

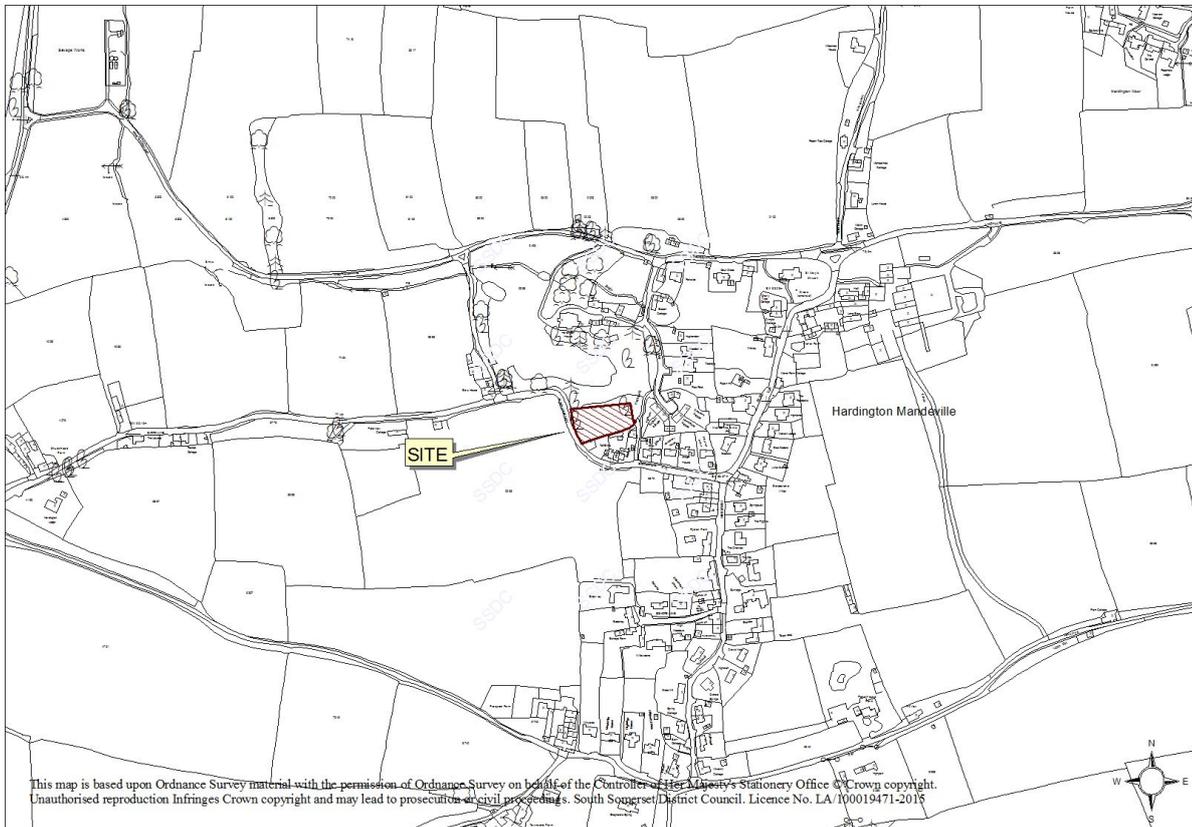
Officer Report On Planning Application: 18/03891/FUL

