

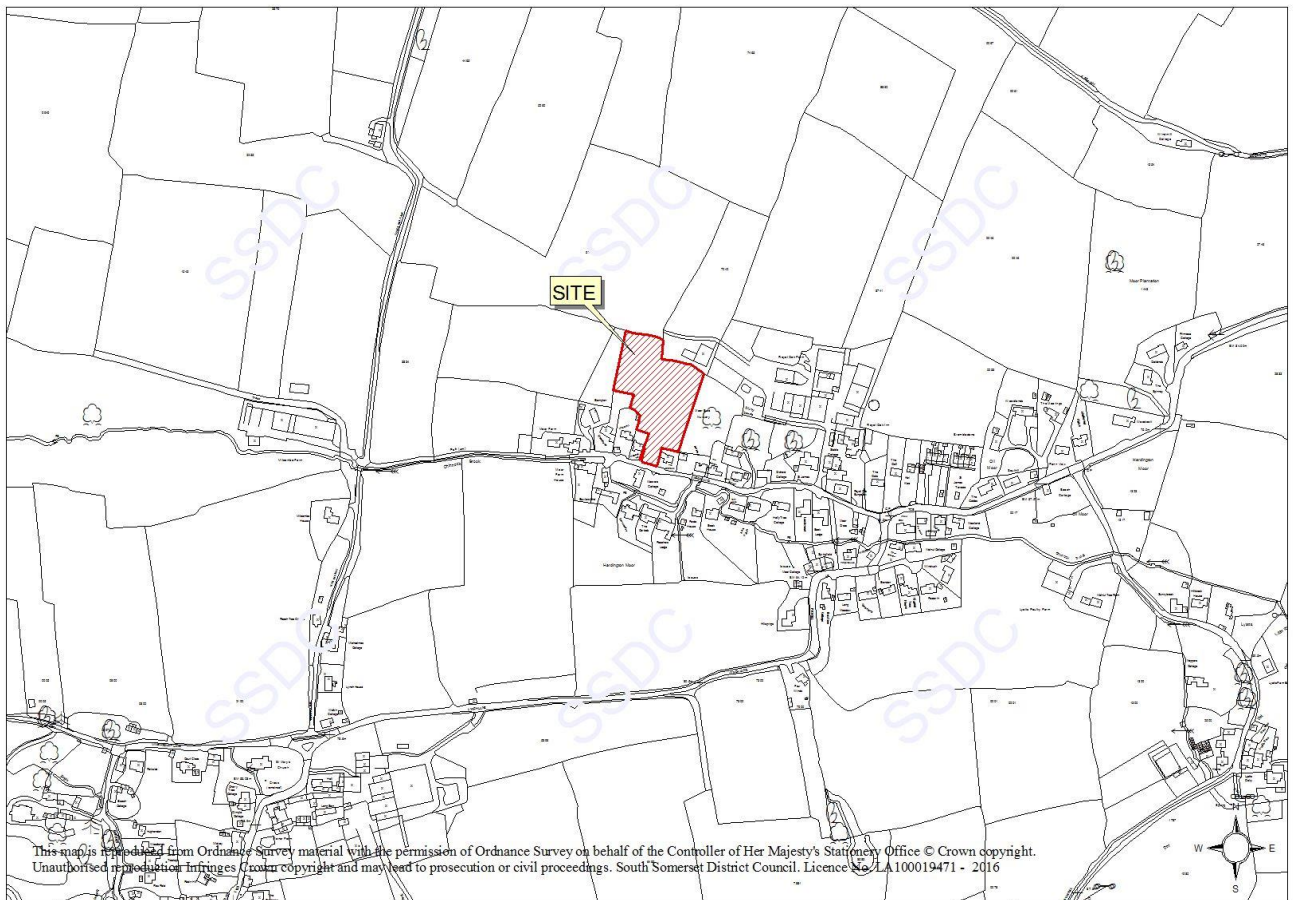
Officer Report On Planning Application: 15/05598/FUL

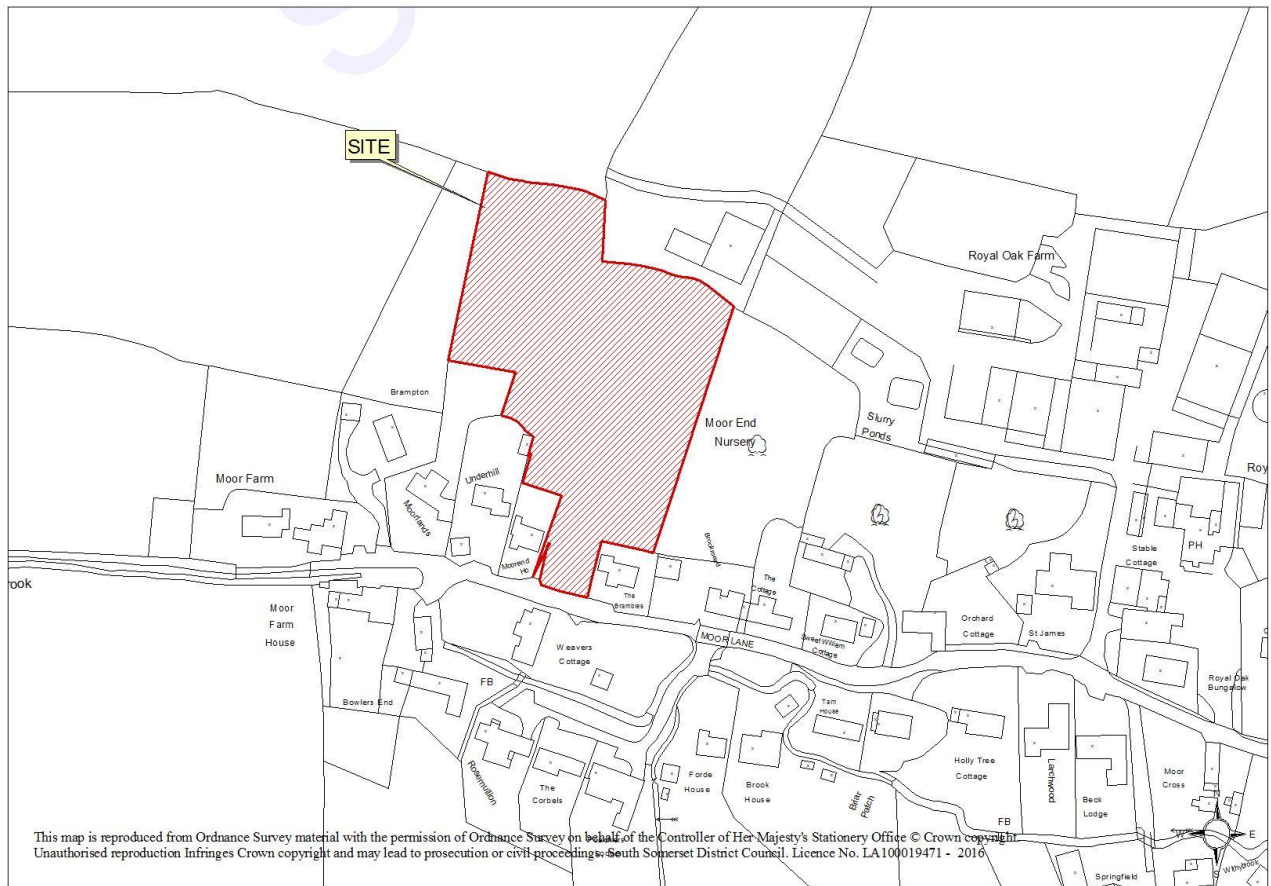
Site Address:	Moor End Nursery Moor Lane Hardington Mandeville
Ward :	COKER
Proposal :	Demolition of existing bungalow and erection of 10 dwellings, together with associated landscaping, access and infrastructure (Revised Application)(GR 351632/112250)
Recommending Case Officer:	Simon Fox (Area Lead Officer (South))
Target date :	17th March 2016
Applicant :	Halsall Homes
Type : 01	Major Dwlg 10 or more or site 0.5ha+

