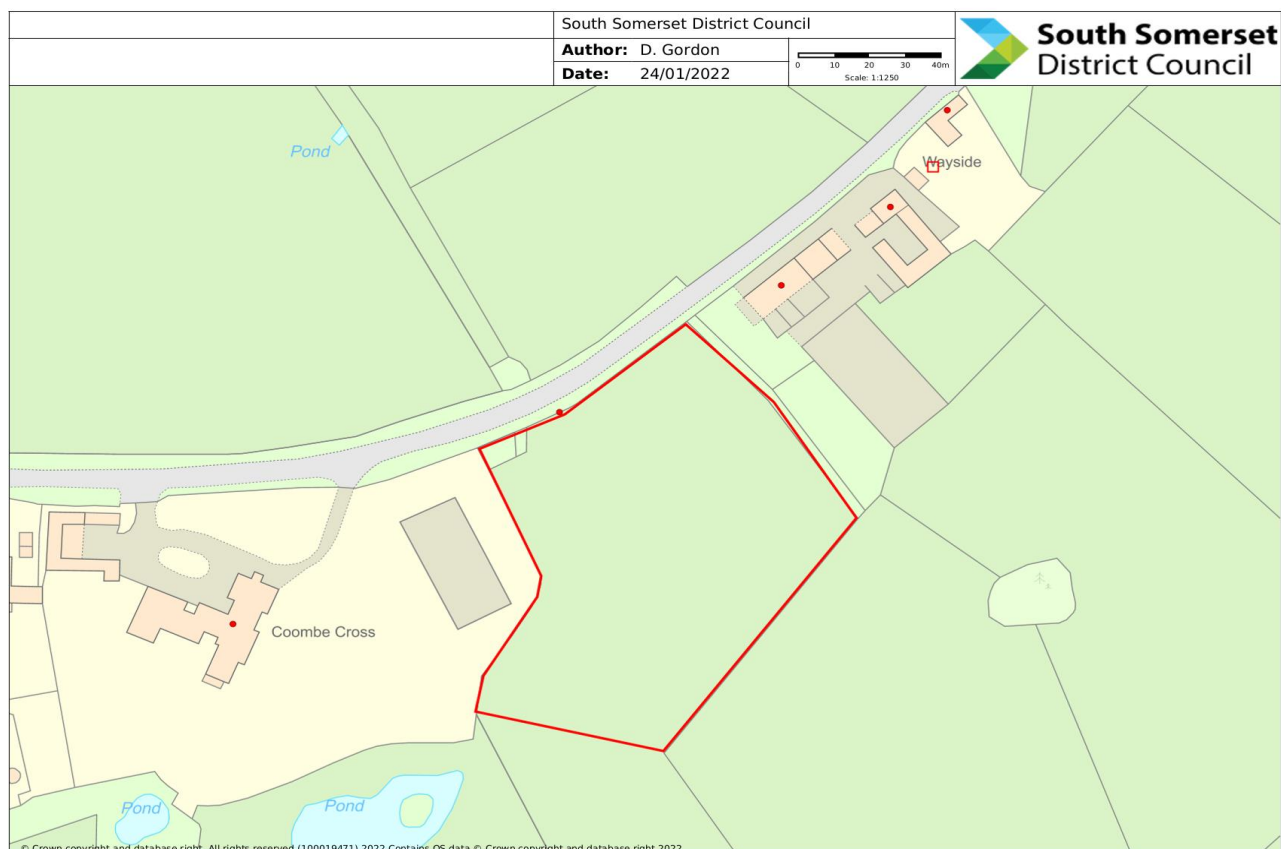


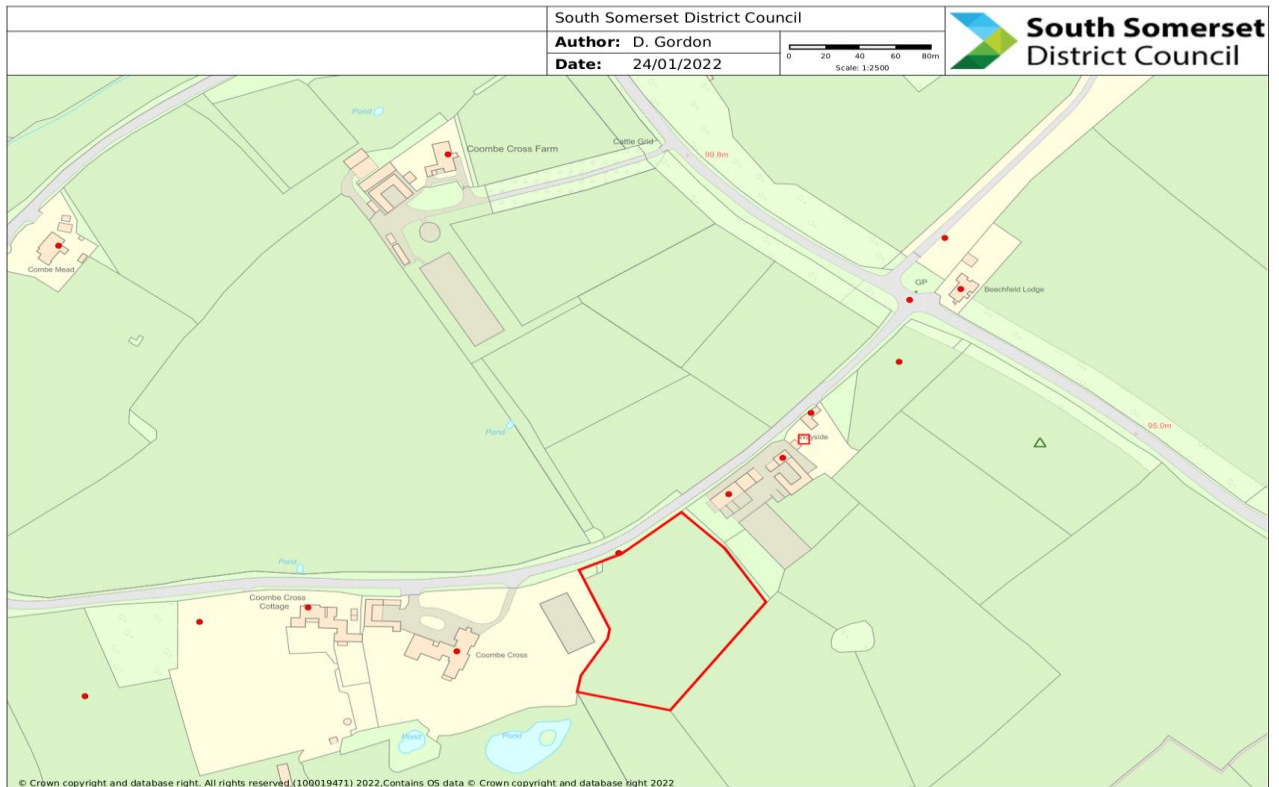
Officer Report On Planning Application: 20/03423/FUL

Proposal :	The erection of 2 No. self-build passiv-houses with associated access and landscaping.
Site Address:	Land East Of Coombe Cross , Stowell Lane, Horsington, Templecombe, BA8 0DD
Parish:	Horsington
BLACKMOOR VALE Ward (SSDC Member)	Cllr William Wallace Cllr Hayward Burt
Recommending Case Officer:	David Kenyon (Specialist) Tel: 01935 462091 Email: david.kenyon@southsomerset.gov.uk
Target date :	5th March 2021
Applicant :	Mr & Mrs Champ
Agent: (no agent if blank)	Boon Brown Architects Boon Brown Architects Motivo Yeovil BA20 2FG Somerset
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR COMMITTEE REFERRAL

This application is referred to Area East Committee for determination at the request of one of the Ward Members, and with the subsequent agreement of the Chair. The Ward Member is appreciative of the very comprehensive report from the officers concerned and welcomes the revised and scaled down plans. However he still believes the build does not concur with policy SS2. He also understands that the Council's policies are considered out of date due to the Council's failure to reach its five year land supply target.





SITE DESCRIPTION AND PROPOSAL

This application seeks full permission for the erection of two self-build passiv-houses with associated access and landscaping.

The application site is approximately 600 metres to the south of the village of Horsington. It extends to 0.49ha and comprises part of a larger agricultural field (used for horse & sheep grazing) to the east of the dwelling known as 'Coombe Cross' and on the south side of Stowell Lane. The site has further agricultural land to the south with commercial units to the east, residential garden/parkland to the west and Stowell Lane to the north. The relatively flat site is accessed via an existing gated access from Stowell Lane located approximately 20 metres to the east of the existing tennis court that falls within the curtilage of Coombe Cross.

Initial concerns have been expressed to the applicants regarding the sizes and scale of the proposed dwellings, the extent of application site, and the proposal for each dwelling to be served by its own separate access with regard to potential damage to the long term health of the Horse Chestnut trees along the northern boundary of the site, which are the subject of a Tree Preservation Order.

Subsequently, revised plans have been submitted to the LPA. The proposed dwellings have been significantly reduced in size and scale from the original proposals, both now providing 3-bedroom accommodation with significant elements at single storey scale only. The application site area has also been reduced (0.49 hectares) to address expressed concerns regarding domestic intrusion into the countryside to the south. The curtilages of the dwellings do not extend as far south and there is a "meadow buffer" between the curtilage of Plot 1 and the property to the north east. In addition, both dwellings are served by the existing, but improved, access. The report below concentrates on the merits of this revised proposal when assessing the various considerations.

This detailed application proposes the creation of two dwellings within the application site with associated garaging and parking, all accessed from the existing access onto Stowell Lane. The proposed dwellings are sited in a gap in the ribbon development of detached dwellings that is characteristic of the southern side of Stowell Lane. The dwellings, each having three

bedrooms, would be a mix of two storey and single storey in height with pitched roofs. The primary palette of materials would include slate roof tiles, natural stone walls, stone window surrounds on the ground floor and oak timber cladding at first floor level. The designs would be built to Passiv-house standards.

Extensive off-site landscaping works are proposed on the land outside the application site but which is under the applicants' ownership.

The site is not subject to any specific protective designations, such as SSSI, SAC, Wildlife Site, Green Belt, AONB, Flood Zone, Conservation Area, Special Landscape Area, nor are there any listed buildings in close proximity. The site lies within Flood Zone 1. Reference has been made to the protected Horse Chestnut trees that are present along the northern boundary of the site alongside the County highway.

HISTORY

There is no relevant planning history.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and paragraphs 2, 11 and 12 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings

HG5 - Achieving a Mix of Market Housing

National Planning Policy Framework - July 2021

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well - designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance, including National Design Guide - September 2019

Other material considerations

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017)

CONSULTATIONS

Horsington Parish Council

Initial comments dated 1st February 2021

Horsington Parish Councillors have considered this application.

Two Councillors abstained and the remaining four Councillors are opposed to the application on the following grounds:

1. The proposal to construct two substantial 5 bedroom detached properties in this rural setting site constitutes over development.
2. The location of the houses will result in the loss of valuable amenity land.
3. The development criteria favours "ribbon development" which is inappropriate in this rural setting and should not be encouraged.
4. The design criteria also proposes a "modest traditional" farmstead style but the scale of the buildings and proposed building materials suggests the opposite. It is felt that the proposed houses would be out of keeping.

The following concerns/ queries were also raised

1. The development pattern in Stowell Lane is neither characteristic of or constitutes ribbon development. Existing properties are informally sited in an open rural setting and were originally built as part of one concern many years ago.
2. The application refers to a farmstead design indicative of other properties in the area. Where are these buildings located? Are exercise, winter and wine rooms plus 5 en-suite bedrooms typical features of a farmhouse? The scale and building footprint therefore needs justifying.
3. The real local need is for 2/3 bedroom houses which incorporate design features which will facilitate an extensions in the future so growing families can remain in the village.
4. There are public facilities within walking distance but to reach them the A357 has to be crossed and at the closest crossing point the speed limit is 60 mph. In practical terms they are not walkable and there are no pavements to provide a safe route.
5. How will the biodiversity of the site be improved?
6. If the development costs for Plot 2 are conditional on the sale of Plot 1, i.e. financially can one not proceed without the other, then this ground would conflict with housing policy.

Subsequent comments dated 13th August 2021 upon receipt of revised plans relating to protection of the chestnut trees along the northern boundary of the site alongside Stowell Lane
Horsington Parish Council discussed the amended plans for this application at a recent meeting and

Councillors are still opposed to the proposed development for the same reasons as already given in the previous responses.

The reasons given on 08/03/2021 were:

In addition to our original comments regarding this application the Parish Council would like to add the following:

The applicant is now seeking justification to develop under the CSB (Custom and Self Build) scheme. The aim of this scheme is to allow individuals access to a register of local serviced building plots and give them the opportunity to build their own homes. The intention also being to provide affordable and appropriate new housing to meet local housing targets. It is not to be exploited as a route to facilitate immoderate residential development.

Further comments dated 14th October 2021 in response to revised plans to reduce the scale and design of the proposed dwellings and the extent of the application site

Horsington Parish Council discussed this application at a meeting yesterday.

Councillors recognise that the application has been scaled down but are still opposed to the proposed development as they feel that the concerns raised in the previous responses still apply.

County Highway Authority

Standing Advice applies.

SSDC Highway Consultant

In addition to the SCC comment, the principle of residential development in this location must be largely a planning matter to determine. In terms of transport, the ability for residents of the scheme to safely access Horsington and bus services on foot needs to be considered having regard to movements by children, the elderly, parents pushing prams, wheelchair/buggy user, etc., in the absence of footways and lighting on Stowell Lane and the A357.

The traffic impact of the scheme on the local highway network would not be significant or severe. The proposed means of access to the two plots are acceptable. The visibility splays shown on the IMA plan are noted but the most relevant splays (i.e. 2.4m x the TANGENT POINTS in both directions) as shown on the Boon Brown site plan are the most relevant. I agree that visibility splays of 2.4m x 60m in addition to the tangent points would be acceptable in this instance. The other points of details, such as the access widths, the proposed surfacing of the accesses for the first 5m, surface water drainage, the positioning of the entrance gates, on-site parking and turning, etc., are all acceptable. Charging points for each dwelling would be required.

All the above matters of detail can and should be secured by condition in the event that planning permission is granted.

SSDC Environmental Health

No adverse concerns from an environmental health perspective.

County Ecology

No objections subject to conditions.

SSDC Tree Officer

The four Horse Chestnut trees have been made the subject of The SSDC (Horsington No 1) 2021 Tree Preservation Order. In response to the original proposal for two accesses serving the dwellings, objection was raised on the basis that there would be unacceptable damage caused to the long-term health of the protected trees.

In response to the revised scheme for both dwellings to be served by the one access, no objections are raised subject to conditions relating to tree and hedgerow protection and landscaping.

REPRESENTATIONS

Representations have been received from local residents, raising objections and supporting the application proposal and some making general comments which are neither in support of or objecting to the proposal. These representations can be viewed in full on the website but are set out below for convenience.

Wayside, Stowell Lane, Horsington

17th January 2021

My property surrounds this site which is in open countryside which should be protected for ecological reasons.

We have an established equestrian stud and it is totalling unacceptable to have families living so close with noise and disturbance.

Other local housing is or was associated with landowners who built the properties for their staff connected with that land or business. Some have been sold off but are still being lived in for the original reason.

By his own admission the applicant wishes to live in one as a second home as he lives in Switzerland and the second for sale.

This is not an acceptable reason to build in open countryside.

4th March 2021

Wayside, Stowell Lane, Templecombe BA80DD has been my sole property since 2012 before that Coombe Cross was my residence from approximately 2000.

My late Wife and I ran an Equestrian Business from the existing buildings and 30 acres. In 2012 Coombe Cross was sold with just two adjoining paddocks and another field was sold separately leaving us with some 13.5 acres. The cottage Wayside was purchased and enlarged see GR370129/123352 and the stables were upgraded together with a barn and riding arena. My late wife's existing Bingham's Stud was established here, well known in the equestrian world with numerous wins at local, county and national level Shows including Horse of the Year. After my wife's death in 2009 I have leased the Equestrian Stud and converted my office and the then farm shop into accommodation see again GR370129/123352 in 2012.

My current tenant has been here since 2014 breeding horses and operating an Equestrian Rehabilitation Centre with specialist imported equipment. The young and disabled horses are nervous and to have families living so close would mean the business being unsustainable.

Several years ago, some trees adjacent were being pruned by contractors for the applicant. The contractors were using chain saws and one horse was so frightened it was caught up and the injuries resulted in his value being halved. She complained to the applicant about this and his reply was 'What I do on my land is my own business'. There have been other incidents with motorcycles, quads and fireworks.

The applicants spend most of their time in Switzerland only returning to Coombe Cross for a few weeks in a year and by his own admission these houses are only being built for his own pecuniary reasons. They cannot be described as local residents.

Coombe Cross was leased to a company for three years when at times there far too many people staying there and the drains which were on my property, were overloaded and after warning him I reported the situation.

The property has been advertised on Air B & B. It has also been let privately at times.

There are four large Chestnut trees adjacent to the road Stowell Lane. These although old are in reasonable health and are an extension to the Preservation Order HORS 23. They are a feature of the area and should to be preserved.

This building site is in open country and planning policy surely prohibits building particularly when there is extensive building in Templecombe and prospective building sites within the curtilage of Horsington.

7th March 2021

In addition to my previous comments.

Having considered the tree planning policy under National Planning Policy Framework ## 15 para 175 c) The four Chestnut Trees adjoining Stowell Lane although not under the preservation order Hor 3 are a feature of the area and are a local historical feature. The trees and the immediate surrounding area should be preserved prohibiting any further access to be created to the Lane.

Further to my previous remarks does the Self-build passiv- housing policy mean any green piece of land can be built on even if it impacts on an existing long established Equestrian Business and that it could start a ribbon development in open countryside.

8th March 2021

I note the extension to March 31st 2021 and have further considered this matter and agree with all the comments made by the Horsington Parish dated February 1st 2021. In addition,

1) This proposed development is a prime example of unfettered building development in open country and is not in keeping with the overall district plan and is out of character with the surrounding area.

2) The district plan clearly asks housing to meet local needs, specifically for affordable housing to be developed of 2 and 3 bedroomed houses. These are not within scope.

3) This development will impact adjacent established land use significantly. Planning was granted in 2021 for an equestrian business to be run from the adjacent land. Horses need quiet surroundings. In the recent past noise created by the applicant for planning consent resulted in severe injury to a horse. These 5 bedroomed houses are within 7 metres of the boundary.

4) The applicant in the Tree Survey indicated Chestnut Trees T 4, 5, 6 and 7 in the report. They do need urgent work but are in good health. They are not protected under the tree preservation order HORS3 but are an extension and a feature of the area and should be carefully preserved.

5) The applicant's house Coombe Cross is advertised currently on Air b&b so the applicant is not a permanent resident. This development does not come from the local community in accordance with SS2/5.32 and outside of the ' Localism ' agenda.

9th May 2021

Please withdraw my objections.

31st July 2021

As a neighbour I welcome the Council's Tree officer's concerns and the resulting safeguard concerning the preservation of the Chestnut Trees.

Studying the revised landscaping and particularly the proposed trees it seems now the applicant wants to create a mini park which bears no relationship to the local area.

The large houses with their landscaping are completely out of keeping.

It appears the non-resident owner is just wanting to capitalise his asset without regard to the neighbourhood.

Should this application be approved it could create infill on the whole of Stowell Lane.

Wayside Stables, Stowell lane, Horsington

2nd February 2021

As a tenant of Wayside Stables situated next to the proposed area of building I herewith would like to object to the planning application.

One of the buildings housing a large number of horses is situated just about 7 metres of the property border just separated by a livestock fence and a row of trees with thin hedging at the bottom. The disturbance due to movements of heavy building traffic during construction and in the future by movement from occupants will have a significant negative impact on the safe housing of equines in the purpose build barn at Wayside Stables. This building is housing broodmares, foals and young stock whose welfare and wellbeing would be greatly impaired. Due to the nature of equines they are flight animals and sudden noises or movements will encourage the natural flight instinct. Over the past 6 years of my tenancy there have been several incidents with machinery or people movement close to the border resulting in injury of animals or injury of their handlers due to disruptions from the site of the proposed development. One case 2 years ago resulted in a serious injury of a horse which needed 5 people to rescue it from a reaction to heavy machinery operating by the fence line. The horse sustained a serious injury. Two large dwellings of 4 beds will increase the movements along the entire border line to the premises of Wayside Stables significantly and will have a huge impact on the safety of the equines kept at the premises. The entire border is just fenced off by a simple livestock fence without any visual breaks.

The premises Wayside and Wayside Stables have an equestrian tie so equines will be resident at the premises. The barn building has been in use as breeding facilities since its erection and will not be safe for its purpose with dwellings being erected in close proximity in the future. Furthermore grazing land will be lost to create a buffer zone between the border to ensure the safety of the animals.

9th March 2021

After looking at the revised planning application I still have to object as the erection of a house very close to the border fence joining Wayside Stables is still the same as before. A house that close to the open barn building at Wayside Stables property will diminish the use and purpose of the building as housing for horses. The barn has been in use for many years to safely house broodmares, foals and young stock and was purposely build for breeding animals. Sudden movements, big machinery and loud noises will trigger the natural flight instinct of the horses and has already caused serious harm and injury to horses and humans in the past. With allowing to build in the proposed area the current use of Wayside Stables as an equestrian

property (with an equestrian tie) will not be possible any longer in the full capacity as it is been since building the facility. Residential housing close to equestrian housing has caused many problems and court cases all over the country and consenting to the application will cause long term conflict and damage.

Stowell Hill, Horsington

6th April 2021

We have resided at Stowell Hill, Horsington, Templecombe, BA8 0DF for the last 16 years and, as a local resident who is very familiar with the application site, we are writing in support of the above planning application for the following reasons.

As the founder, owner and Chairman of Dextra Group plc based in Gillingham, I recognise the importance of creating jobs to sustain the local economy and it is obvious to me that, as a result of excessive levels of phosphates on the Somerset Levels, the current moratorium on granting planning approvals on more than 11,000 houses within Somerset will have a catastrophic impact on the local economy, particularly in the construction sector. Given the seriousness of this problem, I believe that it is the duty of the Local Planning Authority to grant planning permission for any reasonable and rational residential schemes that fall outside of the Catchment Areas for the Special Protection Area on the Somerset Levels as is the case for this application.

The applicant has owned Coombe Cross for more than 20 years and with a second local family they are seeking permission to construct 2 No self-build passiv-houses that will be highly sustainable and within easy reach of local amenities. In the context of the current crisis created by the phosphate issues these two dwellings will provide a valuable employment opportunity for local contractors and I would urge the Parish Council, the Ward Members and the Local Planning Authority to consider the bigger picture and fully support this application.

Wilkinthroop House, Horsington

7th April 2021

The creation of two individually designed passiv-houses on what is an infill site located easy reach of the local amenities in Horsington and Templecombe.

It will not detract from the character of Stowell Lane, and there is a demand for these dwellings. The dwellings will provide employment opportunities for local contractors plus overall sustainability of the local economy.

I can see no reason not to support this example for two innovative houses that will make a positive contribution to our architectural heritage.

CONSIDERATIONS

Principle of Development

The Council is required to make a decision in line with the Development Plan, unless material considerations indicate otherwise (Section 38(6), Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning act 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration.

In policy context, national guidance contained within the NPPF sets out a presumption in favour of sustainable development. Paragraph 79 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 80 advises that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a certain set of circumstances are met. Such circumstances include (i) there being an essential need for rural workers; (ii) enabling development to secure the future of heritage assets; (iii) re-using redundant or disused buildings; (iv) subdivision of an existing dwelling; or (v) the design of the new dwelling is of exceptional quality. None of those five circumstances apply in this instance.

Policy SD1 of the Local Plan also recognises that, when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SS1 highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which Policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)".

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"

Those key services referred to in paragraph 5.41 of the Local Plan are local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility and primary school.

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

However, as SS2C cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on the proscriptions of that policy in regard to what the development must provide (e.g. meeting an identified housing need).

Policy guidance clearly encourages new housing to be located with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connection to public transport. The application site lies within a very small sporadic group of housing both visually and physically separate from the main village of Horsington to the north, the nearest large settlement with access to essential key services, along a narrow country road with no pavements or street lights. The site is not immediately close to any bus stop and is not on a recognised bus route.

As a point of reference, the site is located to the south of Horsington. In terms of access by foot, it lies approximately 700 metres from a children's play area and approximately 800 metres from a public house. There is a religious building approximately 1060 metres from the site, and

the nearest bus stop to Wincanton and Templecombe is approximately 430 metres from the site. Government guidance, in its "National Design Guide" (September 2019), defines 'walkable' distances to local facilities being generally no more than a 10 minutes walk (800 metres radius). However, this is guidance only.

As stated above, the Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites and that, pursuant to paragraph 11 of the Framework, the weighted presumption in favour of sustainable development is engaged. The proposed development would make a contribution towards meeting the housing shortfall within South Somerset. This would be a social and economic benefit. There would also be a limited and temporary economic benefit during the construction phase. However, due to the small scale of the development, such benefits would be moderate in scale. On balance, the principle of the proposed development on the application site is considered to be acceptable. This balance tilts in favour of the proposal having regard also to considerations about self-build.

Self-build

In support of the application, the applicants Mr and Mrs Champ, have advised that this proposal would be a self-build project. The applicants have lived in the property known as 'Coombe Cross' for the past 20 years. 'Coombe Cross' is a large country house set within more than 10 acres which has become difficult to manage, such that in 2020 the applicants instructed Knight Frank of Sherborne to actively market the property, which continues today.

If the application is successful then the applicants intend to construct and occupy Plot 2 as a 'Self-Build' under the provisions of the Self-Build and Custom House Building Act 2015, which is recognised and promoted by SSDC. This would allow the applicants to remain within the area.

In respect of Plot 1, terms have been agreed to sell the site to a Mr and Mrs Brown, who have lived and worked in South Somerset for more than 40 years. They have been closely involved in the bespoke design of Plot 1 and are also committed to its construction and occupation as a self-build dwelling within the definition of the Self-Build and Custom Housebuilding Act.

Both Mr and Mrs Champ and Mr and Mrs Brown are included on SSDC's Self-Build Register. They are both willing to enter into joint or separate section 106 obligations, by agreement with the LPA or by unilateral undertaking, whichever the LPA would prefer, but in any event containing the following covenants by the owner/self-builder:

1. The Construction of the Residential Units shall be for Self-Build Dwellings.
2. The first occupation of each Residential Unit shall be by the Person or Persons who had a primary input into the final design and layout of each Residential Unit.
3. In parallel with the Community Infrastructure Levy Regulations the person or persons occupying each Residential Unit under the terms of clause 2 above will occupy the Residential Unit as his/her sole or main residence for a minimum period of 3 years from completion of the development.

It is acknowledged that self-build and custom housebuilding being an important part of the Government's strategy to boost housing supply. The Self-build and Custom Housebuilding Act 2015 has been amended by the Housing and Planning Act 2016. The latter now provides a legal definition of self-build and custom housebuilding and does not distinguish between self-build and custom housebuilding. The definition provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. However it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person. Therefore, in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and

layout. In this respect, mindful this is a fully detailed application (as opposed to merely being an outline proposal) with detailed drawings having been submitted showing scale, design, appearance and external finishing materials of both proposed dwellings, there is no reason to doubt the statement of the applicants' intentions in this regard.

The Council is more than meeting the demand on the Register and is only required by law to grant planning permission for enough serviced plots to meet the demand on the Register. Nevertheless, as part of this application proposal, the applicants have offered to sign a legal undertaking that the development will be a self-build project. This adds weight, albeit limited, to the acceptability of the proposal.

Visual Amenity

The site is not located in a particularly sensitive location from a visual amenity or conservation point of view in terms of being in a landscape policy area such as an Area of Outstanding Natural Beauty or a Conservation Area. There are residential properties and other buildings within the vicinity of the site, with no strong design qualities and of varying sizes, appearances and materials of construction. The proposed dwellings are considered to be at an appropriate scale for the site and, once constructed, would not appear as an incongruous form of development. Their two storey ridge heights would not be out of keeping with other 2 storey development in the area. Furthermore, the proposed materials are considered to reflect those used in the locality which would further assist in the integration of the new dwelling into the overall landscape.

In terms of considering the long term health of the protected Horse Chestnut trees, the Council's Tree Officer raised concern about the original proposal for two separate accesses serving the properties. In response to the revised proposal for the existing access to be improved in order to serve both properties, he advises that the verge adjoining the northern side of the protected roadside trees has a reasonable depth. This, combined with the distance of any new build or engineering works from those trees, means that the trees could be sustainably accommodated within the proposed development. Whilst some new tree and hedgerow planting proposals have been submitted, this is not in any specific detail. Mindful of this, the Tree Officer recommends no objections to the proposal subject to the imposition of conditions relating to tree and hedgerow protection measures and new landscaping details all to be submitted to and approved in writing by the LPA.

In addition, in order to safeguard the character and appearance of, not only the development itself, but that of the wider locality, conditions are recommended seeking specific details of the external finishing materials, external lighting, and also removing 'permitted development' rights relating to extensions and alterations to the dwellings (including the construction of dormer windows or other roof alterations), outbuildings, and erection of means of enclosure.

As such, subject to the imposition of the above conditions, whilst the proposed development would have an impact on the wider landscape character and appearance of the area in terms of not being totally screened, nevertheless it is considered that no demonstrable harm would accrue that would justify a refusal of permission in terms of visual amenity. The proposal would be in compliance with Policies EQ2 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

Impact on Highway Safety

Policy TA5 of the Local Plan seeks to ensure that the expected nature and volume of traffic and parked vehicles generated by the proposed development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local road network in terms of both volume and type of traffic generated.

Policy TA6 states that parking provision in new development should be design-led and based upon site characteristic, location and accessibility. The parking arrangements within SCC's parking Strategy will be applied within the District.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 108 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

No highways objections have been raised by the County Highway Authority or SSDC's Highway Consultant. The latter expresses the opinion that the traffic impact of the scheme on the local highway network would not be significant or severe and the proposed means of access to the two plots are acceptable. The extent of visibility splays, the access widths, the proposed surfacing of the accesses for the first 5 metres, surface water drainage, the positioning of the entrance gates, and on-site parking and turning, etc., are all acceptable and can be secured by condition. In addition, charging points for each dwelling would be required. Such recommended conditions are considered to be reasonable and appropriate.

As a general point of principle, and to reiterate the comment made by the Highway Consultant, it is considered that traffic likely to be generated by two extra dwellings at this location would not, in itself, give rise to a significant detrimental impact to the safety or operation of the highway in this vicinity. Therefore, from a highways perspective, the impact on the reliance on transport by private car for the new dwellings would not represent a severe detriment to the highway in view of the guidance presented in the NPPF, and therefore not grounds on which to form a robust objection in terms of the impact on the safety or operation of the highway.

It is considered there are no justifiable reasons for a refusal on highways grounds. The proposal does not conflict with Policies TA5 and TA6 of the Local Plan nor relevant highway safety guidance within paragraph 111 of the NPPF.

Residential Amenity

There are no nearby neighbouring residential properties that would be adversely affected by the proposed development. Indeed, there have been no objections raised from any third parties to the proposal on the grounds of loss of amenity. The size of the site is considered adequate for a scheme of two dwellings and the proposed siting, scale, height, design and appearance of the new buildings would not result in any substantive harm to neighbour amenity in terms of significant and unacceptable dominance, overshadowing, overlooking, loss of privacy and loss of outlook.

Objections have been raised from the owner and tenant of Wayside Stables located to the north east of the application site and these have been set out in extensive detail elsewhere in this report. Such objections relate to the impact such development will have on the future health and welfare of the horses accommodated there, both in the short term during the construction phase, and long term thereafter and complaints may be generated by future residents of the dwellings about the noise, smells, etc associated with an equine establishment in close proximity.

Local Plan Policy EQ2 requires development proposals to protect the residential amenity of neighbouring properties. Mindful of the objections that have been raised from the owners and tenant of Wayside Stables in respect of unacceptable relationship between the new residential units and the equestrian activities being carried out at Wayside Stables, the Council's Environmental Health Officer (EHO) has been consulted about the application. The EHO has considered the application and the objections that have raised and has responded by advising that there are no adverse comments to be made from an environmental health perspective.

Mindful that there is to be an 'amenity' gap between the nearest proposed dwelling and the stables complex, it is considered that the proposal would not cause unacceptable detriment to

the equestrian usage of the neighbouring site, nor vice versa would there be any resultant unacceptable detriment to future occupiers of the proposed residential unit resulting from those neighbouring horse-related activities. As such, there would be no unacceptable impact on the residential amenities of the future occupiers of the proposed dwellings in terms of noise and odour pollution.

The proposal would be in compliance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Biodiversity

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The County Ecologist has had due regard to the submitted Preliminary Ecological Appraisal prepared by Greenwood Ecology & Countryside Management to inform potential residential development on the application site.

Habitats

Modified (improved) grassland

The majority of the application site comprises modified (improved) grassland which, from Google Earth historic photos, appears to have been used for sheep grazing since at least 2001. Aerial photographs also show clear evidence of agricultural improvement; most likely cultivation of agricultural grassland.

The grassland within the site does not meet the criteria of a habitat of principal importance for nature conservation, nor does it appear on the South Somerset Biodiversity Action Plan. The quality and ecological value of the grassland is hindered by low floral diversity, grazing and past cultivation/reseeding and is therefore considered to be currently of no more than site value.

Trees

Whilst not located within the application site itself, a row of poplar (*Populus* sp.) trees is present along the site's eastern boundary, separating it from the adjacent stables/commercial yard. These trees show a history of being pollarded and are a non-native UK species.

Four mature horse chestnut (*Aesculus hippocastanum*) trees are present along the site's northern boundary along Stowell Lane. Horse chestnut is also a non-native species, although the trees have an intrinsic ecological value due to their age and potential to support protected species.

A single Monterey cypress (*Cupressus macrocarpa*) is present to the west of the existing field access gateway. A non-native species, this tree is considered to be of limited value to biodiversity.

The row of poplars is considered to be of no more than site value whereas, on account of their age/structure, the horse chestnuts are considered to be of local value (and indeed are subject to a TPO).

Hedgerow

The northern site boundary contains a species-poor and defunct native hedge. The hedge is 'gappy' and not continuous in nature, currently being impacted by heavy shading from the horse chestnut trees. Hedgerow species present include predominately hawthorn (*Crataegus*

monogyna) with some elder (*Sambucus nigra*) and seedlings of sycamore (*Acer pseudoplatanus*) and ash (*Fraxinus excelsior*). A single small fig (*Ficus carica*) tree is present at the hedge's western end.

The hedge is considered to be species-poor and, the low abundance of species coupled with its defunct nature, means that it is not considered important under the Hedgerow Regulations 1997. This hedge is therefore considered to be of no more than site value.

Other boundaries

Part of the southern site boundary is formed by a wooden post and rail fence, with the remainder being continuous with the wider agricultural field. The western boundary is formed by a stock fence, with dry ditch and stone retaining wall behind. Beyond this, a mature cypress hedge screens the application site from the neighbouring residential property and gardens.

Species

Invertebrates

The lack of habitat and floral diversity within the application site, coupled with its current management regime, means that it is unlikely to support important populations of invertebrate species. The site is unlikely to be of more than site value in relation to its invertebrate interest.

Amphibians

Ordnance survey mapping shows two standing waterbodies within the great crested newt core dispersal distance of 250 metres. There are two further waterbodies within the 250 metres and 500 metres range (320 metres and 400 metres), although both of these are on private land and access was not available at the time of the site survey. Both of these more distant ponds are separated by the application site by roads (including the main A357).

Both ponds have been subject to a Habitat Suitability Index (HSI) assessment and have been categorised as having 'poor suitability' to support great crested newts.

Furthermore, the data search has not returned any records of great crested newts within 1 km of the application site. Given the lack of records and the unsuitability of the short-grazed grassland within the site, it is considered highly unlikely that great crested newts are present and therefore the site is considered to be of negligible value for this species.

Reptile

The grassland in its current short-grazed condition does not provide suitable habitat for reptiles and does not offer the optimal hibernation or foraging opportunities that these species require. It is considered highly unlikely that reptiles are present on site.

Birds

The current land-use makes the grassland sub-optimal for bird foraging habitat. The lack of a varied vegetation sward also precludes the presence of ground-nesting birds such as skylark. The trees on the site boundaries do provide good quality bird nesting habitat for a variety of species. Overall, however, it is unlikely that the site is of more than site value for birds.

Bats

There are numerous bat records from within the 4 km of the site, although no records of any bats within 600 metres of the application site boundaries.

In terms of roost potential, there are no buildings or structures within the application site. Also, none of the poplar trees along the site's eastern boundary provide any suitable potential roost features for bats, as a result of their age and past pruning. Furthermore, the Monterey cypress that is scheduled for removal does not contain any potential roost features. Two of the mature horse chestnut trees contain rot holes that have the potential to support roosting bats, although there is no evidence of recent or past bat presence having been recorded. This lack of

evidence, however, cannot categorically rule out the sporadic and occasional non-breeding usage of these features during the summer months.

The scheme has been designed to ensure that both of these trees will be retained within the development proposals and measures are recommended in the submitted ecological report to protect these trees during the construction phase of development, including a repeat inspection to be undertaken prior to any work taking place within the vicinity of these trees. In addition, the Council's Tree officer has recommended a condition relating to tree protection works

With regard to foraging and commuting habitat, the grassland within the site does not provide optimal foraging habitat for bats given the lack of species diversity and sward structure. There is no recent history of cattle grazing on site, and there are no records of greater horseshoe bats within 4 km of the application site. It is likely however, that bats that are roosting in the local area make use of the site boundary features (excluding the post and rail fence), as flight corridors when moving between their roosts and preferred foraging areas.

Badger

No evidence of badger presence (setts, prints, foraging signs, latrines or hairs) has been recorded and it is unlikely that badgers are regularly using the site for foraging purposes.

Otter and Water Vole

The application site does not contain, or is in close proximity to, any standing water, rivers or streams. It does not, therefore, contain habitat suitable to support either otters or water voles.

Dormice

No evidence of dormouse activity was recorded during the site survey (i.e. summer nests or feeding remains). The defunct nature of the northern site hedge, coupled with its lack of connectivity to nearby woodland areas, mean that dormice are unlikely to be present.

Based on the survey's overall assessment, the County Ecologist advises that a landscape and Ecological Management Plan (LEMP) should be produced for the site to ensure the long-term favourable management of retained and created habitat features. A condition requiring the submission of a LEMP is recommended.

In addition, there are ecological constraints for nesting birds, bats and potentially for foraging badgers. With that in mind, a condition requiring the submission of a Construction Environmental Management Plan (CEMP: Biodiversity) is recommended.

The existing boundary and new boundary features which the development is proposing are likely to serve as commuting and foraging areas for various species of bats. A condition is recommended requiring the submission of a lighting design for bats in order to safeguard such areas.

Finally, a condition is recommended requiring the implementation of various ecological enhancement measures.

As such, with the imposition of these recommended conditions, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

Flooding and Drainage

The site lies within Flood Zone 1. It is considered that the current proposal does not conflict with Policy EQ1 and relevant guidance within the NPPF.

Somerset Levels and Moors - Phosphates

The Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitats Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention. The Ramsar Site consists of a number of Sites of Special Scientific Interest (SSSIs) within what is

the largest area of lowland wet grassland and wetland habitat remaining in Britain, within the flood plains of the Rivers Axe, Brue, Parrett, Tone and their tributaries. The site attracts internationally important numbers of wildlife, including wildfowl, aquatic invertebrates, and is an important site for breeding waders.

Natural England has written to various Councils in Somerset (including SSDC) advising about the high levels of phosphates in the Somerset Levels and Moors that are causing the interest features of the Ramsar Site to be unfavourable, or at risk, from the effects of these high levels. This is as a result of a Court Judgement known as the Dutch N case, which has seen a greater scrutiny of plans or projects by Natural England, regarding increased nutrient loads that may have a significant effect on sites designated under the Habitats Regulations 2017 (including Ramsar Sites).

A significant area of South Somerset falls within the catchment. However, the application site lies outside this catchment area. Thus the proposed development would have no adverse impact on the Somerset Levels and Moors.

Other Matters

Objections have included reference precedence and there being no need for the development.

In terms of the precedent argument, each application must be considered on its own merits.

In terms of the opinion expressed that there is no need for the development, the Government's aims and aspirations are to boost the supply of deliverable housing, as evidenced in the guidance set out in the NPPF. The District Council cannot currently demonstrate a deliverable five year housing land supply and thus, pursuant to paragraph 11 of the Framework, the weighted presumption in favour of sustainable development is engaged. The proposed development would make a contribution, albeit very small, towards meeting the housing shortfall within South Somerset. This would be a social and economic benefit. There would also be a limited and temporary economic benefit during the construction phase. However, due to the small scale of the development, such benefits are considered to be moderate. Nevertheless, this weighs in favour of the proposal and runs counter to the claim that there is no need for new housing development.

Planning obligations and CIL

As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation.

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). The proposed development is subject to the Community Infrastructure Levy. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The proposal is considered to be acceptable in this location, and would cause no significant and demonstrable adverse impact on the character of the area, visual amenity, residential amenity, highway safety, flood risk, biodiversity or on the Somerset Levels and Moors Ramsar sites. As such, it accords with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ5, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF and is

recommended for approval.

RECOMMENDATION

Subject to the prior satisfactory completion of a planning obligation by way of unilateral undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990 requiring that the development will be a self-build project, permission be granted for the following reason:

01. The proposal is considered to be acceptable in this location, and would cause no significant and demonstrable adverse impact on the character of the area, visual amenity, residential amenity, highway safety, flood risk, biodiversity or on the Somerset Levels and Moors Ramsar sites. As such, it accords with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ5, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. Except for any details which require the submission of additional information being the subject of any condition attached to this permission, in all other respects the development hereby permitted shall be carried out in accordance with the following approved drawings:

Drawing no. 4187-LP-01 Rev A: Location Plan
Drawing no. 4187-001 Rev I: Proposed Site Layout
Drawing no. 4187-1001 Rev A: Proposed Ground Floor Plan
Drawing no. 4187-1002 Rev A: Proposed First Floor Plan
Drawing no. 4187-1003: Plot 1, Proposed Elevations. Sheet 1
Drawing no. 4187-1004: Plot 1, Proposed Elevations. Sheet 2
Drawing no. 4187-1005: Proposed Roof Plan
Drawing no. 4187-1006: Plot 1, Typical Sections. Sheet 1
Drawing no. 4187-1007: Plot 1, Typical Sections. Sheet 2
Drawing no. 4187-2001 Rev B: Ground Floor Plan
Drawing no. 4187-2002 Rev B: First Floor Plan
Drawing no. 4187-2003: Plot 2, Proposed Elevations. Sheet 1
Drawing no. 4187-2004: Plot 2, Proposed Elevations. Sheet 2
Drawing no. 4187-2005: Roof Plan
Drawing no. 4187-2006: Plot 2, Typical Sections.

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

03. For the avoidance of doubt, the extent of curtilages afforded to each dwelling shall be as highlighted by the light green shading bounded by hedge planting along the respective southern, eastern and western boundaries of each curtilage, as indicated on drawing no. 4187-001 Rev I. The land coloured dark green and indicated as 'Meadow Mix' and 'Shade Meadow Mix' on said drawing shall at no time become part of the curtilage of either dwelling and shall remain as open amenity land.

Reason: In the interests of the visual amenities of the locality and to provide an adequate "buffer" between the residential activities and those of the adjoining equine business, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

04. No development shall take place until details of all existing levels on the site and proposed levels on the site (including ground floor levels, eaves and ridge heights of the new dwellings and garages) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: A pre commencement condition is considered necessary to enable the Local Planning Authority to assess existing and proposed site and floor levels and eaves and ridge heights to ensure that the new dwellings hereby permitted do not have an unacceptable dominant impact on the character and appearance of the locality and visual amenity in general, having regard to Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

05. Notwithstanding the details set out within the submitted draft "Tree Survey and Arboricultural Impact Assessment" document, there shall be no commencement of any site clearance, removal of trees or hedgerows, or building operations of any type, nor shall equipment, heavy machinery or materials be brought onto site (including on the land edged in blue on the approved Location Plan no. 4187-LP-01) until a scheme for the protection of all retained trees and hedges, in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations, including a tree/hedgerow protection plan (TPP) and an arboricultural method statement (AMS), has been submitted to and approved in writing by the Local Planning Authority.

The tree and hedge protection measures within the scheme within the TPP and AMS shall include and make reference to the following issues:

(a) Numbering and detailing of all retained trees and hedges on the sites edged in red and blue as indicated on the approved Location Plan no. 4187-LP-01 Rev A, confirming their respective root protection areas (RPA's).

(b) A specification for protective fencing and dust containment measures to safeguard trees and hedges on the sites edged in red and blue as indicated on the approved Location Plan no. 4187-LP-01 during any construction phases and a plan indicating the alignment of the protective fencing, the position of such fencing to be a minimum of three metres in from boundary of the site. Such fencing shall be installed to the extents of the RPA's or as may otherwise be agreed in writing by the Local Planning Authority.

(c) A full specification for the installation of boundary treatment works.

(d) A sequenced scheme of supervisory monitoring of the installation and maintenance of protective measures and the supervision of specialist working techniques by a competent Arboriculturalist.

Reason: The agreement of a scheme for the protection of all retained trees and hedges prior to the commencement of works is fundamental to satisfy the Local Planning Authority that the trees and hedges to be retained will not be damaged during construction thus retaining continuity of tree cover and maintaining and enhancing the quality and character of the area, including ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. The scheme for the protection of all retained trees and hedges on the application site edged in red and the adjoining land edged blue as indicated on the approved Location Plan no. 4187-LP-01 Rev A, submitted to and approved in writing by the Local Planning Authority pursuant to condition 05, shall be implemented and completed in strict accordance with the approved details, and the applicant's appointed competent Arboriculturalist shall inspect and confirm in writing to the Local Planning Authority that the approved tree and hedgerow protection measures (in particular, any required fencing, signage and ground-protection installations) are installed to the required approved standard, prior to any development works commencing.

Thereafter, the approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.

Reason: The implementation and completion of an approved scheme for the protection of all retained trees and hedges, and confirmation in writing from a competent Arboriculturalist that such an approved scheme has been carried out to an approved standard, prior to the commencement of works is fundamental to satisfy the Local Planning Authority that the trees and hedges to be retained will not be damaged during construction thus retaining continuity of tree cover and maintaining and enhancing the quality and character of the area, including ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. At no time during the construction phases of the development hereby permitted shall the following works be carried out within the Root Protection Areas (RPA as defined in BS5837:2012) of any retained tree and hedgerow, except with the prior written approval of the Local Planning Authority:

(a) Notwithstanding the provisions of Article 3, Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no materials, equipment, machinery or structure shall be attached to or supported by a retained tree or hedgerow within said RPA and no materials shall be stored, temporary buildings erected, moveable structures, works, plant or machinery placed or ground levels altered within any part of the RPA).

(b) No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a RPA that seepage or displacement could cause them to enter a RPA.

(c) Levels shall not be raised or lowered in relation to existing ground levels within the RPA of any retained tree or hedgerow.

(d) No roots shall be cut, trenches dug or soil removed within the RPA of any retained tree or hedgerow.

(e) No buildings, hardened areas or other engineering operations shall be constructed or carried out within the RPA of any retained tree or hedgerow.

(f) No vehicles shall be driven over the area of the RPA of any retained tree or hedgerow.

Reason: To ensure the wellbeing of trees and hedges to be retained and continuity of tree cover and maintaining and enhancing the quality and character of the area, including ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

(a) Risk assessment of potentially damaging construction activities.

(b) Identification of 'biodiversity protection zones'.

(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting bird habitat clearance measures, badger informative measures, works close to the trees identified as T4 and T5 (referred to in the submitted Preliminary Ecological Appraisal dated November 2020 prepared by Greenwood Ecology and Countryside Management) which have bat roosting potential.

(d) The location and timing of sensitive works to avoid harm to biodiversity features.

- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs for retained trees, hedgerows, T4 and T5 and other sensitive boundary features.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The agreement of details of a Construction Environmental Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; the prevention of harm being caused to the amenity of the area; and in the interests of European and UK protected species, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance in the NPPF.

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

- (a) Description and evaluation of features to be created, restored, protected and managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the Plan will be secured by the developer with the management body(ies) responsible for its delivery. The Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Thereafter, the approved Plan shall be implemented in accordance with the approved details.

Reason: The agreement of details of a Landscape and Ecological Management Plan prior to the commencement of development is fundamental to ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework, Policy EQ4 of the South Somerset Local Plan, and the Council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

10. No removal of potential bird nesting habitats, comprised of hedgerows, trees, scrub, shrubs and ruderal vegetation shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before works proceed and vegetation is

cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. Notwithstanding the details indicated on the submitted drawings and within the submitted Design, Access and Planning Statement, prior to commencement of any part of the development hereby permitted, details of the improved access and new driveway serving the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

(a) the extent of visibility splays from the access onto the County highway. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the approved visibility splays.

(b) the provision of the new access and driveway to be of a minimum width of 5.0 metres over a minimum length of 6.0 metres when measured from the edge of the carriageway.

(c) the proposed vehicular access over at least the first 5.0 metres of its length as measured from the edge of the adjoining carriageway to be properly consolidated and surfaced (not loose stone or gravel).

(d) the gradient of the new driveway to not exceed 1:10, for at least the first 6.0 metres from the edge of the adopted highway.

(e) the provision for the disposal of surface water so as to prevent its discharge onto the County highway.

(f) the siting, design, appearance and heights of any entrance gates, to be set back a minimum of 5.0 metres from the carriageway edge and to be hung to be open inwards in order not to overhang the carriageway edge.

The access and driveway details shall be constructed and completed in accordance with the approved details prior to occupation of any of the new dwellings hereby permitted. Once constructed, such approved details shall thereafter be retained and maintained at all times in perpetuity.

Reason: The agreement of details of access and driveway prior to the commencement of development is fundamental to ensure the implementation of the development is carried out in the interests of highway safety and public convenience, to prevent loose debris, stones, gravel and similar non-compacted material from being deposited onto the County highway and to prevent flooding of the highway, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

12. Notwithstanding the details indicated on the submitted drawings, prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, a schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

(a) details of the type, size, colour and profile of the natural slates to be fixed to the roofs of the buildings, together with type, colour and profile of ridge and hip tiles;

(b) a sample panel of the type of stonework, type of pointing and the mortar to be used, measuring not less than two square metres, shall be provided for inspection and written approval by the Local Planning Authority prior to the construction of any new walls and thereafter kept on site for reference until the stonework is completed. Machine cut or sawn faces shall not be used in the walls or for quoin stones.

(c) the colour and finish of the timber cladding to be used and a drawn section to show its profile, lapping and finish.

(d) elevation, plan and vertical sectional drawings at an appropriate scale of all external windows and doors (including garage doors) indicating details of their design, appearance (including thresholds), profiles, position in wall reveals, opening lights (if any), materials, finish and colour, including their method of opening, decorative stone surrounds, and materials and finish of all lintels and sills.

(e) constructional details at an appropriate scale of all eaves, verges and barge boards. Unless otherwise agreed in writing by the Local Planning Authority, all new (and any subsequent replacement) fascia boards shall be fitted tight to the wall face and the barge shall be finished either with a close fitting timber board or the wall finish taken directly up to the underside of the roof covering;

(f) the locations, heights, sizes, materials of construction and colour finishes of all flues, ducts, rainwater goods, external vents, extracts, external meter / service boxes and any other external attachments. All meter /service boxes should be fitted to an internal wall where practical and feasible but, if proven to the Local Planning Authority that internal siting of meter / service boxes is not practical and feasible then all external wall mounted meter /service boxes shall be located away from the primary elevations and prominent side walls.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation/construction at an appropriate stage in the course of the development to ensure that the development displays good design practise and reflects local distinctiveness, having due regard to safeguarding visual and residential amenity and in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. Prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, a scheme of hard and soft landscaping, which shall include details of all hardsurfacing materials and the location, number, species, density, form and size of proposed tree, hedge and shrub planting (this should include native species which occur locally and chosen to provide food for insects on which bats feed), as well as details of any changes in existing ground levels, shall be submitted to and approved in writing by the Local Planning Authority.

