

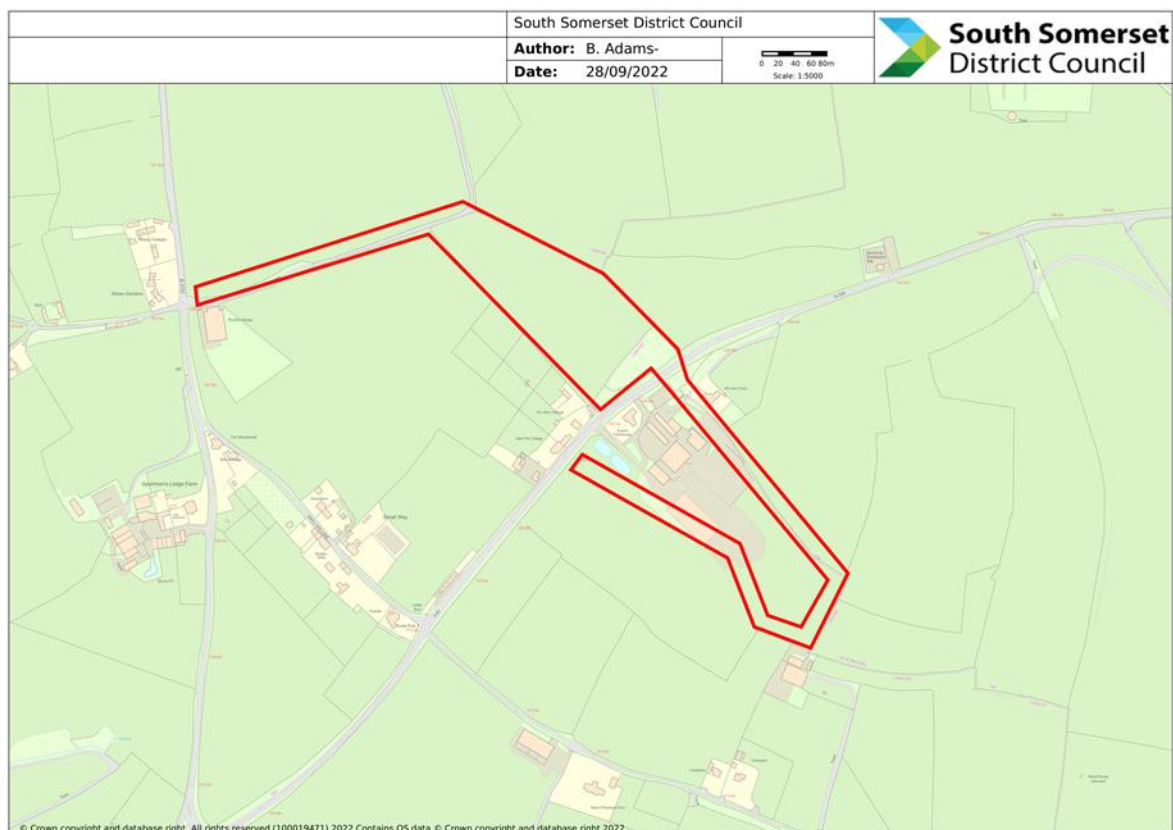
## Officer Report On Planning Application: 21/03400/FUL