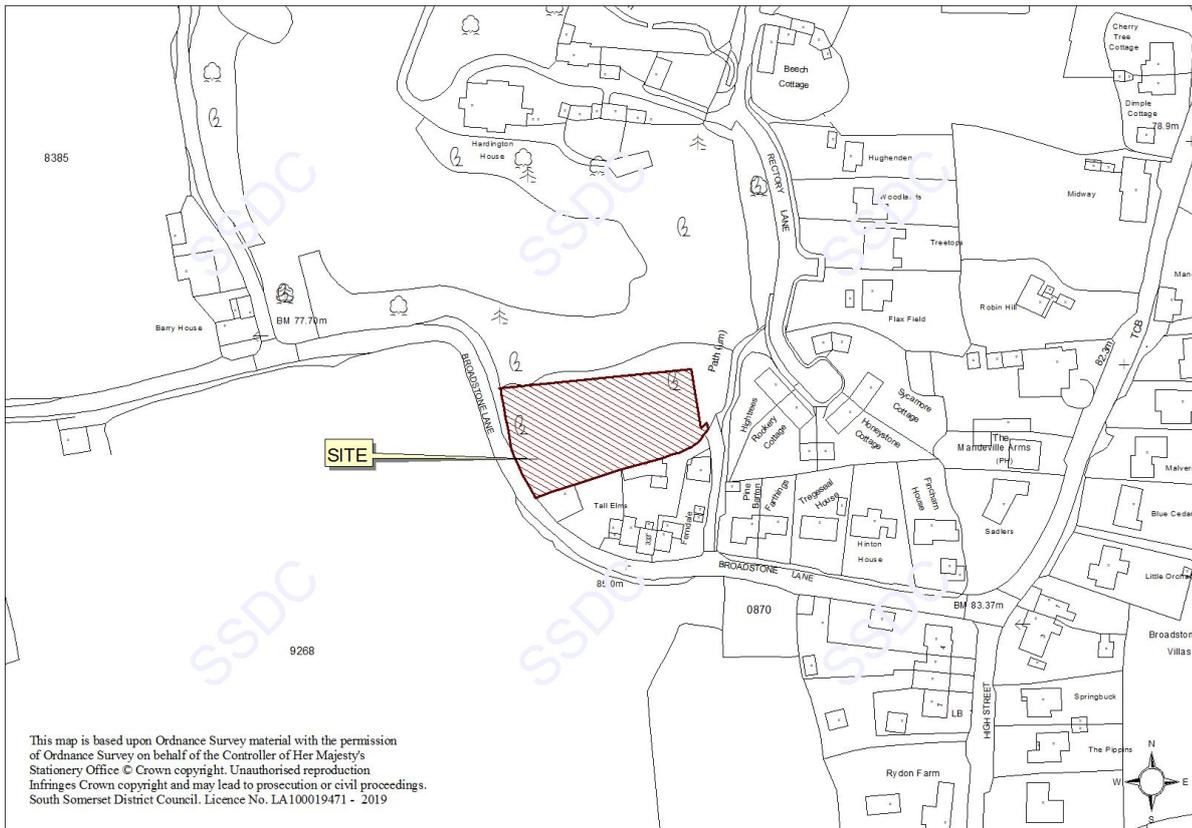
Proposal :	The erection of 3 dwellings and formation of a new vehicular access
Site Address:	Land North Of Tall Elms Broadstone Lane Hardington Mandeville
Parish:	Hardington Mandeville
COKER Ward (SSDC Member)	Cllr G Seaton Cllr N Clark
Recommending Case Officer:	Linda Hayden- Planning Specialist
Target date :	31st January 2019
Applicant :	Mr G Boord
Agent: (no agent if blank)	Brimble Lea And Partners Wessex House High Street Gillingham SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Committee

This application is referred to the Committee at the request of the Ward Members with the agreement of the Area Chair to enable discussion of the planning issues.

Site Description and Proposal





The application site forms part of the curtilage to the property known as 'The Walled Garden' to the north of Hardington Mandeville. However, the land was until very recently owned by Hardington House and formed part of the curtilage to the property which is grade II listed. The entire historic curtilage is covered by a group Tree Preservation Order (TPO).

The site is flat and bounded by a Public Right of Way (PROW) to the east and a stone boundary wall along the road side to the west. There is a group of mature trees and shrubs to the north with residential gardens to the south.

This is a full application for the erection of three dwellings, one 2-bedroom bungalow and two 2-storey 4-bedroom houses, to be constructed in hamstone with slate roofs. A new access to the site would be provided from Broadstone Lane at the west of the site with the existing stone boundary wall reconstructed behind the proposed visibility splays and following alongside the new drive way at the entrance to the site.

