

Area North Committee – 29 January 2014

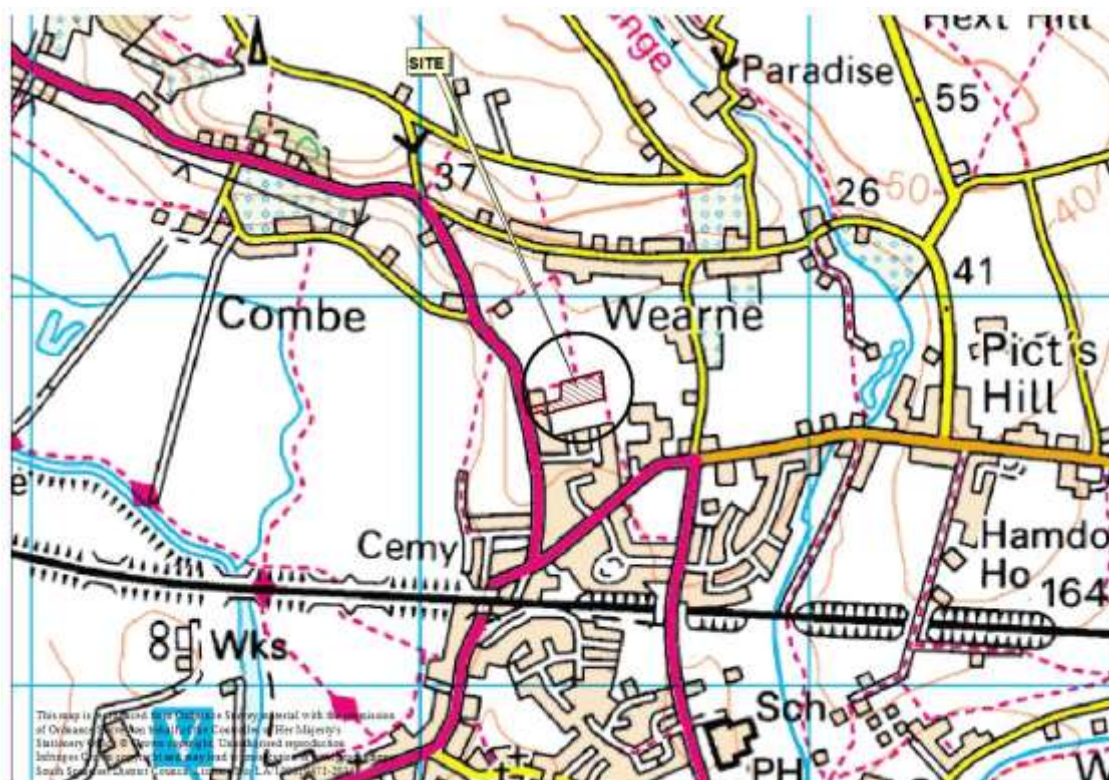
## Officer Report On Planning Application: 13/03115/OUT

<b>Proposal :</b>	Residential development of land. (GR 342398/127755)
<b>Site Address:</b>	Land To The Rear Of Badger Cottage, Newtown Road, Langport
<b>Parish:</b>	Huish Episcopi
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Cllr Roy Mills
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	2nd November 2013
<b>Applicant :</b>	Grosvenor Place Holding Ltd.
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO AREA NORTH COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, given the Council's current lack of a demonstrable 5 year housing land supply, ST3, as a policy to constrain development, conflicts with the National Planning Policy Framework. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

### SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the residential development of land, with all matters reserved. The site consists of an area of broadly flat agricultural land to the rear of a row of dwellings fronting the highway. The site is currently divided into several long thin plots and laid to grass and scrubland. The site contains one existing building of agricultural/industrial appearance. The site is bounded by a variety of residential properties to the west of the site and a residential building plot (currently under construction) to the south, with open countryside to the north and east. The site is not located within a development area as defined by the local plan.

The indicative layout shows access being derived from the main road between two of the existing properties. The layout shows the provision of 25 dwellings set around a central looped road layout. The layout shows footpath links through to existing public footpaths that bound the site to the north and east.

The application is supported by:

- Combined Planning Statement.
- Ecological Survey
- Reptile Mitigation Strategy
- Heritage Statement and Written Scheme of Investigation for a Programme of Archaeological Field Evaluation
- Transport Statement
- Landscape Supporting Statement
- Various site surveys and indicative plans.

## HISTORY

13/03955/EIASS - Screening opinion for residential development of land - EIA Not Required 02/10/2013.

10/05188/FUL - The erection of 3 no. detached dwellings, 1 no. garage, associated parking and the formation of a new vehicular access - Application withdrawn 23/02/2011.

## **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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

### **Saved policies of the South Somerset Local Plan (Adopted April 2006):**

ST3 - Development Area  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 ST7 - Public Space  
 ST9 - Crime Prevention  
 ST10 - Planning Obligations  
 EC3 - Landscape Character  
 EC8 - Protected Species  
 EU4 - Drainage  
 TP1 - New Development and Pedestrian Movement  
 TP4 - Road Design  
 TP7 - Car Parking  
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development  
 CR3 - Off Site Provision  
 CR4 - Amenity Open Space  
 HG7 - Affordable Housing

### **National Planning Policy Framework**

Chapter 4 - Promoting Sustainable Transport  
 Chapter 6 - Delivering a Wide Choice of High Quality Homes  
 Chapter 7 - Requiring Good Design  
 Chapter 8 - Promoting Healthy Communities  
 Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change  
 Chapter 11 - Conserving and Enhancing the Natural Environment

### **South Somerset Sustainable Community Strategy**

Goal 3 - Healthy Environments  
 Goal 4 - Services and Facilities  
 Goal 8 - High Quality Homes

### **Other Policy Considerations**

Verrington Hospital Appeal Decision 11/02835/OUT - this established that the Council did not then have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).

Slades Hill Appeal Decision 12/03277/OUT - on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13)

The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still does not have a demonstrably deliverable 5 year housing land supply. In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para. 49) and housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 (Development Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

## CONSULTATIONS

**Langport Town Council** - Recommends refusal for the following reasons:

- Site is outside existing Local Plan and emerging Local Plan development area.
- Concern over ability of existing infrastructure to support the development including sewerage, water supply, Huish Academy, Langport Surgery and Langport Dental.
- Newton Road already suffers from congestion problems. With no evidence of further growth in the job market, any new residents would need to travel to places of employment thus increasing the level of commuter traffic.
- Concern that scheduled development of the Shires Garage site will create traffic problems for people attending funerals at Langport Cemetery which could impact on traffic flow along Newton Road.

**Huish Episcopi Parish Council** - Notes the need for only 85 more houses in the Huish Episcopi/ Langport area up to 2028 as indicated by the emerging local plan. They state there are a number of houses available in Huish Episcopi along with a number that have permission but have not yet been started. They also note that there are empty properties in the area which should be tackled urgently. They argue they should be able to influence where development is to take place, otherwise there is little point in their existence. They state that they are therefore recommending refusal of any estate developments until specific local sustainability issues have been addressed.

They state that the existing sewage and waste water system are not adequate for existing levels and new development would exacerbate the situation. They require Wessex Water to make a written commitment that the Langport area system will be fully checked and certified as capable of taking all the proposed new properties' waste and surface water, and must take responsibility for rectifying damage and compensating anyone affected. They also state that new developments could exacerbate existing flooding problems in Langport.

They raise a concern regarding the lack of employment opportunities in Langport, which will lead to future occupiers having cars and needing to commute, exacerbating existing traffic issues. They also note that existing medical and dental facilities are under pressure, and the local supermarket frequently short of parking.

They recommend refusal, but ask in the event of permission being granted strong consideration should be given to the provision of bungalows for the elderly or infirm or for those who would like to downsize.

**County Highway Authority** - Notes the site is outside the development area, but leaves it to the LPA to determine whether development is acceptable in principle. The highway authority raises no objection to the development subject to conditions to control:

- A construction management plan
- A condition survey of the existing highway
- The disposal of surface water
- The details of estate roads, footways, cycleways, etc.
- Servicing of dwellings with roads prior to occupation
- A drainage scheme
- The implementation of the proposed vehicular access and pedestrian crossing
- A service road
- A network of cycleway and footpath connections
- Parking and turning for proposed dwellings
- The preparation and implementation of a travel plan
- Details of the proposed vehicular access

**Natural England** - Notes the proximity of the site to the Aller Hill Site of Special Scientific Interest (SSSI), but is satisfied that the proposed development will not damage or destroy the interest features of the SSSI. In regard to great crested newts they note the findings of the submitted survey and conclude that the proposed development would be unlikely to affect great crested newts. In regards to bats they consider there to be suitable features on the site and in the vicinity for bats to use as roosts, including two buildings which will be retained. They note that they have not assessed the survey for other species. They also refer to the developer and local authority duties in regards to local wildlife site, biodiversity enhancements and landscape enhancements.

**SSDC Area Engineer** - They request condition to ensure drainage details are submitted for approval.

**SSDC Open Spaces Officer** - Requests on site open space of 220-275 square metres. She notes that the Council will only adopt Open Space at a minimum of 275 square metres. She notes that as alternative an off-site contribution at rate of £273.46 per house could be sought to be spent on neighbouring open space.

**SSDC Planning Policy** - Notes the current planning policy situation regarding a lack of five year housing supply. She concludes that overall the proposal is contrary to 'saved' policy ST3 of the adopted Local Plan but the current lack of a 5 year housing supply means that there must be significant reasons to object to the scheme. Therefore, no planning policy objection is raised subject to there being no other adverse impacts that would significantly and demonstrably outweigh the benefits of additional housing provision.

**SSDC Landscape Architect** - Notes the land is categorised by the peripheral landscape study for Langport (undertaken during 2008) as having a moderate to high capacity for development. He notes the comments of the submitted landscape and visual impact assessment and considers that it suggests an appropriate approach to a potential development layout. He raises no objection to the scheme and suggests that a detailed landscape proposal should accompany any future reserved matters application.

**SSDC Conservation Manager** - Suggests that mitigation on the North and East would seem necessary, but states there will be no significant impact on the setting of Kelways (listed building). He notes that the indicative scheme shows a layout where parked vehicles will be visually dominant in contrast to the adjacent approved site.

**SSDC Community, Health and Leisure** - Requests contributions of £64,564.11 towards local facilities, £29,864.53 towards strategic facilities, £21,120.78 in commuted sums, and a £1,155.49 service administration fee. This gives a total contribution sought of £116,704.93 or £4,668.20 per dwelling.

**SCC Archaeology** - Confirms the presence of prehistoric archaeology on site, which is likely to be associated with the Newton Park site to the south. He states that he does not consider the archaeology to be of national significance. He recommends the use of a condition on any permission issued to require the excavation and recording of the heritage asset.

**SCC Education** - They note that the local primary school is likely to be over-crowded taking into account demographic factors alone without any new housing. They therefore conclude that it is appropriate for all new development to contribute to meeting the likely shortfall in places. They note that the local secondary school would probably have sufficient places available to meet additional demand. They state that the cost of each primary school place is £12,257, so with 25 dwellings generating the need for an additional 5 primary school places contributions totalling £61,285 should be sought, or £2,451.40 per dwelling.

**SSDC Ecologist** - He indicates that he is satisfied with the submitted ecological survey and broadly in agreement with its conclusions. He notes that the survey identified several protected species issues that will require further attention through condition, but are not sufficient to preclude development of the site. He recommends the use of a condition in relation to badgers, a condition in relation to reptiles and an informative in relation to nesting birds. He notes that no demolition is required as part of the proposal, but if this changes then a bat survey should be carried out.

**SCC Rights of Way** - No objections, but notes rights and responsibilities of the developer in relation to the nearby public right of way.

**Wessex Water** - They note that the site is adjacent to an existing site under construction. They advise that they would prefer the foul and surface water disposal to connect into the adjacent site rather than the existing foul sewer crossing the site. They note that the permission of the adjacent developer would be needed as the new sewers are not yet adopted. They also note that additional attenuation storage and flow control would be needed for surface water before connecting to the adjacent site. In regard to water supply they state that they presume there is sufficient capacity in the network to service the proposed development.

## REPRESENTATIONS

Four letters of representation have been received. Three are letters of objection from the occupiers of properties in the Langport / Huish Episcopi Area. The fourth letter was written on behalf of the applicant for a nearby development by their planning agent.

Objections were raised on the following grounds:

- The proposal would exacerbate existing traffic problems on Newtown Road, as residents would have to commute due to lack of local jobs.
- The proposal is an overdevelopment of the area as there is insufficient local employment to support an increase in population.
- Public transport, for anything other than short journeys, is not really viable.

- Previous scheme on the land opposite was refused partly because of highway impacts, proposal for additional signage and rumble strips would make no difference.
- Weight should be given to policy ST3 of the Local Plan.
- Objector's site is within the direction of growth for Langport / Huish Episcopi as specified in the emerging local plan and therefore should be given greater priority than the application site which is not in the direction of growth. The objector's site is for approximately 80 dwellings of the 84 new dwellings required in the plan period of the emerging local plan.

## APPLICANT'S CASE

*"There is still a shortfall in the supply of housing land in South Somerset and therefore the relevant housing policies in the Adopted Local Plan cannot be considered up to date.*

*The NPPF states that where the Development Plan is silent or relevant policies are out of date planning permission should be granted unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.*

*The site occupies a sustainable location in a Local Market Town where there are employment, community, retail and educational facilities. The new residents would not be reliant on the car for travel with good connections for pedestrians, buses etc.*

*The development has been the subject of discussions with Council Officers and would have limited visual impact. Measures are proposed which would mitigate any impact on the northern boundary.*

*The site is well related to the existing form of the settlement and represents a natural extension of the built up area.*

*The development provides for 17 units of market housing together with 8 units for affordable housing of which 4 will be rented and 4 will be shared equity.*

*The development would accord with the principles set out in the NPPF concerning the promotion of sustainable development."*

## CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Highways
- Visual Amenity
- Residential Amenity
- Ecology
- Planning Obligations
- Trees
- Flooding, Drainage, and Water Supply
- Archaeology
- Infrastructure and Facilities

## Principle of Development

It is accepted that the site is located outside the defined development area of Langport / Huish Episcopi, where residential development is normally strictly controlled by local and national planning policies. However in a recent appeal decision in relation to a residential development at Verrington Hospital in Wincanton (11/02835/OUT) a planning inspector concluded that SSDC cannot demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF). More recently (29/10/13) the Inspector at the Slades Hill, Templecombe appeal (12/03277/OUT) concluded that the Council was still unable to show a five- year land supply.

In such circumstances, the NPPF advises that policies for the supply of housing should not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle. In Langport's case the previous local plan designated the town as a Rural Centre and appropriate for development given the:-

*..generally superior service provision, better accessibility, generally better employment opportunities and .... Capacity in terms of both physical and community infrastructure to absorb further development...* (para. 2.48)

Secondly it acknowledges that the emerging local plan designates Langport / Huish Episcopi as a Market Town capable of accommodating at least 85 additional dwellings up to 2028 (policy SS5, Proposed Submission of Local plan, June 2012). It is not proposed to allocate sites at this stage; rather it would be a case of responding to each proposal on its merits. This reflects the fact that Langport / Huish Episcopi is a small town containing a variety of shops, services, facilities, and employment opportunities and is a sustainable location for residential development.

The 25 dwellings proposed by the current scheme, taken with the 36 allowed at appeal at Newtown (13/00314/OUT) and the 85 proposed at the Trail Ground (13/03483/OUT) exceeds the 85 dwellings identified for Langport / Huish Episcopi up until 2028 through the emerging plan (policy SS5), however, it should be noted that this figure is the minimum requirement identified for the settlement and not the maximum. It is considered that Langport's role and function as a Local Market Town makes it suitable, in principle, to absorb further housing growth to that identified. In this instance the additional housing proposed through the current scheme is not considered to be disproportionate in scale bearing in mind the settlement's role, function and size.

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity



etc. There is no automatic assumption that sites will be approved.

On this basis, and notwithstanding the various objections from the parish council and neighbouring occupiers in relation to principle, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

One objector, the applicant for another potential housing site in Huish Episcopi, has objected on the grounds that their site should be prioritised over the application site, as their site is within the direction of growth in the emerging local plan. However, as discussed above, the current application must be considered on its own merits, and the fact that an application for another site elsewhere has been submitted cannot be a reason to refuse the current scheme.

A concern has been raised that the proposal is an overdevelopment of the area as there is insufficient local employment to support an increase in population. However, the emerging local plan has identified Langport / Huish Episcopi as a Market Town capable of accommodating at least 85 additional dwellings up to 2028, so there is evidence for at least this level of growth and, in any case, there is no evidence that 25 dwellings is out of kilter with the employment opportunities available in the settlement.

### **Highways**

Concerns have been raised by the parish and town councils and neighbouring occupiers regarding the highway impacts of the proposal, both in terms of highway safety in relation to the proposed access, and the potential to exacerbate existing congestion problems. However, the highway authority have considered the impacts of the scheme and raised no objections subject to the imposition of certain conditions on any permission issued. Therefore, notwithstanding the concerns raised, the highway impacts of the scheme are considered to be acceptable in line with policy ST5 of the South Somerset Local Plan. Some of the conditions suggested by the county highway authority are not applicable to an outline application, and should instead be applied to any reserved matters permission.

### **Visual Amenity**

The SSDC Landscape Architect and the SSDC Conservation Manager were consulted as to the visual impacts of the scheme. The conservation manager confirmed that the site would have no significant impact on the setting of the nearby listed building. He raised no objections to the scheme, although had some minor concerns with the indicative layout, which would be best addressed as part of any reserved matters application. The landscape architect noted that the land is categorised by the peripheral landscape study of Langport as having a moderate to high capacity for development. He also raised no objections and suggested that a detailed landscape proposal should accompany any future reserved matters application.

Therefore, subject to detail at the reserved matters stage, the proposed residential development of the land is not considered to cause demonstrable harm to the visual amenity of the area or the characteristic pattern of the surrounding landscape in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

### **Residential Amenity**

No concerns have been raised regarding the residential amenity of adjoining occupiers. It is considered that the proposed level of development could be accommodated on site

with causing demonstrable harm to residential amenity, subject to a suitable layout and detailing at the reserved matters stage. As such the proposal is considered to cause no demonstrable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

### **Ecology**

The SSDC Ecologist and Natural England were consulted as to the ecological impacts of the proposed development. Natural England raised no objections. The SSDC Ecologist indicated that he is satisfied with the submitted ecological survey and is broadly in agreement with its conclusions. He noted that the survey identified several protected species issues that will require further attention through condition, but concluded that they are not sufficient to preclude development of the site. He recommended the use of a condition in relation to badgers, a condition in relation to reptiles and an informative in relation to nesting birds. He noted that no demolition is required as part of the proposal, but if this changes then a bat survey should be carried out. The suggested conditions and informatives are considered to be necessary and appropriate.

### **Planning Obligations**

A contribution of £116,704.93 (or £4,668.20 per dwelling) has been sought towards outdoor playing space, sport, and recreation. A contribution of £61,285 towards providing primary school places in the Langport / Huish Episcopi area has been sought. A s.106 monitoring fee of 20% of the application fee has also been sought. The applicant has agreed to pay all the contributions, and agreed that 35% of the dwellings will be for affordable housing.

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Secure the agreed contribution towards education.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.
- Provide an appropriate Travel Plan.
- Secure the agreed monitoring fee.

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

### **Trees**

It is considered that the development of the site will not necessitate the removal of any significant trees of landscape value, and suitable landscaping can be agreed as part of any reserved matters application.

### **Flooding, Drainage, and Water Supply**

The site is not within an environment agency flood zone. The SSDC Engineer was consulted and requested that the details of any drainage scheme are secured through the imposition of a suitable condition on any permission issued. Such a condition is considered to be reasonable and necessary. Concerns have been raised by the parish and own councils regarding the adequacy of the existing drainage and water supply systems. Wessex Water were therefore consulted. They raised no objections to the

scheme in relation to either water supply or the proposed drainage details. They have expressed particular preferences for foul and surface water drainage methods. It is considered that such matters can be adequately controlled through the imposition of suitable conditions on any permission issued.

### **Archaeology**

The SCC Archaeologist was consulted as to the potential impacts on buried archaeology. They confirmed the presence of prehistoric archaeology on site, which is likely to be associated with the Newton Park site to the south. He stated that he does not consider the archaeology to be of national significance, and therefore recommended that the use of a condition on any permission issued to require the excavation and recording of the heritage asset would be adequate.

### **Infrastructure and Facilities**

A number of concerns have been raised regarding whether Langport/Huish Episcopi has the necessary infrastructure and facilities to cope with the proposed development. However such concerns are not supported by technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. education, healthcare etc.) have been identified in Langport / Huish Episcopi by the local plan process and the emerging local plan indicates that at least 85 houses can be provided in Langport / Huish Episcopi without significant adverse impact on the settlement's infrastructure. Indeed no critical infrastructure issues relevant to this development are identified by the Council's Report on Infrastructure Planning in South Somerset. As discussed above a contribution towards education provision has been sought and agreed by the applicant.

### **EIA**

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. The Council is of the opinion that the proposed development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

### **Other Matters**

The town council have raised a concern that the scheduled development of the Shires Garage site will create traffic problems for people attending funerals at Langport Cemetery which could impact on traffic flow along Newton Road. However, this does not directly relate to the consideration of the current application and is not a reason to constrain the development.

Huish Episcopi Parish Council have recommended refusal but ask in the event of permission being granted strong consideration should be given to the provision of bungalows for the elderly or infirm or for those who would like to downsize. This would be a matter for detailed design and should be considered as part of any reserved matters application.

Given the Council's lack of a five year housing land supply and the site's location adjacent to the settlement limits of Langport / Huish Episcopi, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be

adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies EH5, ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

## **RECOMMENDATION**

That application reference 13/03115/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
- 1) Secure the agreed contribution of £4,668.20 per dwelling towards strategic and local outdoor playing space sport and recreation facilities.
  - 2) Secure the agreed contribution of £2,451.40 per dwelling towards the provision of primary school facilities.
  - 3) Ensure that 35% of the residential units are of affordable tenure and remain so in perpetuity.
  - 4) That a travel plan is agreed with Somerset County Council and fully implemented in accordance with the agreed details.
  - 5) To secure a section 106 monitoring fee of 20% of the application fee.

b) The following conditions:

01. Notwithstanding the local concerns, the provision of up to 25 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

## **SUBJECT TO THE FOLLOWING:**

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

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last "reserved matters" to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans: 1028/05 received 01 August 2013.

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

04. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of how the discharge of surface water onto the highway will be prevented. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Such scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

05. Prior to, (and within one month of), commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

06. Mitigation measures in respect of reptiles shall be implemented in accordance with the Reptile Mitigation Strategy (Michael Woods Associates, July 2013), unless otherwise agreed in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with Wildlife and Countryside Act 1981.

07. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: In the interests of recording and advancing understanding of the significance of heritage assets in accordance with paragraph 141 of the NPPF.

08. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall

include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

**Informatives:**

01. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. Clearance of trees, scrub, ivy, bramble or other dense vegetation, and removal of sheds or outbuildings etc., could cause disturbance to nesting birds, and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior check by a competent person has confirmed the absence of nesting birds.
-