

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - SOUTH

Tuesday, 25 July 2023 at 5.00 pm

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

To: The members of the Planning Committee - South

Chair: Councillor Peter Seib
Vice-chair: Councillor Jason Baker

Councillor Steve Ashton	Councillor Mike Best
Councillor Henry Hobhouse	Councillor Andy Kendall
Councillor Jenny Kenton	Councillor Tim Kerley
Councillor Sue Osborne	Councillor Oliver Patrick
Councillor Evie Potts-Jones	Councillor Jeny Snell
Councillor Martin Wale	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services – see contact details below.

Requests to speak at the meeting about a planning application must be made to the Democratic Services Team no later than **12noon on Monday, 24 July 2023** by email to democraticservicessouth@somerset.gov.uk . Further information on the public speaking arrangements at Planning Committee is provided in the Public Guidance Notes near the front of this agenda pack.

This meeting will be live streamed to YouTube and viewable at:
<https://www.youtube.com/watch?v=c1hxmtXbPSQ>

Members of the public are welcome to attend the meeting.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

Issued by David Clark, Monitoring Officer (the Proper Officer) on Thursday 13 July 2023.

AGENDA

Planning Committee - South - 5.00 pm Tuesday, 25 July 2023

Public Guidance Notes for Planning Committees (Agenda Annexe) (Pages 7 - 10)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 11 - 18)

To approve the minutes from the previous meeting.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 5pm on Wednesday 19 July 2023.

5 Planning Application 22/03397/FUL - Land at Owl Street, Stocklinch, Ilminster (Pages 19 - 38)

To consider an application for a proposal that will demolish the existing three barns, two of which have a previously approved Class Q change of use and rebuild into 5no. new habitable dwellings, consisting of 1no. 4 bedroom dwellings, 2no. 3 bedroom dwellings and 2no. 2 bedroom dwellings.

6 Planning Application 18/01311/OUT (Pages 39 - 56)

To consider an outline planning application with all matters reserved aside from access for the erection of up to 35 dwellings and associated works (resubmission of 17/04239/OUT).

Other Information:

Exclusion of the Press and Public for any discussion regarding exempt information

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to democraticservicessouth@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.



Minutes of a Meeting of the Planning Committee - South held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Tuesday, 27 June 2023 at 5.00 pm

Present:

Cllr Peter Seib (Chair)
Cllr Jason Baker (Vice-Chair)

Cllr Steve Ashton
Cllr Henry Hobhouse
Cllr Tim Kerley (to 8.30pm)
Cllr Oliver Patrick
Cllr Martin Wale

Cllr Mike Best
Cllr Jenny Kenton
Cllr Sue Osborne
Cllr Jeny Snell

In attendance:

Cllr Tony Lock
Cllr Adam Dance

Cllr Andy Soughton
Cllr Connor Payne

Other Members present remotely:

Cllr Andy Kendall (to 6.15pm)

10 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Evie Potts-Jones.

11 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - South held on 23rd May 2023 be confirmed as a correct record.

12 Declarations of Interest - Agenda Item 3

Councillors Jenny Kenton and Martin Wale declared a personal interest in Item 6 – Planning Application 21/03296/OUT as they were both previously District Ward members.

Councillor Sue Osborne declared a personal interest in Item 7 – Planning Application 22/03397/FUL as she is the Division member.

Councillor Jason Baker declared a personal interest in Item 6 – Planning Application 21/03296/OUT as he is the Division member.

13 Public Question Time - Agenda Item 4

There were no questions from members of the public.

14 Planning Application 20/03708/OUT - Land at Gold Well Farm, Yeovil Road, Crewkerne. - Agenda Item 5

The Principal Planner explained the reason why the application had been deferred from last month's committee to allow the Highways Authority to attend committee. For completeness she proceeded to present the application again in full. She highlighted a correction to the report regarding a property name, and updated on the parking provision and proposed access arrangements. She reminded members this was an outline application and referred to the key considerations. She detailed the reason for approval and various planning obligations required along with the conditions listed within the report.

Two members of the public addressed the committee in objection to the application, and some of their comments included:

- Safety concerns regarding the traffic and parking associated with the school.
- Reference to the high number of local objections including the Parish and Town councils.
- Concern about building in the open countryside and reference to Policy SS2 and direction of growth.
- Disagree the site is acceptable in landscape terms and reference made to an appeal decision regarding a previous application at the site.

One member of the public spoke in support of the application, and some of their comments included:

- As the highway consultant for the applicant he clarified they had not used traffic survey in the school holidays, and noted comments raised regarding

car parking would be considered at the reserved matters stage.

- Noted that the Highways Authority had raised no objection.
- Felt a refusal for reason on transport issues would not be justified.

A representative from Crewkerne Town Council addressed the committee and spoke in objection to the application, and some of their comments included:

- Safety concerns regarding the proposed junction and parking associated with the school.
- The detrimental and cumulative impact on the town from other applications already being built.
- Strongly opposed the application.

Division member Councillor Adam Dance raised his concern in objection to the application. Some of his comments included:

- Reference to the previously dismissed appeal on the site and felt several issues had still not been addressed in this current application. He queried what had changed since the last refusal.
- Safety concerns regarding the traffic and query the reality of parking enforcement.
- Little in the application to deliver pavements or cycle routes.
- Impact on the local services some of which are already at breaking point.

The Agent addressed the committee. Some of her comments included:

- There had been a reduction in dwellings following consultation.
- Believed it to be a sustainable location.
- Reminded members this was an outline application and why it had been deferred at the last meeting, however noted no objection on highway safety.

During discussion the Planning and Highways Officers responded on the points raised by the public speakers and later also on points of detail and technical questions raised by members including:

- Current housing land supply and delays in build.
- Context for this application regarding building happening elsewhere in the area and the cumulative impact.
- Direction of growth.
- Landscape impact.
- Both the Council's Highways officer and an independent Highways consultant had indicated they did not feel the application could be refused on traffic and highways grounds as an appeal could not be defended on these grounds.
- Explained the highway safety aspects and what is taken into account when

the Highway Authority consider their response as a statutory consultee, including information regarding the future signalled junction on the A30 and the trigger points for delivery as part of the CLR site.

- A brief overview of the reasons for the appeal dismissal from 2014 and noted the CLR site would deliver some of the walking routes into the town along the A30.
- Members were advised if minded to refuse the application they would need robust reasons in the absence of a five year housing land supply.

At the end of initial discussion, the Chairman proposed to approve the application as per the officer recommendation, which was seconded by Councillor Oliver Patrick. On being put to the vote this was lost by 2 votes in favour, 3 against and 6 abstentions.

As several members appeared minded to refuse the application there was a short adjournment for the members to formulate their reasons for refusal. On reconvening the meeting Councillor Steve Ashton proposed, seconded by Councillor Mike Best, to refuse the application for the following reasons:

1. Unacceptable impact on landscape character.
2. Failure to demonstrate on choices of travel.

Following a short discussion and advice from the Lead Specialist the proposal for refusal was withdrawn.

The Lead Specialist acknowledged the comments made during discussion raising concerns about parking and advised that an additional clause could be included within a S106 agreement regarding provision for visitor parking off the adopted highway.

The Chairman then proposed to approve the application as per the officer recommendation and subject to the suggested additional clause in the S106 for visitor parking, this was seconded by Councillor Henry Hobhouse. On being put to the vote this was carried by 8 in favour, 1 against and 2 abstentions.

RESOLVED:

That application 20/03708/OUT be approved as per the officer recommendation subject to an additional clause in the S106 agreement regarding provision for visitor parking.

(Voting: 8 in favour, 1 against and 2 abstentions)

15 Planning Application 21/03296/OUT - Land South of Southmead, Perry Street, South Chard, Chard. - Agenda Item 6

The Principal Planner presented the application and explained this was an outline application. She highlighted the access and visibility splay of the site, updated members on further representations received, and explained the key considerations. She explained the recommendation for approval subject to planning obligations and an amendment to condition 2 to include a parameter plan.

