

Officer Report On Planning Application: 21/00485/FUL

Proposal :	Change of use of land to provide a commercial vehicle storage facility with revised access (Retrospective)
Site Address:	The Willows , Lattiford, Holton, Wincanton, BA9 8AF
Parish:	Holton
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr H Burt
Recommending Case Officer:	Ben Gilpin (Case Officer) Tel: 01935 462070 Email: ben.gilpin@southsomerset.gov.uk
Target date :	25th May 2021
Applicant :	Mr & Mrs Clements
Agent: (no agent if blank)	Mrs Lydia Dunne The Hollies Cabbage Lane Horsington Templecombe BA8 0DA
Application Type :	Other Change Of Use

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 considers the application should be determined by the Committee due to opposition that has been raised by the Parish Council and others, and having regard to considerations such as highway safety, flood risk and visual amenity.

SITE DESCRIPTION AND PROPOSAL

The application seeks retrospective full planning permission for the use of land to provide commercial vehicle storage (predominantly caravans (up to 135 spaces) and a small area for additional storage (seven units in a former stable block)). The ground is laid to a porous hard core. Public Right of Way (PRoW) WN13/4 (footpath) crosses the existing point of access (and would cross the proposed access)).

The proposal seeks permission for an amended point of access to that currently in place. Access would be onto the A357 (in a location where the speed limit is 30mph).

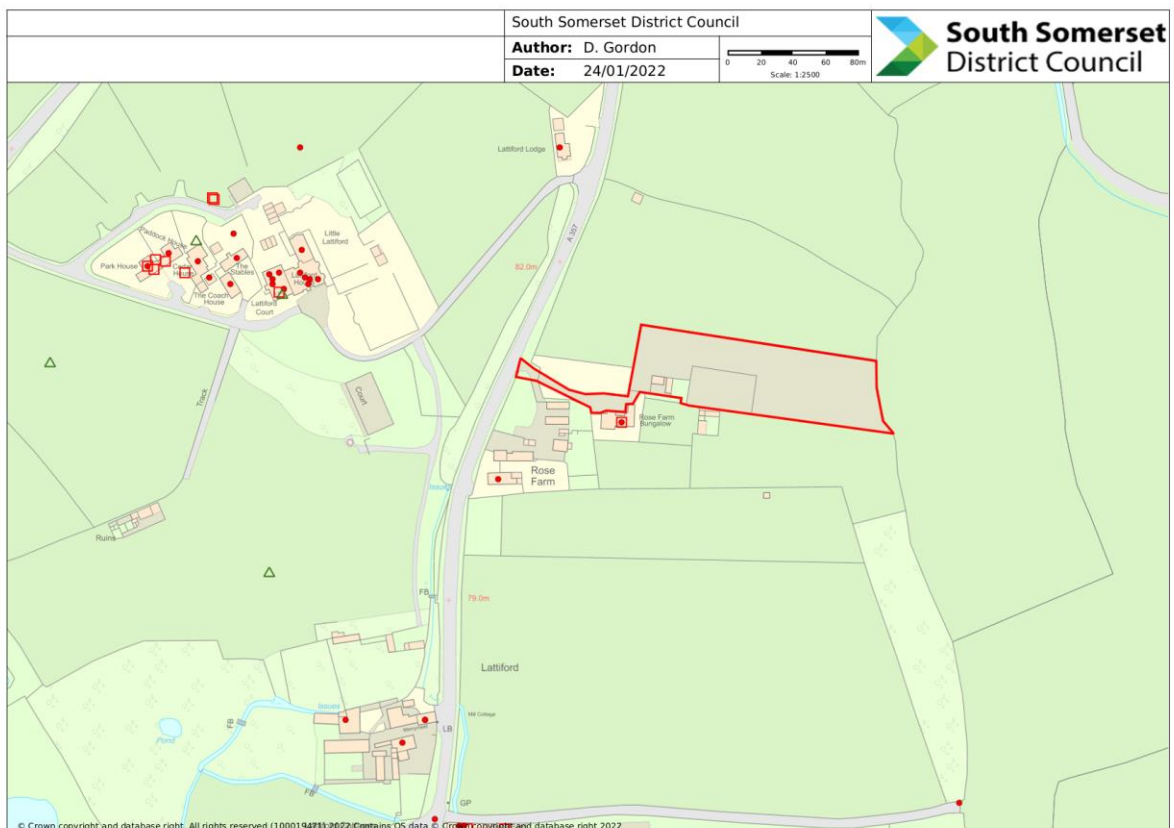
The site is circa 630 south of the A303 Trunk Road (with the nearest junction onto the A372 / A357 at Wincanton circa 1.4km north east of the site).

The site is in the open countryside but has no statutory designation constraints.

There are two listed buildings (both Grade II Listed Buildings) near the site, with the nearest being Rose Farm circa 90 metres to the south east of the storage area.

