

Application Details	
Application Reference Number:	48/21/0042
Application Type:	Full Planning Permission
Earliest decision date:	22 December 2022
Expiry Date	29 December 2021
Extension of time	16 December 2022
Decision Level	Committee
Description:	Replacement of buildings at Hyde Lane Business Park, Hyde Lane, Bathpool
Site Address:	HYDE LANE BUSINESS PARK, HYDE LANE, BATHPOOL, TAUNTON, TA2 8BU
Parish:	48
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Denise Grandfield
Agent:	Sutherland PLS Ltd
Applicant:	MR L HEDGES
Committee Date:	19 September 2023
Reason for reporting application to Committee	Parish Council and more than four comments contrary to officers recommendation

1. Recommendation

1.1 Conditional Approval

2. Executive Summary of key reasons for recommendation

2.1 Approval on the following grounds:

The proposal will replace existing run-down buildings with modern fit for purpose buildings. The proposed buildings are not on the same footprint as the existing but are within the planning unit. The overall footprint will be reduced to 500m². The proposed development is of a scale and design in keeping with the character of the area and the Green Wedge. The development would not give rise to increased impact on amenity to local residents or adverse impacts on the highway and would comply with the requirements of policies CP8, DM1 and DM2 of the Core Strategy and the Monkton Heathfield and Cheddon Fitzpaine Neighbourhood Plan.

3. Planning Obligations and conditions and informatives

- Time limit
- Approved plans
- Flooding
- Hard bound surface on the entrance way
- Clear visibility splays
- Details of the pedestrian and cycle crossing
- Travel Plan
- Parking laid out and maintained
- Cycle parking is provided up front
- Landscaping
- Limitation on use of building
- No outside storage
- Removal of existing buildings
- Ecology

3.2 Informatives (bullet point only)

- Proactive Statement
- Legal agreement with Highways required
- Protection of watercourses
- Protection of Bats

4. Proposed development, site and surroundings

4.1 Details of proposal

The application proposes the demolition of the existing former farm buildings on the site and the construction of a single storey industrial building containing five business units with parking and landscaping areas. The building would measure 4.5m to the ridge.

The floor area of the replacement building is 500m², which is a reduction on the current approved floor area of 669m².

4.2 Sites and surroundings

The site was a former egg farm converted to business use (Classes B1 and B8) under application 48/18/0026. The former farm was operated by the applicant's family and there are two temporary dwellings on the eastern side of the property (not forming part of this application site) that are subject to enforcement proceedings. A window

company has been the main commercial occupant of the site as well as an office furniture business in the buildings which are to be removed.

Hyde Lane Business Park is the name attributed to the application site which sits on the south side of Hyde Lane just to the west of Taunton Rugby Club and 400 metres east of the A38 Bridgwater Road which passes through the centre of Bathpool. The application site is outside settlement boundaries, but is opposite housing and has the feeling of being on the rural edge. Hyde Lane however, is a road with a 6 foot 6 inch width restriction and has some characteristics of a rural lane, notwithstanding it is the main access route to the Rugby Club.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
48/18/0026	Alterations to Pedestrian and Vehicular Access/Manoeuvring/Parking Facilities, Reinstatement of Highway Frontage Open Surface Water Drainage Channel and Replacement of Highway Frontage Boundary Fence/Hedging together with Change of Use of Agricultural Land & Buildings to Class B1 (Office) and Class B8 (Storage & Distribution)	Approved	12 November 2018
48/20/0034	Variation of condition 12 attached to 48/18/0026	Approved	1 April 2021

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the new commercial development will not result in an increase in nutrient loadings at the catchment's wastewater treatment works. This is on the basis that people working in or using the proposed commercial development are likely to live in the catchment area and therefore there will be no additional impact on the Ramsar site as a result of the development. As such, the Council is satisfied, as the competent authority, that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 11th November 2021

8.2 Date of revised consultation (if applicable): 13th June 2023

8.3 Press Date: N/A

8.4 Site Notice Date: 18th November 2021

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
SCC - ECOLOGY	No objection subject to the inclusion of conditions and informatives	Noted
SCC - TRANSPORT DEVELOPMENT GROUP	The applicant has now addressed the comments raised within our previous response dated 2nd December 2022. Taking this into account, if the LPA can appropriately condition the application tailored to the level of B1 and B8 use currently proposed for the	Conditions can be applied