Five members of the public addressed the committee in objection to the application. Some of their comments included:

- Increased use of cars and traffic, with minimal availability of public transport.
- Access to the site would be hazardous for pedestrians and cyclists.
- Highway safety concerns.
- Tatworth is not a town, residents will have to travel to facilities and access health provision.
- Building on this site will have consequences on the three natural springs which are a source of water to local businesses – concern regarding contamination of the water supply,
- Impact on the character and appearance of the landscape and nearby AONB.
- Unallocated site that does not comply with policy SS2 and EQ2 and will substantially increase the population of Tatworth.
- Erosion of the gaps between settlements.
- Concerns regarding the impact of pollution to the river Axe and ecology.
- Concerns around the adequacy of the attenuation and sewage treatment proposed.
- Urban design in a rural area, which is not appropriate.
- Tatworth is not identified as a rural centre and the proposal is not supported by the local community.

One person then spoke in support of the application. Some of his comments included:

- Tatworth has seen little housing growth for many years.
- As the applicant he explained why the access location had been selected.
- Energy strategy is in place to make the housing development sustainable in energy terms.

A representative of Tatworth and Forton Parish Council addressed the committee in objection to the application. Some of their comments included:

- Not an allocated site and on the wrong side of the road to the main part of the village.

- Density and layout is inappropriate for the location.
- Many local objections have been submitted.
- Consider the officer report to be misleading, and reference made to policy SS2.

Division member Councillor Connor Payne addressed the committee and concurred with many of the comments in objection already made. He noted there was a need to consider the local community in the long term. Various concerns had been raised locally and he was of the opinion there were a number of reasons to consider refusing the application.

The Agent then addressed the committee and noted it was one of the largest rural settlements in the area but had seen little housing growth in the last twenty years. There would be a biodiversity gain and significant S106 obligation funding to support local facilities and infrastructure. It was a high quality proposal that met the needs of local people.

The Planning Officers and Highway Officer responded on the points raised by the public speakers and later also on points of detail and technical questions raised by members including:

- Both AONBs had been consulted and not raised an objection.
- Statutory consultees had not raised concerns about the river quality, and there was a need to consider their responses regarding the quality and potential impact to the private water supplies.
- Necessary permits and building regulations would be required regarding proposed sewage treatment and surface water attenuation on the site.
- Cumulative impact on other approved schemes considered by Highway Authority.
- Breakdown of monies for local infrastructure.
- The transport assessment had looked at the impact on the wider road network and junctions and not just the immediate site.

During discussion reference was made to the location of the proposed development and concern that it would connect Tatworth with the hamlets in the south. Reasons to refuse were suggested which included the application was not in the local plan, not supported by local people, impact on the local character and landscape.

Following further discussion other reasons for refusal were suggested to include incomplete path network, erosion between settlements and flooding and impact on the river associated with this site.

In response the Lead Specialist provided advice regarding the suggested reasons

for refusal. He further explained that if members were minded to refuse, an additional administrative reason regarding the S106 obligations would also be required.

At the end of discussion Councillor Jenny Kenton proposed refusal of the application on the grounds that it is not in keeping with the local character, and would harm the area. She felt the application would unacceptably alter the character of this part of Tatworth and lead to a coalescence with separate hamlets to the south of the village. The proposal was seconded by Councillor Jason Baker. The Chairman reminded members that the additional administrative reason as advised by the Lead Specialist would also be required. On being put to the vote this was carried by 8 in favour, 1 against and 1 abstention. Members agreed that the precise wording of the reasons be delegated to the officers.

RESOLVED:

That application **21/03296/OUT** be refused for the following reasons:

01. Notwithstanding the acknowledged benefits deriving from the delivery of housing including policy compliant affordable housing, the proposed development would substantially extend the built form of the rural settlement of Tatworth beyond the naturally defined edge of the settlement, which is formed by Perry Street. This would result in the built-up area of Tatworth extending considerably south of the main settlement into an area of open countryside and would result in the erosion of the separation between Tatworth and the hamlet of Chilson Common, which is important in maintaining the unique quality of this part of the Authority, and as a result this would result in very significant harm to the character and setting of both Tatworth and Chilson Common within the River Axe Valley. These adverse impacts would significantly and demonstrably outweigh any benefits of the scheme. The proposed development is contrary to Adopted South Somerset Local Plan 2006 - 2028 policies EQ2 and SS2 and advice contained within the NPPF.
02. At the point of determination the application does not satisfactorily deliver social and community infrastructure and necessary nutrient neutrality mitigation required by developments within the Somerset Levels and Moors Ramsar site, and is therefore contrary to the provisions of policies SS6, HG3, HW1 and EQ4 of the Adopted South Somerset Local Plan 2006 - 2028

(Voting: 8 in favour, 1 against, 1 abstention)

16 Planning Application 22/03397/FUL - Land at Owl Street, Stocklinch, Ilminster. - Agenda Item 7

This application was not presented or discussed due to lack of time – deferred to the July meeting.

17 Planning Committee South - Future Meeting Arrangements - Agenda Item 8

The Chairman introduced the item and noted there was a backlog of applications to consider in addition to the normal business coming forward. It was suggested there may be a need for more frequent meetings and he asked if members supported the principle to ask officers and the Monitoring Officer to look at provisional additional meeting dates for Planning Committee - South. He was aware the existing time was not always convenient and an alternate date between the current monthly meetings would allow more flexible timing and enable more decisions to be made.

A member requested that the date and time of the existing and proposed additional meetings be reviewed. The Chairman noted the possibility to hold the additional meetings on the second Monday of each month in the afternoon. Members were asked to indicate their support and this was agreed unanimously.

RESOLVED:

That Planning Committee – South request that officers and the Monitoring Officer look at provisional additional meeting dates for the Committee. The following suggestions are asked to be considered:

- A member requested that the date and time of the existing meetings be reviewed.
- It was noted by the Chairman additional meetings on the second Monday of each month in the afternoon may be a suitable day and time for the additional meetings.

(Voting: Unanimous)

(The meeting ended at 8.52 pm)