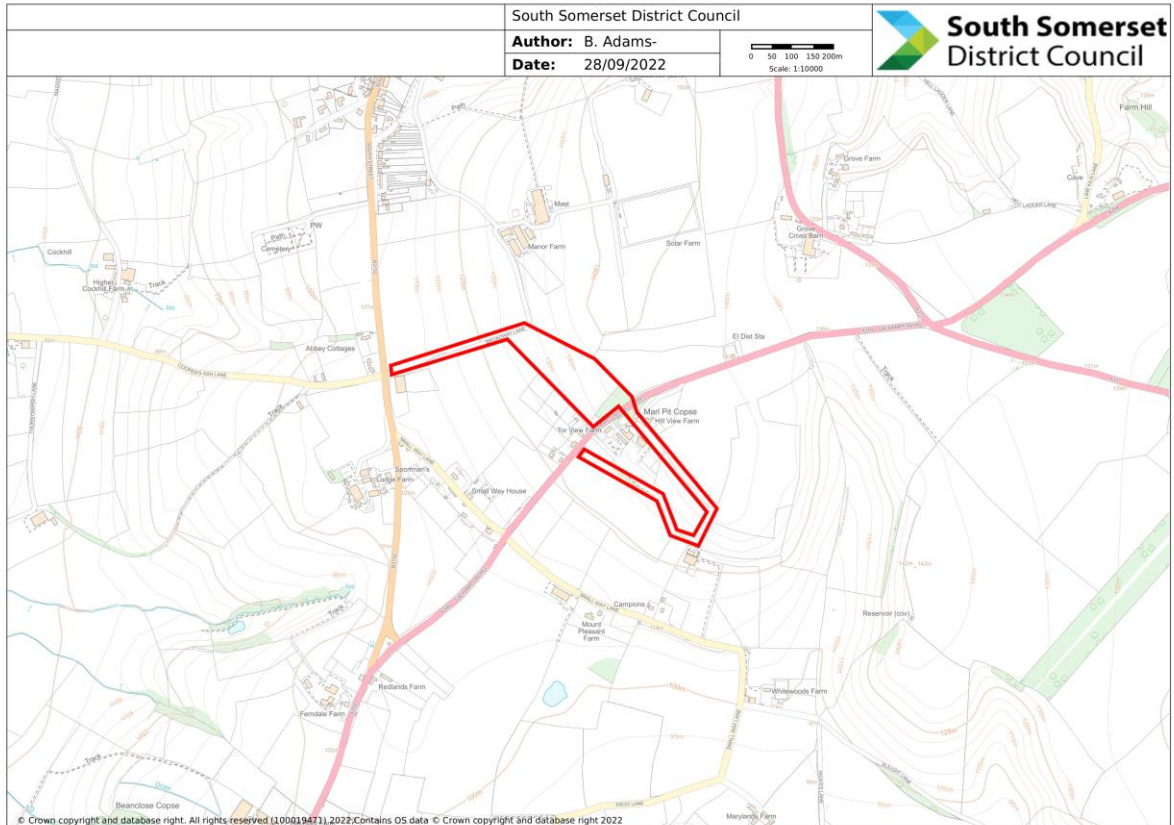
<b>Proposal :</b>	Construction of a bridge across the A359 and associated estate track and landscape works
<b>Site Address:</b>	Land Os 3600, Land At Manor Farm And Avalon Farm , Galhampton Hill, Galhampton, Yeovil, Somerset, BA22 7AE
<b>Parish:</b>	Pitcombe
<b>TOWER Ward (SSDC Member)</b>	Cllr R Bastable
<b>Recommending Case Officer:</b>	Russell Williams (Specialist) Tel: 01935 462345 Email: russell.williams@southsomerset.gov.uk
<b>Target date :</b>	11th February 2022
<b>Applicant :</b>	Mr Paul Rawson - Emily Estate (UK) Ltd
<b>Agent: (no agent if blank)</b>	Martin Harradine AZ Urban Studio 2 John Street LONDON WC1N 2ES United Kingdom
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR COMMITTEE REFERRAL

This application is referred to Area East Committee for determination at the request of the Ward Member, and with the subsequent agreement of the Chair. As this is a contentious application throughout the area, not just Tower Ward, it is considered that the planning merits of the proposed development should be fully discussed and considered by the Committee.

### SITE DESCRIPTION AND PROPOSAL





The application site is centred upon the A359, some 1.4km south of Castle Cary, and approximately 700m west of the A359 / A371 crossroads.

Immediately to the south is the Avalon Farm complex owned and occupied by the Applicant, which comprises of a range of commercial, horticultural, and residential uses.

To the west is an established woodland copse, with housing, agricultural and equestrian uses beyond. To the east is agricultural land. To the north is agricultural land and the large Manor Farm livestock complex, and a solar farm.

The topography in the area falls to the south and west, with the A359 being cut into the land as it passes through the site. There are no rivers or streams within the site.

The site is not subject to any specific protective designations, such as SSSI, SAC, Wildlife Site, Green Belt, AONB, Flood Zone, Conservation Area, Special Landscape Area, nor are there any listed buildings in close proximity. No public right of way directly links the site to any adjoining land.

The proposal seeks Full planning permission for the construction of a bridge across the A359 and associated estate track and landscape works.

New pedestrian connectivity would be provided across the applicants land through the provision of new permissive footpaths that will offer new connections to existing Public Rights of Way.