Reason for Referral to Committee

This application is referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman due to the fact the application constitutes a major development in a Rural Settlement and a previous scheme, currently at appeal, was similarly considered by the committee.

Site Description and Proposal





The application site lies within Hardington Mandeville parish and comprises a vacant horticultural nursery which ceased trading in 2012. The site is located within Hardington Moor a small hamlet where development adjoins the highway in a linear fashion. Within Hardington Moor there is a shop, a pub and a recreation ground. There are three main sections of highway in the settlement one of which is Moor Lane. Approximately 30 dwellings are accessed off Moor Lane, which is a dead-end. Moor Lane accesses onto Pig Hill/Primrose Lane for onward journeys to Hardington Mandeville to the south and Holywell to the north.

The nursery site comprises disused glasshouses and polytunnels; plus the former operator's chalet bungalow to the south which sits between other dwellings within the linear form of development on Moor Lane. The site is irregular in shape extending to 0.72 hectares (1.77 acres) in area and protrudes northwards beyond the residential built envelope. It slopes from north to south (6m over 120m site dimension). To the north of the site is an outlying agricultural building to a farm complex located further east along Moor Lane, to the west are agricultural fields and to the east is a well treed paddock. To the south beyond Moor Lane are other residential properties including Weavers Cottage (a Grade 2 listed building) which is located gable-end on directly opposite the nursery bungalow. Next door but one to the nursery bungalow to the east are two further listed buildings, both Grade 2. There is no Conservation Area designation. A right of way runs westwards along the remainder of Moor Lane and alongside the Chinnock Brook from a point in the highway in front of the site which additionally provides access to the recreation ground beyond. Another right of way runs from the same point southwards towards Hardington Mandeville. The site and the prevailing area is registered as Grade 3 agricultural land.

The site is currently located within a rural settlement as defined by the adopted Local Plan.

This full application seeks to develop the nursery site for 10 dwellings (2x 2beds, 1x 3beds, 4x 4beds and 5x 5bed). All of the properties are two-storey save for one 2bed bungalow. All the glasshouses and polytunnels would be removed and the nursery bungalow demolished.

In detail the scheme seeks:

- to form a vehicular access into the site from Moor Lane with a change in priority so the route into the development become the through route and the end of Moor Lane becomes an offshoot (subject to HA clarification).
- To create open space along the eastern boundary (this area is subject to a private restrictive covenant preventing the development of housing).
- To pay an off-site community, health and leisure contribution
- To provide surface water attenuation within drainage scheme.
- To offer three properties that meet the criteria of the Government's Help to Buy scheme (Plot 1 - 2bed bungalow, Plot 4 - 2bed house and Plot 5 - 3bed house)

The applicant has also submitted the following documentation in support of the application:

- Design and Access Statement
- Planning Statement
- Transport Statement
- Measures-only Travel Plan
- Statement of Community Involvement
- Arboricultural Constraints Report
- Ecological Appraisal Report
- Landscape and Visual Appraisal
- Flood Risk Assessment
- Phase 1 Desk Study and Phase 2 Preliminary Ground Investigation Report

HISTORY

10237: Retention of existing bungalow: Approved: 30.05.1950

12540: Alterations and additions and erection of private garage: Approved: 24.05.1951

12540/A: Alterations and extensions including provision of first floor accommodation: Approved: 24.06.1968

14/01902/EIASS: Request for screening opinion for proposed residential development: EIA not required: 23.05.2014

14/05063/FUL: Demolition of existing bungalow, erection of 14 dwellings, together with associated landscaping, access and infrastructure: Refused for the following reason (04.06.2015):

The scheme does not meet an identified housing need, it is not commensurate with the scale and character of the settlement and does not have the support of the local community. As such the proposal is contrary to Policy SS2 of the South Somerset Local Plan (March 2015).

- Appeal now in progress, Planning Inspector site visit arranged for 1st March 2016.

Moor End House, located adjacent to the operator's bungalow was originally built to serve the nursery following approval in 1972. The agricultural/horticultural tying clause was released in 1980.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in exercise of planning functions., that in considering

whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.

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

The policies of most relevance to the proposal are:

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

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of Open Space, outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

Other

The National Planning Framework (2012) forms a material planning consideration:

Core Planning Principles

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Annex 1 - Implementation

Also relevant:

Somerset County Council Parking Strategy (September 2013)

Hardington Mandeville - Parish Plan (2008-2012)

Village Design Statement (1999)

South Somerset District Council Statement of Community Involvement (December 2015)

CONSULTATIONS

Hardington Mandeville PC:

"The Parish Council passed a resolution to support the application, given that they felt the number of dwellings was more suitable given the size of the site, and also the type of housing proposed more closely met the identified needs of the village".

Highways Authority (Somerset CC):

The HA has not raised any objections, but has commented on numerous aspects of the

proposal which may require small amendments to be made. The agent is now discussing these aspects with the Highway Authority and an oral update will be given.

SSDC Conservation Officer:

Comments unchanged from previous application:

"We do certainly need to consider the impact on the setting of the listed building as the new entrance is directly opposite. However the bungalow that currently occupies the site does not contribute positively to the setting of the designated building. The bungalow is surrounded by expansive areas of tarmac, as are other properties in the vicinity. The setting of the listed building has been vastly altered during the second half of the last century by surrounding modern development. I consider the removal of this bungalow and its replacement with a site entrance to have a neutral effect on the setting of the listed building opposite, and therefore do not object to the proposal.