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CHAIR

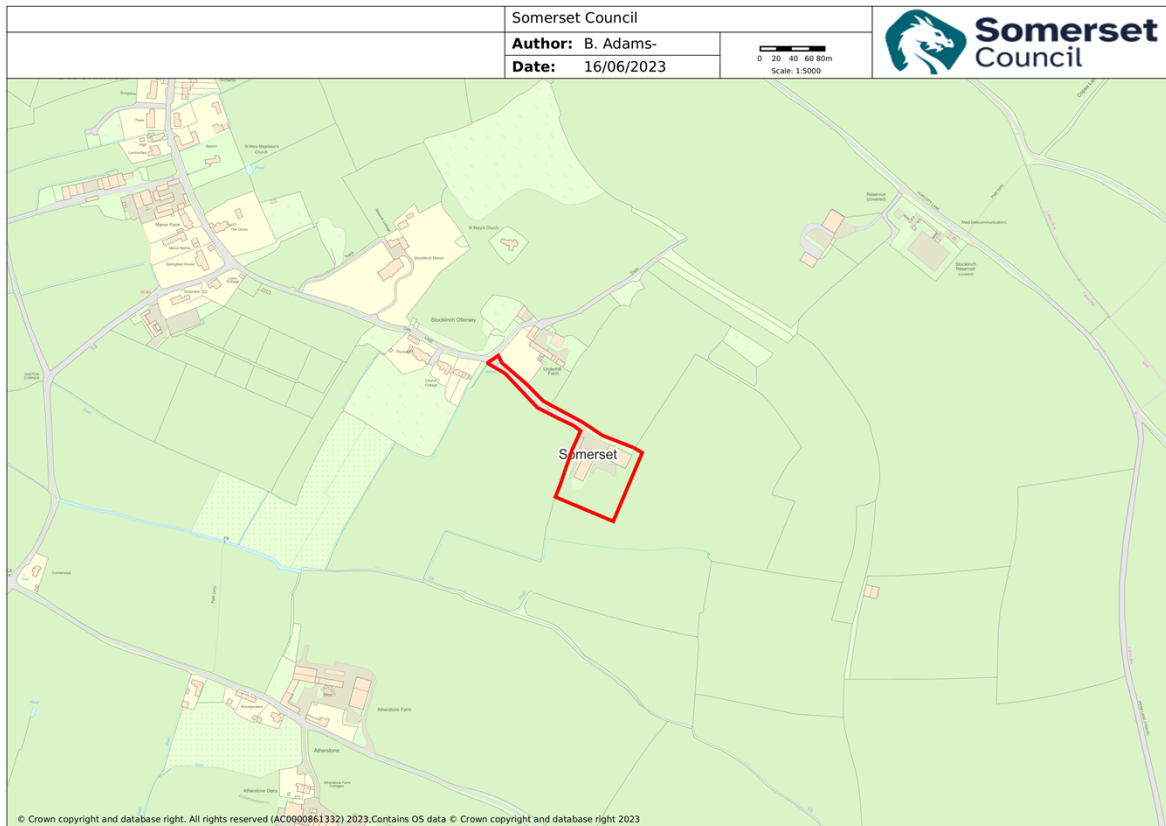
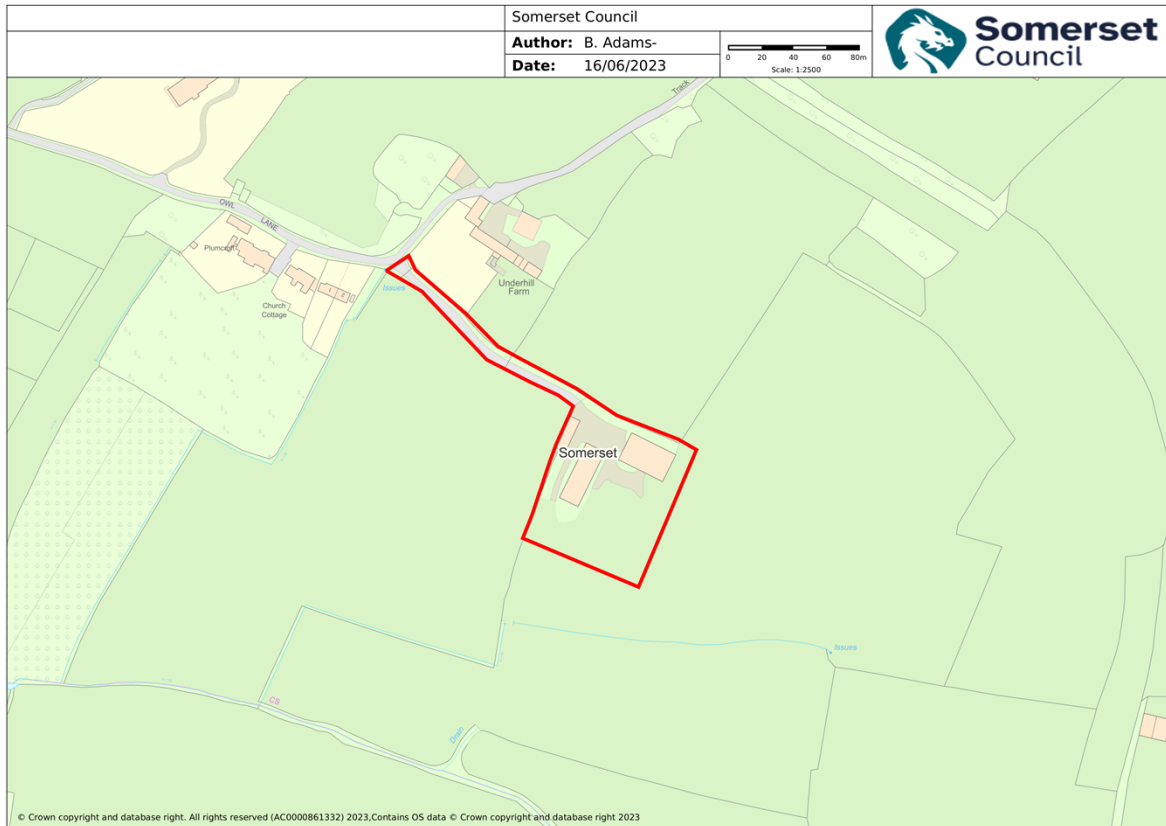
Officer Report On Planning Application: 22/03397/FUL

Proposal :	The proposal will demolish the existing three barns, two of which have a previously approved Class Q change of use and rebuild into 5no. new habitable dwellings, consisting of 1no. 4 bedroom dwellings, 2no. 3 bedroom dwellings and 2no. 2 bedroom dwellings.
Site Address:	Land At, Owl Street, Stocklinch, Ilminster, Somerset, TA19 9JN
Parish:	Stocklinch
SOUTH PETHERTON AND ISLEMOOR Division	Cllr Adam Dance Cllr Jo Roundell Greene
Recommending Case Officer:	Tracey Meachen (Specialist)
Target date :	13th April 2023
Applicant :	Cameron
Agent: (no agent if blank)	Orme Ltd Mill Farm Barns, Tuckers Lane, Baltonsborough, Glastonbury BA6 8RH
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

In line with the adopted scheme of delegation, this application was referred to the Chair and Vice chair of Planning Committee South as Stocklinch Parish Council objected to the proposal which is contrary to the officer recommendation. After consideration by the Chair and Vice Chair, it was decided that the application be referred to the Planning Committee to discuss the matter of sustainability.

SITE DESCRIPTION AND PROPOSAL



The farm buildings at Owl Street are located to the southeast of Stocklinch on the outskirts of the village. The site is also to the south of Barrington and west of Shepton Beauchamp. This is therefore an open countryside location. The character of Owl Street is for a mix of residential dwellings and agricultural buildings. Dwellings are generally constructed of stone or render with a mix of roof types. Owl Street is a no through road and the site is to the bottom of Owl Street with only one thatched cottage further along. The site is accessed from a single lane track from Owl Street and is not visually prominent from surrounding roads due to distance and existing hedgerows which border the surrounding fields. The closest residential property is approximately 150 metres northeast of the site.

A Notification of prior approval under Class Q was granted in 2022 for the conversion of two of the three agricultural barns into 5 no. dwellings. The permission is extant until 13th April 2025.

Two large agricultural barns are the subject of the Prior Approval and this subsequent full planning application. One barn is constructed of a steel frame with timber boarding for the walls and cement fibre roof sheets and concrete block. A second barn is a rigid steel portal frame with vertical corrugated steel cladding for the walls and fibre cement sheets. A third barn was not subject of a Prior Notification under Class Q and appears to be an open fronted steel framed barn with corrugated steel cladding for the walls and roof.

The Class Q conversion previously approved would provide 667 square metres of floor space internally measured with the heights of buildings ranging from 5.88 metres to 7.22 metres in height. The ground slopes gently downwards from northwest to south east. Accommodation approved consisted of 3 x 2 bed dwelling, 1 x 3 bed dwelling and 1 x 4 bed dwelling.

The application seeks consent to improve the quality of the proposed development beyond the restrictions of the Class Q but using the Class Q consent as a fallback position.

Works would include the demolition of all three barns and the erection of 5 dwellings, 2 of which would be two bed semi-detached dwellings with 3 parking spaces each. The detached dwellings would be 2 x 3 bed dwellings and 1 x 4 bed dwellings with attached double garages as well as three car parking spaces. Internal floor space would be 651 square metres, excluding garage space.

External materials used would be timber cladding with metal standing seam roof and recessed aluminium windows with timber surround. Solar panels are proposed to the

roof with Air Source Heat Pumps also proposed.

