

Area South Committee

Wednesday 3rd July 2019

2.00 pm

**Council Chamber, Council Offices,
Brympton Way, Yeovil, BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

John Clark
Nicola Clark
Karl Gill
David Gubbins
Peter Gubbins
Kaysar Hussain
Andy Kendall

Mike Lock
Pauline Lock
Tony Lock
Graham Oakes
Wes Read
David Recardo
Gina Seaton

Peter Seib
Alan Smith
Jeny Snell
Andy Soughton
Rob Stickland

Consideration of planning applications will commence no earlier than **2.00pm**

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 24 June 2019.

Alex Parmley, *Chief Executive Officer*



This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area South Committee are held monthly, usually at 2.00pm, on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
www.southsomersex.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area South Committee

Wednesday 3 July 2019

Agenda

Preliminary Items

1. Minutes of previous meeting

To approve the minutes of the Area South Committee held on Wednesday 5th June 2019.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the District Council's Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Peter Gubbins, Tony Lock, David Recardo and Andy Soughton.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public question time

5. Chairman's announcements

6. Reports from representatives on outside organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

Items for discussion

- 7. Schedule of Planning Applications to be Determined by Committee** (Pages 6 - 7)
- 8. Planning Application: 19/00825/HOU - 27 Carisbrooke Gardens Yeovil Somerset**
(Pages 8 - 14)
- 9. Planning Application 18/02750/FUL - The Park School The Park Yeovil Somerset**
(Application withdrawn from the agenda) (Pages 15 - 30)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 7

Schedule of Planning Applications to be determined by Committee

Director: Martin Woods, Director - Service Delivery
Service Manager: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area South Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Please note: Consideration of planning applications will commence at 2.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.45pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
8	YEOVIL SUMMERLANDS	19/00825/HOU	Raising of front garden to form private parking space. (Part retrospective).	27 Carisbrooke Gardens Yeovil Somerset	Miss Leanne Gray
9	YEOVIL WESTLAND	18/02750/FUL	Demolition of former school buildings and facilities and the erection of 24 new dwellings with associated landscaping, parking and access arrangements	The Park School The Park Yeovil Somerset	Stonewater Ltd

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 8

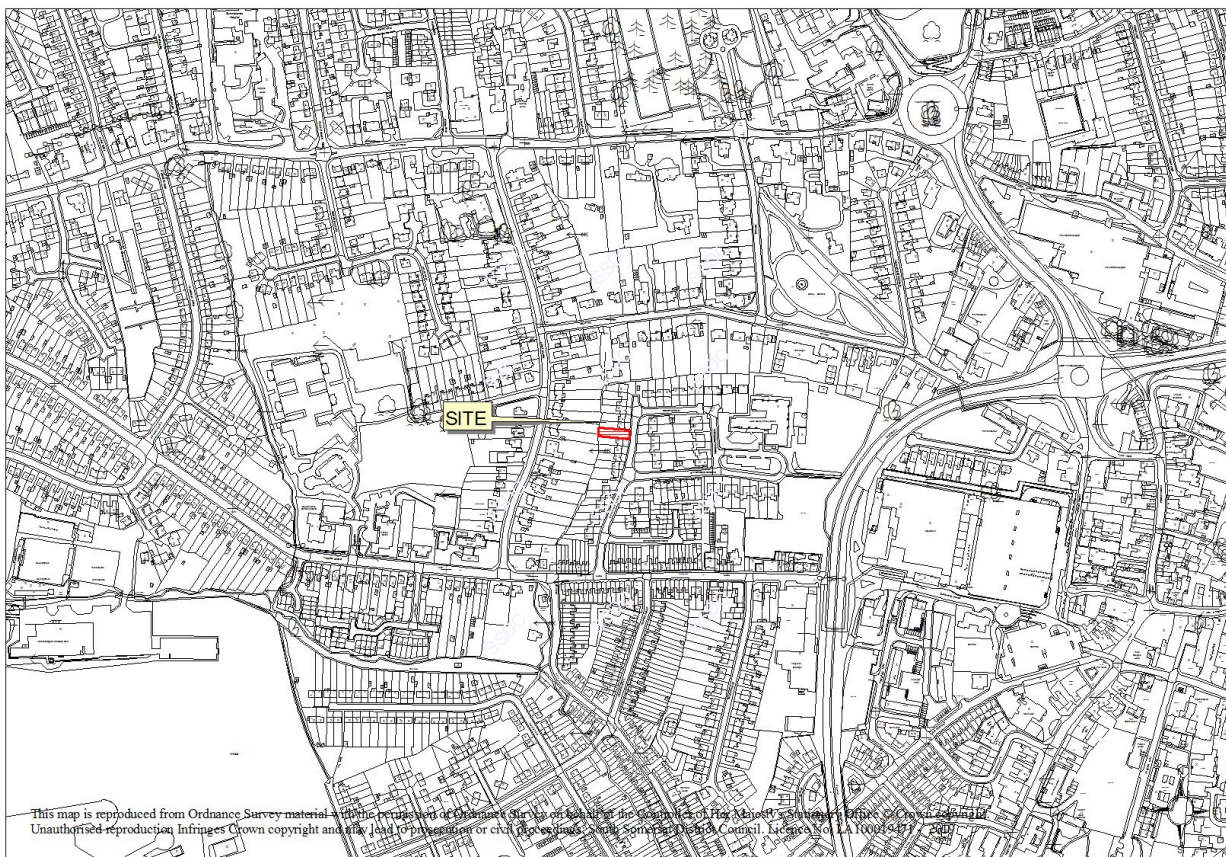
Officer Report On Planning Application: 19/00825/HOU

