

## **Officer Report On Planning Application: 19/03143/FUL**

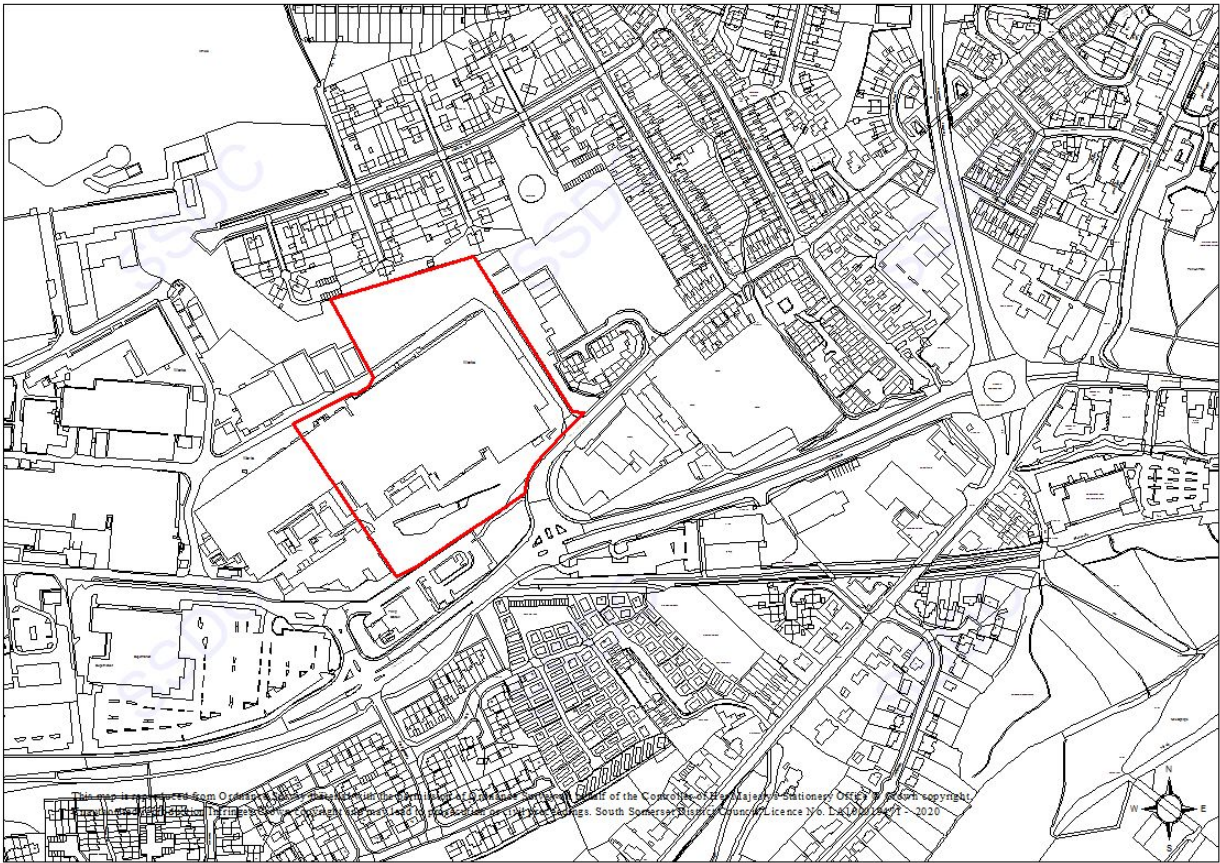
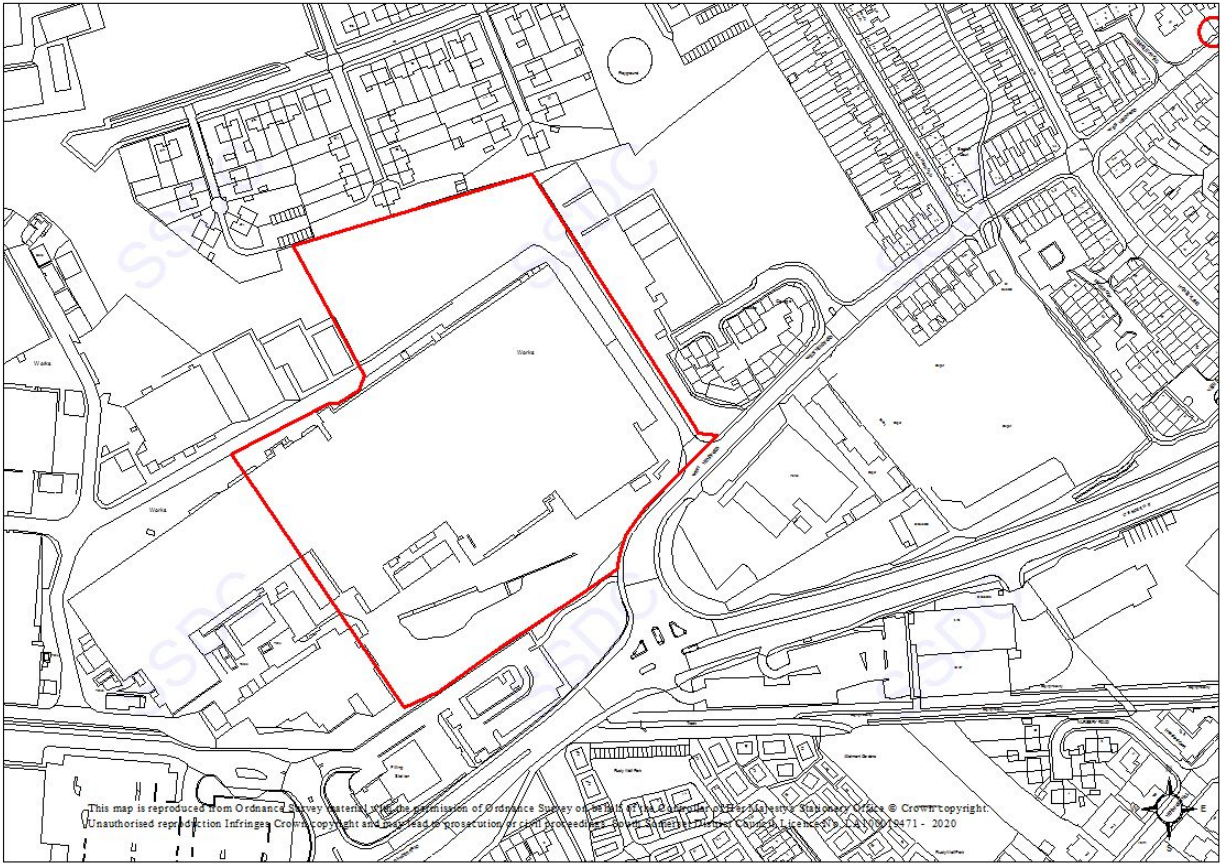
<b>Proposal :</b>	Demolition of existing building and the erection of a new warehouse and distribution centre.
<b>Site Address:</b>	Building 166 Gkn Westland Helicopters Lysander Road
<b>Parish:</b>	Yeovil
<b>YEOVIL WESTLAND Ward (SSDC Member)</b>	Cllr D Gubbins Cllr A Soughton Cllr K Gill
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	31st January 2020
<b>Applicant :</b>	Leonardo Marconi Westland Ltd
<b>Agent: (no agent if blank)</b>	Boon Brown Architects Motivo Alvington Yeovil Somerset BA20 2FG
<b>Application Type :</b>	Major Manfr f/space 1,000 sq.m or 1ha+