The submitted soft landscaping scheme shall include proposals, not only relating to the application site edged red on the approved Location Plan no. 4187-LP-01 Rev A, but also to the adjoining land edged blue as indicated on said Location Plan.

The submitted landscaping scheme shall clearly confirm the details, materials, levels and dimensions of any intended tree or shrub planting, tree pit design, earth-moulding, boundary treatments (for example, hedgerows, fences & walls), seeding, turfing and the installation of hard surfaces, driveways and parking spaces. The scheme shall include general site planting enhancement measures including:

(a) planting plans (to a recognised scale) and schedules indicating the planting locations, planting matrixes, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. Where the landscaping scheme allows, all new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

(b) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting, including the installation details regarding ground-preparation, the use of geotextiles, weed-suppression, surface-mulching, strimmer-guarding, staking, supporting and tying.

(c) existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate);

(d) existing and proposed finished levels (to include details of grading and contouring of land) and the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates, ramps, or other supporting structures);

(e) location, type and materials to be used for hard surfacing, including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;

(f) car parking layout and any other vehicular and pedestrian access and circulation areas;

(g) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;

(h) a management and maintenance plan of all the approved landscaping features; and

(i) a timetable for the implementation of the approved hard and soft landscaping scheme. All planting comprised in the approved scheme should be carried out within the dormant planting season (November to February inclusively) upon or prior to the first occupation of the development hereby approved, unless the Local Planning Authority gives prior written approval to any variation of this timetable.

There shall be no excavation or raising or lowering of levels within any prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority.

The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, managed and maintained in accordance with the approved scheme.

Reason: To safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

14. For a period of ten years after the completion of the landscaping scheme approved pursuant to condition 13, the trees, hedges and shrubs shall be protected and maintained in a healthy weed free condition. Any trees, hedges or shrubs that cease to grow or are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, shall be replaced by trees, hedges or shrubs of similar size and species, or other appropriate trees, hedges or shrubs as may be approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and relevant guidance within the NPPF.

15. No external lighting shall be installed on any part of the application site edged red (including on any buildings) or the adjoining land edged blue as indicated on the approved Location Plan no. 4187-LP-01 without the prior written approval of the Local Planning Authority.

Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting (including amenity and security lighting) shall be submitted to and approved in writing by the Local Planning Authority in the form of a lighting design scheme, including through the provision of technical specifications. Such a scheme shall:

- (a) identify those areas/features on site (particularly the boundary features) that are very sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.
- (b) include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the site edged red (as indicated on the approved Location Plan).
- (c) show how and where external lighting will be installed through the provision of lux lighting contour plans and if appropriate directional lighting of lights with hoods technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats from using their territory or having access to their breeding sites and resting places. The boundary features should not exceed 1 lux in regards to light spillage.
- (d) identify the hours at which such lighting is to be operated, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. Where PIR timers are to be included, it should be shown that timers are going to be set to less than one minute.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

16. Prior to first occupation of any of the dwellings hereby permitted, the following ecological enhancement measures shall be erected / constructed / installed into the overall development scheme on the application site edged red and the adjoining land edged blue as indicated on the approved Location plan no. 4187-LP-01 Rev A, in accordance with details indicating the siting and appearance of such measures which shall be previously submitted to and approved in writing by the Local Planning Authority.

- (a) Two Habibat 001 bat boxes (one on each dwelling) or similar to be built into the structures at least four metres above ground level and away from windows of the south facing elevations.
- (b) A cluster of five Schwegler 1a swift bricks (5 on each of the dwellings) or similar to be built into the wall at least 60cm apart, at least 5metres above ground level on the north facing elevations of the dwellings.
- (c) One Vivara Pro Woodstone Nest Box (32mm hole version) or similar mounted between 1.5 metres and 3 metres high on the northerly facing aspect of trees.
- (d) One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5 metres and 3 metres high on the northerly facing aspect of trees.

- (e) Any new fencing to have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- (f) One log pile as a resting place for reptiles and or amphibians constructed on the southern boundary.

Photographs showing the erection or installation of these ecological enhancement measures shall be submitted to the Local Planning Authority by the applicants/developer and the Local Planning Authority shall acknowledge receipt and confirm its acceptance of the photograph within 21 days thereafter following its receipt.

Thereafter, such ecological enhancement features shall be retained and maintained in-situ and shall not be removed, either in whole or in part, without the prior written approval of the Local Planning Authority. Under no circumstances should blocking of these approved bat, nest and bird boxes and hedgehog holes be carried out and they shall be kept free from vegetation.

Reason: The provision of, and submission to, and written confirmation of acceptance by, the Local Planning Authority of the photographs of the stated ecological enhancement measures is fundamental to ensure that the development contributes to the Government's target of no net biodiversity loss as set out in the NPPF, Policy EQ4 of the South Somerset Local Plan, and obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

17. Prior to first occupation of any of the dwellings hereby permitted, a scheme of foul drainage and effluent disposal shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: To safeguard against pollution, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

18. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps has been provided for each dwelling within its associated garage and/or parking area. Such provision shall be in accordance with details indicating the siting, design, rating and appearance of the EVCP which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for each dwelling for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

19. All garaging, parking and turning spaces shall be provided and laid out in accordance with the approved plans prior to first occupation of the dwellings, and thereafter shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings hereby permitted to which they serve, and kept permanently free from any other forms of obstruction. Nor shall the proposed garages be used for, or in connection with, any commercial trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

20. There shall be no burning of materials arising on site during any phases of site clearance and redevelopment and noise emissions from the site during the course of implementing the approved development (i.e. any clearance and redevelopment of the site) shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mondays to Fridays inclusive - 08.00 hours to 18.00 hours
Saturdays - 08.00 hours to 13.00 hours.

At all other times, including Sundays, Bank and Public Holidays, there shall be no noisy activities carried out on the site which shall be audible from the boundary of any noise sensitive dwelling.

Reason: To safeguard residential amenity of neighbouring residential properties prior to and during the construction of the approved development and to ensure there is no detrimental effect upon the amenities of the area in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

21. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations); and
- (d) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (e) Part 2, Class A (gates, fences, walls or other means of enclosure);
- (f) Part 2, Class B (means of access to a highway);
- (g) Part 2, Class C (exterior painting);
- (h) Part 14, Classes A and B (solar equipment);
- (i) Part 14, Classes C and D (ground and water source heat pumps);
- (j) Part 14, Class G (air source heat pump);
- (k) Part 14, Classes H and I (wind turbine for microgeneration).

Reason: To enable the Local Planning Authority to exercise control over development in order to:

- (i) safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or other alterations within the curtilage of the dwelling, or inappropriate fencing, walls or other means of enclosure;
- (ii) prevent unacceptable harm being caused to the residential amenity of occupiers of nearby property;
- (iii) ensure there is no resultant detriment to ecological, environmental and biodiversity interests;
- (iv) safeguard on-site parking and circulation areas; and
- (v) ensure there is no unacceptable surface water run-off,

having regard to Policies EQ1, EQ2, EQ3, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. Legal Agreement

This permission shall be read in conjunction with the planning obligation by way of unilateral

undertaking dated xxxxx made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) given by xxxxx to South Somerset District Council and dated xxxxxx 2021.

02. CIL

Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

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

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

03. Bats and Bat Roosts

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

04. Birds

The developer/applicant is reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

In the event that vegetation removal will be taking place then further consultation must be sought prior to this.

05. Shrub Planting

In respect of condition 13, all new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

06. Lighting

In respect of condition 15, light could cause nuisance to ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council, and also Guidance Note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

07. Highway Works

The applicant may be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and the applicant is advised to contact Somerset County Council to progress this agreement at least four weeks before starting such works.