The following documents are part of the final submission details:

- Design and Access Statement by ADP;
- Planning Statement by AZ Urban Studio;
- Landscape and Visual Appraisal / Visually Verified Montages by NPA;
- Preliminary Ecological Assessment by Seasons Ecology;

- Arboricultural Impact Assessment and Tree Protection Plan, Bosky Trees, 11th May 2022
- Drainage Strategy Technical Note (Response to LLFA), Hydrock, Rev P03 21st July 2022

The following schedule of drawings have been submitted:

ADP-00-XX-DR-A-9003 SP P9 (Site Location Plan)  
 ADP-00-XX-DR-A-9008 SP P12 (Site Location Plan Proposed)  
 ADP-00-XX-DR-A-9020 SP P5 (EXISTING SITE PLAN 1 OF 3)  
 ADP-00-XX-DR-A-9021 SP P6 (EXISTING SITE PLAN 2 OF 3)  
 ADP-00-XX-DR-A-9022 SP P6 (EXISTING SITE PLAN 3 OF 3)  
 ADP-00-XX-DR-A-9025 SP P8 (PROPOSED SITE PLAN 1 OF 3)  
 ADP-00-XX-DR-A-9026 SP P10 (PROPOSED SITE PLAN 2 OF 3)  
 ADP-00-XX-DR-A-9027 SP P8 (PROPOSED SITE PLAN 3 OF 3)  
 ADP-00-XX-DR-A-1303 SP P4 (SITE PLAN - TREES TO BE REMOVED-RETAINED)  
 ADP-00-XX-XX-L-1900 S2 P4 (Proposed Landscape General Arrangement)  
 BB1441-GA-001 P04 (Bridge GA Plan - Approach Ramps and Farm Access Plan)  
 BB1441-GA-004 P05 (Bridge GA Plan, Section and Elevation - General Arrangement Concrete Composite Bridge)  
 BB1441-GA-002 P04 (Proposed - Approach Ramps and Farm Access Long and Cross Sections)

## **RELEVANT HISTORY**

21/01810/PREAPP - Construction of a bridge across the A359 and associated estate track and landscape works

## **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).

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

SD1 - Sustainable Development  
 SS1 - Settlement Strategy  
 TA5 - Transport Impact of New Development  
 EP4 - Expansion of existing businesses in the countryside  
 EQ1 - Addressing Climate Change in South Somerset  
 EQ2 - General Development  
 EQ4 - Biodiversity  
 EQ5 - Green Infrastructure

National Planning Policy Framework

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance, including National Design Guide - September 2019

## Other Relevant Documents

Somerset County Council Standing Advice

### **CONSULTATIONS**

#### Castle Cary Town Council

Support the application 6 in favour, 2 against. The developers indicated there would be the potential for public pedestrian access across the bridge as part of a footpath which we welcome.

#### Pitcombe Parish Council

No objection to the proposals.

#### County Highway Authority

Advised that further information was required in order to address Safety Audit technical design matters.

Subsequently commented as follows:

In planning terms this Authority cannot object to the proposed bridge over the A359. However, a s278 Agreement will be required, including full assessment of an Approval in Principle, to secure the structure's appropriate construction.

In addition to the s278 Agreement a licence will be required under s177/178 Highways Act 1980 for the private structure to over sail the highway.

This Authority is in liaison with the developer over the construction of the bridge, but if the details of the structure, when assessed, do not accord with current policy standards it may adversely affect the implementation of any permission granted.

No full assessment of the details can be carried out until this Authority is advised that planning permission has been granted as failure to receive such a permission will mean any works undertaken on the assessment would be abortive.

Condition recommended as follows:

Prior to first use of the bridge over the A359, it shall be constructed in accordance with full details which will have been provided and agreed in writing to the satisfaction of the Local Planning Authority.

#### SSDC Highway Consultant

SCC Highways has been considering this planning application further and will provide comments and a recommendation to the planning case officer.

#### Lead Local Flood Authority

The applicant is seeking full planning permission with regards to application 21/03400/FUL. Following previous correspondence from the LLFA dated, 03/08/2022, the following information was requested:

1. Final levels of the proposals and the proposed drainage system.

The following documentation, available on planning portal, has been reviewed:

- Drainage Strategy Technical Note (Response to LLFA) - 20138-HYD-00-ZZ-RP-C-0002 P04, 05/08/22

The applicant has addressed the above point in the response to the LLFA comments document, the response is outlined below.