### **REASON FOR REFERRAL TO COMMITTEE**

This application is referred for Committee consideration in accordance with the Scheme of Delegation as the application is a 'major' application (proposed floor space exceeds 10,000 square metres) and recommended for approval.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2-starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.



## **SITE DESCRIPTION AND PROPOSAL**

The site is located in an industrial area to the south-west of Yeovil, situated off Lysander Road. The application building is known as Building 166 and forms part of the Leonardo Helicopters factory site.

Land to the north of the site car park area is in residential use with the boundary bordered by properties at Westland Road whilst land to the west and south is in Leonardo control and used for manufacturing and associated activities. The north eastern boundary is bordered by a light industrial commercial unit which currently accommodates several separate companies. To the east lies Fosse Park, a residential development comprising of terraced houses and flats.

Full planning permission is sought for the partial demolition of the current building and the erection of a of B8 warehouse and distribution centre (total of 19,596m<sup>2</sup> (210,926 sqft)). The building is proposed as portal frame with composite aluminium curtain walling and steel profile sheeting in grey tones with a small amount of red detailing. The overall size is 182.5m long and 103m wide. The height of the entire warehouse is 15.5m from the top of the roof ridge to ground floor level and 13.5m eaves height. In addition, an external store is proposed on the southern boundary of the site. This structure will be 43m in length by 14m in width to be finished in similar materials to the main structure. The height of the building to the top of ridge will be 9.7m. The Design and Access Statement advises that the development aims to consolidate existing Kuhne + Nagel (K&N) and Leonardo Helicopters logistics operations stores that are currently occupied within the Yeovil area.

Vehicular access to the new unit will be via West Hendford road which connects to Lysander road (A3088). Cars and goods vehicles will use the same access point into the site. Car parking, along with covered secure cycle shelters & secure motorcycle stands are proposed as part of the application.

A number of trees along the southern boundary are protected by way of a Tree Preservation Order. A small part of the site is within Flood Zone 2 and 3.

The application is supported by:

- Transport Assessment & Framework Travel Plan
- Flood Risk Assessment
- Phase 1 Geotechnical Report
- External Lighting Plan
- Design & Access Statement
- Ecology Survey and Day Time Bat Assessment
- Tree Survey & Arboricultural Assessment
- Built Heritage Statement
- Archaeological Assessment
- Written Scheme of Investigation
- Planning Statement
- Statement of Community Involvement

## **HISTORY**

There is an extremely lengthy planning history for the Leonardo site. It appears that the application building was erected in the 1950's.

The most recent applications include:

19/02614/FUL - The formation of a hard surface airstrip, associated lighting and ancillary lighting control building. Approved 5/12/2019.

19/01740/EIASS - Request for a screening opinion in respect of a full planning application for a hard surface airstrip and associated aviation lighting and ancillary control building. Determined that EIA not required.

19/03143/FUL - Demolition of existing building and the erection of a new warehouse and distribution centre. Pending consideration.

19/02456/FUL - The formation of hardstandings and installation of 2 No. aircraft with associated landscaping. Approved 25/10/2019.

18/03866/FUL - The siting of 1 No. two storey temporary portakabin building to be used as a flight training centre (Part retrospective). Approved 21/02/2019

18/01630/S73 - Application to vary conditions 2 (approved plans), 16 (noise mitigation), and 17 (travel plan) and remove conditions 4 (finished floor levels) and 8 (access arrangements) of approval 16/03628/FUL. Approved 5/7/2018.

17/00658/FUL - The installation of 3 No. air receiver tanks with associated works to the roof of premises. Approved 31/03/2017.

16/03628/FUL - The erection of a research and development building, incubator office and light engineering facility (Use Class B1) with associated parking, landscaping, access and security facilities. Approved 2/12/2016

## **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

South Somerset Local Plan (2006 - 2028)

On the 5th March 2015 this new local plan was adopted and constitutes the development plan. The most relevant policies are:-

SD1 - Sustainable Development

SS1 - Settlement Strategy

TA3 - Sustainable Travel at Chard and Yeovil

TA5 - Transport Impact of New Development

TA4 - Travel Plans

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

2. Achieving sustainable development

4. Decision-making

6. Building a strong, competitive economy

9. Promoting sustainable transport

12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change

## National Planning Practice Guidance

Design

Climate change

Determining planning applications

Consultation and pre-decision matters

Flood risk and coastal changes

Health and Wellbeing

Light pollution

Tree Preservation Orders and trees in conservation areas

Use of planning conditions

## National Design Guide - September 2019

Somerset County Council Parking Strategy (March 2012)