HISTORY

There is no planning history for the site itself, there are a number of application for works to the listed property, its outbuildings and works to trees covered by the TPO.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the

adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

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

SD1 Sustainable Development
SS1 Settlement Strategy
SS2 Development in Rural Settlements
SS4 District Wide Housing Provision
SS5 Delivering New Housing Growth
TA5 Transport Impact of New Development
TA6 Parking Standards
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a Sufficient Supply of Homes
Chapter 12 - Achieving Well-Designed Places
Chapter 16 - Conserving and Enhancing the Historic Environment

Planning Policy Guidance

Climate change
Conserving and enhancing the historic environment
Design

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Somerset County Council Parking Strategy (March 2012)

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) in relation to decision taking is engaged, this states:-

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.")

CONSULTATIONS

Hardington Mandeville Parish Council:

"Hardington Mandeville Parish Council met on Tuesday, 15th January and reviewed the above planning application. Following lengthy discussion, Hardington Mandeville Parish Council voted unanimously to object to this application.

The primary reason for objection is the proposed access for the development. Many parishioners have expressed their concerns, either at the meeting or via email, that providing access on this tight double bend would make an already dangerous section of road even more dangerous. A substantial amount of traffic uses this road, which provides easy access to the A30. This also includes many large agricultural vehicles and the milk tanker on a daily basis. There have already been many accidents in this area, and increasing the volume of traffic here is likely to result in even more.

The legal speed limit is 60 mph and many felt a lot of vehicles drive around this bend at speeds greater than 20-25 mph as suggested in the application. There are no pavements and the road is frequently used by pedestrians, cyclists and horse riders.

It was unclear to the Parish Council as to whether SCC Highways have been consulted on the application, and therefore their views were unknown. The Parish Council would like it clarified as to whether SCC highways have been consulted and if not, why this is the case.

Several Councillors felt that accessing the proposed houses from Rectory Lane would be more desirable and should be investigated as an alternative option.

There were also strong views expressed regarding the effect on the heritage value of the site. Not only will these houses distract from the historic Hardington House, many feel this historic section of wall should not be removed. In addition, the "green door", adjacent to the proposed new access, is recognised as one of several valued village landmarks and should not be disturbed.

A question was raised as to why listed building consent was not required when the development plot lies within the curtilage of a listed building. We would be grateful for clarification as to why it is not required for this development.

Questions were also raised as to whether the proposed dwellings satisfy the criteria outlined in policy SS2, which forms part of the South Somerset Local Plan. The application does not attempt to explain how the proposed dwellings meet an identified local need. Some believe that the village does not require any additional large 4-bedroom houses and that either bungalows for downsizing, or smaller, more affordable properties for young families would be more desirable.

The Parish Council would therefore like to see this application refused, until the issues identified above are addressed."

County Highway Authority :

" Having regard to the fact that traffic speeds and volumes along Broadstone Lane are not high, and appropriate vehicle visibility splays can be provided, the level of intensification created by this proposal

will not create a highway safety or efficiency issue."

In the event of permission being granted, the County Highway Authority recommend that a number of highways conditions be imposed.

Rights of Way Officer (SCC):

Have no objections to the proposal, but provide advice on the need to protect users of the PROW and requirement to carry out any repairs required as a result of construction.

Senior Historic Environment Officer:

"Investigations to the east of the application site have identified the presence of medieval industrial activity. In addition to this, the Hardington Mandeville tithe map shows a house situated adjacent to Broadstone Lane. It is therefore possible that earlier traces of earlier activity and or structures may be present within the application area.

For this reason I recommend that the developer be required to archaeologically investigate the application area and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted."

REPRESENTATIONS

35 letters have been received in response to the application, 26 objecting to the application with 9 letters of support.