The plans and calculations have been updated with an indication of the proposed levels. Plans have been updated with annotations of the levels associated with the stone soakaway and attenuation tank; levels for the centre line of the proposed road are also included. The included spot levels suggest that runoff is directed into the drainage system and away from infrastructure, and that a gravity system is viable. At this stage in the design the spot levels provided are considered acceptable, however more detailed proposed levels plans for the entirety of the site will be required at the next stage of design.

Somerset County Council as the LLFA advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to recommended granting planning permission, subject to the conditions.

#### Natural England

Natural England has no comments to make on this application.

#### SDDC Tree Officer

I have noted the carefully prepared scheme of tree and hedgerow protection measures. Subject to imposing suitable planning conditions, the impact of some minor tree and hedgerow losses ought to be suitably compensated by the detailed landscape measures also submitted.

If consent is to be granted, I would be grateful if you could secure the tree and hedgerow protection and planting measures.

#### SCC Rights of Way Team

Second response - No objection

Whilst we are supportive of the general improvements to public access, following the additional information received we still have some concerns including access over unregistered land and potential safety issues for the public where the proposed route will join the B3152 road in Castle Cary.

If this permissive access is to form part of any permission granted then we would advise that such issues need to be clarified and resolved. It is assumed that the applicant will accept public and maintenance liability for the permissive access rights. As and when the estate has more developed plans for the permissive access, we would be happy to have further discussions around entering into a permissive path agreement.

Please note that the legal line of bridleway WN 22/16 is not shown correctly on the applicant's plans. As per our previous comments, technical approval will be required as part of the associated s278 agreement for the proposed bridge in relation to walkers, cyclists and equestrians using the structure. Please also refer to our previous comments for this planning application.

First Response - No Objection

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map runs along part of the proposed access to the site (public footpath WN 6/4) and PROWs that run

adjacent to the site (public footpath WN 22/21 and public bridleway WN 22/16). The long-distance trails, The Macmillan Way, Monarch's Way and Leland Trail, run along parts of WN 6/4, WN 22/21 and WN 22/16. I have attached a plan for your information.

The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit. Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to the following:

#### Specific Comments

The proposed access track will require surface authorisation from SCC Rights of Way Group where it crosses path WN 6/4. Associated infrastructure may also be required.

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The proposed gateway across the path WN 6/4 will require authorisation from SCC Rights of Way group and further details will be required as part of the application process to authorise the structures.

There is a pending application to modify the Definitive Map and Statement (Modification ref. 638). This seeks to upgrade the public footpaths WN 6/4 and WN 22/21 to a public bridleway. This application is currently awaiting investigation.

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path WN 6/4. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

We request further information on existing and proposed vehicle movements to/from the site along the PROW WN 6/4.

Any proposed works must not encroach onto the width of the PROW.

Advisory note provided.

#### **REPRESENTATIONS**

There have been 20 representations to the proposed development, which have been placed on the website for consideration prior to the determination of this application.

13 objections have been received and can be summarised as follows:

- The bridge shape will be highly visible to anyone near Galhampton Hill and is unnecessary for public safety.
- It cannot but be a distraction to drivers going both up and down the hill, especially at night.
- Don't see how it helps diminish road use as the slowly increasing size of Avalon farm will produce large numbers of commercial vehicle, not stock and farm movements which in other farming situations may use such a bridge.
- A bridge over the A359 is only going to further disrupt the visual amenity of the surrounding area.

- Not an essential project, it is merely 'nice to have'.
- Other farmers whose lands straddle the A359 successfully move their livestock from one side of the road to the other without the need for a bridge.
- This application should be considered as one with the proposed expansion of the industrial development at Avalon Farm on the rising slopes of the escarpment.
- Associated estate track and landscape works and the development at Manor Farm will transform this area away from the view of guests at the Newt, but a visual imposition for residents of Galhampton and settlements to the south.
- Concerned that Rights of Way WN6/4 and WN22/21 should be safeguarded.
- Concerned that the movement of heavy vehicles along this route will make the PROW less convenient for continued public use and the traffic will pose a potential hazard to walkers
- If the bridge site was moved further North East to where the ground to the north of the road dips and the road is level with the surrounding land, this visual distraction would be mitigated.
- Highly probable that the commercial traffic that will feed the Manor and Avalon Farm complexes will result in an overall increase in road usage on the A359.
- There is unlikely to be any real benefit of reduced traffic levels on the A359 and in the surrounding lanes as a result of the proposed bridge.
- It would make sense for the Emily Estate to have a one way circuit entering via the Shatwell House, connected through to the Avalon Farm area to the A349 or Vice versa which would alleviate hazards of entering and exiting the estate.
- It will increase all forms of pollution; air, noise and light.