SSDC Landscape Architect:

"I have now reviewed this revised application, including the updated LVIA [Landscape and Visual Impact Assessment] submitted in support of the scheme. As before, I agree with many of its findings, which in summary suggest that there is a potential for development without undue impact here. In most part, the landscape and visual impacts are noted to be relatively low-key, though the particular sensitivity of the northwest corner of the site is noted, in terms of its heightened visual profile relative to the village's main residential edge.

Figure 5 of the LVIA indicates the residential pattern of Hardington Moor, which is primarily linear with an east-west emphasis; of single-plot depth; and fronts onto the main lane network. The application site lays to the northeast side of this narrow thread of residential presence, and whilst not residential, it is characterised by former nursery buildings. These nursery structures have established a presence of built form within the site, yet these current structures do not have the height and scale of two-storey housing, which would have a greater visual profile within the site. The visual analysis offered by the LVIA states that the site can accommodate these two-storey forms, but with a necessary attention to tonal treatments, to help subdue this increase in scale, and additional planting in the site's northwest corner, to play down the presence of the more prominent plots.

Looking at the application plan, it is apparent that the proposed housing pattern is at variance with the established residential pattern of the village, however, it offers a legible development arrangement, and the reduction in house numbers in this latest application - particularly toward the more sensitive northwest corner of the site - has helped to play down the likely development impact. On balance, I agree with the applicant's LVIA that the development will not create an adverse presence relative to its village edge context. Thus I consider the site to have a potential for development, and these amended plans present an improved arrangement on the earlier application, to better correspond to its village-edge setting, to thus satisfy Local Plan policy EQ2.

If you are minded to approve the application, please condition;

- (i) landscape treatment to be undertaken consistent with drawings 656.200 – tree planting plan; and 656.204 - hedge planting details, and;
- (ii) material sample tones to be submitted for approval pre-commencement".

Strategic Housing:

"Regarding the affordable housing element of the scheme current policy requires 35% affordable housing split 67:33 in favour of social rent. I would expect 3 affordable units (based on 9 in total) 2 for social rent and 1 for other intermediate such as shared ownership or discounted market. There is no reason to detract from this normal policy at this time, given the paucity of the evidence.

Strategic Housing welcome the proposed property mix of the affordable housing;

1 x 2 bed house (76 sq. m) & 1 x 2 bed bungalow (76 sq. m) for social rent

1 x 3 bed house (86 sq. m) for Intermediate

With regard to the proposed Section 106 agreement restricting the allocation of the affordable housing to people with a connection in the following order;

1. The target parish of Hardington Mandeville
2. Doughnut ring of adjacent parishes; South Perrott (Dorset), Halstock (Dorset), Haselbury Plucknett, Closworth, West Coker, East Coker and East Chinnock
3. Residents of South Somerset

I would suggest that the units are developed to blend in with the proposed house styles. I expect the units to meet our minimum space and design criteria and we would ordinarily expect them to be provided through one of our main approved Housing Associations:

- Bournemouth Churches Housing Association (BCHA)
- Knightstone Housing
- Stonewater Housing
- Yarlington Housing."

SDDC Ecologist:

"I've noted the Ecological Appraisal Report (Acorn Ecology Ltd, November 2014) and broadly agree with its conclusions.

It's unlikely that the proposed development would give rise to any major detrimental impacts to protected species and biodiversity. However, there is potential for impact to low numbers of protected and 'priority species' of conservation importance. I don't consider these to be a significant constraint to the proposed development, but I strongly **recommend any consent includes a condition requiring submission of a biodiversity mitigation and enhancement strategy**".

Environmental Protection Officer:

Comments unchanged from previous application:

"I do have some concerns regarding the proximity of some of the proposed dwelling to the slurry pits and agricultural buildings associated with Royal Oak Farm.

Having visited the site, these concerns have been alleviated somewhat. The slurry pits are normally not odorous, however periodic odours are to be expected. The closest agricultural barn is currently used for storage of feed and equipment and it is unlikely, although not impossible, to be used for the housing of animals.

Nevertheless occasions detrimental impacts due to noise, odour and insects are possible. I do not consider the scale and intensity of these impacts to be sufficient enough to compel me to object to the application. In reaching this conclusion I have taken into account the presence of existing residential properties as close or closer to the farm than the proposed development and the fact that Environmental Health has no history of complaints associated with the farm.

However I recommend that the developer consider erecting a barrier, for example a 2 meter high acoustic fence, between the development and Royal Oak Farm. Such a barrier would help mitigate against any possible noise and odour impacts. I believe this recommendation could be the subject of a suitable condition.

In the event that complaints regarding noise, odour or insect from the farm do arise, this department will be obliged to investigate under the provisions of the Environmental Protection Act 1990 in order to determine whether a Statutory Nuisance exists or not. Should a nuisance be proven to exist then the farm may have to demonstrate that they are implementing Best Practicable Means to minimise the impact of the nuisance in order to avoid formal enforcement action".

SDDC Community, Health and Leisure Service:

The plan does not show any on-site provision and therefore to mitigate the impact of the development financial sums for various categories of off-site provision have been sought:

- youth facilities contribution of £1,500 towards enhancement at Hardington Mandeville Recreation Ground with a commuted sum of £555; Trigger Point for contribution =

Occupation of 2 dwellings,

In the case of other categories of provision financial sums to cater for off-site provision (new provisions or enhancements of existing facilities) are sought.

Categories of provision and levels of contribution include:

- playing pitches contribution of £3,524 with a commuted sum of £2,514 (dedicated to the enhancement of existing pitches at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 5 dwellings,
- changing room contribution of £7,155 with a commuted sum of £576 (dedicated to the provision of new changing rooms as part of a project to develop a new community hall/changing room facility at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 5 dwellings,

No monies have been sought towards strategic facilities due to the new pooling regulations and no monies have been sought towards equipped play space (due to the level and quality of the existing play area) or community halls (due to no current shortfall in the quantity and quality of provision in Hardington Mandeville).

Commutated sums relate to a 10-yr maintenance period for the facility.

Should the corresponding infrastructure not be provided within:

- a 5 year period (youth facilities); or
- a 10 year period (all other categories of provision),

the individual contribution may be reclaimed.

The overall contribution would total £15,981 (or £1,776 per dwelling). Of this £2,055 would be spent within Hardington Mandeville parish.

The totals will be index linked. This total also includes a 1% Community, Health and Leisure Service Administration fee (£158). An additional Legal Services fee and separate S106 Monitoring fee may also be applicable.

Somerset Heritage Centre (Archaeology):

No implications from this proposal, no objections.

SSC Rights of Way:

Confirmation of the presence of the ROW.

SCC Education:

Clarification being sought from SCC given other applications in East Coker at present. Previous comments stated that although there was predicted limited capacity at West and East Coker primary schools by 2017/2018, due to the low number of places generated by the then proposed development of 14 dwellings there would be no contribution sought. A verbal update will be given.