The objector's comment as follows:

- o There are highway safety issues with regard to the proposed access onto Broadstone Lane; proposed access is dangerous and vehicle speeds are high
- o Unnecessary development that is inappropriate in this part of the village
- o Access could be gained through Rectory Lane
- o Existing trees should be protected
- o Archaeology should be investigated
- o No consultation with community
- o Development should be limited to low cost housing and/or bungalows
- o Development here could lead to a precedent for other undeveloped sites in the village
- o Suggested access at any point off Rectory Lane (as suggested by some objectors) would be unacceptable to immediate neighbours as it would be unsafe and not suitable for additional traffic and require additional tree felling
- o Whilst there has been some changes with the main listed property, the proposal to develop this site would have an adverse impact upon the setting of the listed building 'Hardington House'
- o Recent clearing of trees has opened up the site to views from the listed house
- o Development will result in overlooking and loss of privacy to neighbouring dwellings
- o Suggest one single storey dwelling with access onto Rectory Lane would be preferable
- o Proposal is contrary to Policy SS2
- o Adverse impact of development outweighs any potential benefit
- o Removal of trees from boundary could affect privacy
- o There was no previous access from the site to Broadstone Lane; change to wall will adversely impact the village and listed house
- o Query extent of neighbour notification
- o Construction traffic will damage existing poorly maintained roads
- o Proposed design of dwellings is poor
- o Refer to 1980's decision on a nearby site where permission was refused.

- o Proposals fails to comply with Local Plan and NPPF

The letters of support comment as follows:

- o The proposed access and widening of the road will improve safety for both vehicles and pedestrians
- o Building of houses will enhance this part of the village
- o It is not a large development that would impact on the village
- o A new development will increase the chances of young people coming back to the village
- o The relocation of the wall will improve visibility

CONSIDERATIONS

Principle of Development

Hardington Mandeville is defined in the local plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is policy SS2 of the South Somerset Local Plan. The proposal is contrary to that policy, as it does not provide employment opportunities, create or enhance community facilities and services, or meet an identified housing need.

However, as SSSDC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on the proscriptions of that policy in regard to what the development must provide (e.g. meeting an identified housing need), but must accept that the settlement is broadly sustainable and capable of supporting some residential development. As such, although the proposal is contrary to policy SS2 of the local plan, only limited weight can be applied to this adverse impact in the planning balance.

Overall, it is considered that the dwellings proposed would result in an addition to housing stock in an area with an acknowledged lack of provision. Furthermore the housing would be in a location which is relatively accessible by rural standards. There would also be economic and social benefits in supporting employment during construction, and as future occupants would bring trade to nearby services and facilities. As such, it is considered that the proposal can be supported in principle.

Setting of Listed Building and Landscape Impact

The proposal was subject to pre-application discussions with the Conservation Officer (now left) who broadly supported the principle of residential development of the site along with the creation of a low key entrance from Broadstone Lane. The proposal has taken into account the advice although the Conservation Officer indicated a preference for the development to address Rectory Lane. The Conservation Officer noted that the application site does form a separate parcel of land from the main garden to Hardington House with historic mapping indicating that this has always been the case. As such, it is felt that the site can be developed without resulting in substantial harm to the setting of the listed house.

The NPPF advises that in the case of a development proposal leading to less than substantial harm to the significance of a designated heritage asset (paragraph 196), this harm should be weighed against the public benefits of the proposal. In this case, the site forms a separate parcel of land from the main garden to the property and there exists a tree and shrub screen between the site and the garden (the trees are protected by the group TPO). Furthermore, the layout of the site has been designed in order to reduce the potential impact upon the setting of the listed house as two of the dwellings are sited on the southern part of the site and the third is set at right angles to the boundary. In addition, the dwellings have been traditionally designed and will be constructed in natural materials.

The lack of a five year supply of housing land has to be weighed in the balance and as such appropriate weight has to be given to the provision of housing on a sustainable site.

Therefore, it is considered there are public benefits to the scheme that weigh in the schemes favour which allow for a favourable recommendation despite the harm (less than substantial) caused to the heritage asset.

In terms of the wider landscape impact, this is a small site surrounded by residential gardens and as such the development will not result an adverse impact to the wider landscape.

It is therefore considered the site can be developed in a manner to safeguard the setting of the listed building and the wider landscape in general in accordance with the NPPF and Local Policies EQ2 and EQ3.