Consultee	Comment	Officer Comment
	<p>respective units we would recommend that the conditions below are attached. To be clear, we would not wish to see any additional expansion of the site/and or buildings that would lead to a material increase in associated vehicles on the local highway network.</p>	
WESSEX WATER	<p>No objection but LPA must be satisfied regarding surface water flooding and no rainwater connection is allowed to the foul main</p>	<p>SUDS is proposed and can be conditioned and the flooding is covered under the FRA and EA comments</p>
ENVIRONMENT AGENCY	<p>The Environment Agency has reviewed the amended plans and elevations dated July 2023. Despite the reduction in building height, we are satisfied that each unit has a suitable refuge area within.</p> <p>Therefore, our earlier response to this proposal dated 26 April 2023 to the Local Planning Authority remains relevant. However, the Flood Risk Condition should be updated, as detailed below, to include the latest amendments.</p>	<p>Conditions can be applied</p>
LANDSCAPE	<p>The replacement building is too close to the western, northern, and southern boundary hedges to allow the hedges, and trees within, room to properly grow and so provide adequate screening / softening of</p>	<p>No objection subject to condition for landscaping</p>

Consultee	Comment	Officer Comment
	<p>the proposed built form. Conserving and enhancing the boundary features and making use of them to screen and assimilate the development is necessary in order to comply with chapter 12 of the NPPF and specifically:</p> <ul style="list-style-type: none"> • paragraph 130, which states that developments should be visually attractive as a result of good architecture, layout and appropriate landscaping and sympathetic to local character and history; and also • paragraph 131, which says that opportunities to incorporate trees and to ensure their long-term maintenance. <p>To address this, it is recommended that a minimum of 5m is allowed between the centre of the hedges / hedge-banks and the face of the proposed building. The hedges that surround the site are historic features that warrant being conserved in order to have regard to the history of the site.</p> <p>1) The silver birch trees shown in an evenly spaced row in the western boundary hedge should be omitted and replaced with field maple, willow, poplar, black poplar and oak, randomly positioned in a more naturalistic way, as these species and arrangement would</p>	

Consultee	Comment	Officer Comment
	<p>to better respond to the cultural character of the landscape.</p> <p>2) 5 trees should be included in the northern boundary. Again, field maple, willow, poplar, black poplar and oak, randomly spaced, would help to conserve cultural character of the area.</p> <p>3) All trees should be “feathered” specimens as opposed to “standards” and supported with low stakes.</p> <p>4) The hedge specification is acceptable.</p> <p>5) A landscape strategy will be required that outlines that, once established, that the hedges will be managed to achieve an effective low-level screen in perpetuity.</p>	
ECONOMIC DEVELOPMENT	No comments received	
WEST MONKTON PARISH COUNCIL	<p><u>Response 9 August 2023:</u> Welcomes, and is in agreement with, the revised height of the proposed building to 4.5m. The Parish Council still has concerns about the adequacy of the parking provision on site and suggests that the following measures / conditions could be put in place to mitigate the low provision:</p> <ul style="list-style-type: none"> • A travel to work plan • Double yellow lines added on Hyde Lane for 100 yards on either 	<p>Site Location Plan is acceptable</p> <p>See parking and building design discussion below</p>

Consultee	Comment	Officer Comment
	<p>side of the entrance to avoid parking on Hyde Lane which is narrow.</p> <ul style="list-style-type: none"> • Restrict the use of the proposed building / units to non-retail to reduce the number of vehicles visiting the site. <p><u>First response</u></p> <ul style="list-style-type: none"> - Does not support the application as submitted. - The red line does not match the proposed development. - Whilst WMPC supports the principle of local employment and less use of vehicles, the reality is that the parking is insufficient for the number of staff likely to be employed. Suggest that the secure cycle parking area is covered to keep cycles dry and shower facilities are included in each unit suggest that reducing the number of units from 5 to 4 would free up more land for parking. - The units themselves at 8 metres high are too tall for the site and would be completely overbearing on the bungalows and houses on the other side of the road (which is narrow) - To comply with the WM&CF Neighbourhood Plan policies, measures for rainwater capture should be included, lighting should be downlit and LED and bat boxes should be installed. 	