6 neutral representations received which can be summarised as follows:

- Is it not realistic to think that the amount of traffic kept off the public roads will be limited?
- The amount of commercial traffic into Avalon Farm from the A359 is likely to increase. Given the presence of the bridge over the A359, would it not be sensible to provide a separate lane for vehicles turning right?
- There must be a significant risk that the bridge over the A359 acts as a visual distraction for drivers, particularly when they are travelling in a south westerly direction, leading to the possibility of an accident.
- Concerned about the visual impact of the bridge, particularly for drivers heading south, where the line of the bridge appears to cut across the sight-line of the vale below
- The pre app response asked for a scheme for drainage to be submitted which has not happened. Given Broadway Lane suffers from surface water flows currently during high intensity rainfall, concerned that the drainage aspect has not been fully addressed in the application.
- Regarding residential amenity, no information has been provided on the volume of vehicle movements likely to occur as a result of the new bridge access and track or the hours of operation.
- Just because the dwelling known as 'Hill View Bungalow' is within the Estate's ownership does not mean the amenity impact is negated from siting the proposed farm track adjacent to it.
- Access to public footpaths via the bridge should be considered as it will provide public benefit and improve safety.
- Policy EP8 covers the enhancement of tourist facilities. Emily Estates have missed an opportunity to satisfy this policy by not offering to move the existing footpath from Broadway Lane to where the Leland Trail meets the A359. If the footpath was diverted to use the bridge, walkers would have a much safer means of crossing the A359;
- If the crossing of the A359 was moved further North East to where the ground to the north of the road dips and the road is level with the surrounding land an underpass would be more feasible;
- The visualisations of the bridge looking South West are taken from a very selective point, if the point had been taken closer to the bridge it would have shown how the bridge

interfered with view looking towards North Cadbury and Babcary which in contrary to NPPF Ch 12 and SSLP Policy EQ2.

- The ramp to the bridge to the South East is extremely close to Hill View Farm, probably within 10 metres;
- There is no indication of how the residents of Hill View Farm will access the property when the bridge and ramps are completed.
- Welcome the proposal for a permissive bridleway across the bridge that to connect the bridleway that meets the A359.
- The proposed permissive bridleway would appear to terminate at the old Manor Farm Buildings. If the lower part of Broadway Lane to the junction with the B3152 also upgraded, horse riders in the Galhampton area would have access to a number of circular rides on relatively quiet roads and bridleways. This would go some way to satisfying SSLP policy EP8.
- The Design Manual for Roads and Bridges states that the minimum height for a parapet on a bridleway should be 1800mm if the bridleway is immediately adjacent to the parapet. Since the edge parapets are only 1200mm, the implication is that horses are to use the roadway, which has a parapet of 1000mm and is separated from the edge parapets of the bridge. This means that horse riders will share the roadway with traffic from Emily Estates and any stock crossing the bridge.

1 representation in support received which can be summarised as follows:

- The British Horse Society supports the planning application to construct a bridge over the A359 at Galhampton Hill.
- The applicants have indicated that the bridge can be used for the benefit of the community as an off-road crossing for walkers, cyclists, and walkers.
- This is an exceedingly generous community benefit which will allow the users of the Macmillan Way, a strategic long distance recreational trail which currently crosses the A359 at grade, to cross in complete safety and continue to the nearby viewpoint on Lodge hill overlooking the popular tourist destination of Castle Carey.
- The British Horse Society can confirm that the design of the bridge is suitable for equestrian use.
- This gesture by the applicant is a very positive contribution to the local community in terms of amenity as well as something which will help to justify the need for the proposed bridge over the A359. The safety enhancement alone for walkers, riders, animals and our staff should be in itself be justification for approving the application.