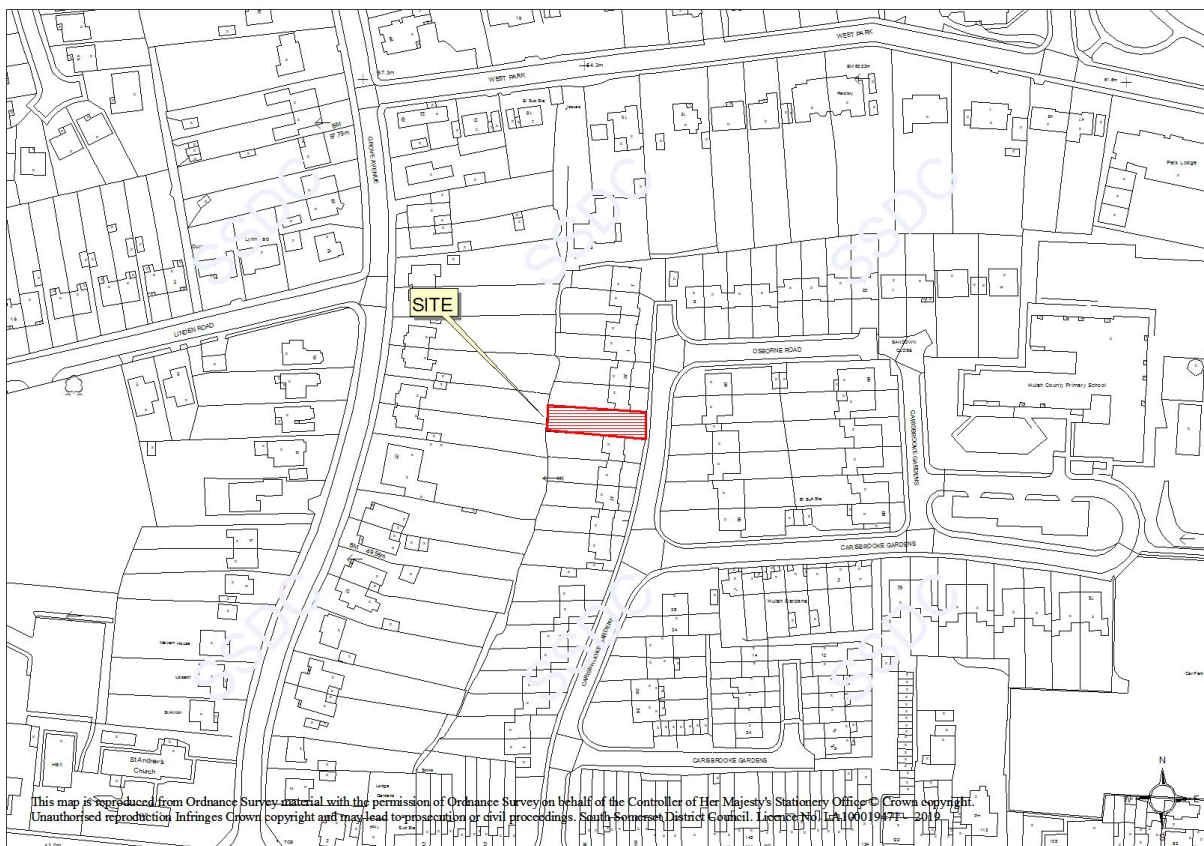
Proposal :	Raising of front garden to form private parking space. (Part retrospective).
Site Address:	27 Carisbrooke Gardens Yeovil Somerset
Parish:	Yeovil
Yeovil (Summerlands) Ward (SSDC Member)	Cllr J Clark Cllr W Read Cllr P Lock
Recommending Case Officer:	Jane Green – Case Officer
Target date :	24th May 2019
Applicant :	Miss Leanne Gray
Agent: (no agent if blank)	Mr Robin Bryer The Office Princes Place Closworth Yeovil Somerset BA22 9RH
Application Type :	Other Householder - not a Change of Use

Reason for referral to Committee

This application is referred to the Ward Members as the application has attracted support and objection from neighbours.

Site Description and Proposal





27 Carisbrooke Gardens is a mid-terraced two storey dwellinghouse located into residential area. The road rises from south to north and the properties on the west side of the road are sited much lower down than the road. Drives to garages of the properties on this side are therefore on relatively steep gradients. Most front gardens in the road are either sloping grassed or terraced flower beds or as this property, terraced patio slabs and gravel hardsurfacing. The area enjoys a relatively open nature with a few low boundary treatments to the front of properties.

There is unrestricted on road parking on the west side of the highway. The classification of the highway is unclassified.

The application seeks planning permission for the raising of the front garden to form a private parking space, which is part retrospective. Engineering works have been part completed to construct a raised area to allow a vehicle to access the site from the highway, level with the pavement and with a proposed slope towards the property. The retaining wall measures approximately 1.8m high from natural ground level according to the plans. The proposed materials are brick with timber and steel support behind. The proposed hardstanding is permeable block paving.

HISTORY

18/00289/OPERA - Creation of raised off road parking area - Open enforcement case

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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.

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

Policies of the adopted South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
SS1 - Settlement Hierarchy
EQ1 - Addressing Climate Change in South Somerset
EQ2 - Design and General Development
TA5 - Transport Impact of New Development
TA6 - Parking Standards

National Planning Policy Framework (2019)

Chapter 9 - Promoting Sustainable Transport
Chapter 12 - Achieving well-designed places

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

Somerset County Council Parking Strategy (SPS) (Sep 2013) and Standing Advice (June 2017)

CONSULTATIONS

Yeovil Town Council - Recommend approval

COUNTY HIGHWAY AUTHORITY - Standing advice applies

SSDC HIGHWAYS CONSULTANT - The main issue with this scheme is the length of parking space. The Somerset Parking Strategy states that a parking space should be 4.8m long. The proposed space is 4.6m long. While it may be considered by some that 200mm is not significant, there are a number of issues to consider. Accepting a shortened distance could set a precedent. There appears to be no physical reason why a 4.8m long space cannot be provided in this case. The justification for accepting the proposed length is that the applicant's vehicle is shorter than 4.8m; however, this may not be the case for future occupiers of the dwelling. Large cars and vans are at least 4.8m long. Most importantly, the SPS guidance states that 'All of the minimum dimensions specified (4.8m) assume that sufficient space will be provided to access the vehicle (and operate any doors), more space may be required if obstacles (such as walls or hedges) are in close proximity.' The Highway Code advises motorists to reverse off the public highway into parking spaces.