### **CONSULTATIONS**

Yeovil Town Council:

*'Approve subject to highway comments.'*

County Highway Authority:

The plans have been amended to incorporate the details required by the County Highway Authority in relation to electric charging points and cycle parking. They conclude that the level of HGV's movements (3-4 per hour in worst case) is acceptable given that space can be provided on the site for vehicles to wait. They also note that the site will be overprovided with car parking spaces but as the car park also serves the wider Leonardo site the County Highway Authority do not consider that the proposal is unacceptable in this regard. There is an ongoing discussion regarding the details of the Travel Plan but the County Highway Authority do not object to any of the physical proposals for the site subject to the imposition of conditions in relation to; a construction traffic management plan; detail of stop line and associated signage; surface water disposal; protection of parking and turning; and submission of service management plan.

Ecologist

Advises:

*'Betts Ecology carried out a Baseline Ecology Survey of the development site on the 12th August 2019.*

*The results of the survey were as follows:*

- *The site is comprised of a factory building, surrounded by hardstanding, amenity grassland with trees and scrub around the north and north east boundary.*
- *The building contained negligible bat roost potential.*
- *Sing of bird roosting within the building was recorded.*
- *Boundary vegetation included cotoneaster - an invasive species under schedule 9 of the Wildlife and Countryside Act 1981.*

*Although bats are likely to be commuting and foraging along the lines of trees and scrub located along the north and northeast boundary, due to the sites location light levels are likely to be of level associated with the urban setting. As such, bat activity present is likely to be from species that are less sensitive to light, such as pipistrelles.'*

The ecologist recommends conditions/informatives in relation to; bats; bird nesting and; biodiversity and protected species net gain.



Environmental Health Officer

No objection subject to conditions in relation to; demolition and construction; delivery times; details of external equipment; lighting; and contaminated land.

Environment Agency (EA):

The EA required the submission of a revised documentation and upon receipt of this information have advised:

**'Flood Risk**

*The revised Flood Risk Assessment (FRA) and associated modelling indicates that the current precautionary 3b designation of the site as defined in your Authority's Strategic Flood Risk Assessment may be challenged. We are therefore will to accept that the development is not in the functional floodplain and at risk of increasing flooding risk. Therefore, the development is not contrary to National Planning Policy.*

*On that basis we can withdraw our previous objection, and given that the FRA has confirm that the development will not increase flood risk to third parties. Although we should note that the flood depths are increased on-site for the 0.1 % AEP event within the applicant land.'*

**'Contaminated Land**

*The previous use of the proposed development site as an Airfield, Airfield Hanger and industrial manufacturing site presents a risk of contamination that could be mobilised during construction to pollute controlled waters.*

*The controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer and overlies a culverted tributary of the River Yeo. The River Yeo is considered a principal surface water receptor.*

*Further detailed information will however be required before built development is undertaken. We are in agreement with the recommendations of the desk study and preliminary risk assessment that intrusive site investigation and further risk assessment is required. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.*

*In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.*

*Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.'*

The EA also recommend conditions in relation to; drainage; previously unidentified contamination; and piling.

Local Lead Flood Authority:

Requested additional information and upon receipt of this have no objection to the application but did raise some queries about the use of permeable surface. Unfortunately this could not be addressed by the applicant due to the nature of the HGV's using the site. They have requested the imposition of a surface water drainage condition.

### Tree Officer

No comments received.

### Senior Historic Environment Officer:

*'Archaeological evaluation is taking place on this site and a monitoring visit took place on the 5th December by SWHT staff. Based on this visit we can advise that as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'*

### MOD:

No safeguarding objections.

### Wessex Water

No objections.

## **REPRESENTATIONS**

248 residents were notified of the application, a site notice was displayed and an advert placed in the local newspaper. No comments have been received.

## **CONSIDERATIONS**

### Principle

The site is situated within the defined development area of Yeovil and proposes the replacement of an existing commercial building to provide a centralised warehouse for the business. It is understood that the current building is in need of refurbishment being of some age, not energy efficient and not suitable for conversion into a modern logistics centre.

Given the existing building and use at the site, it is considered that the replacement building is acceptable in principle.

### Residential Amenity

This is replacement building on an existing commercial site and as such it is accepted that there is likely to be noise and disturbance associated with the industrial uses at the site. The application states that vehicle activity is likely to fall as a result on this development and it is not considered that the proposal would result in unacceptable loss of amenity to neighbouring properties in terms of noise and disturbance. This is very much a mixed use area, with a large supermarket and car showroom, a 24 hour fast food restaurant and takeaway and other commercial uses in close proximity to residential properties. It is noted that the Environmental Health Officer has requested a restriction on delivery times but this is not acceptable to the applicant who needs to run the warehouse on a 24 hour a day basis. Given that this is a replacement building and the nature of the surrounding uses and the low levels of HGV activity it is not considered it would be reasonable to restrict hours of deliveries at the site.

In terms of the potential impact of the new building, it is noted that the building will be higher than the existing by approximately 4 metres. However, given the distance to neighbour properties (over 20 m) it is not considered that the impact would be so adverse as to cause an unacceptable overbearing impact.

In summary, it is not considered that it would be reasonable to refuse the application on the grounds of impact upon residential amenity and the proposal is therefore acceptable in relation to the requirements of Policy EQ2 of the South Somerset Local Plan 2006-2028.

### Highway Safety

The proposed development will provide a modern warehousing unit which is forecast to generate less vehicle movements than the historic use of the site and thus reduce the impact on the surrounding road network.

The parking for employees' cars will be mainly in the rear car park, where the GKN employees would have previously parked. Due to shift systems it is estimated that there will be a maximum of 170 staff working in the building at peak times, and a corresponding number of cars parked - recognising that some of those employees will walk, cycle, and use public transport or car share.

Parking for goods vehicles will be to the south side of the building, separate from any cars. Based on the experience of recent years it is estimated that there will be up to 10 articulated lorry movements and up to 20 smaller lorry/van movements on weekdays, less at weekends.

The entrance for cars will be the same one as is used currently to access the rear car park. HGVs, vans etc. will access the site via the existing entrance, off West Hendford, and then through a new internal gate.

Given that the proposals will not result in an increase in traffic activity at the site and issues relating to electric charging points and cycle parking have been addressed the County Highway Authority have no objection to the works in principle.

There is an ongoing discussion regarding the Travel Plan and the method required to secure the provisions. The agent for the application considers that the County request for a planning obligation to provide a Travel Plan Fee and safeguard measures in form of bonds, ESCROW accounts or cash, are unwarranted and not supported by local plan policy or the NPPF.

It is important to note that the Local Plan does comment on the issue of bonds and ESCROW accounts at para 11.24 which states:

*'SCCs Travel Planning guidance promotes safeguarding measures with bonds and ESCROW accounts. An ESCROW account is where a deposit, usually in this instance money, or possibly a deed, stock, or written instrument is put into the custody of a third party and is retained until the agreed actions have been delivered.'*

*SSDC has concerns regarding the additional cost implications for developers and the consequent impact on the viability of a development. An s106 agreement is in itself legally binding and any safeguarding through bonds or ESCROWS should be negotiated on a case-by-case basis and should only be in respect of financial default by a developer.'*

The applicant would prefer that the Travel Plan is required through a condition rather than via a s106 legal agreement and advises that 'My clients have grave concerns regarding the debilitating effect upon the viability that a protracted legal agreement process would have to the project. There is an urgent requirement for the building to be delivered within the year and multi-lateral agreements are notorious for taking 6-9 months and longer. Such a delay cannot be accommodated in the project schedule both in practical and financial terms. A concern envisaged and shared by the Councils Local Plan.'

It is therefore considered necessary to consider if it would be appropriate to refuse this application if the



applicant does not wish to enter into a s106 to secure the relevant fee and bond. In this case, given that this is a replacement building and a Travel Plan that secures all of the relevant requirements apart from the financial payments sought by the County Highway Authority can be secured through the imposition of a planning condition, it is not considered that it would be appropriate to refuse this application on highways grounds. The National Planning Policy Framework advises at para 109 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. It is not felt that the application could reasonably be refused on such grounds.

Therefore, subject to the imposition of the requested highways conditions (construction traffic management plan; detail of stop line and associated signage; surface water disposal; protection of parking and turning; and submission of service management plan), along with a condition to secure the submitted Travel Plan, the application is considered to accord with policies TA3, TA5 and TA6 of the South Somerset Local Plan 2006-2028.

#### Impact upon visual amenity

In terms of visual amenity, as mentioned above, the building will be 4 metres higher than the existing building at the site. However, when seen in the existing context of the larger Leonardo site and surrounding commercial premises it is not considered that the proposal will be unduly prominent within the vicinity. The proposed materials are considered to be appropriate and will ensure that the building does not appear visually intrusive.

The proposals are therefore in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

#### Drainage

The application is accompanied by detailed drainage proposals that have been assessed by the LLFA and additional information has been supplied as requested by the LLFA to ensure that the proposal drainage solution does not adversely impact upon surface water issues within the vicinity. The LLFA have now confirmed that, on the basis of the additional details supplied, they are content with the proposed discharge arrangements.

As such, the proposals are considered to be acceptable in regard to drainage.

#### Ecology

The application is accompanied by an Ecological Impact Assessment that has not raised any significant concerns about the implications of the development upon ecology within the site. The assessment has been considered by the Council's consultant ecologist who has made a number of recommendations regarding conditions and informatives.

The proposal is therefore considered to accord with Policy EQ4 of the South Somerset Local Plan 2006-2028.

#### Conclusions

The proposal is for a replacement building of very similar footprint to the existing structure. It is not considered that the proposals could reasonably be refused on the grounds of impact upon residential or

visual amenities. Appropriate conditions can be imposed with regard to highways, drainage and ecology.

## **RECOMMENDATION**

Approve

01. The proposal provides a replacement building on an existing commercial site. It is not considered that the proposal will unacceptably impact upon residential and visual amenities, highway safety, drainage or ecology. As such, the proposals comply with Policies SD1, SS1, TA3, TA4, TA5, TA6, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028

## **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 and documents:

- 19015\_P0001\_B\_Site Location Plan;
- 19015\_P0002\_A\_Existing Site Plan;
- 19015\_P0003\_A\_Site Demolition Plan;
- 19015\_P0004\_N\_Proposed Site Plan;
- 19015\_P0005\_A\_Existing Elevations;
- 19015\_P0006\_E\_Boundary Treatment Plan;
- 19015\_P0007\_G\_External Finishes Plan;
- 19015\_P0008\_E\_Vehicle Tracking;
- 19015\_P1000\_B\_Warehouse Plan;
- 19015\_P1001\_A\_Office Plans;
- 19015\_P1002\_B\_Transport Office Plans
- 19015\_P1003\_B\_Roof Plan;
- 19015\_P1004\_D\_Warehouse Elevations;
- 19015\_P1005\_D\_Gatehouse Details;
- 19015\_P1006\_G\_External Store Plan; 19015\_P1007\_F\_Cycle & Smoking Shelter Details;
- 19015\_P2000\_B\_Warehouse Section A-A
- 19015 - Design and Access Statement 28.10.19 (including materials specification)

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

03. The development hereby approved shall not be used other than for those activities which fall within the definition of Use Class B8 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.

Reason: To ensure appropriate control over uses at the site in the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

04. Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

05. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

06. Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

07. No external fixed plant or equipment shall be located, installed or mounted on the walls or roofs, or adjacent to any of the buildings, whether temporary or otherwise, hereby permitted unless detailed plans and a technical specification, including noise details, have first been submitted to and approved in writing by the Local Planning Authority. Once the details have been approved, the equipment shall be installed in accordance with the approved details and maintained in such a way as to ensure compliance with the submitted specification.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

08. Lighting will be as per drawing 1532-ESC-00-ZZ-DR-E-2100 Rev: P2 by Engineering Services Consultancy Ltd. October 2019

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

09. No development approved by this planning permission shall commence other than demolition and site preparatory works until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, 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:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

1. 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.