## **CONSIDERATIONS**

### **Principle of Development**

The application proposes the construction of new farm tracks and a bridge crossing the A359, offering direct connectivity between the wider land ownership of Emily Estates.

The Estate has expanded its land holding since 2019, with the purchase of Manor Farm, where a rare breed livestock herd is based. In addition, Avalon Farm continues its development for horticultural and commercial uses associated to the Estate and, in particular, The Newt.

The proposed development is, according to the submission, required in order to enhance the day to agricultural and land management activities across the Estate. In particular, the bridge and new tracks would provide direct access for vehicles and livestock between the various land holdings. In turn, this would reduce the number of agricultural related movements along the local highway network.

Representations have been received questioning the need for the proposed bridge and extended farm tracks, however, Local Plan Policies EP4 and EP5 seek to support the development of rural businesses and farm diversification projects respectively. This includes



supporting development proposals that reinforce the sustainability of existing businesses, allowing them to develop modern practices in a shift away from traditional farm management policies.

These aims build upon the support for rural businesses set out within the NPPF.

It is not uncommon for commercial scale holdings to comprise of multiple smaller farm units that are connected by bridges and underpasses in order to avoid conflict with road users. It is clear that Emily Estates continues to develop its farm business plan within the area, as demonstrated by the recent purchase of Manor Farm and the proposed bridge and tracks will provide a logical connectivity between its land holdings.

The development is considered to be reasonably necessary for the purposes of agriculture and, therefore, the principle of development is considered to be acceptable.

### **Visual Impact**

Local Plan Policy EQ2 refers to development in general and requires development proposals to preserve and enhance the character of the district. Development proposals must, amongst other criteria, seek to conserve and enhance the landscape character of the area, reinforce local distinctiveness and respect local context and have due regard to site specific considerations.

Objection has been received in relation to the perceived adverse visual impact of the proposed development.

The application is supported by a Landscape and Visual Assessment, which has been updated to reflect some design changes following consultation feedback.

The construction of the bridge will primarily impact upon the short section of highway over which it will be constructed. Within the wider landscape the bridge will have minimal visual impacts by virtue of the structural landscape planting that is proposed. The proposed planting scheme is supported by the Council's Tree Officer.

The location of the bridge has been selected in order to take advantage of the significant level difference between the highway and adjoining land opened by the applicant. The highway essentially sits several metres below adjoining land with landscaped banks either side, creating a well screened channel through which the A359 passes. The levels allow the height of the bridge to be kept to a minimum and avoids the need for it to be raised substantially above the fields either side of the highway.

The design of the bridge has been amended but is not one of a traditional highway infrastructure. Moreover, the bespoke architectural design, incorporating hidden highway railings and the like, is of high quality and will create visual interest. The proposed bridge is considered to be of high quality design and the finished materials will assist further limit visual harm compared to what could be an overly engineered crossing point.

Limited short distance views will be available for a time, however as planting matures, the bridge will become visually contained and have a much-reduced impact upon the character and appearance of the landscape. The level of harm is perceived to be low.

The proposed farm tracks will connect into existing and will be of the same materials. The tracks will have a relatively benign impact upon the landscape and no objection is raised to their construction.

Overall, the harm associated to the visual impact of the proposed is considered to be low and the design of the proposed development in accordance with Local Plan Policy EQ2.

## **Access and Highway Safety**

Local Plan Policy TA5 requires all new development to securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all, and to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In highway safety terms, the bridge will provide enhanced connectivity across the applicant's wider estate and this in turn will remove a degree of vehicle and livestock movements from the public highway. Whether the number of movements removed from the public highway will be as great as the applicant suggests is questionable, however, it is a positive move to seek the removal of slow moving and large agricultural vehicles and livestock from the local highway network, even in small numbers, as doing so will result in a betterment to highway conditions and road safety in the area.

Objectors have suggested that the bridge will interfere with views along the highway, however, it would appear to me that forward visibility would remain unaffected and that road users would be largely unaffected.

It is pertinent to note that whilst there have been objections to the proposed development from members of the public, the Highway Authority and the Council's Highway Consultant do not object to the proposals.

It is accepted that the detailed design of the bridge cannot be assessed by the Highway Authority until planning permission is in place and, therefore, the risk attached to there being issues with the approved design are accepted by the developer.

Having regard to the views of the Highway Authority and Council's own Highway Consultant the proposed bridge and track will not give rise to any significant adverse impacts upon highway safety resulting from the proposed development.