Even taking into account the dimensions of the applicant's own vehicle, it is unlikely to be possible to access the boot of the vehicle given the significant drop to the rear of the space. The highway authority has stated that it accepts the applicant's vehicle would be able to park within the proposed length but goes on to state that this does not account for future conditions or vehicles and that SSDC is within its right to take its own view on the matter. In addition to the above, I think more details should be submitted in respect of the proposed fence to the rear of the space given the significant drop to ground level beyond.

The planting either side of the access to the rear of the pavement would need to be contained to a maximum height of 600mm within the appropriate pedestrian/vehicular inter-visibility splays - these splays should be shown on the plans in accordance with the guidance set out in the SCC Highways Development Control Standing Advice. The parking space must be properly consolidated and surfaced (not loose stone or gravel). In light of the above, amended plans should be submitted satisfactorily addressing all the various matters.

I have reviewed and considered the letter dated 30 April 2019 submitted by the agent.

With regards to the length of the parking space, I am still of the opinion that there appears to be no physical reason why a 4.8m long space cannot be provided in this case. I realise that this would mean the space is 200mm closer to the house but from a technical viewpoint it's achievable. Whether or not this then constitutes unacceptable harm in terms of amenity or visual impact would be a planning matter to determine. As I have stated previously, the SPS guidance states that 'All of the minimum dimensions specified (4.8m) assume that sufficient space will be provided to access the vehicle (and operate any doors), more space may be required if obstacles (such as walls or hedges) are in close proximity. This is the case in this instance whereby there is a real prospect of the vehicle owner requiring access to the boot of the car yet having very limited space to achieve such access, coupled with a significant drop down to ground level with only a short fence to prevent such a fall. So it is the combination of a shortened parking space with inadequate protection to prevent a possible fall from the rear of the space.

The requested pedestrian/vehicular inter-visibility splays could be shown on the plan and are unlikely to encroach on third party land. Guidance on how to draw these 45 degree splays is set out in the SCC Standing Advice document in one of the appendices.

The proposed surfacing of the parking space (permeable paving) is accepted.

In summary, therefore, I stand by the comments I made at the outset, particularly in respect of the length of the parking space and the boundary treatment to the rear of the space

REPRESENTATIONS

4 neighbours were notified and a site notice (general interest) displayed, representations (support and objection) received summarised as follows:

- Support the proposal for increased parking (3 representations)
- No similarities with application to the Meadow Road area as stated
- Impact on Number 25
- Poor and illegible plans
- Encroachment of structure
- Health and safety issues
- Consideration should be given to a disability marked parking space on the road
- Proposal too wide
- Drainage concerns

CONSIDERATIONS

Principle of Development

The development of existing residential properties is usually acceptable in principle subject to the proposed development being in accordance with Development Plan policies. In this case, the main considerations will be the impact on the visual amenity of the area, the residential amenity of neighbouring residents and highway safety.

Visual Amenity

Policy EQ2 of the South Somerset Local Plan states that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. The National Planning Policy Framework (NPPF) also highlights the importance of high quality design.

When considering such a proposal it is important to ensure that the design, scale and appearance is appropriate to avoid dominating the existing house.

Given the proposal is part retrospective an actual view of the development can be seen. In this respect when assessing the visual impact of the proposal in the streetscene the impact of the proposal is not as significant as you may think. Given the view of parked cars along the road the proposal is relatively discreet in its existing state. The submitted plans indicate that there are no plans to introduce any safety barriers either side of the hardstanding but one on the west side approximately 0.3 metres high, assumingly to assist in preventing a vehicle in reversing off the raised area in error. Such introduction of any barriers would make the proposal much more prominent in the streetscene. Barriers may also be required either side for the safety of users of the parking area.

Consideration is also given to the visual impact of the proposal when viewed from the residential properties located to the west of the development. In particular number 25 Carisbrooke Gardens and the application property, number 27. Whilst it is acknowledged the applicant would have considered the impact of the proposal on their own property, the occupants of the neighbouring property would not. Given their existing outlook would have been of a terraced front garden with the height of the retaining wall nearest the properties being 0.8 metres high, (according to the plans), the visual impact of the new retaining wall (1.8m) plus the barrier (0.3m) and with the added height of a vehicle to be parked on the raised area, the visual impact for the neighbour in terms of outlook is significant and is considered of a poor design.

As such the proposal fails to achieve high quality which promotes South Somerset's local distinctiveness contrary to policy EQ2 of the Local Plan. There is little scope for mitigation by planting due to the height and close proximity to the neighbouring property and it is noted there are no similar developments in the street.

Impact on Residential Amenity

A number of neighbour objections have been received from the occupants of number 25. Future occupants of the neighbouring properties are also considered. Policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) states the development proposal should protect the residential amenity of neighbouring properties.

The height of the retaining wall and barrier have been previously been discussed and the fact that the raised area will be used for the parking of a vehicle is also a consideration here. The development is immediately adjacent to the neighbouring property boundary and within 2 metres of the window that serves their living room. Impact of overbearing and overshadowing is considered an issue given the short distance and height of the proposal. The use of the neighbour's living room is considered compromised and demonstrable harm to residential amenity is caused.

It is therefore considered that the proposal would demonstrably and adversely impact upon residential amenity, and is therefore not in accordance with policy EQ2 nor with the Core Planning Principles of the National Planning Policy Framework.

Highway Safety

The development is assessed against the Highways Authority standing advice and in this case consideration is given to their required minimum dimensions for a vehicle parking space. These are 4.8m by 2.4m. The plans demonstrate the space to be 4.6m by 3.2m with what appears to be soft landscaping proposed either side. The proposed space is therefore short by 0.2m and fails to meet their minimum dimensions and whilst this does not appear to be significant, the Council's highway consultant has made the following observations:

"Accepting a shortened distance could set a precedent. There appears to be no physical reason why a 4.8m long space cannot be provided in this case. The justification for accepting the proposed length is that the applicant's vehicle is shorter than 4.8m; however, this may not be the case for future

occupiers of the dwelling. Large cars and vans are at least 4.8m long. Most importantly, the SPS guidance states that 'All of the minimum dimensions specified (4.8m) assume that sufficient space will be provided to access the vehicle (and operate any doors), more space may be required if obstacles (such as walls or hedges) are in close proximity.' The Highway Code advises motorists to reverse off the public highway into parking spaces.