Somerset Waste Partnership:

No objections.

Drainage Bodies:

The proposed drainage scheme is exactly the same as that which formed part of the last refused application. Previously the Environment Agency, Lead Local Flood Authority (SCC), SSDC's Engineer and Wessex Water raised no objections.

REPRESENTATIONS

Neighbouring properties to the site have been notified in writing. A press advert has been placed and a site notice has also been displayed on site.

3 letters of objection has been received; a summary of comments:

Objection from Moor End House:

- Concern regarding the height and proximity of Plot 1 (the bungalow),
- Concern regarding the outlook from Moor End House,
- Concern that the access road surface and proximity will cause noise disturbance and light pollution, and
- The boundary wall proposed on the sites western boundary by the entrance (forming the eastern boundary to Moor End House) should be at least the height of the current boundary if not higher otherwise there will be an invasion of privacy.

Comments from Weavers Cottage:

"When the nursery business closed, and development of the site was first discussed, a categorical statement was made by SSDC that unless there was a gain to the community in terms of affordable housing provision, a long held aim of the Parish Council, applications would not be acceptable. Whilst the reduced number of dwellings in the new proposal is preferable, and the proposed bungalow at the South end an improvement in terms of visual aspect and the provision of one possible down-sizing opportunity, the lack of any affordable home provision is lamentable. A couple of smaller homes, giving the opportunity of some to achieve their own home, possibly with the help to buy scheme, does not compensate, and would not provide any affordable homes for more than the first buyer, and would not specifically benefit local young people hoping to live in the village. Even these smaller homes in a village such as ours, will command a high price".

Comments from Penn House:

Whilst the plans are an improvement-

- The in-filling will set a precedent,
- The increase in traffic creates a safety issue in Moor Lane and for those visiting the community field, and
- The proposal increases traffic in the vicinity and will create issues on the A30/Holywell road to Hardington.

8 letters of support have been received; a summary of comments:

- support the three smaller dwellings and in particular the bungalow for downsizing,
- keen to see the drainage scheme undertaken,
- 10 dwellings is a more realistic number,
- the developer has taken notice of the local community,
- the site is a safety hazard,
- construction traffic via the farm is welcome, and
- the smaller properties that are eligible for the Government's Help to Buy scheme are supported by an individual from the village whom is interested in buying one of the properties to allow continued residence in the village.

A letter has also been received from Cllr Gina Seaton (Coker Ward member) who confirms she endorses the Parish Council decision to support this application.

APPLICANT'S CASE

In the conclusion of the Planning Statement it is stated that;

4.4 The development proposals constitute a sensible re-use of a previously developed site in a rural location. The settlement offers a variety of local services and community facilities which makes the parish a suitable location to accommodate a modest level of housing growth for the rural settlements tier of the settlement hierarchy.

4.5 The development proposals comprehensively respond to the requirements of Policy SS2 in so far as it meets one of the three key requirements of the policy, it is commensurate with the scale and character of the settlement, it has undergone a substantial period of

robust public engagement and consultation and it is located in a settlement that has access to a variety of key services.

4.6 The built form, appearance and design of the scheme has evolved through the continued engagement of local stakeholders, planning officers and the public. Accordingly, the development proposals are responsive to their setting and context.

4.7 The principal driver behind the delivery of the development proposal is the provision of housing to meet an established identified local need. Moreover, it is providing a small contribution to meeting the housing shortfall across the District as currently identified.

4.8 On balance, the development proposals are considered to be suitable and appropriate; deliverable and sustainable and should, in the context of paragraph 14 of the NPPF and the extensive guidance published in the PPG, be determined favourably.

CONSIDERATIONS

The application raises numerous issues, each will be considered here in turn. This is a full application for 10 dwellings, 9 net as the existing bungalow will be demolished.

Principle of Development

The starting point for decision-making is that the LPA must carry out its decision-making functions in compliance with Section 38(6) of the Planning and Compulsory Purchase Act (2008) and Section 70(2) of the Town and Country Planning Act (1990), which require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 of the National Planning Policy Framework (NPPF) confirms that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. It also confirms that proposed development which accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The development plan constitutes the adopted South Somerset Local Plan (2006-2028). Paragraph 14 of the NPPF establishes the "*presumption in favour of sustainable development*" running through both plan-making and decision-taking. For the purposes of decision-taking this means:

"Approving development proposals that accord with the development plan without delay; and Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *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; or*
- *Specific policies in this Framework indicate development should be restricted".*

In considering sustainable development, Local Plan Policy SD1 states that the Council will take a proactive approach to reflect the presumption in favour of sustainable development. Paragraph 49 of the NPPF sets out how applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As at September 2015 it was recorded in the Five-year Housing Land Supply Update that the Council's supply was just over 4 years, 4 months. The Council, at present, therefore cannot demonstrate a five-year supply of deliverable housing land

Given this, the relevant policies for the supply of housing should be considered out-of-date and the implication of Paragraph 49 of the NPPF is engaged. Before considering the implications of this one must return to the fundamental issue of compliance with the development plan.

Policy SS1 of the adopted plan sets out the settlement strategy for development in South Somerset. It states that Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply. This is notwithstanding the exceptions in Policy SS2.

Policy SS2 builds on the recognition in the NPPF (paras 54-55) that some housing in rural areas should be provided to meet identified need to enhance or maintain their sustainability. Local Plan Policy SS4 sets out the housing provision target within the plan period. The Local Plan Policy SS5 target is 2,242 dwellings in rural settlements up to 2028. Policy SS2 then sets out that in order to enable people to live as sustainably as possible new housing should only be located in those Rural Settlements that offer a range (two or more) of the following services, or that provide these within a cluster of settlements:

- Local convenience shop
- Post office
- Pub
- Children's play area/sports pitch
- Village hall/community centre
- Health centre
- Faith facility
- Primary school.

In the case of Hardington Moor itself it is evident that it has a shop with post office, pub and play area/sports field in the form of the Community Field. If you cluster with Hardington Mandeville then there is a further village hall, another pub (albeit currently closed) and a faith facility. A health centre is available in West Coker with primary schools in West and East Coker.

As such Policy SS2 states,

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- *Provides employment opportunities appropriate to the scale of the settlement; and/or*
- *Creates or enhances community facilities and services to serve the settlement; and/or*
- *Meets identified housing need, particularly for affordable housing.*

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.

Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at Paragraph 5.41".

In response the following assessment is made.

"Provides employment opportunities appropriate to the scale of the settlement"

The proposal does not expressly propose development that would in itself lead to job creation in the village, other than of course the short term construction jobs to which some weight can be given. The prospect of any jobs associated with the horticultural nursery will of course be lost.