The height of the majority of vehicles stored at the site do not exceed metres.

The site is in Flood Zone 1.



RELEVANT HISTORY

99/00746/FUL - The retention of stables (renewal). Approved 10.05.1999

95/06023/FUL - Alterations and erection of extensions to bungalow and formation of a

schooling area for family horses. Approved 04.04.1995

POLICY

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

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

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

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy EQ2 - Design and General Development
Policy EQ3 - Historic Environment
Policy EQ4 - Biodiversity
Policy EQ7 - Pollution Control

** The South Somerset Local Plan does not have (is silent) specific policies relating to storage / vehicle storage

National Planning Policy Framework - July 2021

Planning Practice Guidance (PPG)

National Design Guide - July 2021

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

NORTH VALE PARISH COUNCIL: Objection (20th July 2021)

"One councillor declared an interest and did not vote. The remaining councillors have the same concerns as before (as per our email of 21st April 2021). Councillors also felt that the amended plan for traffic entering and leaving the site was not wide enough to allow cars and caravans to come in and out of the site at the same time.

The Parish Council is still opposed to this application."

SSDC HIGHWAYS: No objection subject to planning conditions

"The submitted plans show the provision of 2.4m x 60m visibility splays which would be commensurate with 85th%ile speeds of 37mph having regard to the appropriate visibility splay design criteria, i.e., above the 30mph speed limit for this section of the A357. There should be no obstruction greater than 600mm above adjoining road level within the visibility splays (not mentioned on the plan). Looking at the Streetview imagery, it appears that a small clump of trees (three small trunks) may have to be removed to provide the northerly visibility splay. However, it appears that the visibility splays can be provided within the extent of the existing

public highway limits.

With regard to the geometric layout of the access, the proposed entrance now appears to be 6.5m wide incorporating junction radii of 7.5m, before the access road narrows to 5m at the gates. I consider such geometry to be sufficient for this type of development scheme and the type of traffic it would generate. The details in respect of the proposed surfacing of the entrance for the first 12m, the installation of drainage measures to prevent surface water from discharging onto the public highway (I note the plans state the provision of an ACO drain across the entrance that would need to lead to a private soakaway, if the ground conditions are suitable), and the location of the entrance gates set well back from the carriageway edge are all deemed acceptable.

In the event that planning permission is granted, I recommend conditions are imposed securing all the above details."

SCC HIGHWAYS: Standing Advice

"SCC comment: see PROW WN 13/4."

SCC PRoW: No objection subject to informative

"Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site and along part of the access at the present time (public footpath WN 13/4). I have attached a plan for your information.

The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit.

Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to the following:

1. Specific Comments

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path WN 13/4. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

2. General Comments

Any proposed works must not encroach onto the width of the PROW.

The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure / stopping up / diversion) or other authorisation has come into effect/ been granted.

Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has

maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- * A PROW being made less convenient for continued public use.
- * New furniture being needed along a PROW.
- * Installing any apparatus within or across the PROW.
- * Changes to the surface of a PROW being needed.
- * Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- * make a PROW less convenient for continued public use; or
- * create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/applyfor-atemporary-closure-of-a-right-of-way/>

SCC ECOLOGY: No objection subject to planning conditions

"Based on the ... assessment by Quantock Ecology, I have the following

It is understood that the proposal does not include any external lighting. However, if this is incorrect, or the proposal change to include any external lighting the following condition is recommended:

1) Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

2) No vegetation removal works around the site shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides 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 by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

3) All habitat features to be lost (including trees and hedgerow) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. A landscape and planting schedule plan will be submitted to and approved in writing by the Local Planning Authority prior to occupation of the extension

Reason: In the interest of no net biodiversity loss as per the National Planning Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

4) Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. A strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

5) Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

Please attach the following informative to any planning permission granted:

* The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Please attach the following informative to any planning permission granted:

I am satisfied that the site provides negligible potential for roosting bats. However, due to the opportunistic behaviour of some bat species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted:

* 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 unlikely 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.

A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

- A) One Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter
- B) One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter
- C) One Schwegler 2F bat boxes or similar will be mounted at least 4m high above ground level on the south or east facing aspects of trees and maintained thereafter.
- D) Installation of one insect hotel (National Trust Apex insect House or similar), to be installed on the southern boundary of the site.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

As long as the above is implemented as worded, I have no further comment at this time.

SSDC ENVIRONMENTAL HEALTH OFFICER: No objection

"I would not object to this retrospective application from an environmental point of view as the chances of a statutory or public nuisance occurring are relatively small and would not be enough to require an objection or conditioned response."

REPRESENTATIONS

At the time of writing 99 comments had been received (57 letters of support; 42 letters of objection)

The letters of support cite:

- Provides a beneficial public service for caravan storage
- Cannot result in pollution as site is for storage
- Well screened from public view
- Not to the detriment of highway safety (with revised access)

The letters of objection cite:

- Planning creep
- Highway (access and safety)
- Ecological Impact
- Setting of Listed Buildings
- Pollution (in groundwater sources)

CONSIDERATIONS

Principle of Development

The proposal seeks retrospective planning permission for the retention of the area of hardstanding for the siting of 135 vehicles (caravans) and dry storage area (in previous stable block).

The scheme seeks planning permission for modified vehicle access onto the A357.

The South Somerset Local Plan has no explicit policies relating to commercial storage, and the location has no site-specific policies that constrain this form of development.

Of relevance in this instance is Section 11 of the NPPF 2021. It reads:

"11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

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

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

In this case, Section 11(d) is important as there are no relevant development plan policies for outdoor storage.

It is noted that the site is not in an area benefiting from certain protections (such as Article 2(3) Land (AONB, National Parks, Conservation Areas etc.), so Section 11(d)(i) does not apply.

Comments received referring to 'planning creep' are acknowledged. However, each planning application is considered on its own merits, and were a subsequent application received that sought to expand operations, then this would be considered at that time, against the Development Plan in place in the future.

Therefore it is considered the proposal for the retention of the development is acceptable in principle and should be approved unless approving the scheme would have adverse impacts that would 'significantly' and 'demonstrably' outweigh benefits, when assessed against policies of the 'Framework' taken as a whole.

Knowing the above, the development can only be acceptable in principle, subject to accordance with other policies of the Development Plan.

Highways

It is noted a number of members of the public have objected to the retention of the development on the grounds of impact on the highway.

However, in this case the Statutory Consultee has stated they would have no objection subject to the inclusion of planning conditions. In this instance it is considered that the development would not in itself result in an increase of users and would have a benign effect on the wider highway network.

Knowing this it is not considered the scheme would be to the detriment of highway safety, access and egress via the proposed new access point is considered acceptable and as such the proposal could be supported as it would accord with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

Public Rights of Way

The existing and proposed points of access to the site are intersected by footpath (PRoW) WN13/4.

In relation to the consultees 'Specific Comments' verbal assurance has been provided that the

applicant does have an all-purpose vehicular right to the property along (across) path WN 13/4 (s is the case at present).

In this instance the statutory consultee has not objected to the proposal, subject to the inclusion of planning conditions / applicant informatives and knowing this it is not considered the proposal would be to the detriment of users of the PRoW (over or above that currently experienced).

Amenity

In this instance, with the development staying within the constraints of the existing site, together with landscape buffer treatments to offset effects, and knowing there would be no direct lines of sight between the proposed users and the nearest homes (beyond the two properties identified in the Heritage section below, the next nearest property is circa 260 metres to the south, with the boundary of the village of North Cheriton (and associated properties) being circa 1.2km distant), impact on amenity from visual intrusion of noise associated with the parking and or manoeuvring of trailers would be minimal.

Furthermore, with the land in the area being predominantly flat, the intervening hedgerows and trees, together with distance, mitigate any visual intrusion that might be perceived by neighbouring users.

In relation to comments (objections) received citing pollution, it is noted that the proposal is for the retention of a facility for the storage of vehicles (principally caravans) and the site does not provide facilities for the discharge of material into the ground. In addition, as each vehicle is technically a 'sealed unit', no points of discharge from them (the vehicles) to the ground would be available.

The site has no external lighting.

In light of the above, it is considered levels of amenity as would be / are experienced would be at acceptable levels, in accordance with Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan 2006-2028.

Heritage Assets

The site is identified as being circa 90 metres distant from the nearest listed building. There is an additional listed building circa 220 metres to the west of the site. Both buildings are Grade II Listed.

The site is well screened from the listed building to the south west by the existing bungalow at the site, and a number of intervening trees.

The site is well screened from the listed building to the west by hedgerows and trees (and the intervening A357).

In this instance, as the site is not within a Conservation Area and is suitably distant from listed buildings, and the level of harm to heritage assets that might result from the proposal is near benign (due to its screening and low level nature).

Were it perceived that the development were to qualify as 'less than substantial harm', consideration of paragraph 202 of the National Planning Policy Framework 2021 (NPPF) would be required. This paragraph reads:

"202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

From the sites planning history, and change of land to equine use (so not agricultural or

forestry), consideration of part of the site as 'previously developed land' is needed - notably the stables area and land to the east of the stables (this ménage area being circa 900 square metres (it is evident from aerial photos that expansion of the land use for storage did not occur until a period between 2016 and 2018)).

For clarity, the NPPF provides the following definition:

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

As a period of 10 years has not lapsed since first change of use of land identified it is accepted the area could be the subject of enforcement action as it (the land and associated development) is within the time limit prescribed in s.171b of the Town and Country Planning Act 1990 (as amended).

In terms of public benefits, the following definition is considered appropriate:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development."

The scheme as detailed would provide an economic benefit (albeit small and limited to the sites proprietor), and could also be claimed to provide a social benefit (safe storage of vehicles), together with landscaping (that would be an environmental public benefit).

Knowing the location of the site is not visually incongruous, and that there would be a continued public benefit (albeit small) sufficient to counter any levels of perceived harm to heritage assets, and that, in part, the land qualifies as 'PDL', it is considered the development accords with the requirements of policy EQ2 and EQ3 of the South Somerset Local Plan as it would preserve the setting of identified heritage assets as well as provide additional longer term screening through landscaping.

Contamination

Objections have raised concerns relating to possible contamination of water courses from the activity on site.

In this instance the Environmental Health Officer has not raised an objection in relation to such concerns. In addition, although the use of the site does not allow for discharge from caravans, were there to be any form of spill or leak, there are other existing Legislative Regimes in place to address such issues (such as the Environmental Protection Act 1990).

Repetition of such controls is not the duty of the planning system, and as such it is not considered the retention of the use at the site would be to the detriment of the wider environment, and if there were an issue, existing powers are in place to address matters.

Phosphates

The site is not identified as being within the Somerset Levels and Moors Ramsar Site Catchment Area. Therefore a Habitats Regulations Assessment (HRA) is not required and as the site is beyond the catchment it is considered that, in this instance the development would not be to the detriment of the Ramsar Site, and the approval of a scheme would accord with

Policy EQ4 of the South Somerset Local Plan as the proposal would not affect the biodiversity value of the protected site.

Conclusion and Planning Balance

The development proposes the retention of the existing storage use for 135 vehicles, together with storage use in the existing stable block, new access onto the A357 and landscaping of the site.

In summary, as the scheme would not be to the detriment of the character of the area, not have an effect on ecology, highways or setting of heritage assets, would provide public benefits and it is considered the scheme accords with the Development Plan, notably Policies SD1, SS1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the NPPF 2021.

RECOMMENDATION

Planning Permission be approved subject to planning conditions.

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to amenity in accordance with the aims and objectives of the Development Plan (subject to planning conditions).

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (1:2500 @ A3);
2021-001 (Site Plan - Proposed);
2021-003 (Landscaping Plan);
1156/001;
1156/002;
Shed (Floor Plans / Elevations)

Reason: In the interests of proper planning and for the avoidance of doubt.

03. Within six months from the date of this decision notice, all works as detailed on the approved drawings in relation to the approved new access to the site shall have been implemented, and shall thereafter be retained in perpetuity.

The proposed surfacing of the entrance, for the first 12m, shall be of a consolidated surface such that no debris is taken from the site onto the public highway.

The development must also have installed appropriate drainage measures to prevent surface water from discharging onto the public highway.

The position of entrance gates to the site must be set well back from the carriageway edge, sufficient to allow for a vehicle and trailer to be fully off the highway, and all gates shall swing inwards towards the site (and not outwards towards the public highway).

Reason: In the interest of highway safety and to accord with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028)

04. Where external lighting may be proposed, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of construction of the approved access. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

05. No vegetation removal works around the site shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides 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 by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

06. All habitat features to be lost (including trees and hedgerow) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. A landscape and planting schedule plan will be submitted to and approved in writing by the Local Planning Authority prior to commencement of works relating to the formation of the new access to the site.

Reason: In the interest of no net biodiversity loss as per the National Planning Policy Framework and policy EQ4 of the South Somerset Local Plan.

07. Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. A strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works relating to the formation of the new access to the site.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan.

08. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan.

09. All planting in relation to the approved landscaping scheme, as detailed on approved plans, shall be completed within the first planting season after commencement of works relating to the formation of the new access to the site, and all planted trees / shrubs shall thereafter be maintained for a minimum period of 5 years, with any dying, diseased or dead specimens being replaced with trees / shrubs of comparable size and species.

Reason: In the interests of surrounding amenity and biodiversity gain, in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

10. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to commencement of use of new access. The content of the BEP shall include the following:

A) One Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

B) One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

C) One Schwegler 2F bat boxes or similar will be mounted at least 4m high above ground level on the south or east facing aspects of trees and maintained thereafter.

D) Installation of one insect hotel (National Trust Apex insect House or similar), to be installed on the southern boundary of the site.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

Informatives:

01. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure / stopping up / diversion) or other authorisation has come into effect/ been granted.

Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has

maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- * A PROW being made less convenient for continued public use.
- * New furniture being needed along a PROW.
- * Installing any apparatus within or across the PROW.
- * Changes to the surface of a PROW being needed.
- * Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- * make a PROW less convenient for continued public use; or
- * create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/applyfor-atemporary-closure-of-a-right-of-way/>

02. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

03. 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 unlikely 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.