Even taking into account the dimensions of the applicant's own vehicle, it is unlikely to be possible to access the boot of the vehicle given the significant drop to the rear of the space. The highway authority has stated that it accepts the applicant's vehicle would be able to park within the proposed length but goes on to state that this does not account for future conditions or vehicles and that SSDC is within its right to take its own view on the matter. In addition to the above, I think more details should be submitted in respect of the proposed fence to the rear of the space given the significant drop to ground level beyond."

The planning agent responded to these comments in his letter of 30.04.19 however the comments do not change the proposal and therefore does not change the views of the LPA on the matter. In fact, even if the proposed changes were made to increase the minimum depth of the space this would further impact on the neighbouring and application property by bringing the development 0.2m closer and as previously discussed this is not acceptable in terms of impact on visual amenity and residential amenity.

It is therefore considered that the development would cause harm to highway safety contrary to policies TA5 and TA6 of the South Somerset Local Plan and section 9 of the NPPF.

No concerns area raised for the drainage of the proposal given the proposed block paving treatment of the hardstanding.

Other Matters

Comments have been made regarding the required development being needed to serve the occupier of the application property given their disabilities. It must be stated that whilst this is appreciated this is his is not a material planning consideration and should not be considered as part of the assessment of this application. It is worth noting however the applicant has been advised of the potential to apply for on-street designated disabled parking with County Highways as an option.

If the application is refused consideration will have to be given to the instigation of formal enforcement action to re-instate the previous front garden.

CIL: This authority does not collect CIL from household development.

Recommendation:

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposed development, due to its design, scale, height and position, is considered to result in demonstrable harm to visual and residential amenity and given its insufficient depth is detrimental to highway safety and is therefore contrary to the aims and objectives of TA5 (Transport Impact of New Development), TA6 (Parking Standards) and EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the principles of the National Planning Policy Framework (2019).

Informatives:

01. In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Agenda Item 9

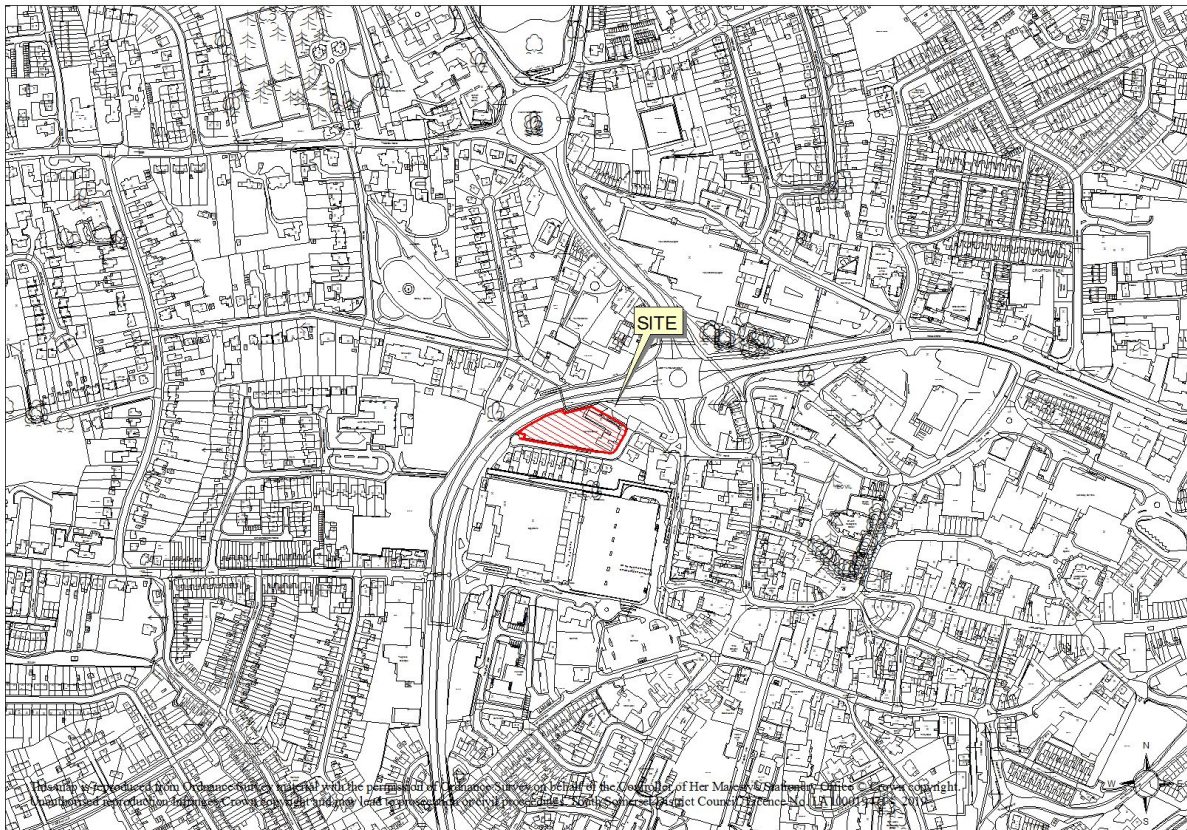
Officer Report On Planning Application: 18/02750/FUL

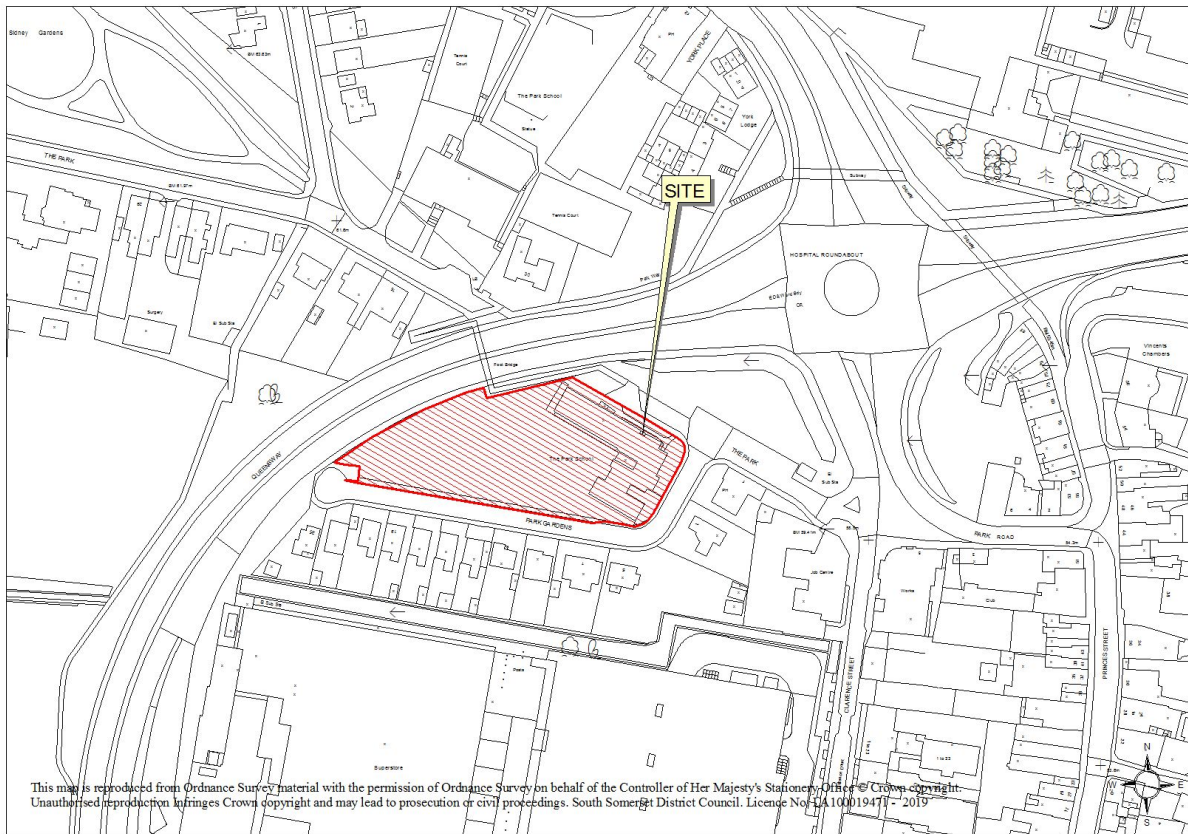
Proposal :	Demolition of former school buildings and facilities and the erection of 24 new dwellings with associated landscaping, parking and access arrangements.
Site Address:	The Park School The Park Yeovil
Parish:	Yeovil
Yeovil (Westland) Ward (SSDC Member)	Cllr D Gubbins Cllr A Soughton Cllr K Gill
Recommending Case Officer:	Linda Hayden – Specialist
Target date :	29th December 2018
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Mr Andrew Tregay Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

Reason for Referral to Committee

The application is referred to Committee at the request of ward member(s) with the agreement of the Area Chair to allow discussion of the planning issues to take place.

Site Description and Proposal





The application site forms part of the former Park School site situated off Park Gardens within the centre of Yeovil. The site has been vacant since the Park School relocated to Chilton Cantelo in 2017/8 and includes former school buildings and an astroturf play area. The majority of the site boundary is adjoined by residential properties but there is a public house and offices within close proximity, the Queensway dual carriageway adjoins the northern boundary but sits several metres lower. To the west of the site is a footbridge over the dual carriageway for pedestrian use. The Park (Yeovil) conservation area is located opposite the site across Queensway.

The application proposes the demolition of the existing buildings on the site and the removal of the play area and the erection of 24 dwellings in the form of terraced and semi-detached houses with a block of apartments. The application proposes:

- 6 No. x 2 bed apartments
- 10 No. x 2 bed houses
- 6 No. x 3 bed houses
- 2 No. x 3 bed parlour houses.

The proposal includes 35% affordable housing (to be secured through a s106 agreement). The Design and Access Statement advises that the remaining 65% of the dwellings would be used as affordable dwellings (the applicant is Stonewater) but this would not be secured as part of the legal agreement.

A new access point will be created off Park Gardens with a central private drive serving the majority of the units as well as private access points from Park Gardens for Plots 19, 20, 21 and 22. There are 38 parking spaces proposed with the majority provided in a parking court at the centre of the site, with the four dwellings to the south-west of the site having allocated parking adjacent to the dwellings.

The plans have been amended on two occasions including revisions to the site layout and elevations with the submission of additional documents in relation to noise, air quality and drainage.

HISTORY

13/04412/FUL. The conversion and change of use of former caretakers cottage (Use Class C3) to a music block (Use Class D1) (Retrospective). Permitted 24.12.2013.

Various other permissions relating to sport and teaching purposes.

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.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

South Somerset Local Plan 2006 - 2028:
Policies:-

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 - Infrastructure Delivery
HG2 - The Use of Previously Developed Land for New Housing Development
HG3 - Provision of Affordable Housing
HG5 - Achieving a Mix of Market Housing
TA1 - Low Carbon Travel
TA3 - Sustainable Travel at Chard and Yeovil
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural or Community Facilities in New Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

National Planning Practice Guidance

Air quality

Climate Change

Design

Noise

Planning obligations

Travel plans, transport assessments and statements in decision-taking

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Yeovil Town Council

In response to original application:

Recommends refusal on the grounds of:

- The density of the housing is too high and represents overdevelopment of the site
- The design of the new dwellings is not in keeping with the character of the area.
- The tandem parking arrangement is not acceptable
- The potential for increase in traffic generation
- The exit/entrance close to the bend is considered to be dangerous.

NB. The Town Council considers that the conversion of the existing building with a sympathetic design would be more appropriate.

1st revision plans:

Recommend refusal on the grounds of:

- The density of the housing is too high and represents overdevelopment of the site
- The design of the new dwellings is not in keeping with the character of the area
- The parking arrangement needs to comply with the SCC Parking Strategy
- The potential for traffic generation

2nd revision plans:

Recommend refusal on the grounds of:

- The density of the housing is too high and represents overdevelopment of the site
- The design of the new dwellings is not in keeping with the character of the area
- The parking arrangement, and in particular the tandem parking, needs to comply with the SCC Parking Strategy
- The potential for traffic generation

County Highway Authority:

The County Highway Authority advised:

- 1) The existing school site had a certain level of traffic associated with it including staff, parental vehicles, deliveries, and servicing wagons
- 2) In peak flow times the drop-off and pick-up traffic associated with schools can create highway efficiency issues but this traffic will cease as a result of this development
- 3) Generally, ambient traffic levels and speeds in this area are low
- 4) The development of 24 dwellings is unlikely to create a safety or efficiency problem in this location

In the event of permission being granted, the Highway Authority recommend the imposition of conditions in relation to a CEMP, access and parking.

NHS England

No comment to make.

SCC Public Health:

Advise of their concerns about the excessive amount of parking and the need to promote walking, cycling and public transport. Request a condition to secure cycle parking.

Advice that advice is sought from SSDC Environmental Health Team in relation to air and noise pollution.

SCC Ecology Officer

Advises that a licence will be required from Natural England in relation to works to a badger sett (condition recommended).

Whilst the surveys confirmed no emergences of bats leaving or returning to the buildings on site, and a low level of commuting through the site by common pipistrelle the ecologist advises that due to the opportunistic behaviour of some bats species, including pipistrelles, an informative should be attached any planning permission granted advising of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017.

Although no evidence of reptiles have been recorded, the site is connected to green corridors and so the ecologist recommends a condition to allow for any reptiles to move off the land.

Although the survey did not confirm the presence of bird nests the development could result in disturbance of nests and/or harm to birds, young, eggs and nests and a net loss of suitable nesting habitat and therefore, the ecologist recommends a condition to limit the dates for the removal of such habitat.

The ecologist also recommends the imposition of a condition to secure the submission of a landscape and ecological management plan (LEMP).

SSDC Environmental Protection

Requested the submission of an air quality report and noise assessment. Upon clarification of issues regarding ventilation and windows has confirmed that there is no objection to the scheme subject to the imposition of a condition to secure detail of the proposed ventilation system.

Senior Historic Environment Officer:

The site of a WWII air raid shelter is visible within school grounds as flight of steps leading below ground. Level 2 building recording of this feature should be carried out in accordance with a Written Scheme of Investigation (WSI) to be approved by the Local Planning Authority before commencement.

SSDC Open Spaces Officer

Advise that as the application is for less than 50 dwellings they cannot request an onsite provision of Public Open Space on developments of this size.

SSDC Leisure Policy Co-ordinator

Financial contributions of £56,881 (£2,370 per dwelling) required as set out in their full response, towards:

- Offsite - contribution towards enhancing the existing play area and youth facilities at Ninesprings
- Offsite - contribution towards changing rooms at Yeovil Recreation Ground
- Commuted sums for such developments.

(Officer note: The applicant has not yet agreed to these contributions).

Strategic Housing

Advise that the affordable housing policy states that 35% of the site should be affordable this would equate to 9 units on this site (based on 24), 7 for social rent and 2 for other intermediate solutions - including shared ownership.

Agree with the proposed property mix:-

7 x 2 bed

2 x 3 bed

Advise that their usual space standards need to be adhered to:

2 bedroom house	76 sqm	(86 sqm if 3 storey)
3 bedroom house	86 sqm	(94 sqm if 3 storey)

These space standards take into account the changes to the Housing Benefit system which effectively mean that, for the purposes of receiving the full individual subsidy, children of a certain age and gender split are expected to share a bedroom.

Whilst the HQI regime will occasionally cite a slightly lower end to the range of space standards, this is where the property is expected to house an odd number of people (e.g. '2 bed 3 person house').

However our expectation is that the space standards need to be derived from those used in the HQI that refer to an even number of occupants (e.g. '2 bed 4 person house')

County Drainage (LLFA)

Prior to planning permission being granted the LLFA requested the rationale behind why lined permeable paving cannot be used onsite for additional water quality benefits.

The LLFA have no objection to the proposed development, as submitted, subject to a drainage condition being applied.

(Officer note: The agent has supplied a response with regard to the permeable paving issue raised by the LLFA).

MOD

Has no safeguarding objections to this proposal.

Crime Prevention Design Advisor

No objection to original plans subject to the following comments:

- Please gate the alleyway between units 15/16 as close to the front elevation as practicable

- Please gate the alleyway leading to units 2, 3, 4 & 15 where it begins
- Please introduce a window on unit 15 to allow for surveillance to the parking court
- Please consider what mail provision will be in place

No comments received in response to amended plans which have addressed some of the above issues.

Somerset Waste Partnership

In response to the original plans, the Waste Partnership advised that they broadly have no concerns with this development, although they asked for reassurances regarding the adoption of the road (to allow for refuse/recycling vehicles to enter the private drive area) and location of bin facilities.

No comments received in response to amended plans.

(Officer Note: A condition can be attached to require details of bin/recycling storage to be submitted).

SSDC Trees Officer

In response to the original plans, the Tree Officer confirmed that much of the submitted landscape scheme appeared to be of a high standard, including a clear specification of container-grown trees with strimmer guards and a good ratio of root system at sensible sizes. However, the Tree Officer requested some amendments to the proposed species.

No comments received in response to amended plans.

(Officer Note: A condition can be attached to require details of the proposed landscaping and planting).

SCC Education

Advise that due to the new schools in Yeovil now open and further schools coming forward in the future, any pressure this development may create for Huish Primary school is estimated to be relieved by the new school developments. Therefore in this case SCC will not require education contributions for this development.