The new bridge will enable a reduction in estate related vehicle movements on the public highway and this will, on balance, improve highway conditions.

Subject to the final design of the bridge achieving Highway Authority approval, following imposition of appropriate conditions, the development is considered to comply with LP Policy TA5 and Paras 110, 111 and 112 of the NPPF.

## **Public Right of Ways**

PROW WN 6/4 runs along part of the proposed access to the site and PROW WN22/21 and Bridleway WN22/16 run adjacent to the site. The long-distance trails, The Macmillan Way, Monarch's Way and Leland Trail, run along parts of WN 6/4, WN 22/21 and WN 22/16.

Part of the proposed track will affect PROW 6/4 and this will require approval of the County Council. This itself will not inconvenience or harm the safety or general enjoyment of the route.

During the consultation process a number of comments were received noting the disappointment amongst the public that the development did not allow for public access. Following these comments, the applicant amended the scheme to provide for a number of

permissive access routes along the proposed tracks and across the new bridge. The bridge itself will also allow for horse riders to utilise the new infrastructure.

Increasing public access comprises a significant public benefit that weighs in favour of the proposed development. It will enhance public access to the countryside, improve people's enjoyment of the area and enhance health and wellbeing.

The County Rights of Way Team does not object to the proposed development and it is considered that the legal framework of establishing the formal permissive routes can be completed once planning permission is granted but before the development is first brought into use. Conditions can be used to this effect.

Overall, the proposed development will enhance public access and not adversely impact upon existing PROW. The development therefore complies with Local Plan Policies HW1 and EQ2.

### **Flooding and Drainage**

Subject to a condition, the LLFA are satisfied with the proposal. Given the land within the ownership of the applicant, it is considered reasonable to assume that surface water from the scheme could be addressed in accordance with sustainable drainage principles and whilst some amendments have been secured during the course of the application, a condition is recommended by the LLFA to finalise the details of the drainage strategy.

Accordingly, the scheme is considered to comply with EQ1 of the Local Plan.

### **Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also require proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The applicant has submitted an Ecological Appraisal which describes the baseline ecological conditions at the site; evaluates habitats within the survey area in the context of the wider environment; and describes the suitability of those habitats for notable or protected species.

The development will not adversely impact upon protected species, including bats and badgers, though a precautionary approach to work is recommended.

The application makes a number of recommendations for biodiversity enhancement which will be delivered through planning conditions.

The proposed landscaping scheme is one feature that will enhance existing habitats within the application site.

There have been no objections to the development on biodiversity grounds and the development is considered to be acceptable in this regard. The development would not result in an unacceptable impact on biodiversity, in accordance with EQ4 of the Local Plan

### **Residential Amenity**

The proposed bridge and tracks, by way of their position and distance from nearby properties, will have no demonstrably adverse impact on the residential amenity of adjoining occupiers in terms of noise or vibration. It is pertinent to highlight the fact that the A359 is much closer to residential properties than either the bridge or tracks and so background noise will largely be

related to the public highway.

It is therefore considered that there would be no demonstrable harm to the residential amenity of surrounding occupiers in accordance with policy EQ2 of the local plan and the aims and provisions of the NPPF.

### **Conclusions and the Planning Balance**

The development is justified as being reasonably necessary for the purposes of agriculture. The proposed bridge and tracks will provide greater connectivity between the extensive land and property holdings of the Emily Estate.

The benefits of the proposed development include the removal of farm related vehicle and livestock movements from the public highway and the enhancement of public access to the countryside through permission footpath routes. Such benefits should be afforded moderate weight as a benefit of the scheme.

Weighed against the development is the matter of visual impact as the bridge and tracks will have an adverse impact upon landscape character, though the impact is assessed as being at the low end of the spectrum of harm.

Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the County Highway Authority, LLFA, Rights of Way Team or by any of SSDC's officers consulted. Material planning considerations in respect of highways, drainage, ecology, and neighbour amenity are addressed by the detailed design.

Having regard to the above and the above, it is considered that the benefits of the development outweigh the low level of harm to landscape character and, as such, planning permission should be granted.

