commercial activity, which exceeds the required amount and as such the level of parking is acceptable.

Policy TA1 requests that all new development meet certain criteria. It is considered reasonable in this instance to condition that the development includes an electric charging point for vehicles in connection with each new residential unit.

It is considered that the proposed parking and access is acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the implementation of the necessary condition will also enable the development to be in accordance with policy TA1 of the South Somerset Local Plan and the South Petherton Neighbourhood Plan.

Conclusion:

The proposed development will lose some employment land, however will result in providing housing and smaller commercial units which will both support the economy and meeting the housing demand within this rural centre.

RECOMMENDATION

Approve

01. The proposed development, by reason of location, design, scale and materials meets local housing need in a rural centre, and supports economic activity appropriate to the scale of the settlement, does not demonstrably harm the settlements supply of employment land/premises and /or job opportunities and does not cause significant harm to the visual amenity, landscape character, residential amenity, ecology, flooding or highway safety in accordance with the aims and objectives of policies SD1, SS1, SS4, SS5, EQ1, EQ2, EQ4, EQ5, EQ7, EP3, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028), the South Petherton Neighbourhood Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

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

Drawing no. 3881-BB-SK-00-SK-A-100 Revision B received 2 April 2019
Drawing no. 3881-BB-SK-00-SK-A-101 Revision B received 4 December 2018
Drawing no. 3881-BB-SK-00-SK-A-107 received 2 July 2019
Drawing no. 3881-BB-SK-00-SK-A-102 received 18 October 2018
Drawing no. 3881-BB-SK-00-SK-A-105 received 18 October 2018
Drawing no. 3881-BB-SK-00-SK-A-104 received 18 October 2018

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

03. The external surfaces of the development hereby permitted shall be of materials as shown on approved drawing no. 3881-BB-SK-00-SK-A-102 and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Prior to any works to the natural stone external walls full details of the new natural stonework, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, shall be provided to and approved in writing by the Local Planning Authority; the submitted details shall be supported with a sample panel to be made available on site for inspection. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a) all previous uses;
 - b) potential contaminants associated with those uses;
 - c) a conceptual model of the site indicating sources, pathways and receptors; and
 - d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the NPPF and policy EQ7 of the South Somerset Local Plan.

06. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

The submitted CEMP must include safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Reason: To prevent pollution of the water environment and to accord policy EQ7 of the South Somerset Local Plan and NPPF.

07. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and climate change adaptation and to accord with policy EQ1 of the South Somerset Local Plan

08. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

09. Construction work shall not begin until a scheme for protecting the proposed noise-sensitive development from noise from the nearby business unit has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any part of the noise-sensitive development(s) is occupied.

Authorities should give applicants guidance on the maximum noise levels to be permitted within or around the noise-sensitive development so as to provide precise guidelines for the scheme to be permitted.

A noise survey utilising BS4142:2014 should be undertaken.

Reason: To protect those living in the dwellings from traffic or other external noise sources, in accordance with policy EQ2 of the South Somerset Local Plan.

10. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared in-writing and submitted to the Council for their approval. Upon approval in writing by the Council, the scheme of tree and hedgerow protection measures (specifically any required ground-protection, fencing and signage) shall be installed and made ready for inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at planning@southsomerset.gov.uk or call 01935 462670). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

11. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm

the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

12. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

13. No external artificial lighting associated with the development shall be installed that will illuminate the scattered trees along the southern and eastern boundary.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity.

14. No vegetation removal works around the site, and the demolition of shed with nesting evidence for wren and house sparrow, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings to be demolished and trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as

amended). Although this is a legal obligation the law does not specify a time period, some species can breed outside the time frame given.

15. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather [(limited rain and wind, with temperatures of 10°C or above)] before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings must be submitted to the Local Planning Authority by the ecologist responsible.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4. Reptile species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

16. Prior to the first occupation of the dwellings hereby approved the following shall be installed/implemented and thereafter retained
- 4 x Schwegler 2FN bat box, or similar, to be erected on the proposed new dwellings (4 separate houses) or any suitable trees on site. This should be installed facing a southerly direction approximately 3-5m above ground.
 - 9x Schwegler 17b swift nest boxes, or similar, will be installed under the eaves and away from windows on a north facing elevation of separate dwellings.
 - 9x Schwegler 1SP sparrow terraces, or similar, will be installed under the eaves and away from windows on a north facing elevation of separate dwellings.
 - 1 x bee brick (<https://www.nhbs.com/bee-brick>), or similar, to the southern or western elevation of each separate dwelling.
 - Garden fencing between properties will feature small mammal holes at the base of the fence, keeping to the minimum size of 13x13cm, to allow hedgehogs to move freely between the new and existing properties.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

17. The proposed access and new footpaths shall be constructed in accordance with details shown on the submitted plan, drawing number 3881-BB-SK-00-SK-A-101-B and shall be available for use before occupation of the dwellings hereby permitted. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

18. The gradient of the proposed access shall not be steeper than 1 in 14. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

19. 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 be submitted to and approved in writing by the Local Planning Authority prior to installation. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

20. The proposed estate roads, footways, street lighting, sewers, drains, 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 further to policy TA5 of the South Somerset Local Plan 2006-2028

21. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

22. At the proposed access there shall be no obstruction to visibility greater than 600mm above adjoining road level within the visibility splays shown on the submitted plan. 3881-BB-SK-00-SK-A-101-B. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

23. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

24. Prior to first occupation of the dwellings hereby permitted, a 16amp electric charging point for electric vehicles shall be provided adjacent to the parking spaces for each residential unit. Once installed such electric charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

25. Within 3 months of the last bungalow being occupied the existing employment unit (as shown on drawing no. 3881-BB-SK-00-SK-A-107) shall be made available as 4 no. individual units and shall not be used other than for those activities which fall within the definition of Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of residential amenity and to meet an employment need in accordance with policies EQ2 and EP3 of the South Somerset Local Plan 2006-2028.

26. No machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the commercial units outside the hours of 07.30 - 18.30 Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.

Reason: in the interest of residential amenity and to accord with policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028

Informatives:

01. The foul drainage provisions for the development will require an Environmental Permit to be granted by the Environment Agency if more than 5 cubic metres (5,000 litres) per day is to be discharged. The developer can find further advice here - <https://www.gov.uk/permits-you-need-for-septic-tanks>
02. The site falls within a groundwater Source Protection Zone 2 (SPZ 2). This is a zone of protection surrounding a nearby drinking water borehole, which is vulnerable to pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx>
03. The EA note that the proposed new housing is approximately 250 metres from an existing Anaerobic Digestion (AD) Plant: an installation the Environment Agency currently regulates. Placing a new community here could result in residents being exposed to noise, dust, pests and in particular odour. The severity of the impact of odour may be significant where it is a large AD site and the proposed development is in a down (prevailing) wind direction from the site. Should planning permission be granted, if the AD operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the installation and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause concern for local residents. Only in very exceptional circumstances would the Environment Agency revoke the operator's Environmental Permit. Therefore we advise you to consider the suitability of the land use for housing development under an appropriate range of weather conditions in relation to the AD site.
04. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition, in regard to water efficiency, will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

05. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
 06. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).
 07. A section 171 licence will be required for the proposed works within or adjacent to the highway, the application form for which is available from the Traffic and Transport Development Group, Somerset County Council: Tel - 01823 356011.
 08. The applicant will be required to enter into a suitable legal agreement to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement.
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