Large openings and materials reflect the agricultural character of the open countryside.

The existing barns are not listed or within the setting of listed buildings, and not within any area of designation. The applicant has confirmed that the dwellings will be used for residential purposes for long term lets, and not for short term holiday lets.

HISTORY

22/00743/PAMB Notification of prior approval for the change of use of existing agricultural barns into 5 dwellinghouse. Approved 14/04/2022

20/00502/PAMB - Notification for prior approval for the change of use of agricultural building to a dwellinghouse - Approved 03/04/20

20/00504/PAMB - Notification for prior approval for the change of use of agricultural building to a dwellinghouse - Approved 03/04/2020

Other relevant applications surrounding the area

ATHERSTONE FARM

23/00580/AGN - Notification of intent to create a track to reduce large vehicles movements through narrow country lanes. - Planning consent required.

20/02745/FUL and 20/02746/LBC - Change of use, alteration and extension of existing agricultural buildings to provide holiday accommodation with swimming pool and the erection of 2 No. units of holiday accommodation. - CURRENTLY PENDING CONSIDERATION - PHOSPHATE DELAYED

19/02790/FUL and 19/02791/LBC - The restoration and change of use of existing farm buildings into a venue of congregation with accommodation including some demolition and extension of existing farm buildings. - WITHDRAWN

POLICY

South Somerset Local Plan (2006-2028):

Policy SD1: Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy EQ1 - Addressing Climate Change in South Somerset
Policy EQ2 - General Development
Policy EQ4 - Biodiversity Policy TA1 - Low Carbon Travel
Policy HG8 - Replacement Dwellings in the Countryside
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

National Planning Policy Framework (2021):

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making Chapter 6 - Building a Strong Competitive Economy
Chapter 9 - Promoting Sustainable Transport
Chapter 11 - Making Effective Use of Land
Chapter 12 - Achieving Well-Designed Places
Chapter 15 - Conserving and Enhancing the Natural Environment

Other Relevant Documents

National Planning Policy Guidance
Somerset County Council Parking Strategy.
Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Stocklinch Parish Council – Objects

Although the developer has asked for the existing Class Q on the site to be taken into consideration, the new application is radically different and the Parish Council would therefore ask the Planning Authority to de-couple their decision on this new application from the existing class Q. We also ask that, in light of the recently published officer report on planning application 23/00580/AGN, which clearly shows the link between this application, application 23/00580/AGN, and application 20/02745/FUL, that this application should be judged as part of the larger scheme of proposed holiday complex development across two parishes, Stocklinch and Whitelackington. These three applications must therefore be considered as a whole as it appears that the ultimate aim is for the proposed developments to be linked as part of a commercial holiday complex venture. If these applications are to be granted it would result in unplanned village expansion, the linking of two separate parishes, and the creation of a 'holiday complex' vastly out of scale and keeping with the surrounding rural area, which would significantly alter the character of the villages of both Atherstone and Stocklinch, and change the landscape of the area generally. The existing settlements and highways cannot support such a development.

The Parish Council has several concerns with this specific application for the development of the site at Owl Street as follows:

- Unsustainable location conflicting with Policies SS1, EP5 and EP8,
- Represents an increase in the number of dwellings along Owl Street of 83% (currently 8 dwellings).
- garage conversions would increase the living space, and domestic sheds and summer houses would be permitted development,
- Residential curtilage would be larger than proposed under Class Q,
- Highway issues,
- Dust, noise and construction traffic would impact quality of the roads,
- will cause overlooking of existing properties and visually dominant along public footpaths, (i.e view from Box Hill looks down on the barns,
- Class Q restrictions should continue to be employed.

County Highways - no objection subject to the application of conditions.

The Highway Authority deem the following points to be salient;

- Access - Vehicle access is currently provided via the main entrance to the yard off Owl Street, to which it will serve all 5 dwellings. It is currently used by farm vehicles and will remain unchanged from that approved in the Class Q prior approval.
- Trip generation of no more than 3 trips in the peak hour.
- No PROW evident in the vicinity of the proposed development site, and the same applies to the current access road.
- Injury Collisions - No known use of current access or local access to be inherently dangerous.
- Parking and Turning to standards; The proposal includes 21 car parking spaces; 4 motorcycles & 14 cycle parking spaces. EVC's will need to be included.
- Visibility Splays - A minimum of 2.4x43m in both directions, is required at Owl Street, due
- to its corner location.
- Drainage - SCC's Drainage Engineers have assessed the Proposed Drainage Plan ref. 1461/006 dated 21st June 2022, prepared by Messrs. Orme Limited and submitted in support of planning this application. The Highway Authority can confirm there is no objection to the surface water management strategy proposed for the dwellings but note that there is no reference to the means by which surface water run-off will be collected and discharged from the access road serving the development.
- Refuse collection point - Details & plan to be submitted
- CEMP - To be submitted.

South West Heritage Trust - no objection

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.

SCC Somerset Ecology Services - Phosphates - holding objection

for the following reason:

Insufficient information has been submitted to satisfy the LPA that the ecology impacts from the development have been sufficiently taken into account and, as such, satisfactory mitigation measures have not been provided, in line with policy EQ4 of the South Somerset District Council Local Plan.

If the applicant wishes to have the site considered under the interim guidelines, evidence of how the proposal meets each of the criteria will be required. This includes site location maps with the drainage field labelled, flood risk map, PIA certificate for the PTP to be used, evidence from the British Geology Survey about the geological condition of the site, evidence to show there are no drainage fields within 200m of the proposed drainage field, and percolation test results. You should also include the phosphate budget, a Foul Drainage Assessment Form, and a Wessex water connection map. These documents should be provided in a single PDF.

SCC Somerset Ecology Services - Ecology - no objections subject to conditions.

SCC Somerset Ecology Services - Phosphates - Objects

Insufficient information has been submitted to satisfy the LPA that the ecology impacts from the development have been sufficiently taken into account and, as such, satisfactory mitigation measures have not been provided, in line with policy EQ4 of the South Somerset District Council Local Plan.

REPRESENTATIONS

Letters were sent to 24 neighbouring properties and a site notice was displayed - 22 public objections were received. Points raised are as follows:

- Considered out of scale with existing development - landscape issues,
- Out of character
- disproportionate expansion almost doubling the number of dwellings down this road,
- expands the development footprint,
- highway safety issues - single width lane with no pedestrian infrastructure and

- poor surfacing,
- ties in with other applications for holiday let complex,
- would demolish existing barns which are beautiful and historic,
- flood risk,
- ridge height may be taller,
- in countryside and does not conform to Class Q criteria, and
- wildlife concerns

CONSIDERATIONS

Principle of Development

The Council is required to make a decision in line with the Development Plan, unless material considerations indicate otherwise (Section 38(6), Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning act 1990). The NPPF is a key material planning consideration.

In policy context, national guidance contained within the NPPF sets out a presumption in favour of sustainable development. Paragraph 79 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Furthermore, paragraph 80 advises that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a certain set of circumstances are met. Such circumstances include:

- (i) there being an essential need for rural workers;
- (ii) enabling development to secure the future of heritage assets;
- (iii) re-using redundant or disused buildings;
- (iv) subdivision of an existing dwelling; or
- (v) the design of the new dwelling is of exceptional quality.

The site lies in open countryside outside of any development area as identified in the Local Plan, and none of the above apply. When considering development proposals, the Council takes a proactive approach to reflect the presumption in favour of sustainable development and seeks to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise. This reflects Local Plan Policy SD1 and the general thrust of policy guidance within the NPPF.

Policy SS2 - there is a church and a village hall within the village of Stocklinch which

comes under the policy requirement of at least 2 facilities, so is considered to be in a sustainable location. In addition, the council does not currently have a 5 years supply of deliverable housing sites, and planning permission has already been granted for 5 dwellings through a Class Q prior notification. There is therefore a fallback position under the permitted development regulations.

Therefore, where there is an established residential use already agreed, a similar residential application would be acceptable in principle, dependent on material considerations such as scale and design. It is appreciated that objectors, including the parish Council, do not agree with this view and it is also acknowledged that there is little pedestrian infrastructure to connect the site to the main part of Stocklinch. However, the principle has already been established.

Design Scale Visual Amenity

The barns benefit from Prior Approval for the change of use and building works sufficient to convert the agricultural building to a residential use (Ref: 22/00743/PAMB) approved in April 2022. The implementation of this consent would result in the delivery of 3 x 2 bed, 1 x 3 bed and 1 x 4 bed dwellings of two storey height. Construction would include standing seam zinc sheets for the roof, and timber cladding. The footprint of the barns once converted would be slightly smaller than approved. With the addition of first floor space, the building would have another 145 square metres representing approximately 552 metres square of residential floor space when internally measured while part of the barn is demolished along the southeastern edge.

The proposed alternative scheme would provide replacement dwellings of a slightly smaller footprint than the dwellings approved, but does include the addition of three double garages and the dwellings would be more spaced out to become detached dwellings.

The character of the surrounding area is of traditional residential dwellings interspersed with some agricultural buildings which include stone barns and some open fronted steel portal framed barns with timber or steel cladding for walls..

The barn conversion as approved would fit in with the existing character and appearance of the area as it converts well established and existing agricultural barns. The materials proposed over the existing portal frame structure would still maintain the agricultural character of the area.

The proposed development, although demolishing the barn structure as existing,

would maintain the agricultural character of the area with large window openings and timber materials. The pattern of development, however, is of a more domestic arrangement where the layout does not comply with the existing pattern of development on the site.

The agent was contacted regarding the uncharacteristic site layout. Alterations were made to the layout to provide a stronger agricultural character by taking out the narrow links between garages to achieve a better agricultural form. The positioning of the dwellings, however, have remained as originally proposed. Although plans do not fully reflect the existing agricultural character of the site due to the proposed layout, it is not refusable and is visually more acceptable than what was originally approved. The design and materials are of a higher quality than the previously approved agricultural barn conversion.

The proposal would therefore be considered in compliance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Residential Amenity

There are no nearby neighbouring residential properties that would be adversely affected by the proposed development. The nearest neighbour is 90 metres to the northwest, which is a single storey thatched cottage sitting on higher ground, and a two-storey dwelling set approximately 150 metres to the west, again on higher ground.

The proposed siting, scale, height, design and appearance of the proposed buildings would therefore not result in any substantive harm to neighbour amenity in terms of significant and unacceptable dominance, overshadowing, overlooking, loss of privacy and loss of outlook.

There are fears that the application site will be part of a wider holiday let scheme with a connecting track to tourist facilities. The applicant has confirmed that the dwellings will be for renting purposes, but states these will be for long term renters, not short-term holiday lets. It may be possible to condition the application to ensure against a holiday let use.

The proposal would be considered in compliance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Highways

SCC Highways have confirmed they have no issues associated with the development so long as conditions are imposed relating to a Construction Environmental Management Plan, proposed access arrangements including visibility splays parking spaces, turning areas, the provision of EVCP's and drainage. One of the conditions suggested by SCC Highways referred to an approved plan for the Prior Notification, which does not form part of the current application. However, the Local Planning Authority is confident that the current Location Plan and associated conditions are sufficient to achieve the result the Highways Authority intended in obtaining and maintaining a clear visibility splay at the site entrance. SCC Highways have not highlighted any issues regarding the width or condition of Owl Street, and did not raise concerns within the previous Prior Notification application. Consent has already been given for 5 dwellings, and this application will not intensify the agreed use.

The application is therefore capable of complying with policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

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 requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

Included as part of the application submission is a Bat and Bird Scoping Report prepared by Nash Ecology dated September 2021 and is considered valid for up to two years. The Council's Ecologist has been consulted and suggested a number of conditions and biodiversity enhancements. These include external lighting to protect potential foraging pathways for bats, protection of nesting birds, reptiles, amphibians and trees during construction works.

Public objections have been made regarding the wildlife in the area that are not reflected in the Ecology reports. However, conditions have been suggested to protect wildlife on the site, and wildlife would either stay within the area within existing gardens, or would move to alternative open areas.

As such, with the imposition of conditions relating to the enhancements and lighting

strategy, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

Flood Risk and Drainage

The application is sited within Flood Zone 1, so is within the area of the lowest level of flood risk.

A package treatment plant is proposed to be located to the west of the site and to the north west of plot 5. Treated effluent will then discharge into the existing watercourse.

Surface water is proposed to be discharged through soakaways which could be achieved through a condition.

It is therefore considered that the current proposal does not conflict with Policy EQ1 and relevant guidance within the NPPF as the site is in a low flood risk and there would be sufficient measures in place to ensure adequate water drainage.

Phosphates

The application site is located within the Somerset Levels and Moors Ramsar Site catchment area, which has suffered significant harm as a result of phosphate loadings in the District. Somerset Ecology Services have therefore objected on the grounds that insufficient information has been submitted to mitigate the impacts of phosphates. However, the application has been previously approved for five dwellings under the Class Q Prior Notification process. The current position is so long as there is a current Class Q approval with sufficient time left to implement it, then the application may not need to produce a Nutrient Neutral Assessment and Mitigation Strategy. It is therefore acknowledged that there is a genuine fallback position and that the issue of phosphates does not apply in this instance.

CONCLUSION

The existing barns have no special protection to prevent demolition, and there is a fall back position for 5 dwellings on the site. Highway impacts will remain the same whether the application is for a barn conversion, or for 5 purpose built dwellings on the site.

The proposal development respects the character of the local landscape and results in no demonstrable harm to visual or residential amenity, highway safety, biodiversity

or impact on the Somerset Levels and Moors catchment area. As such, the proposal is in accordance with the aims and objectives of Policies SD1, SS1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan (2006-2028) and relevant guidance within the NPPF and is recommended for approval.

RECOMMENDATION

Approval subject to conditions.

01. The proposal, by reason of its size, siting, materials and design, has no adverse impact on the character of the surrounding area and would cause no demonstrable harm to residential amenity, highway safety, biodiversity or impact on the Somerset Levels and Moors catchment area in accordance with Policies SD1, SS1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2021.

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 (except where directed otherwise by the conditions below):

1461_A01_001 Location Plan
1461_A01_002 Block Plan
1461_A01_003 Proposed Block Plan
1461_A01_004 Proposed Site Ground Floor Plan
1461_A01_005 Proposed Site and First Floor Plan
1461_A01_006 Proposed Drainage Plan
1461_A01_030_Proposed Plot 1 Ground Floor Plan
1461_A01_031_Proposed Plot 1 First Floor
1461_A01_032_Proposed Plot 1 Roof Plan
1461_A01_033 Proposed Plots 2-3 Ground Floor Plan
1461_A01_034_Proposed Plot 2-3 First Floor
1461_A01_035_Proposed Plot 2-3 Roof Plan
1461_A01_036A_Proposed Plot 4 Floor Plans

1461_A01_037A_Proposed Plot 4 Roof Plan
1461_A01_038A_Proposed Plot 5 Floor Plans
1461_A01_039A_Proposed Plot 5 Roof Plan
1461_A01_040 Proposed Plot 1 Elevations north and south
1461_A01_041_Proposed Plot 1 Elevations east and west
1461_A01_042 Proposed Plot 2 3 Elevations
1461_A01_043A_Proposed Plot 4 Elevation
1461_A01_044A_Proposed Plot 5 Elevation
1461_A01_050 Site Sections
Bat and Bird Scoping Report prepared by NashEcology dated September 2021

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

03. Notwithstanding the details indicated on the application form, prior to progression of any part of the development hereby permitted above slab level, a schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development (including windows and doors) together with details of anticipated routine maintenance and protection) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation at an appropriate stage during the development to ensure that the development displays good design practise, and having due regard to safeguarding visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

04. The accommodation hereby approved shall be occupied as a main place of residence only and not for purposes associated with short term holiday let purposes without the prior permission of the Local Planning Authority.

Reason: The application has not been assessed on the basis of commercial holiday let use and the interests of residential amenity and highway safety would require further consideration in accordance with Policies EQ2, EQ7 and TA5 of the South Somerset Local Plan.

05. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. 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.

Reason: The agreement of details of a Construction Environmental Management Plan and details for the prevention of pollution prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection, including prevention of pollution to the water environment; to minimise disturbance to local residents; the prevention of harm being caused to the amenity of the area; and in the interests of highway safety during the construction process, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

06. No removal of vegetation or works to or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences 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 accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

07. Any features such as rubble piles/ brash piles which potentially afford resting places for reptiles/amphibians will be dismantled by hand by a competent ecologist in April or August to October and any individuals found translocated to a location agreed with the Local Planning Authority prior to works commencing on site. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

08. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority and the measures shall be maintained throughout the construction period.

Reason: In the interests of European and UK protected species and biodiversity generally and in accordance with EQ4 of the South Somerset District Council Local Plan.

09. 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 prior to development above damp-proof course level and thereafter maintained in perpetuity.

NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

11. Prior to commencement of first occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) and drainage installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition in perpetuity.

NOTE: As approval of the construction either on or directly adjacent to the highway will require an Agreement or Licence with this Authority, no discharge of this condition will be agreed until either technical approval or the licence has been granted.

Reason: In the interests of highway safety, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

12. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side

adjoining onto the Owl Street. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF

13. The development hereby permitted shall not be occupied until the relevant number of parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

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

15. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

1. Installation of at least 5 x Habibat 001 bat boxes (or similar) will be incorporated into the dwellings, at least four metres above ground level and away from windows, on the south and/or west facing elevations (1 on each).
2. Installation of 2 x Schwegler 1SP Sparrow terraces or similar under the eaves and away from windows on the north elevations of 3 of the proposed dwellings (1 on each)
3. Installation of a cluster of 3 x Schwegler 1as swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level, ensuring that there is an unobstructed access for birds to enter/leave the box on the east and/or north facing elevations of 1 of the dwellings. Ideally these would be located under the eaves on the north or east gable ends of the proposed dwelling.
4. A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.
5. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
6. Installation of new native species rich hedgerow to be planted on the south and east boundary of the development comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:
 - (a) Part 1, Class A (enlargements, improvements or other alterations);
 - (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
 - (c) Part 1, Class C (other roof alterations);

- (d) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (e) Part 1, Class G (chimney, flues, soil or vent pipes);
- (f) Part 2, Class A (gates, fences, walls or other means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or alterations to the dwellings, to ensure there is no resultant detriment to ecological, environmental and biodiversity interests and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

- 01. 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.
- 02. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
- 03. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Officer Report On Planning Application: 18/01311/OUT

Proposal :	Outline planning application with all matters reserved aside from access for the erection of up to 35 dwellings and associated works (resubmission of 17/04239/OUT).
Site Address:	Land OS 4538 The Pound, Broadway Road, Broadway, Ilminster, Somerset
Parish:	Broadway
ILMINSTER Division	Cllr Val Keitch Cllr Sue Osborne
Recommending Case Officer:	Deborah McCann (Specialist)
Target date :	25th July 2018
Applicant :	Mr Nick Warfield
Agent: (no agent if blank)	Mr Matthew Halstead ,Alder King Planning Consultants, Pembroke House, 15 Pembroke Road, Clifton, Bristol BS8 3BA
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO PLANNING COMMITTEE

This report has been prepared as an update to Members following the resolution to approve this application at the Regulation Committee (of the former South Somerset District Council) meeting of 15 January 2019.

At that meeting it was resolved to approve the application conditionally for the following reason:

"01. The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, and would not harm ecological interests nor heritage assets. The scheme is in accord with Policies SD1, SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

The resolution was subject to a number of conditions and the following:

the reserved matters regarding landscape, layout and design being referred back to the Area West Committee for determination, and:

a) The prior completion of a section 106 planning obligation (in a form acceptable to

the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product, also to include a local cascade system;*
- 2) Contribution towards the provision of sport, play and strategic facilities*
- 3) Submission of a Travel Plan Statement;*
- 4) Highway Improvements to include a new footway along Broadway Road and traffic calming and gateway features along Pound Road; and*
- 5) Provision and maintenance of open space;*
- 6) Management and maintenance of the copse;*