"Creates or enhances community facilities and services to serve the settlement"

The proposal does not expressly propose development that would in itself lead to the creation or enhancement of community facilities and services, other than the increased population may help sustain the local shop, post office and public houses. There is a standard obligation request towards local youth facilities which amounts to £2,055. The

remaining circa £13k requested by SSDC Community, Health and Leisure will be spent outside the parish. This can be afforded some weight.

"Meets identified housing need, particularly for affordable housing"

The key consideration within this application is whether the proposed dwellings meet an identified need in the village.

The provision of 'affordable housing' (within the NPPF definition) is understood to have been a long held objective of the Parish Council. This entire project was originally instigated and encouraged by the proactive role the Parish Council has taken in seeking to deliver 'affordable housing'. In its Parish Plan 2008-2012 housing, particularly for young people, was highlighted. Although not explicit the reference to young people suggests that the PC were/are conscious about rising houses prices (due to limited supply) driving local young people to have to move to the nearest large village or town to seek more affordable housing and that was meaning the resultant age of the population in the village was rising (certainly census statistics seems to bear this out - 62% of residents in Hardington were 45 or older, 38% were 60 or older in 2011).

It is considered the Parish Council Housing Needs Survey undertaken in October 2013 was not particularly robust and does not contain the critical analysis that would have historically been found in surveys undertaken by the Community Council for Somerset in the context of Rural Exception Sites, but it has been useful to the PC in validating their observed need for 'affordable housing' in their parish. The issue of the survey has been complicated by a non-existent need expressed via the housing register. This may be seen to act to undermine the view of the PC but it is often the case that people in housing need will not express an interest in a parish or village where the opportunities to gain access to social rented or shared ownership properties have been severely limited in the past. Hardington Mandeville currently contains just 3 properties managed by a Housing Association and local people will have been aware of past thwarted efforts by the PC to instigate an affordable housing scheme. However, history has shown that when a project to deliver affordable housing is approved and work commences, people do register as the realisation of actually achieving a home is enhanced. Whilst people may not have registered for Hardington Mandeville they might have shown interest in East and West Coker where access to affordable housing may be perceived as easier as larger settlements. Current housing register figures show 18 in West Coker and 7 in East Coker.

As such, under Policy SS2 the responsibility falls to the applicant to demonstrate that the proposal meets identified housing need, particularly for affordable housing.

In justifying the proposal there is little evidence to demonstrate how the housing mix meets a specific and understood need. There is little interrogation or analysis of the survey and no reference to the Council's Strategic Market Housing Assessment (SMHA) or the Housing Register.

As such the proposal seeks ten open market dwellings. 70% of dwellings proposed are sized 4bed+. There are three smaller dwellings proposed which the applicant describes as *meeting the needs of the parish and being reasonably affordable or low cost for purchase*".

The three dwellings concerned are 1x 2bed bungalow, 1x 2bed house and 1x 3bed house. All the dwellings proposed including these three are proposed to be sold at full market price. The exemption with these three identified dwellings is that they would be made available under the Government's Help to Buy Scheme.

Indeed, this scheme does not fall within the definition of 'affordable housing' as set out in the

NPPF, as Help to Buy relates to the sale of open market dwellings. As the Government website (www.helptobuy.gov.uk) states:

"With a Help to Buy: Equity Loan the Government lends you up to 20% of the cost of your newly built home, so you'll only need a 5% cash deposit and a 75% mortgage to make up the rest. You won't be charged loan fees on the 20% loan for the first five years of owning your home.

Equity loans are available to first time buyers as well as homeowners looking to move. The home you want to buy must be newly built with a price tag of up to £600,000. You won't be able to sublet this home or enter a part exchange deal on your old home. You must not own any other property at the time you buy your new home with a Help to Buy: Equity Loan".

Previously the scheme for 14 dwellings received a positive officer recommendation on the basis that five affordable dwellings (within the NPPF definition) had been secured (for social rent and shared ownership). These properties would be secured in perpetuity for those with a direct connection to the parish. This was an interpretation the LPA was comfortable drawing from the findings of the Parish Council's own Housing Needs Survey and the evidence for the need for small affordable homes contained within the SMHA. Members were also content to support an option to secure 5 discount market dwellings (sold for 50-80% of market value), again for local people and secured in perpetuity.

This scheme, which as stated does not include affordable housing as defined by the NPPF, appears to fail to fulfil that need and desire expressed historically by the Parish Council. The agent explains the approach they have taken is because *"it was made very clear during the preceding application that there was little local desire for affordable social housing within the parish"*.

However it should be noted that the Help to Buy scheme helps those with some means (a small deposit) to access a home and whilst this should not be down played for the benefit of the village it should be acknowledged that it provides no local person preference and does not retain such properties as 'affordable' in perpetuity, and as such it is considered likely that the need that the Parish Council has long identified could/would not actually be met, merely that there would be three smaller additional properties in the parish and seven additional large ones.

As such there are concerns regarding the evidence behind the proposed nature, tenure and mix of the housing. It is acknowledged that open market housing would assist in meeting the shortfall in housing supply within South Somerset but it is arguable whether seven 4bed+ homes are what Hardington Moor needs more of and it would have been favourable to achieve a larger mix of smaller affordable and open market dwellings coupled with a few larger ones to ensure development viability if necessary. As part of the previous application the applicant valued an open market 2bed property at £165,000 and a 3bed at £185,000. Again the application does not evidence whether this is affordable or less unaffordable for local people who wish to remain in the village or whether home ownership, part-ownership or properties for rent are actually what is needed. It is envisaged through Policies SS2 and HG3 that schemes will provide 'affordable housing' to the required 35% unless local circumstances, understood by a robust and evidence understanding of local conditions, dictates otherwise. Policy HG5 requires a mix of market housing on small sites that, taking into account the context, contribute to the provision of sustainable, balanced communities.

Due to the lack of clear evidence and justification to establish and understand the identified need, the unbalanced dwelling mix and the lack of affordable housing it is considered the proposal is arguably contrary to Policies SS2, HG3 and HG5.

"...commensurate with the scale and character of the settlement"

Policy SS2 requires the development to be consistent with the scale and character of the settlement. This therefore is a matter of assessing whether 10 units unbalances the rural feel and appearance of Hardington Moor. This can be looked at in several ways. Although Hardington Moor is a separate entity from Hardington Mandeville and comprises three main arms, the road in from Holywell, the road out to Hardington Mandeville and Moor Lane. In terms of land-take the application site at 0.72ha is only as large as the farm located in the middle of Hardington Moor, and is adjacent to the site. In addition although technically the site comprises a greenfield site (horticultural) it does house a number of now redundant and increasingly decaying greenhouses and polytunnels and so the site presents, visually, as part of the built envelope of Hardington Moor, when viewed from the ridge to the south for example.

The other way of assessing character is by the design of the intended properties. The parish Plan states that new housing should reflect the character of the village and be of high quality. This broadly is the same objective as Local Plan Policy EQ2. Moor Lane has grown organically to what we see today over many decades. When you assess the property types there have been fits and starts with infill development primarily between the 1960s and 1990s. At least 15 properties were built during the 60s and 70s with a further 3 in the 1980s and 1990s. Whilst Moor Lane is a very attractive lane in itself it would be wrong to assess this application against a misconception that Moor Lane contains only characterful stone cottages with thatched roofs. It contains a few of those, including the listed Weavers Cottage, Brookmead and Poachers Pocket, but the predominance of large more-modern detached reconstructed stone houses/bungalows is evident.

The pattern of development is predominately linear with limited off-shoots; the form of development that surrounded the southern side of Weavers Cottage being the exception. The layout of the scheme is somewhat predetermined by the existence of the covenanted no built land along the western boundary. Whilst proposed as valuable open space it does have the effect of extending development further north than would be ideal. The provision of walled enclosures, water tabling, lintels, chimneys and porches reflect local character and a silver grey blockwork meandering road without footways seeks a less engineered approach to the scheme so it is not felt that the layout of the development is a sufficiently in keeping to give support.

The individually designed dwellings reflect the simple but varied character of the area with detached and semi-detached properties under slate and pantile roofs. Ashlar stone and course rubble stone is the predominate frontage choice, with render used on side and rear elevations (Plots 2, 3, 5-10). Plots 1 and 4 are wholly rendered. The approach, to be conditioned, will be more likely to employ a darker render colour palette.

There are some Highway Authority comments regarding the access road, the provision of visibility splays and boundaries that may require tweaks to the plan. If such changes are made then an oral update will be given.

So, in terms of design, land take and percentage increase in properties, it is considered the proposal is commensurate with the scale and character of Hardington Moor.

Public Consultation and Engagement

As well as Local Plan Policy SS2 encouraging robust engagement and consultation, the NPPF also encourages early engagement to improve the efficiency and effectiveness of the planning application system. It states 'good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'.

It is considered the applicant has undertaken significant public consultation and engagement with the Parish Council. There were no pre-application discussions with the LPA regarding this scheme.

Conclusion of Assessment - Policy SS2

Whilst aspects of Policy SS2 are fulfilled in conclusion it is felt the mix and proposed tenure of the proposed dwellings does not meet an identified and evidenced housing need, particularly for affordable housing and would set an unwanted precedent for the parish and the surrounding area which would almost certainly be replicated and therefore is contrary to Policy SS2 of the Local Plan.

It remains therefore an assessment as to whether there are any material considerations that outweigh this assessed non-compliance with the Local Plan.

What follows is an assessment of potential other impacts within this application.

Landscape Impact

The removal of the ever deteriorating glasshouses and polytunnels is considered to be a facet of the application that can be afforded some weight in the overall planning balance.

In terms of the proposed scheme the Landscape Architect's comments are noted with respect to tonal colours of walling materials, i.e.: the render colours, and the need for a landscaping scheme. He concurs with the conclusions of the Landscape and Visual Impact Assessment and therefore, with conditions, complies with Policy EQ2 of the Local Plan.

Highway Implications

There have been significantly fewer concerns expressed regarding highway, both in terms of Moor Lane and the surrounding network, including that from Yeovil.

The application is supported by a Transport Assessment and Measures-Only Travel Plan as required by Local Plan Policy TA1 and TA4.

The Highway Authority has not raised any objections and refers back to comments on the previous application. That response examined Moor Lane, the former nursery use, the access arrangements, traffic generation, parking provision, the internal layout and the travel plan. From observations when visiting site traffic flows in Moor Lane are low and slow.

The other main concern for residents of Moor Lane has been construction traffic, although there have not been anywhere near the same level of objections on this point during this application when compared to the last.

The agent has confirmed "there is an in-principle verbal agreement with the owners of the farm to utilise the farm track for construction access to help reduce and minimise disruption to Moor Lane. This has been explored as part of the Applicant's commitment to pre- and post-application community engagement. Halsall fully intend to utilise the farm track for construction access should it be made available to them. It is our understanding that a Construction Management Plan will form the basis of a prior-to-commencement condition included on any planning permission".

The situation is therefore, as far as this recommendation is concerned, construction traffic will use Moor Lane and the main entrance during construction. The highway Authority has not objected to this. However, if the in-principle verbal agreement turns into a fully binding agreement that avoids Moor Lane being used, then clearly that is a benefit.

Local Plan Policy TA5 requires the traffic impacts of developments to be assessed. Whilst the Travel Plan may be described as aspirational, the fact is that Policy SS2 gives weight to the fact there are a range of existing facilities in the parish, split between Hardington Moor and Hardington Mandeville, and those facilities can be accessed by foot or cycle. There is a bus service but this is limited, but again SS2 seeks to promote development in rural areas where bus services are generally underprovided and so this should not, in itself be a reason to withhold consent given the benefits. The 2011 census showed 10% of residents worked from home, 46% travelled by car, 36% were not in employment at all.

The NPPF (para 32) requires decisions to take into account whether improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development, also that a "safe and suitable access to the site can be achieved for all people". "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe". Passing places were offered within Moor Lane as part of the previous application, but the local feeling then was that they were not needed, and so were removed from the scheme. It would be difficult to argue that the residual impacts of this proposed development would be severe.

It is considered sufficient on-site car parking will be afforded to each dwelling compliant with Local Plan Policy TA6 and the Parking Strategy.

Discussions have also taken place with Somerset Waste Partnership regarding refuse and recycling collections and there are no issues foreseen. Each property has a side gate and either a garage or shed (or both) to store waste and recycling receptacles. Each property can be accessed avoiding the requirement for central collection points.

There are some Highway Authority comments regarding the access road, the provision of visibility splays and boundaries that may require tweaks to the plan. If such changes are made then an oral update will be given.

Trees

There are no individually significant trees but the boundaries are an important feature of the site. Due to a lack of management they require an overhaul including removals and replanting. The submitted plans show commitment to planting but without access to all the boundaries to assess properly due to the presence of existing structures it is felt a planning condition to approve all planting and the natural hedgerows post demolition is considered the best way forward.

Wildlife

An Ecological Appraisal Report, including specific bat and reptile surveys has been submitted, this follows a Phase 1 Habitat Survey.

All species of bats, dormice, slow worms and wild birds are protected principally under the Conservation of Habitats and Species Regulations (2010) (Habitats Regulations) and the Wildlife and Countryside Act (1981), as amended. Badgers are similarly protected under the Wildlife and Countryside Act (1981), as amended and the Protection of Badgers Act 1992.

Whilst there was some evidence of bat droppings in the bungalow and in outbuildings this can be mitigated by the inclusion of a night roost and other roosting opportunities on site (Plots 06, 07 and 10 include proposed roosts). Lighting may be an issue for bats and dormouse foraging. Foraging areas and commuting routes for bats aren't specifically protected by legislation (unlike their roosts), but there is a general view locally that street lighting should not be installed (a condition is proposed to prevent this, although private/domestic lighting will not be prohibited in principle). Slow worms have been sighted

and so translocation will be required.

The Council's Ecologist has stated that it is unlikely that the proposed development would give rise to any major detrimental impacts to protected species and biodiversity but there is potential for impact to low numbers of protected and 'priority species' of conservation importance. He does not consider these to be a significant constraint to the proposed development, and recommends a condition requiring submission of a biodiversity mitigation and enhancement strategy along the lines of the recommendations contained with the Ecological Appraisal Report.

It is considered the proposal complies with the NPPF and Local Plan Policy EQ4 and requirements of the LPA as a competent authority, under section 40 of the Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations (2010) (Habitats Regulations) and the Wildlife and Countryside Act (1981), as amended.

Setting of Listed Buildings

As previously stated Weavers Cottage, Brookmead and Poachers Pocket are all listed (Grade 2). They are therefore Heritage Assets.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in exercise of planning functions, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.

Chapter 12 of the National Planning Policy Framework (NPPF) reinforces the obligation established under the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 132 of the NPPF requires the LPA to give great weight to the asset's conservation when considering the impact of a proposed development on the 'significance' of a designated heritage asset, the more important the asset, the greater the weight should be.

Local Plan Policy EQ3 requires development proposals to conserve Heritage Assets and where appropriate enhance their historic significance and important contribution to local distinctiveness, character and sense of place. It is considered the Conservation Officer, with particular reference to Weaver's Cottage, has assessed the proposal and concluded that the demolition of the existing bungalow and the creation of a gap where vehicular access to the scheme would be gained would have a neutral impact on its setting. It is not considered the setting of the other listed buildings is unduly impacted on due to proximity.

The proposal is therefore considered to comply with the NPPF and Local Plan Policy EQ3.

Drainage

Even though the site and surrounding area is shown in Flood Zone 1 and so not at risk from fluvial flooding, the application has been supported by a Flood Risk Assessment and drainage strategy.

The FRA states that infiltration techniques are not suitable for use. Drainage was a major issue during the last application. The discussions centred on the volume of water that is collected by the drainage ditch to the north of the site from the extensive area of farmland across the ridge and not the surface water generated by the development itself per se. Whilst issues have persisted for some time with the existing land drainage becoming overwhelmed by the volume of water it has had to cater for, members of the community and the parish

council felt the developer had/has a (moral) obligation to remedy this situation, even though the original drainage scheme showed the development would not make this existing situation worse. The developer committed to make reasonable adjustments to the scheme to achieve betterment. As a result of negotiations a revised plan was submitted as part of a revised Flood Risk Assessment, which resulted in support from the Parish Council, EA, LLFA and the Council's Engineer.

It is that same final scheme from the previous application that now also forms part of this application. The proposed surface water drainage system is to include attenuation (SUDs) that provides storage for the 1 in 100 year storm plus 30% allowance for climate change and a further 10% as a safeguard. Onward flows would be restricted to mimic pre-development conditions. Third party permissions are required to instigate the scheme to improve land drainage. It is also worth noting that the use of permeable blockwork paving for the road and the individual plot driveways and parking areas will impact significantly on the amount of water actually entering the drainage system.

It is considered that the drainage scheme fulfils the policy requirements set out by the NPPF and creates betterment over the existing situation when considering current land drainage arrangements. The betterment aspect of the scheme is considered to be a facet of the application that can be afforded some weight in the overall planning balance.

Contaminated Land

The application is supported by the submission of a Phase 1 Desk Study and Phase 2 Preliminary Ground Investigation Report. This has been assessed by colleagues from Environmental Protection and a condition is proposed. This is seen to comply with Local Plan Policy EQ7.

Play, Sport and Open Space Provision

Although an area of informal open space is proposed no on-site play or sport provision is proposed. As such financial sums for off-site provision have been sought, in line with Local Plan Policies HW1 and SS6, as detailed in the consultation response from SSDC Community, Health and Leisure.

It is fully envisaged that non-private areas of greenery will be placed under the responsibility of a management company, funded and under the control of the residents of this development. As such there is not considered to be a need for such matters to form part of the planning obligation.

Residential Amenity

In terms of overlooking and the physical relationship of proposed properties to new properties it is considered that the amenity of existing residents is protected in accordance with Local Plan Policy EQ2.

A construction management plan will ensure the construction phase is as ordered as possible with the possibility of working hours being imposed.

The Environmental Protection Officer has highlighted a potential issue with regards to the proximity to the farm. A condition is sought to secure a barrier fence that will ensure amenity to Plots 9 and 10 is maintained in accordance with Local Plan Policies EQ2 and EQ7.

Planning Obligations and Viability

If the application is approved planning obligations would be sought for the Community, Health and Leisure contribution. This will be secured by a planning obligation under Local Plan Policies SS6 and HW1 and Section 106 of the Planning Act. It is considered that the

requests comply with the tests sets out in paragraph 2014 of the NPPF and the 2010 CIL Regulations.

At the time of writing this report no indication had been made regarding the viability of the development given the levels of contribution sought.

Environmental Impact Assessment

The 2011 EIA regulations were amended in March 2015 to raise the Schedule 2, Urban Development Projects 10(b) thresholds to developments on sites of 1 hectare or more and 15 dwellings or more.

As such the Local Planning Authority has not required the applicant to submit an Environmental Impact Assessment in support of this application. The application is however supported by a host of professional assessments, reports and surveys covering key environmental matters.

CONCLUSION

In returning to the planning balance and arguable non-compliance with SS2 it is clear there that some weight can be attributable to reducing the shortfall in housing supply in the district, the Parish Council's support of the application, the visual benefits of clearing the redundant greenhouses and structures, the betterment proposed by the land drainage scheme, the off-site play and sport contributions and the jobs retained/created in the construction phase.

However it is the significant weight that is attributable by the fact that the Council cannot demonstrate a five-year housing land supply and the lack of a technical objection on highways, ecology, landscape, flooding, archaeological, community infrastructure and/or conservation grounds which, with the matters in the preceding paragraph, in accordance with paragraph 49 of the NPPF that prevail over the arguable non-accordance with Policy SS2 in that there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole. As such this proposal given these circumstances gains a positive recommendation.

There are no outstanding issues that cannot be adequately controlled by planning condition or planning obligation.

RECOMMENDATION:

Grant planning permission for the following reason, subject to:

- (a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:
 - (i) Community, Heath Service and Leisure contributions towards outdoor playing space, sport and recreation facilities (as detailed in the consultations section of this report)
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

The Council cannot currently demonstrate a five year housing land supply and there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole.

The proposal seeks to provide housing in a rural settlement, in a manner that is commensurate to the scale and character of the area and would increase the sustainability of the settlement generally.

The proposal maintains landscape character, safeguards the setting of adjacent listed buildings, includes ecological mitigation, achieves a safe means of highway access and solves existing drainage issues, in accordance with the aims of objectives of the National Planning Policy Framework, policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan (adopted April 2006) and with reference to the Somerset County Council Parking Strategy (March 2012), the Hardington Mandeville - Parish Plan (2008-2012) and the Hardington Mandeville Village Design Statement (1999).

SUBJECT TO THE FOLLOWING CONDITIONS:

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:

- a) Location Plan, Drawing No. 1563-A-P-X-01
- b) Proposed Site Layout, Drawing No. 1563-A-P-X-02 RevJ
- c) Plot 1 - Drawing No. 1563-A-PE-X-13 RevB
- d) Plot 2 - Drawing No. 1563-A-PE-X-08 RevC
- e) Plot 3 - Drawing No. 1563-A-PE-X-09 RevD
- f) Plots 4 and 5 - Drawing No. 1563-A-PE-X-06 RevC
- g) Plots 6, 8 and 9 - Drawing No. 1563-A-PE-X-14 RevB
- h) Plot 7 - Drawing No. 1563-A-PE-X-15 RevA
- i) Plot 10 - Drawing No. 1563-A-PE-X-10 RevD
- j) Typical Garages - Drawing No. 1563-A-PE-X-11 RevD
- k) Materials Plan, Drawing No. C-3-101
- l) Boundaries Plan, Drawing No. 102
- m) Details Location, Drawing No. 103
- n) Typical Stone Wall Detail, Drawing No. C_3_400 RevA
- o) Permeable Block Paving Detail, drawing No. C_3_402
- p) Entrance Path Detail, Drawing No. C_3_404 RevA
- q) Close-Board Fence Detail, Drawing No. C_3_405
- r) Rendered Wall Detail, Drawing No. C-3_406

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

03. Save for demolition, no works shall be carried out unless the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) specific materials to be used for the external walls and roofs;
- b) materials to be used for rainwater goods and window dressings (lintels, cills);
- c) the design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses;
- d) details of eaves/verges;
- e) location and design details of all vents, flues and meter boxes; and
- g) the specific surfacing materials of all areas of hardstanding, incl. driveways.

Once agreed the scheme shall be carried out in accordance with those details unless further agreement is reached with the Local Planning Authority.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Save for demolition, no work shall be carried out on site unless full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this can be supported with detailed photographs. Prior to the commencement of any walling within the works hereby approved sample panels shall be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panels shall remain available for inspection throughout the duration of the work.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

05. Save for demolition, no works shall be carried out until details of the internal ground floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

06. Save for demolition, no works shall be carried out until a scheme for the foul and land/surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To afford the site proper drainage with the National Planning Policy Framework.

07. Save for demolition, no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment which has identified:
 - i. all previous uses
 - ii. potential contaminants associated with those uses
 - iii. a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

08. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

09. The development (particularly including any site clearance) shall not commence until a 'Biodiversity Mitigation and Enhancement Plan' has been submitted to, and approved in writing by the local planning authority. The plan shall include details of provisions for further wildlife surveys, and avoidance, mitigation and compensation measures for badgers, reptiles, bats, dormice and nesting birds, measures for ecological supervision of sensitive stages of development, and measures for the enhancement of biodiversity. The Biodiversity Mitigation and Enhancement Plan shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the protection and conservation of protected and 'priority species' in accordance policy EQ4 of the South Somerset Local Plan (2006-2028), NPPF, and to ensure compliance with the Wildlife and Countryside Act 1981 and the Habitats Regulations 2010, and for the enhancement of biodiversity in accordance with NPPF.

10. Prior to the first occupation of either Units 9 or 10 an acoustic barrier shall be installed along the northern boundary. The exact location, specification, and finished height of the barrier shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain residential amenity from potential odour and noise from the adjoining farm complex to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

11. Save for demolition, no works shall be carried out until a scheme has been submitted detailing the following tree protection and planting details:
- a) a comprehensive tree and hedge planting scheme
 - b) a layout plan of the below-ground drainage & services to be installed;
 - c) a Tree Survey, Tree Protection Plan and Arboricultural Method Statement relating to all retained trees and hedges on or adjoining the site, so as to conform to British Standard 5837: 2005 - Trees in relation to construction; which shall include:
 - i. a layout and specification of tree and hedge protection fencing

ii. special protection and engineering measures for required access, installation of built structures, below-ground services, drainage and hard-surfacing within the Root Protection Areas of retained trees

iii. a schedule of compliance-monitoring for the duration of the construction phases of the development (inclusive of landscaping & dismantling of tree protection fencing)

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of twenty years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Upon approval by the Local Planning Authority, the tree protection scheme shall be implemented in its entirety for both the duration of the construction of the development.

Reason: To integrate the development into its environs, build on local character and preserve the health, structure and amenity value of retained trees to comply with the National Planning Policy Framework.

12. There shall be no public street lighting installed, unless the Local Planning Authority agrees to any variation.

Reason: To protect bat foraging routes and to maintain the rural distinctiveness of Hardington Moor in accordance with policies SS2, EQ2 and EQ4 of the South Somerset Local Plan (2006-2028).

13. Construction works (including the operation of any machinery) and the delivery or dispatching of any construction materials, shall not take place outside 0830 hours to 1800 hours Mondays to Fridays, and 0830 hours to 1300 hours on Saturdays but not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

14. No part of the development hereby permitted shall be occupied until the access arrangements/carriageway realignment have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

15. The areas allocated for parking and turning on the submitted plan, Drawing No. 1563-A-P-X-02 RevH, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the garages hereby approved shall not be used other than for the domestic and private needs of the occupier and shall not be converted to habitable accommodation with the prior grant of planning permission.

Reason: In the interests of highway safety and to maintain on-site parking levels and turning provision to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

16. Prior to the commencement of development, including demolition, a Construction Traffic Management Plan providing details on the delivery of the materials and equipment to the site; compound parking area; shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

Informatives:

01. In respect of Condition 09, the Biodiversity Mitigation and Enhancement Plan should include detailed proposals that are likely to be based upon the outline recommendations given in the 'Conservation Action Statement' in Appendix 7 of the 'Ecological Appraisal Report' (Acorn Ecology Ltd, November 2014).
02. The applicant is advised to contact the Highway Authority well in advance of commencement of development to progress a suitable legal agreement to secure the construction of the highways works necessary as part of this development.
03. The applicant is advised that Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. This is stated with specific reference to Moor Lane during the construction period.
04. You are reminded of the Section 106 that accompanies this application.