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

5 Letters of objection from 4 objectors have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
Increased traffic	No material increase proposed
Loss of mature hedgerow	Landscaping scheme required
Detrimental impact on wildlife	Somerset Ecology do not object
Disturbance during construction	No residential properties directly adjacent
Redevelopment, not replacement	Noted
Inadequate car parking	See discussion below
Within Flood Zone 3	EA do not object (not entirely new)
Intensification of business use in residential area	Existing industrial use is established
Hours of operation	Not required
Out of character with the locality	See discussion below

9. Relevant Planning Policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on

the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

CP8 - Environment,
DM2 - Development in the countryside,
DM1 - General requirements,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
A1 - Parking Requirements,
A5 - Accessibility of development,
D7 - Design quality,

Supplementary Planning Documents District
Wide Design Guide, December 2021 Other
relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans:

West Monkton and Cheddon Fitzpaine

E1 -Starter Workshops
E3 - Retention of Employment Sites
R3 - Flood Attenuation
R1 - Dark skies

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The proposals are to replace two low long wooden chicken sheds and a workshops containing 6 no. units which are lawfully in use for industrial purposes and replacement them with a modern single storey block of 5no side by side industrial units for light industrial and B8 storage and distribution use. Hyde Lane Business

Park is just outside the settlement boundary of Bathpool, but it is an existing lawful use and set of commercial buildings, already changed from farming use. The current site is clearly designed as a chicken farm and its ageing buildings are of a relatively discreet and low key appearance in the landscape.

In principle, Policies DM2 and CP8 of the Development Plan allow for the commercial redevelopment of existing industrial buildings and although they are located outside the settlement, they are by no means isolated.

As such, the loss the existing buildings and their replacement with contemporary employment buildings could be supported in line with Policies DM2 and CP8 of the Development Plan. Objections from neighbours that this is not a direct replacement are noted, but this need not be a like for like replacement to accord with such policies. Overall the application proposes a reduction in floor area and a reduction in the number of units on the site. All existing buildings are to be demolished and removed from the site.

As the application proposes the replacement of the existing, a condition has been included to control the uses as per the previous applications.

10.1.2 Design and Landscape

The initial 2021 proposals in this application were highlighted as being too close to the surrounding hedgeline and as a consequence greater breathing space has been provided in the site layout. A landscaping scheme could be required by planning condition.

A revised L-shaped building with a ridge height of 7.2m and a reduced footprint, was proposed in late 2022. In June 2023, the roof was flattened to make it lower by 860mm. The plans have now been amended to show a building with a height of 4.5m to the ridge.

The proposals are outside the settlement boundary in a flat open rural landscape with relatively limited tree screening. The revised scheme with a maximum height of 4.5m is a similar scale to the existing buildings. Furthermore the single building replaces a number of individual buildings spread across a larger area. A condition has been included to ensure the removal of the existing building and for landscaping to be carried out following their removal.

It is considered that the proposals are for a industrial building of a scale and mass that is in keeping with the character of the area.

The landscape is designated as a Green Wedge in the Adopted Core Strategy Policy CP8 where the objectives are to maintain the open appearance of the area and

protect its visual amenity. The scale and mass of this building maintains the open appearance of the area and protect its visual amenity.

10.1.3 Access, Highway Safety and Parking Provision

The Highway Authority had raised a number of concerns that have been addressed through negotiation. However they require that any approval creates no additional floorspace than the earlier approval (48/18/0026 and 48/20/0034) and the uses be limited to B1(Class E) & B8. As stated above the current proposal reduces the overall floor area from 669m² to 500m² and the number of units from 6no to 5no. A condition has been included to restrict the overall floor area and the allocation of Class E and Class B8.

The Highway Authority made their final comments in December 2022 where they are in agreement with the proposals subject to conditions controlling:

- Hard bound surface on the entrance way
- Clear visibility splays
- Details of the pedestrian and cycle crossing
- Travel Plan
- Parking is laid out and maintained
- Cycle parking is provided up front

Neighbours highlight that Hyde Lane is narrow and unsuitable for HGVs. The units proposed are relatively small and would not normally attract larger articulated vehicles, more likely cars and vans. The Highway Authority is satisfied that with a width limit on Hyde Lane from the A38, there is not going to be any denigration in the safety of the road when allowing this development to proceed. This is because the proposals replace existing commercial buildings on the site and it is not possible for wide vehicles to use Hyde Lane.