2. 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.

3. 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 site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

10. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

11. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

13. Piling, foundation designs and investigations using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

14. No building demolition works, and scrub, shrub and tree removal works, if required, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building, and any 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: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended).

15. The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to the completion of construction works:
- Installation of 2 X Kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.
  - Installation of 2 X standard bird boxes, purchased or built, on to a mature tree on site, facing east or north, at a height above 3m.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework, and ;South Somerset District Council Local Plan - Policy EQ4 Biodiversity / ENPA Local Plan: Policy CES3 Biodiversity and Green Infrastructure; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

16. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in plan 19015 P000XX Hard and soft landscape details . The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be agreed with the local planning authority.

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

17. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

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

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

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

19. 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;
  - Measures to ensure pedestrian safety.

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

20. Notwithstanding the details shown on the approved plans, the development shall not commence other than demolition and site preparatory works until a scheme detailing the proposed site access arrangements including a stop line and associate signage at the junction of the site access and West Hendford has been submitted to and approved in writing by the Local Planning Authority. Before the development is brought into use the works shall be completed in accordance with the details shown on the approved plans and retained thereafter.

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

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

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

22. The areas allocated for parking and turning on the submitted plan, drawing number 19015 P00004 N, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles.

Reason: To ensure that parking and turning areas are available for their designated purpose in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

23. The development shall not be brought into use until a Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Service Management Plan for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

24. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote and encourage sustainable modes of travel to accord with policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan.

25. Prior to implementation of this consent, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree protection measures based upon the submitted Tree Survey and Assessment; Land at Leonardo's, Lysander Road, Yeovil, October 2019 Ref: 19/10/191/NH V1.0 relating to the protected tree to the south (Subject of South Somerset District Council (Yeovil No3) Tree Preservation Order 2002, T155, Norway Maple) of the site shall be submitted to and agreed in writing with the Council and it will include the following details:
- rigidly-braced HERAS tree protection fencing around the identified Root Protection Zone;
  - notwithstanding the agreed construction of the specially engineered driveway and parking areas, a commitment to avoiding machinery movements, ground-works, amendments to the soil (including rotavating & additions to soilgrade), the storage of materials, the mixing and discharge of cement liquids, the lighting of fires & the installation of below-ground services (including drainage & soak-aways) within the Root Protection Areas of the adjoining protected tree;



Upon approval by the Council, the measures specified within the agreed scheme of tree protection measures, shall be implemented in their entirety for the duration of the construction of the development, inclusive of landscaping measures.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives within Policies EQ2 and EQ5 of the adopted South Somerset Local Plan (2006 - 2028).

26. The development shall not commence other than demolition and site preparatory works 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 rates and volumes detailed in the approved FRA. 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, 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.

### **Informatives:**

#### **01. Waste**

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Onsite

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

#### Off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information

#### Water Abstraction on site

Construction dewatering has recently come into licensing. The new legislation and exemptions for when a licence wouldn't be required for dewatering is <https://www.gov.uk/guidance/water-management-abstract-or-impound-water>

If you want to remove or abstract water from a surface source (such as river, stream or canal) or from an underground source and take more than 20 cubic metres (approximately 4,400 gallons) a day, you will almost certainly need an abstraction licence.

#### Environmental Permit

The site has an Environmental Permit under the Environmental Permitting Regulations. The applicant is required to take all appropriate measures to prevent or minimise the emissions from their activities. If the applicant changes the nature of their operations, they must liaise with the Environment Agency over any potential changes to their Permit.

#### Bio-security

Bio-security precautions should be undertaken when working on sites with water bodies on them. You can view some general advice through the following link: [Bio-security](#)

02. 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.

03. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.