REPRESENTATIONS

Nine letters objecting to the original scheme were received, making the following comments:

- Proposal is out of character with surrounding development and is overdevelopment of site. There is a conservation area in the vicinity.
- Will cause extra traffic and so add to congestion in the area
- Loss of privacy/Overlooking. Difference in levels between site and existing houses. Overbearing impact
- Devaluation of existing properties
- Loss of light
- Concerned about potential for anti-social behaviour in parking court and due to proximity of pub
- Excessive number of proposed accesses
- Site is not currently secure
- Drainage
- Insufficient parking provision

- Impact on wildlife
- Landscaping is inadequate
- Other types of development such as a retirement village would be preferable.
- Contrary to Policies EQ2, TA3 and TA5 of the South Somerset Local Plan and advice within the NPPF

The above includes representations made by a planning agent on behalf of 14 residents of Park Gardens.

A further seven letters of objection were received in response to the first set of amended plans (changes to layout), re-iterating the previous concerns and making the following additional comments:

- Request that Tesco's be made to replant trees that were removed. As much greenery as possible should be planted.
- Poor attempt to rectify the original plans, resident's concerns haven't been addressed
- No daylight assessment
- Light pollution from cars accessing the site.

The above includes representations made by a planning agent on behalf of 14 residents of Park Gardens.

A further three letters of objection were received in response to the second set of amended plans and air quality and noise assessment, re-iterating the previous concerns and making the following additional comments:

- A further poor attempt to rectify the plans
- Query location of bin storage and pick up locations

CONSIDERATIONS

Principle

The application proposes the redevelopment of a brownfield site in a sustainable location within the town centre. The area is characterised by a mix of uses including residential and as such a residential redevelopment is considered to be appropriate.

It is considered that the residential redevelopment of this site can be supported in principle.

Design and Layout

This application was submitted without the benefit of any pre-application discussions and as such officers were not able to provide any design advice prior to the submission of the application. The agents advise in the Design and Access Statement that the proposed design has taken its inspiration from both traditional and contemporary styles to create a 'good contrast to the surrounding character'. The proposed dwellings are therefore of a relatively contemporary design with simple elevations with modern windows, doors and porches. The materials proposed include red and grey bricks, slate roof tiles with grey windows and doors.

It is recognised that this is a contrast to the existing surrounding development which dates mainly from the 1930's. However, it is felt that, on balance, a more contemporary style can be used without causing unacceptable harm to the surrounding character. The larger scale three-storey part of the

proposed development has been situated on the side of the site furthest from the existing dwellings, with the proposed semi-detached dwellings being located opposite the existing properties in Park Gardens.

Whilst there is a conservation area opposite the site, the Queensway dual carriageway sits in between. As such, whilst part of the development will be visible from the conservation area it is not considered that the impact upon the setting of the conservation area would be so adverse as to justify refusal of the application.

As such, it is considered that, on balance, the proposed design, scale and materials are acceptable and the proposal is in accordance with Policies EQ2 and EQ3 in this regard.

Impact on Residential Amenity

With regard to the potential impact of the development upon neighbouring properties, the plans have been amended to increase the distance between the front elevations of the proposed semi-detached dwellings and the existing dwellings in Park Gardens. The separation is now 15 m (approx.) which is considered to be acceptable in the case of the public facing elevations of a dwelling. Some residents have noted that 22 metres is the minimum separation distance required but this is normally used when assessing 'back-to-back' distances where there is a greater expectation of privacy.

Plans have been submitted to show how the proposals will impact upon light to the existing dwellings opposite and do indicated that in the case of the gabled parts of the semi-detached dwellings there would be some encroachment of the 45 degree angle from the lower floor windows of the existing properties. However, given that this would not be a significant incursion it is not considered that this could be used as a reason for refusal given that the Local Plan does not contain policies requiring accordance with such a requirement.

Given the distances involved and the proposed height of the dwellings it is not considered that the proposed dwellings will result in an unacceptably overbearing impact.

It is concluded that, on balance, whilst a degree of harm would result to the properties opposite the loss of amenity would not be of such significant as to justify refusal of the application. The proposal therefore accords with policy EQ2 in regard to neighbouring amenity.

Parking and Highways Impact

This is a brownfield site that was previously used as a school site and would have been a busy and active site when in full use. The County Highway Authority are content with the proposals as they considered that the development of 24 dwellings is unlikely to create a safety or efficiency problem in this location given the previous use of the site.

With regard to parking, the site is considered to be in a highly accessible location with excellent pedestrian links to all major services and shops. The plans allow for a parking space for each unit with 2 spaces each for most of the dwellings. Given the town centre location it is considered that this level of parking is acceptable.

Appropriate conditions can be imposed to require electric charging points and each property (apart from the flats) is provided with outside storage space that can be used for cycle storage.

The proposal is therefore considered to be acceptable in relation to highway safety and parking and accords with Policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan 2006-2028.

Drainage

The LLFA has considered the application and advised that they have no objections to the proposal subject to the imposition of a condition requiring details of the surface water drainage scheme based on sustainable drainage principles. The agent has submitted details regarding the rationale behind the impermeable paving as requested by the LLFA.

As such, the proposal is considered to be acceptable in regard to drainage.

Ecology

The application was accompanied by ecology and wildlife reports that have been assessed by the Council's consultant ecologist. The ecologist has not objected to the application but has requested a number of conditions be imposed to ensure protection of any wildlife using the site.

With the requested conditions, the proposal is considered to be acceptable in relation to ecology issues and is therefore in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028.

Other matters

The detailed concerns of local residents have been carefully considered and the main issues are dealt with in the report above. However, the following additional points can be addressed:

- Devaluation of neighbouring properties- This is not an issue that can be given significant weight in the determination of a planning application.
- Anti-social behaviour - It is not considered that it is appropriate to assume that future residents of the dwellings will be the cause of anti-social behaviour. The application has been considered by the Crime Design Prevention Adviser who has not objected to the principle of the scheme but has asked for small amendments to the layout.
- Landscaping - A condition can be imposed to require details of the proposed landscaping for the site.
- Bin storage - A condition can be imposed to require details of the proposed bin storage for the site.
- Light pollution - This is a site within a town centre adjacent to a lit dual carriageway and it is not considered that the proposal would result in a level of light pollution that would justify refusal of the application.