### **RECOMMENDATION**

Planning permission be granted for the following reason:

01. The principle of development is considered to be acceptable in this location. Subject to the use of appropriate conditions there will be no demonstrable harm to local character, residential amenity, highway safety, flood risk, or ecology/biodiversity. As such, the proposal should be recommended for approval in accordance with policies EQ1, EQ2, EQ4, TA5, EP4 and EP5 of the South Somerset Local Plan and the aims and provisions of the NPPF.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

2. Development must proceed in strict accordance with the following plans:

ADP-00-XX-DR-A-9003 SP P9  
ADP-00-XX-DR-A-9008 SP P12  
ADP-00-XX-DR-A-9020 SP P5  
ADP-00-XX-DR-A-9021 SP P6

ADP-00-XX-DR-A-9022 SP P6  
ADP-00-XX-DR-A-9025 SP P8  
ADP-00-XX-DR-A-9026 SP P10  
ADP-00-XX-DR-A-9027 SP P8  
ADP-00-XX-DR-A-1303 SP P4  
ADP-00-XX-XX-L-1900 S2 P4  
BB1441-GA-001 P04  
BB1441-GA-004 P05  
BB1441-GA-002 P04

Reason: In the interests of clarity and proper planning.

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

03. The development hereby approved shall be constructed using the materials schedule set out in the application documents, subject to any further detailed approvals granted by the Local Planning Authority pursuant to condition 8 of this permission.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

04. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides 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 by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan and the provisions of the NPPF.

05. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the pre-commencement requirements of the submitted scheme of tree and hedgerow protection measures (Ref: Tree Protection Plan- as prepared by Bosky Trees dated 11th May, 2022) must be installed and made ready for inspection by a competent Arboriculturalist who must confirm in-writing to the Council that the approved tree and hedgerow protection measures (in particular, any required fencing, signage and ground-protection installations) are installed to a satisfactory standard (to comply with this planning condition, you will need to instruct your appointed Arboriculturalist to contact us at [planning@southsomerset.gov.uk](mailto:planning@southsomerset.gov.uk) - quoting Planning Reference: 21/03400/FUL). The approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

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

06. All planting and landscaping measures comprised in the approved planting and landscaping scheme (Ref: ADP-XX-XX-L-1900 S2P4) must be carried out within the first available dormant planting season (November to February inclusively) upon or prior to the first occupation of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or

in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

07. Other than site clearance works, the development hereby approved shall not commence until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic.
- Locations for loading/unloading and storage of plant, waste, and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The approved plan/statement shall be adhered to throughout the demolition/construction period.

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

08. Prior to the bridge hereby permitted first being brought into use, full design and engineering details of the bridge structure and associated works shall be submitted to and approved in writing by the local planning authority. Thereafter, the bridge shall be constructed in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

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

09. The development shall be carried out in strict accordance with the submitted mitigation and enhancement measures set out within Section 5 of the approved ecology report Season Ecology Preliminary Ecology Appraisal December 2020/October 2021/MAY 2022 to provide appropriate mitigation for protected species and to conserve features of nature conservation value.

Reason: To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with the provisions of the National Planning Policy Framework and Policies EQ4 and EQ5 of the adopted South Somerset Local Plan 2006 - 2028.

10. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the building and any other parts of the application site edged red and the hours at which such lighting is to be operated.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form and under no circumstances shall it cause light pollution. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: To safeguard the rural character and appearance of the locality and to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. The use of the bridge hereby approved shall not commence until the scheme for the provision of permissive bridleway routes, as identified on drawing number ADP-00-XX-DR-A-9008 SP P12, has been completed. Thereafter, the permissive routes shall remain open and available for public access for the duration of the operational life of the bridge.

Reason: To deliver public benefit through increased accessibility to the countryside for the public, in accordance with Local Plan Policies HW1 and EQ2.

12. Other than site clearance works, no development shall be commenced until detailed engineering details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The development shall include measures to prevent the control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

13. The estate tracks and approved bridge shall not be first brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

#### **Informatives:**

01. IN relation to Conditions 3 and 4 of this permission, the LLFA will expect to see the following in order to discharge the conditions:

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the

site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.

- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
- Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
- Where relevant, calculations should consider the use of surcharged outfall conditions.
- Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
- Results should be provided as a summary for each return period (as opposed to each individual storm event).
- Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required
- Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
- A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

02. Your attention is drawn to the need to apply for and obtain a s278 Agreement license from Somerset County Council in relation to the bridge detail and audit process.