Scale and appearance

The proposed development is considered to be at an appropriate scale for the site and provides for ample space between the dwellings. The proposal includes a single storey dwelling along with two 2-storey properties with the bungalow being sited on the road side. As such, it is considered that the development will not be unduly prominent within the street scene. In addition, as mentioned above, the properties are of traditional design and will be constructed in ham stone with slate roofs to ensure they respect the character of the surroundings.

Whilst the relocation of the boundary wall will have an impact upon the character of the site from roadside, the access has been designed to be as low key as possible with the existing wall to be rebuilt along the splays. New trees will be planted along the roadside boundary to replace those that will be lost through the relocation of the wall.

Therefore, whilst the development will result in a change to the character of the roadside boundary, appropriate thought has been given to the design of the development and it is not considered that the proposal would result in such an adverse impact as to justify refusal.

Highways and parking

The County Highway Authority have considered the application and advised that they do not object to the application subject to the imposition of conditions. The County Highway Authority advises that traffic speeds and volumes along Broadstone Lane are not high, and appropriate vehicle visibility splays can be provided. Furthermore, given that the access would serve three dwellings they do not believe that the level of intensification created by this proposal will create a significant highway safety impact. In light of this advice, it is not therefore considered that the application could reasonably be refused on the grounds of an adverse impact upon highway safety given that the NPPF (paragraph 109) states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

With regard to parking, the proposal includes parking provision that accords with the parking standards and is therefore considered acceptable in this regard.

It is noted that some local residents have suggested that Rectory Lane would be a preferable entrance to the site, however, there has also been local objection to this suggestion. The application has to be determined on the basis of the plans submitted and the County Highway Authority do not object to the proposed location (subject to the imposition of appropriate highways conditions).

Therefore, whilst the clear concerns of local residents regarding the proposed access are noted, the

County Highway Authority considered that the proposal is acceptable in relation to highway safety. Given this professional advice, it is not considered that the impacts of the development will be 'severe' and therefore a reason for refusal on the basis of highway safety could not be substantiated.

The proposals are therefore considered to be in accordance with the NPPF and local plan policies TA5 and TA6.

Residential Amenity

Given the distance to neighbouring residential properties, the existing/proposed boundary treatments and the orientation of adjacent properties it is not considered that the proposal will adversely impact on the amenities of neighbouring residential properties through overlooking or loss of privacy.

The proposal therefore complies with Policy EQ2 in regard to residential amenity.

Trees

The application is accompanied by a Tree Survey and Arboricultural Impact Assessment which advises that the one large tree to be removed is an Ash tree that has been affected by a fungus that will reduce its life to less than 10 years and as such it is not possible to require that it be retained. With regard to the other trees that are to be removed these are relatively young and have a minimal impact on the visual amenity of the local area or the wider landscape.

It is recommended that conditions be attached to ensure protection of retained trees during the course of construction and to require appropriate replacement planting.

Other Matters

Need for listed building consent - an informative can be attached to advise the applicant of the need apply for listed building consent to carry out works to the boundary wall.

Archaeology - The proposal has been considered by the County Archaeologist who has advised that given the history of the site and surroundings a condition be imposed to require a programme of works in accordance with a Written Scheme of Investigation to secure the implementation of a programme of archaeological work.

Precedent - It is not considered that permission in this case will create a precedent as this site had its own unique properties and each planning application is determined upon its own individual merits.

Construction Traffic - The County Highway Authority have requested that a note be attached to advise the applicant that any damage to the carriageway caused by construction traffic will have to be repaired.

Refusal on adjacent site - This was a decision made in the 1980's and there has been significant change in both national and local plan policy since that time. As such, it would not be possible to use this decision to refuse development on the application site.

Extent of notification - Once it became apparent that one of the neighbours had not received a neighbour notification this was rectified. In all seven neighbours were notified and a site notice was displayed at the site and within the local newspaper.

Consultation - The size of the development does not require the developer to undertake a consultation exercise prior to the application being submitted.

Low cost housing/bungalows - The development is under 10 dwellings and it is not therefore possible to require the provision of affordable housing however the proposal does include the provision of a two-bedroom bungalow.