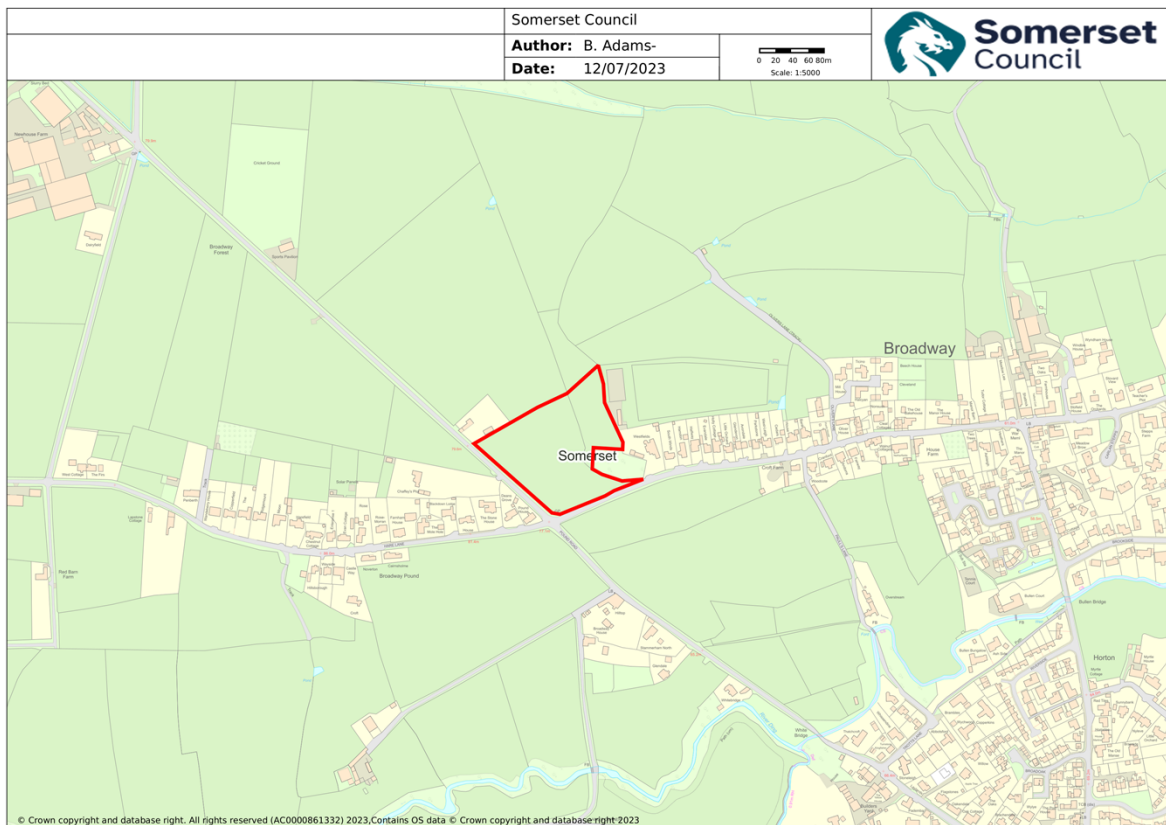
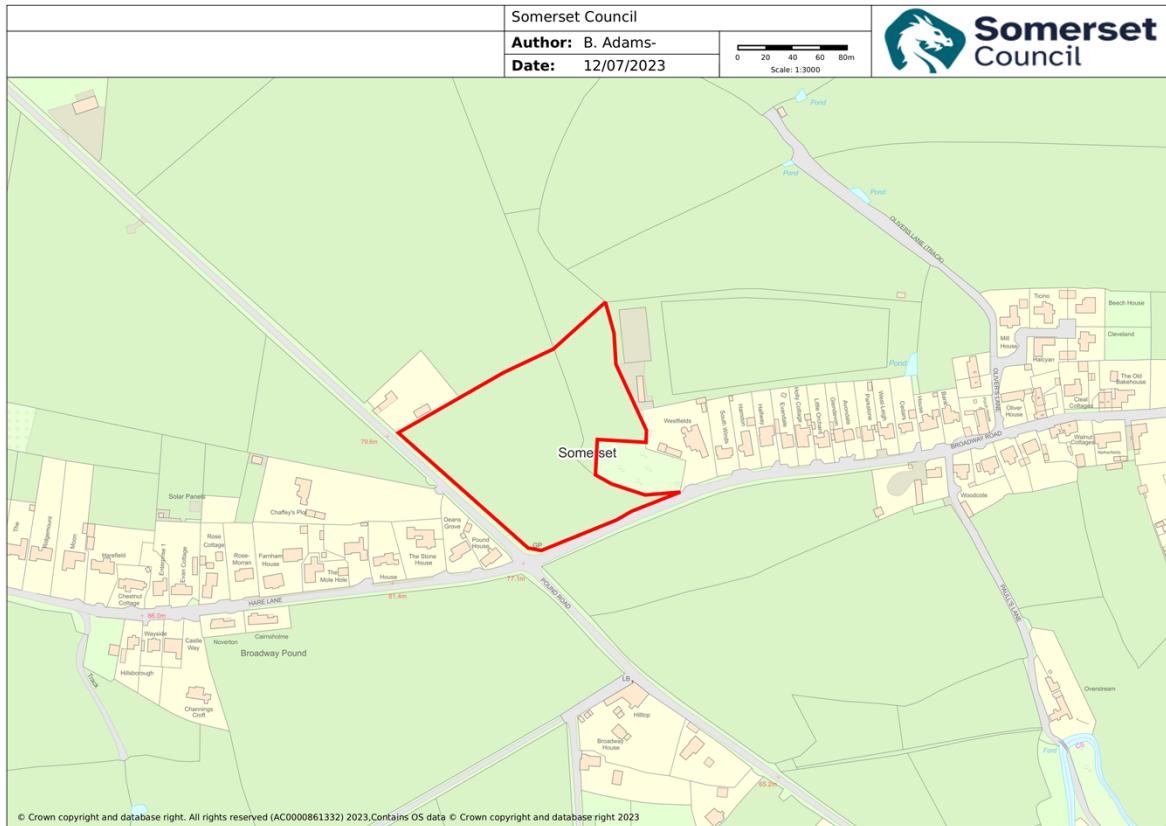
Following the committee's resolution, and prior to the issue of the decision notice arising from the negotiation of the necessary S.106 Agreement, Natural England advised in August 2020 that in the light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, planning applications that give rise to additional phosphates within the catchment, should not be determined until competent authorities have undertaken a Habitats Regulation Assessment (HRA) to confirm the development will not have a significant effect. As a result, the issue of that approval and the completion of the S106 agreement was delayed due to the requirement to find a nutrient neutrality solution for the site. The applicant now has an agreed phosphate mitigation strategy. A sHRA has been submitted and endorsed and signed off by Natural England. However, the original committee resolution did not include details for securing these measures through the S106 agreement. As the application remains live and undetermined in addition the affordable housing provisions included in the original resolution do not include provision for the delivery of "First Homes". (The updated intermediate housing option that planning authorities are now required to secure.)

The application has been brought back to committee, with these additions to the recommendation.

CONSIDERATIONS

As the principle of development was accepted at the Regulation Committee on the 15 January 2019 the matters for consideration relate only to any changes in circumstance since that time.

SITE DESCRIPTION AND PROPOSAL



SITE DESCRIPTION

The site is located towards the north western side of Broadway, on the northern side of Broadway Road at its junction with Pound Road. The site comprises 1.73 hectares and is currently grassed and has been used to graze sheep. Mature hedgerows run around the boundary of the site along with a number of mature trees. A woodland copse is located to the south eastern corner. Residential properties front Broadway Road to the east of the site with 1 property adjoining the site. Additional residential properties then continue along Hare Lane to the west of the site on the other side of Pound Road. Fields adjoin the site to the north with a further field to the south.

PROPOSAL

The application seeks outline consent for the erection of up to 35 dwellings with only access being sought for approval at this stage. All other detailed matters in regard to layout, scale, appearance and landscaping will be submitted at any subsequent reserved matter stage. This application follows a previous outline application for 46 dwellings which was withdrawn following concerns raised in regard to the scale of development, harm to the character and appearance of the area, harm to ecological interests, impact on trees, and highway and pedestrian safety issues.

This scheme will provide 35 dwellings of which 35% (i.e 12units) will be affordable units including First Homes. A range of 2, 3 and 4 bed units will be provided along with five bungalows. The indicative layout plan was amended during consideration of the original application pulling dwellings away from the full extent of the northern boundary. The existing boundary hedgerows and trees will be maintained other than a small section of hedgerow removal to provide the access point from Broadway Road and the internal road to serve the properties in the smaller field. Additional supplemental planting will also be undertaken in certain sections both within and along the boundaries of the site. An attenuation pond will be located in the north east corner of the site along with a bat roost.

The small copse to the south east, whilst outside of the application site, will be retained and maintained by the applicant who is the current owner, as a landscape feature and for ecological benefit.

POLICY

The policy context for the application hasn't changed with regard to the South Somerset Local Plan and the Parish does not have a Neighbourhood Plan. However

there have been some changes to national policy and guidance which it is appropriate to bring to Members' attention.

These are as follows:

National Planning Policy Framework (NPPF) - (updated version was published in 2021), the most relevant chapters are:

Chapter 5 - Delivering a sufficient supply of homes

Chapter 15 - Conserving and Enhancing the Natural Environment

The updated NPPF introduced First Homes as an affordable housing product, The applicant wishes to include First Homes as part of the affordable housing provision for the site.

MAIN CONSIDERATIONS

5 Year Housing Land Supply - update

When the application was approved by the Regulation Committee in January 2019 it was acknowledged that the Council could not demonstrate a 5 year housing land supply (at the time it was 4 years).

It is acknowledged that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The most recent supply statement outlines that the supply position for the Somerset South Area (the former SSDC) stands at 3.7 years. As a result, the tilted balance and the presumption in favour of sustainable development set out in the NPPF is engaged.

In determining the principle of residential development in this location, it is noted that the presumption in favour of sustainable development and how this should be applied to planning decisions is set out in paragraph 11 of the NPPF (2021). At 11 (d)(ii), the Framework states that where the policies most important for the determining of the application are out of date, planning permission should be granted, unless *"...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole"*. At footnote 8 it is confirmed that a failure to demonstrate a five-year supply of housing (with the requisite buffer set out in paragraph 74 will render policies relevant to delivering housing out-of-date. Where policies are rendered out of date, the weight to be attached to those policies and any potential conflict may be more limited.

Somerset Levels and Moors Ramsar - Phosphates

In August 2020, prior to the issue of the decision for this application, Natural England advised that in the light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, planning applications that give rise to additional phosphates within the catchment, should not be determined until competent authorities have undertaken a Habitats Regulation Assessment (HRA) to confirm the development will not have a significant effect. The application has therefore been delayed in coming forward for determination until an appropriate proposal and mitigation measures could be agreed.

The Proposal and Mitigation: The proposed mitigation strategy is to update a septic tank that serves 4 dwellings with a Package Treatment Plant (PTP) and build a pond/sustainable urban drainage system (SuDS) feature that will remove surface water run-off from the Waste Water Treatment Works (WwTW).

The shadow Habitats Regulation Assessment (sHRA) provided by HalpinRobbins (09 June 2023) demonstrates that the development will result in an increase of 3.02kgTP/yr to the catchment (post AMP7 upgrades to the WwTW). To mitigate for this increase, the applicant will upgrade an existing septic tank to a Graf One2Clean Package Treatment Plant PTP within the same catchment. The septic tank upgrade will provide a reduction of 3.73kgP/yr which is sufficient to mitigate the construction of the proposed dwellings, provided the development is not occupied until after antimicrobial (AMP 7) upgrades have been implemented. As the tank is compliant with current regulations and is considered to contribute to the nutrient load of the Somerset Levels and Moors catchment and is considered a viable mitigation option.

Somerset Ecology Services (SES) raises no objection and has formally endorsed the sHRA.

Based on the above, SES concludes that these proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation (confirmed by Somerset Ecology Services adoption letter) subject to the following Section 106 provisions and conditions being secured.

Natural England was consulted on the submission of the shadow HRA and have raised no objection subject to appropriate mitigation being secured.

Ecology

The protected species surveys identified that the boundary hedgerows are used by

bats, dormice and breeding birds.

The Ecology surveys done in 2017 recorded dormice in the hedgerows, as well as commuting bats. Due to the length of time since the consideration of the resolution to approve the application the applicant has provided an update to the Preliminary Ecological Appraisal, which has not raised any new issues.

SES raises no objection subject to the inclusion of conditions. As such there has been no material change since the application was previously considered.

Section 106

A detailed S106 planning obligation was agreed but not signed covering the issues required by the Regulation Committee' resolution (as documented within the minutes) in January 2019.

However, the S106 now needs to secure the following additional measures:

- nutrient neutrality, which will include the following:
 - (i) Installation of the new package treatment plant must be complete before the commencement of construction works on the development site.
 - (ii) Installation of the package treatment plant must be undertaken in compliance with current building regulations.
 - (iii) If the package treatment plant requires replacement the replacement plant must provide an effluent load of 1.6mg/l or lower.
 - (iv) No dwelling on the development site can be occupied until after December 2023.

- Provision for First Homes.

COMMUNITY INFRASTRUCTURE LEVY

The application is CIL liable. This would be charged at £40 per sqm (Indexed from the date of introduction). 15% of the total received would go to the Parish Council.

RECOMMENDATION

The proposed scheme will result in a sustainable form of development that would make a valuable contribution towards meeting the Council's housing needs, including affordable housing, would not harm residential amenity, would provide a safe means of vehicular access, and would not harm ecological interests nor heritage assets and includes an acceptable phosphate mitigation strategy. The scheme is in accord with

Policies SD1,SS1, SS2, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan and Chapters 2, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

Grant permission subject to:

- (A) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:
 - (i) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product including First Homes;
 - (ii) Contribution towards the provision of sport, play and strategic facilities
 - (iii) Submission of a Travel Plan Statement;
 - (iv) Highway Improvements to include a new footway along Broadway Road and traffic calming and gateway features along Pound Road; and
 - (v) Provision and maintenance of open space;
 - (vi) Phosphate Mitigation (Package Treatment Plant)

(B) Subject to the following conditions:

SUBJECT TO THE FOLLOWING:

- 01. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990 (as amended)

- 02. An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

- 03. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two

years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

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

- 7854-pl001
- 7854-SCH04D (for information only)
- 1264-01 Rev C Outline Landscape Strategy Base (For information only)

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

05. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, scale, vehicular and pedestrian access arrangements, drainage and landscaping.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990. 06.

06. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

07. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of tree and shrub planting. Such a scheme shall confirm the use of planting stock of UK-provenance only, the planting locations, numbers of individual species, sizes at the time of planting, details of root-volumes and the approximate date of planting. The installation details regarding ground-preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included within the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die,

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

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

08. 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 prevent dust, mud or other debris from being deposited on the public highway;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: in the interests of highway safety and local amenity to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

09. The reserved matters application shall include submission of a construction environmental management plan for biodiversity (CEMP: Biodiversity). The CEMP: Biodiversity will be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, including vegetation clearance or ground works. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, dormice buffer zones etc,
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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

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

10. The reserved matters application shall include submission of a Landscape and Ecological Management Plan (LEMP). The LEMP will be submitted and approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

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

11. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:
- A. Habitat 001 bat boxes (or similar) will be incorporated into 50% of the dwellings, at least four metres above ground level and away from windows, on the south and/or west facing elevations.
 - B. Schwegler 1SP Sparrow terraces (or similar) will be incorporated into 25% of the dwellings, at least one metre apart directly under the eaves and away from windows on the north elevations
 - C. Installation of a cluster of 3 x Schwegler 1as swift bricks or similar built into the wall at least 3 of the dwellings, at least 5m above ground level, ensuring that there is an unobstructed access for birds to enter/leave the box on the east and/or north facing elevations.
 - D. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
 - E. Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National

Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

13. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is properly drained to accord with the NPPF.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

15. No work shall commence on the development site until details of the access junction have been submitted and approved by the Local Planning Authority. Details of the access junction to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved access junction has been constructed. The visibility splays shown shall be constructed prior to the

commencement of the development and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

16. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel and highway safety to accord with Policy TA5 of the South Somerset Local Plan.

17. No work shall commence on the development site until details of the footway have been submitted and approved by the Local Planning Authority. Details of the footway to be provided should be in general accordance with Drawing No. 1736/03/C (Appendix 7 of the Transport Statement). No part of the development shall be occupied until the approved footway has been constructed.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

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

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors.

Reason: In the interests of highway safety and residential amenity to accord with Policies TA5 and EQ2 of the South Somerset Local Plan.

19. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the site in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

20. The reserved matters application shall include submission of a Lighting Strategy for Biodiversity. The lighting design will be submitted to and approved in writing by the local planning authority prior to occupation. The strategy shall:
- (a) identify those areas/features of the site that are particularly sensitive for bats, dormice, and other protected species, that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
 - (c) the design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux . Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2021, ODPM Circular 06/2005 and policy EQ4 of the South Somerset District Council Local Plan. Lighting Design for Biodiversity

21. Tree & Hedgerow Protection Condition: 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 scheme of tree and hedgerow protection measures (as prepared by Greenman Environmental Management) shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork

contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of 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.

22. The reserved matters application shall include details for dormice mitigation including habitat compensation and landscape planting proposals. Adequate buffer zones will be required around the woodland and the hedgerows. A habitat replacement ratio of at least 2:1 will also be required.

Reason: To mitigate the loss of habitat and in the interest of the strict protection of a European protected species in accordance with Policy EQ4 of the South Somerset Local Plan

23. The approved development shall only be carried out in accordance with the approved documents:
- Shadow Habitats Regulation Assessment (sHRA)- provided by HalpinRobbins on 9th of June 2023.
 - Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) - provided by HalpinRobbins on 9th of June 2023.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the Somerset Levels and Moors Ramsar Site and associated potential impact on ecology. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity.

24. The maintenance of the package treatment plan shall accord in perpetuity with the detailed management plan contained within Appendix D of the NNAMS prepared by HalpinRobbins 9 June 2023.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity and Chapter 15 of the National Planning Policy Framework 2021.

25. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the South Somerset Local Plan Policy EQ1 and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021)."

Informatives:

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

The proposal involves the construction of a footway/road widening, which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Highway Authority for details of the dedication procedure and they must be consulted regarding the specification and supervision of these works before they commence on site.

Details are available on the Council's website, or email
HighwaysDevelopmentControl@somerset.gov.uk

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