The parking provision on the site is for 8 car parking spaces and 6 cycle spaces. The Highway Authority are happy with this provision although at little more than one parking space per work unit, the level appears quite low. There is other space within the wider business park for overflow parking, therefore the risk of on street parking on Hyde Lane is low. The provision of cycle parking and a Travel Plan will help with reducing the need for car parking space.

Given that there is a reduction in floor area and a reduction in the number of units on the site, it is considered that there is unlikely to be an increase in the number of journeys to and from the site.

With the fall back position taken into consideration, the proposals provide sufficient parking and do not harm local highway safety.

10.1.4 The impact on neighbouring residential amenity

The proposals are for similar or identical activities on the site to those that could already take place, albeit over a reduced floor area.. As such, the proposal is not considered to cause additional noise, disturbance or light pollution. The proposals are for a site that is separated from nearby dwellings by a public highway and should not pose any additional impact compared to what is already there.

The concerns of the neighbours are understood, but at the same time this was a chicken farm in its past life which would have also generated noise, odours and activity. The proposals are unlikely to be unneighbourly if controlled within Use Class B8 and in particular Class E which by definition is neighbourly in residential areas.

10.1.5 Waste/Recycling facilities

The proposals provide commercial waste storage at the back of the site and HGV vehicle tracking has been provided by the applicant that demonstrates waste vehicles can enter and leave the site safely.

10.1.6 Drainage and Flood Risk

The proposals are within the flood plain of the River Tone and there were initial objections from the Environment Agency. The applicant has commissioned further Flood Risk Assessments and the floor level of the building is now set at 10.8m AOD. The EA have withdrawn their objections to the development on the grounds that there is an existing building use in the flood plain that would be more at risk and less flood resilient as explained in the latest Flood Risk Assessment. The creation of a new flood resilient building with upstairs refuge for workers is considered a safer arrangement than the current buildings.

In terms of the Sequential Test for development in flood plains, the commercial use remains 'less vulnerable' on the site meaning that providing the EA are happy that the Flood Risk Assessment improves flood safety, there is no reason to the object to the proposals.

Given the flood plain nature of the site, a sustainable surface water drainage would be required by planning condition and the foul water from the site must be connected to the Wessex Water main sewer nearby. The proposals are neutral in

nutrient neutrality terms as they do not attract further overnight stays into the sensitive catchment.

10.1.7 Any other matters

The proposals do not pose any threat to local protected species and habitats and with the imposition of planning conditions, Somerset Ecology do not raise any objections.

Neighbours have objected to the disturbance of the construction process, however this is not considered to pose such a threat as to warrant a reason for refusal or other control.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not required for commercial development.

12 Planning balance and conclusion

12.1 Given the fallback position of the existing commercial development, the proposed development is of a scale and design in keeping with the character of the area and the Green Wedge. The development would not give rise to increased impact on amenity to local residents or adverse impacts on the highway and would comply with the requirements of policies CP8, DM1 and DM2 of the Core Strategy and the Monkton Heathfield and Cheddon Fitzpaine Neighbourhood Plan.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is approved, subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A2) DrNo EP002 Existing Site Plan

((A2) DrNo PP003 Rev A Proposed Site Plan

(A4) DrNo LP001 A Site Location Plan

(A2) DrNo PP010 Rev A - Proposed Elevations

(A2) DrNo PP011 Rev A - Proposed Floor Plans

FRA Further Addendum ref: HLP-BPC-XX-XX-LT-C-0002_FRA by Bailey Partnership dated 4 April 2023

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

3. The development shall be carried out in accordance with the submitted FRA Further Addendum ref: HLP-BPC-XX-XX-LT-C-0002_FRA by Bailey Partnership dated 4 April 2023 and the following mitigation measures it details:

- Finished floor levels of units to be no lower than 10.8m AOD.
- First floor refuges within each unit as per drawing number *PP01* Dated July 2023
- Floodplain mitigation measures to be implemented as outlined in figure 2 of *HLPBPC-XX-XX-LT-C-0002_FRA Further Addendum*. Compensation area with volume 210m³ (700m² by 300mm deep) to be built onsite to mitigate against loss of floodplain from development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To manage the residual risk of flooding to the proposed development

4. The proposed access shall be properly consolidated and surfaced (not loose stone or gravel) and constructed in accordance with details shown on the submitted plan, drawing number Proposed Site Plan PP003 rev A and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Reason: In the interest of highway safety

5. 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 43 metres either side of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained in perpetuity.

Reason: In the interest of highway safety

6. No work shall commence on the development hereby permitted until details of the proposed highway works (including but not limited to the pedestrian/cycle crossing) have been submitted to and approved by the Local Planning Authority. Such highway works shall then be fully constructed in accordance with the approved plan, to an agreed specification, prior to first occupation.

Reason: In the interest of highway safety.

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

Reason: In the interest of highway safety.

8. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with

the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

9. The areas allocated for vehicle parking, motorcycle parking, loading and unloading, and turning on the submitted plan, drawing number Proposed Site Plan PP003 rev A shall be properly surfaced and kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason: In the interest of highway safety.

10. Before the development is occupied the secure covered cycle parking facilities as shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interest of providing alternative options for travel to the site.

11.
 - (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
 - (ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

12. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

13. The floor area of the uses hereby approved shall not exceed 300m² of E(g)(i) or E(g)(iii) use and 322m² of B8 use with a total floor area not to exceed 500m²

Reason: In the interest of highway safety and to protect the amenities of nearby residential properties.

14. 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 Taunton Deane Core Strategy 2011

15. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared 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 Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

16. The following will be integrated into the design of the proposal
- A. Where the landscaping scheme allows a new hedgerow shall be planted up comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dogwood, dog rose, guelder rose and spindle.
 - B. Where the landscaping scheme allows all new trees planted on site should ideally be from local native stock, such as field maple, silver birch, English oak, hornbeam and beech.
 - C. 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.
 - D. 2x Habitat 001 bat boxes or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation and maintained thereafter.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first use.

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

17. There shall be no external storage of materials on the site.

Reason: To protect the visual amenity of the area.

18. The existing buildings and associated hard surfaces shall be demolished and removed from the site prior to the development hereby approved being brought into use.

The landscaping scheme required by condition 11 shall include the landscaping of the site of the former buildings.

Reason: In the interest of visual amenity and to comply with policy CP8 of the Core Strategy.

19. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times

indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Mon-Fri 0800 hrs to 1700 hrs

At all other times including Saturdays, Sundays and Bank Holidays, noise emissions shall not be audible when so measured.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc., shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. It is likely the applicant be required to secure a suitable legal agreement / licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset Council to make the necessary arrangements well in advance of such works starting.

The extended vehicular access will require technical approval to demonstrate that the highway will not be impaired by the proposals before works are able to be undertaken. The County Council's preferred option for achieving this is for an Approval in principle to be submitted as set out in SHIP14 (details of which can be found here: [SHIP 1421 - Adoption of structures.pdf](#)), this will enable our Technical Approval Engineer to understand what is being proposed.

3. SC is now the Lead Local Flood Authority (LLFA) as defined by the Flood Water Management Act 2010 and the Flood Risk Regulations 2009. Under Section 23 of the Land Drainage Act there is a legal requirement to seek Land Drainage Consent when undertaking works to the cross section of an ordinary watercourse whether temporary or permanent (this includes culverting or obstructing).

Consent for works to ordinary watercourses outside Drainage Board areas must be obtained from Somerset County Council. Works to or within 8m of a Main River must have consent from the Environment Agency and works to or within 9m of a Drainage Board area must have consent from the Drainage Board. Further details can be found at [Apply for consent to work on an ordinary watercourse \(somerset.gov.uk\)](https://www.somerset.gov.uk/apply-for-consent-to-work-on-an-ordinary-watercourse).

It is important to note that under no circumstances will retrospective consent be given for unconsented works. If unconsented works occur the developer will be responsible for restoring the watercourse to its original condition. Under section 24 of the Land Drainage Act (1991), the LLFA have the power to take any action deemed necessary to remedy the effect of contravention of failure to gain consent, and recover the expense of doing so from the offender.

4. 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