Summary

The site is considered to be appropriate for residential redevelopment being within a highly sustainable location. The proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area. The proposal would result in less than substantial harm to the setting of the heritage asset and the public benefits of the proposal outweigh this harm. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

RECOMMENDATION

Grant planning permission for the following reason, subject to:

- (a) the prior completion or submission of an appropriate legal mechanism (in a form acceptable to

the Council's solicitor) before the decision notice granting planning permission is issued, to secure:

- i) financial contributions of £56,881 (£2,370 per dwelling) to be paid to South Somerset District Council Strategic Planning Team; and
- ii) 9 units of affordable housing, the exact details (bedrooms, tenure, and locations) shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Development Officer

- (b) the imposition of the planning conditions set out below on the grant of planning permission.

01. This brownfield site is considered to be appropriate for residential redevelopment being within a highly sustainable location in the town centre. The proposal represents appropriate development that would not cause demonstrable harm to residential amenity, highway safety or upon the character and appearance of the area. The proposal would result in less than substantial harm to the setting of the heritage asset and the public benefits of the proposal outweigh this harm. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

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's:

3843-BB-00-000-DR-A-PL/117
3843-BB-00-000-DR-A-PL/115 Rev A
3843-BB-00-000-DR-A-PL/104 Rev A
3843-BB-00-000-DR-A-PL/105 Rev A
3843-BB-00-000-DR-A-PL/106 Rev A
3843-BB-00-000-DR-A-PL/107 Rev A
3843-BB-00-000-DR-A-PL/116 Rev A
3843-BB-00-000-DR-A-PL/113
3843-BB-00-000-DR-A-PL/112
3843-BB-00-000-DR-A-PL/110
3843-BB-00-000-DR-A-PL/109
3843-BB-00-000-DR-A-PL/108
3843-BB-00-000-DR-A-PL/103
3843-BB-00-000-DR-A-PL/102
3843-BB-00-000-DR-A-PL/101
3843-BB-00-000-DR-A-PL/100
3843-BB-SK-000-DR-A-PL-114 Rev A

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

- 03. No building operations above damp proof course level of the buildings shall take place until details of the materials to be used in the construction of the external surfaces

(doors/windows/cladding/render/brick/roof finish) of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. No later than within the first planting season following first occupation of any of the units hereby approved a scheme of tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the details of provenance, planting locations, numbers of individual species, and sizes at the time of planting, details of root-types/grafting and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding, weed-suppression and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the occupation of the development hereby approved; and if any trees or shrubs which within a period of fifteen 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.

05. No work shall be carried out to erect any boundary treatment unless full details of the boundary treatments, including walls, fences, railings, gates, gateposts have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and permanently retained and maintained.

Reason: In the interest of visual amenity and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan.

06. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

- 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 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.
- Any works required off site 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).

- Flood water exceedance routes both on and off site, note, 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 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

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.10.

07. Prior to the occupation of the development hereby permitted details of the specification (acoustic/ventilation) of the windows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and retained and maintained in the agreed manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of future residents in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

08. Prior to the occupation of the units hereby approved details of the proposed bin storage shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the locations of collection points. Once agreed the scheme shall be maintained in accordance with the approved details unless otherwise agreed to writing by the Local Planning Authority.

Reason: To promote sustainable construction as advocated by the National Planning Policy Framework.

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

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

Reason: In the interests of highway safety and residential amenity in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan (2006-2028).

10. Prior to the first occupation of the units hereby approved a scheme for the maintenance of the unallocated open space shown on the submitted plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully on the completion of that proportion of the total development specified in the scheme and the open space area shall thereafter be retained and maintained in complete accordance with the scheme.

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

11. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 3843-BB-01-000-DR-A-PL/115 Rev A and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

The units hereby permitted shall not be occupied until the parking spaces for the dwellings as shown on drawing number 3843-BB-01-000-DR-A-PL/115 Rev A, have been provided to the satisfaction of the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of each access and extending to points on the nearside carriageway edge 25 metres either side of each access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

12. A copy of the A24 badger mitigation licence will be submitted to South Somerset District Council prior to work commencing on site.

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 compliance with the Protection of Badgers Act 1992, which affords badger setts protection from intentional or reckless interference.

13. The areas of rough semi-improved grassland within the construction area should initially be reduced to a height of 10 centimetres above ground level, brashings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather 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 April and October.

Reason: 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.

14. No removal of trees, scrub or shrubs and buildings shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of

vegetation for active birds' nests immediately before the vegetation is cleared 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: The ecological report states that there potential for nesting birds on site. Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Peregrine falcons, list on Schedule 1 of the Act, are additionally protected from disturbance during the nesting and whilst rearing dependent young. The breeding season for peregrines begins in March and juveniles generally disperse in August to September but can be as late as January.

15. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

Description and evaluation of features to be managed (including a green corridor along the northern boundary and a set aside wildlife area within the western corner of the site).

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, including:

northern boundary green corridor, to be maintained as a dark corridor with no additional lighting.

wildlife area within the western boundary

Installation of No.4 in-built Schwegler bat tubes (type 1FR) on the southern and/or western elevation of 4 separate dwellings

Installation of No 4x RSPB artificial swallow nesting cups to be incorporated/fixed upon the north or east elevation gable walls of the 2 separate buildings at a height above 3m.

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(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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. 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". Furthermore, the Somerset Minerals Plan(3) states in Policy DM2: Biodiversity and Geodiversity, that "measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity and geodiversity. Such measures shall ensure a net gain in biodiversity where possible".

16. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such 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.

17. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the building recording and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure protection/recording of heritage assets in accordance with advice in the NPPF and policy EQ3 of the South Somerset Local Plan 2006-2028.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

02. The applicants attention is drawn to the requirements of the associated legal agreement dated **/**/****.

03. 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.