

Appendix A2
Extract of Minutes for
SSDC Regulation Committee held on
18 February 2020

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at **the Council Chamber, Council Offices, Brympton Way, Yeovil on Tuesday 18 February 2020.**

Present:

Members: Councillor Peter Gubbins (Chairman)

Jason Baker	Sue Osborne
Robin Bastable	David Recardo
Louise Clarke	Andy Soughton
Adam Dance	Mike Stanton
Henry Hobhouse	Paul Rowsell
Tony Lock	William Wallace

Officers:

Simon Fox	Lead Specialist - Development Management
Colin Begeman	Agency Planner
Sarah Hickey	Senior Planning Lawyer
Angela Cox	Specialist - Democratic Services

117. Planning Application 18/04057/OUT - Land East Of Mount Hindrance Farm Mount Hindrance Lane Chard TA20 1FF (Agenda Item 6)

Proposal: Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.

The Agency Planner introduced his report in detail with the assistance of a power point presentation. He advised that since writing his report a further 71 letters of support for the scheme, a petition of 600 signatures in support of the football club element of the proposal and 6 letters of objection had been received. He said that a traffic management plan would agree access and timing of construction to avoid impact on neighbours and schools. He noted that SCC Highway Authority or Ecologist had not raised any objections to the scheme. A previous application for 450 houses at the site had been

dismissed on appeal and the Planning Inspectors decision was a material consideration. Although 2/3 of the site was outside the defined development limit, the lack of a 5 year housing land supply meant the proposal was acceptable subject to more work on the travel plan.

In response to questions from Members, the Agency Planner and Lead Specialist for Development Management advised:-

- The current housing land supply was 4.5 years and this would be reviewed in August 2020.
- The Local Plan set out growth for Chard to the east of the town but the anticipated growth had not been as great as anticipated, possibly because of the access road not coming forward. Because insufficient housing had been provided applications had been approved where not plan-led where the harm of the development was not evident.
- If the site was not given permission then the 5 year housing land supply would deteriorate further.
- Officers were working with a developer to deliver the access road to the east.
- Other future development sites in the town were expected at Forton Road, Milford section and the Hannick area.
- There were suggested highway improvements at the junction of B&Q and Victoria Avenue which would create a better traffic flow.
- The site was in flood zone 1 which was the lowest probability of flooding.
- The previous appeal at the site failed because the Planning Inspector said that although the site was acceptable on technical terms, he wished to allow the Chard Regeneration Scheme time to mature.
- A representative of the Highway Authority had been invited to attend the meeting but none were available.
- SSDC had not conducted its own traffic survey at the Convent junction because the Highway Authority had provided advice.
- It was understood that two of the football pitches would be for Chard Town football club and one would be for community use. The transfer of the land to the football club did not include the construction of a stadium. Management of the third pitch would be offered to the Town or District Councils or a management company through the Section 106 obligation.
- The emergency access point to the west of the site would allow pedestrian and cycle access only. A key operated bollard would allow access for emergency vehicles only.
- The retail shop would be of a corner shop type, serving local needs and would not be competing with town centre shops.
- A travel plan would support local bus links.

The committee were then addressed by Councillor Martin Wale as one of the Ward Members. He noted that he had declared a personal interest when the application was discussed at Area West Committee as he was a resident of Wadeford. He felt the Chard Regeneration Scheme was progressing well and development on this site could harm its progress. He also spoke of the additional traffic which the site would generate and said that local residents would avoid the A30 and A358 in favour of back roads through villages which were not designated for heavy traffic. He said there were potentially already over 600 homes proposed to be built to the east of the town that either had permission or were under construction and to allow this development would go against the Local Plan.

Councillor Jenny Kenton, the other Ward Member, reminded the Committee that the Chard Regeneration Plan supported development to the east of the town and the housing there would bring forward the much needed link road to take traffic away from the central Convent junction in the town.

The committee were then addressed by a member of Combe St Nicholas Parish Council and 8 local residents in opposition to the application. Their comments included:-

- The development was in conflict with the other developments in Chard, the site was not designated in the Local Plan and it would increase the number of dwellings in Wadeford by 50% and it will join Cuttiford Door to Chard.
- Much is made of the benefits to the football club but Combe St Nicholas already has several good pitches and the facilities at this development may never be built.
- In excess of 20 ha of land will be developed because of the lack of a housing land supply without reference to the Local Plan.
- The road through Wadeford is narrow and an increase in traffic will bring increased air and noise pollution.
- The Ecologist raised significant concerns about dormice at the site as they are reliant on lengths of dense mature hedging which would be fragmented by the development.
- If the development was approved then the developer should install traffic calming measures through Combe St Nicholas.
- The residents of Chard were asked to consider options for where development should be in the town which was accepted by SSDC, but this application was outside the Local Plan area and should be rejected.
- This development is not sustainable and there is a lack of infrastructure.
- Why waste time on the site when it has already been refused permission before.

The committee were then addressed by Councillor Dave Bulmer, the President of the Western Football League, the Captain of Chard Town football club and a local resident in support of the application. Their comments included:-

- The proposed scheme is an improvement on the previous scheme refused by the Planning Inspector.
- The proposed eastern relief road does not cover the full length of the A30 so it will not mitigate traffic on the A358 at the Convent junction.
- Chard was the second largest town in the SSDC area but was the worst for sporting facilities.
- Chard Town football club had been relegated for having a sub-standard ground but the sale of the existing site would give them the funds to develop the new site.
- Just one of the 3 pitches would be for the use of the football club and the other two would be available for community use.
- Increased traffic through Combe St Nicholas could help the sustainability of the village shop and public house.
- A cycle path between Chard and Combe St Nicholas, paid with Section 106 contributions would be appreciated.

The Agent for the applicant said the 2015 planning appeal was dismissed by the Inspector because he wanted to give the Local Plan time to deliver housing but the Plan

had been adopted 5 years ago and had 14 years to run and there was clear evidence in the report that housing had not been delivered to the east of Chard. He said there were no specific objections to this site and it would significantly boost open housing in the town whilst allowing the football club to relocate and provide open space and amenity area. In response to a question, he clarified that all 3 pitches would be transferred to Chard Town football club and there would be an agreement for one or two to be for community use. This would be subject to a Section 106 obligation.

Members then discussed the merits of the application and varying views were expressed. Some members felt the increased traffic on local roads would be a major issue and the Local Plan should be given time to deliver housing to the eastern side of the town which would bring the relief road, school and surgery. Other members felt that the benefits outweighed the disadvantages as it would bring forward affordable housing in the town.

At the conclusion of the debate, it was proposed and seconded to refuse permission for the following reasons:-

1. The proposal prejudices the delivery of the Chard Regeneration Plan forming part of the Council's Local Plan and on which work has started; therefore, the proposal is contrary to policies PMT1, PMT2, SS3 and SS5 of the South Somerset Local Plan (2006-2028).
2. The site is within an area of landscape importance between Chard and Cuttiford's Door, on the periphery of the AONB. The resultant demonstrable harm is not outweighed by the benefits and therefore the scheme is contrary to policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the NPPF.

However, when put to the vote, this proposal was not carried by 5 votes in favour and 7 against with no abstentions. The officer's recommendation to grant permission, subject to a Section 106 planning obligation and conditions was proposed and seconded and when put to the vote, was carried by 8 votes in favour and 5 against. It was therefore:

RESOLVED: That planning application 18/04057/OUT be **GRANTED** permission subject to:

SECTION 106 PLANNING OBLIGATION / UNILATERAL UNDERTAKING

- 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 items/issues:
 1. The provision of affordable housing,
 2. Contribution towards the provision of sport, play, open space and strategic facilities.
 3. Phasing of the development.
 4. Highway infrastructure and works.
 5. Education contribution
 6. Travel Plan
 7. Management of Public Open Spaces

For the following reason:

01. Notwithstanding the local concerns, the provision of residential accommodation and leisure facilities together with access/highway improvements, drainage and attenuation, play area, open space and landscaping in this sustainable location would contribute to the council's housing supply and leisure facilities without demonstrable harm to the local landscape, the character of the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

Conditions:

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

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

02. Unless where superseded by any of the following conditions, or by the obligations contained within the accompanying Section 106 Agreement, the development hereby permitted shall be carried out in accordance with the approved plans:

180129 L 01 01 - Location Plan
180129 L 02 02 - Illustrative Master Plan

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

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site. The development shall begin no later than three years from the date of this permission or not later than two years from the approval of the reserved matters application.

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

04. The development hereby permitted shall comprise no more than 295 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies SD1, SS6, HG3 and HW1 of the South Somerset Local Plan.

05. Prior to commencement, the final access arrangement shall be agreed in writing with the Highway Authority. The agreed access arrangement shall be constructed to the satisfaction of the Highway Authority prior to occupation of any new dwellings.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

06. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of 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 the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

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

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

08. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on-site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on-site.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

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 before the first occupation and thereafter maintained at all times;

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

10. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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 interest of highway safety to accord with Policy TA5 of the SSLP.

11. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

12. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

13. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the SSLP.

14. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

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

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP.

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

Reason: In the interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

17. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, 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 interest of highway safety to accord with Policy TA5 of the SSLP.

18. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

19. The houses hereby permitted shall not be occupied until the parking spaces for the dwellings and properly consolidated and surfaced turning spaces 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 at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

20. The development hereby permitted shall not be commenced until the developer has applied for an amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority,

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

21. In the interests of sustainable development no part of any particular phase of development hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within that particular phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but not be limited to, Footway and Cycling Infrastructure links, A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close, Improvement of the public footpath to the west of the Bowling Club. Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

22. Before any particular phase of the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained

in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

23. Prior to occupation of the 50th dwelling the developer shall provide two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP

24. Prior to occupation of the 150th dwelling the developer will undertake works to install traffic signals at the junction of Furnham Road and Victoria Avenue linked to the existing traffic signals at Coker Way by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

25. No development hereby approved which shall interfere with or compromise the use of public footpaths shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that the appropriate measures are taken to divert the public footpaths

26. 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, a phased scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, 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 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.

27. The development shall be undertaken in accordance with the submitted Ecological Assessment Report recommendations.

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan

28. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. 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) to biodiversity on site, including habitat (trees and hedgerows) and protected species (bats, birds, badgers, hazel dormice and reptiles).
- 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 South Somerset District Council Local Plan - Policy EQ4 Biodiversity

29. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be created, restored, protected and managed, as outlined within the Environment Statement, including the addition of native wild flower grassland areas and edges to open spaces and native pollinator friendly wetland plants to be planted within the SuDS. (Note - In order to maintain and improve dormouse habitat, the LEMP should also increase the amount of vegetation and buffer zone planting along the section of the hedgerow making up part of the LWS within the central-western section of the site. See location for this identified in drawing reference CESB -01).
- 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 LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: 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 South Somerset District Council Local Plan - Policy EQ4 Biodiversity

30. The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
- b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

A badger mitigation and compensation plan shall be submitted to and approved in writing by the local planning authority. The plan shall show how mitigation and compensation measures, in conjunction with the CEMP and LEMP, will be accommodated, along with measures to maintain badger welfare on the site.

Reason: A pre-commencement condition in the interests of a UK protected species, the Animal Welfare Act 2006, NERC Act 2006 and in accordance with South Somerset District Council Local Plan Policy EQ4 Biodiversity

31. Prior to occupation, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (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 or having access to their resting places. 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.

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 South Somerset District Council Local Plan - Policy EQ4 Biodiversity

32. The removal of hedgerow sections shall not in any circumstances commence unless the Local Planning Authority has been provided with a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead

The dormouse compensation and mitigation strategy will be prepared and carried out in strict accordance with the following procedure, either:

- a) In October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using hand held tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or
- b) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work

Compensation will be delivered through the mitigation measures outlined within the Environment Statement and LEMP.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

33. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected /priority species and habitats are safeguarded in accordance with the CEMP and South Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

34. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage

strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include:

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant)-
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (2019) and the Technical Guidance to the National Planning Policy Framework.

35. The residential development hereby permitted shall achieve an improvement over Building Regulations (current at the date of this permission) of 19% reduction in carbon emissions across the entire residential development. The dwellings shall not be occupied unless all carbon reduction measures have been fully carried out.

Reason: To ensure the development addresses climate change by utilising sustainable construction methods to minimise carbon dioxide emissions in accordance with Policy EQ1 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate 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 County Council to make the necessary arrangements well in advance of such works starting.

02. The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition:

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-andplanning/ rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

(Voting: 8 in favour, 5 against, 0 abstentions)