Conclusions and Planning Balance

With no five year supply of housing land in South Somerset, footnote 7 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where "...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years." As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development are relatively modest, and would be that the proposal would contribute to the shortfall of housing land supply in South Somerset, which is benefit that must be afforded significant weight.

Weighed against the benefit outlined above, the scheme will also cause some harm. The policy is contrary to policy SS2 of the South Somerset Local Plan. However, as highlighted above this particular harm can only be afforded limited weight as policy SS2 must be considered out of date in the absence of a five year supply of housing land. Notwithstanding local objections, no other areas of harm have been identified by statutory consultees and the less than substantial harm to the setting of the listed building is considered to be outweighed by the public benefit.

Given all of the above, it is considered that, on balance, the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, planning permission should be granted.

RECOMMENDATION

Approve

01. The Council cannot demonstrate a 5-year housing land supply. Hardington Mandeville is an appropriate location for this level of development and the site is suitable in terms of its services. By reason of its juxtaposition with existing built form and its scale the proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area. The proposal would result in less than substantial harm to the setting of the heritage asset and the public benefits of the proposal outweigh this harm. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the

provisions of the National Planning Policy Framework.

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: Drawing No.'s 17223-6 Rev A, 17223-01 Rev F, 17223-04 Rev C, 17223-03 Rev B, 17223-05 Rev B.

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

03. No work shall be carried out in relation to any of the below elements until particulars of that element have been submitted to and approved in writing by the Local Planning Authority:

a) materials (including the provision of samples where appropriate) to be used for the external walls and roofs;

b) the mortar mix and coursing of the external walls (best illustrated through the provision of a sample panel);

c) the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;

d) all hardstanding and boundaries

e) the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. 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:

o Construction vehicle movements;

o Construction operation hours;

o Construction vehicular routes to and from site;

o Construction delivery hours;

o Expected number of construction vehicles per day;

o Car parking for contractors;

o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

o A scheme to encourage the use of Public Transport amongst contractors; and

o Measures to avoid traffic congestion impacting upon the Strategic Road Network.

o On-site vehicle wheel washing facilities

Reason: Broadstone Lane is a narrow rural route and the introduction of larger vehicles will increase conflict with existing highway users during the construction phase. This Authority needs to know that any adverse effects, such as conflict, verge over-running, or surface damage are mitigated against during this phase in the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

05. The proposed access shall be provided prior to occupation and have a minimum width of 5 metres, incorporating radii not less than 6 metres, and shall be surfaced in bound material for the first 5 metres measured from the highway boundary.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

06. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the highway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

07. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

08. The ACO drain and soakaway noted on the submitted plan shall be provided within the site for the disposal of surface water so as to prevent its discharge onto the highway. The drainage facilities shall be provided prior to occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

09. The development hereby permitted shall not be occupied until the parking spaces for each dwelling, and a turning space for vehicles has been provided and constructed within the site in accordance with details as shown on plan number 17223-01 F. 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 interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

10. 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 33 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.

Reasons: To ensure the development is provided with a suitably constructed access which provides appropriate vehicle visibility splays, and allows access to the properties in a controlled manner in the interests of highway safety and in accordance with policy TA5 in the South Somerset Local Plan.

11. Prior to occupation a pedestrian link shall be provided from the development site onto the line of Public Footpath Y10/17 east of the site.

Reason: In order to improve accessibility for different modes of sustainable transport in accordance with policy SS6 and TA1 in the South Somerset Local Plan.

12. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Once installed such 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.

13. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: In order to ensure proper investigation of archaeology in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028.

14. 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 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.

15. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a 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-types/root-volumes and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding and mulching shall also be included in 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.

Informatives:

01. The applicant is advised that works to create the new access in the boundary wall will require Listed Building Consent.
02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil>

or

email cil@southsomerset.gov.uk

03. A Condition Survey of the existing public highway along Broadstone Lane 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.

The Highway Services Manager for the South Somerset area may wish to secure a bond or cash deposit to cover the cost of reinstating the lane to its current condition

04. 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-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .