

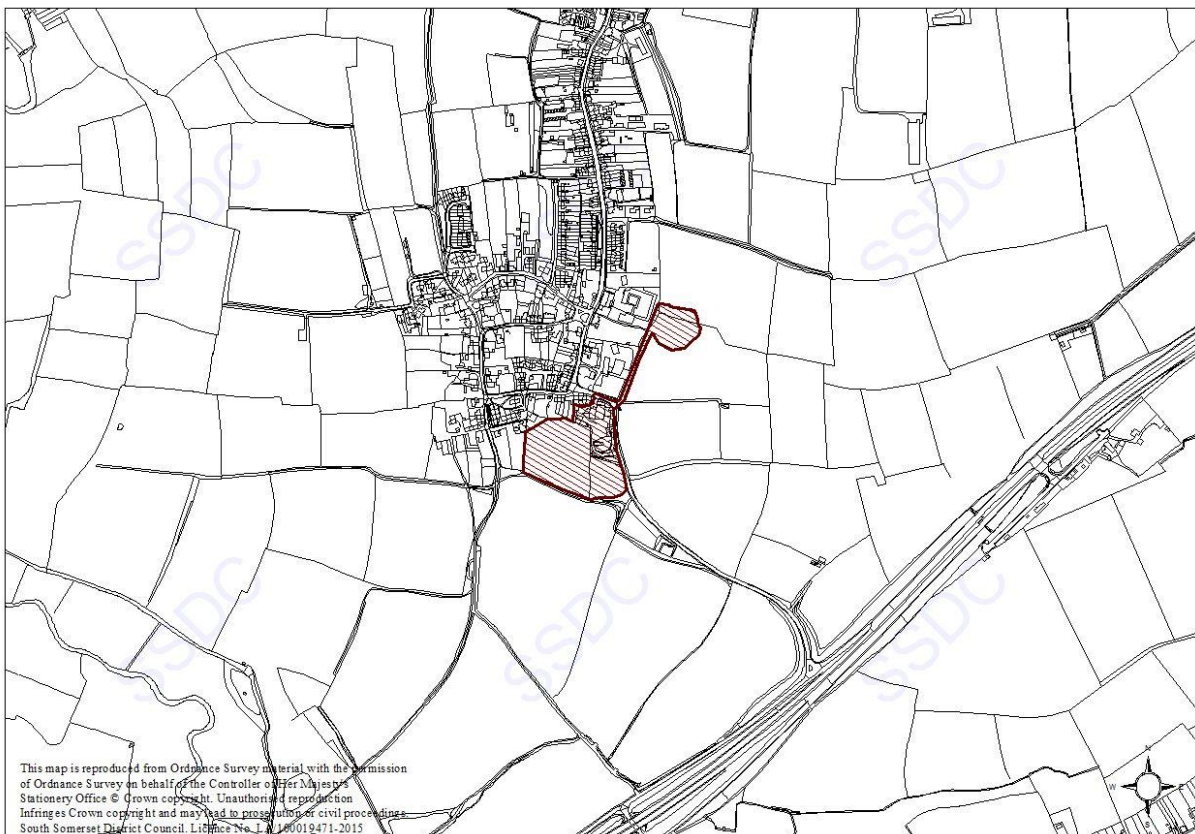
Officer Report On Planning Application: 14/04723/FUL

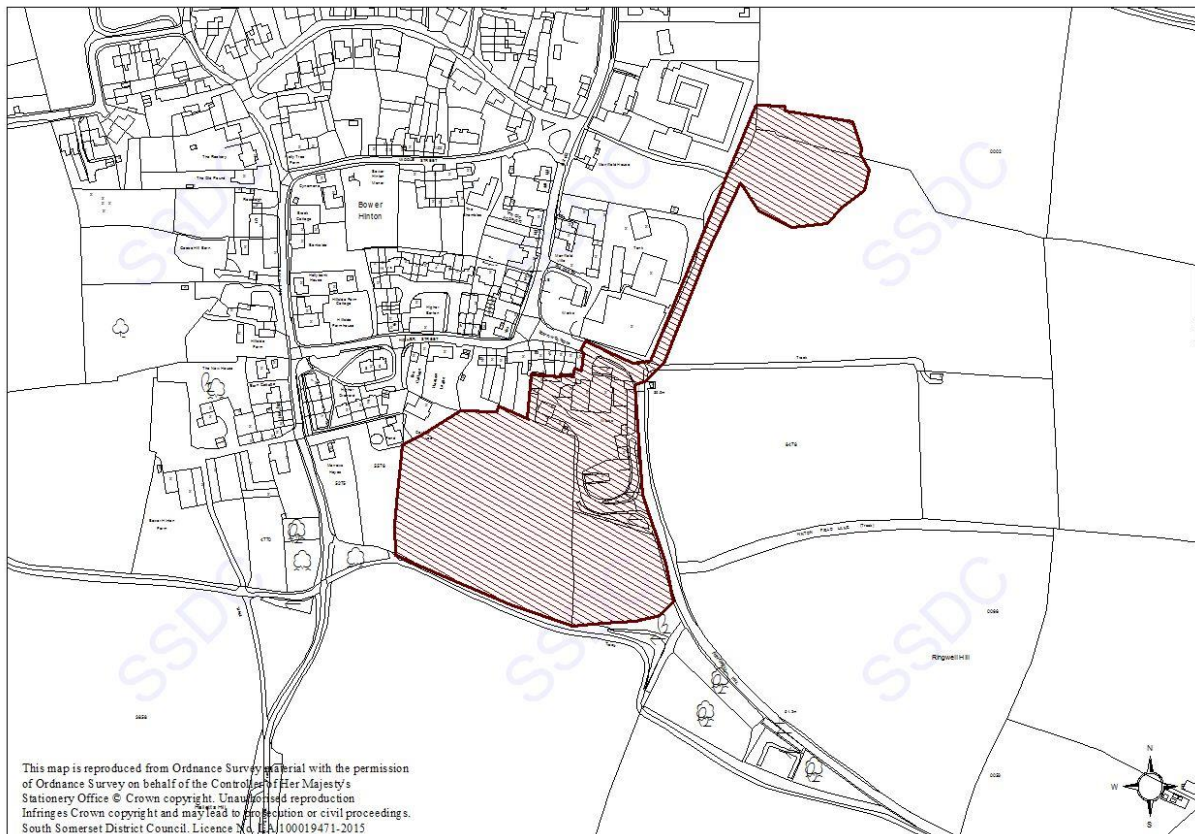
Proposal :	Proposed residential development of 49 dwellings, public open space and associated infrastructure, including drainage attenuation pond (GR: 345626/117743)
Site Address:	Land OS 6375, Ringwell Hill, Bower Hinton.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Graham Middleton Cllr Neil Bloomfield
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	20th January 2015
Applicant :	Mr Richard Mead
Agent: (no agent if blank)	Alex Bullock, WYG, Hawkridge House, Chelston Business Park, Wellington TA21 8YA
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee as the recommendation to approve is contrary to saved policy MART/ME/2 of the Local Plan.

SITE DESCRIPTION AND PROPOSAL





This 3.08 hectare site is located in the southern part of Bower Hinton. The main part lies to the west and south of the B3165. It is bounded to the north by the rear of properties on Higher Street (the B3165), to the east by the B3165, to the south by agricultural land, and to the west by the rear of houses on Back Lane and Higher Street. The existing boundary treatments are hedges and trees to the south and west, the vegetated and banked road side back to the east and a variety of domestic garden boundary treatments to the north.

The site is fairly level along its southern edge with a general fall towards the north east, where there are a number of single storey farm and industrial buildings. Along the north east and east boundary the site is elevated approximately 3m above the road. There are views to the north from the southern part of the site.

The second part of the site lies to the North of the B3165, to the rear (east) a group of industrial buildings. Vehicular access to the main part of the site is from the B3165 to the east and there is a pedestrian access to the north to North Street. There are public rights of way along the southern boundary of the main part of the site and the western boundary of the second part of the site.

The site is c.0.6km north of the A303 and about 2km from the village centre and is currently used for employment (B1/B2/B8) uses and agricultural purposes (grade 3 land). It is adjacent to the conservation area and although the existing industrial buildings are unlisted there are listed buildings on the northern boundary of the main part of the site which is allocated for employment uses in the local plan

The proposal for 49 dwellings and associated access via the existing access on the main part of the site and drainage works on the second part of the site to the north of the B3165. An area of off street parking would be provided within the site for residents of existing properties fronting onto Higher Street. The dwellings comprise:-

- 27 x four-bedroom houses
- 7 x three-bedroom houses
- 9 x two-bedroom houses (including 6 bungalows)
- 6 x one-bedroom flats

131 parking spaces would be provided for the houses, together with 10 visitor spaces and 12 spaces for existing residents of Sparrow Cottages. An area of open space, including a LEAP, would be provided on the Ringwell Hill Frontage.

The application is supported by:-

- Design and Access Statement
- Planning Statement
- Transport Statement (updated July 2015)
- Statement of Community Involvement
- Commercial Assessment & Viability Report
- Ecological Impact Assessment
- Flood Risk Assessment (updated July 2015)

During the application a great crested newt mitigation proposal, a Heritage Statement and Impact Assessment, additional marketing information regarding the existing employment buildings and an amended off site highways works plan has been provided. Reconsultations have been carried out. A request was made to English Heritage to list the existing industrial buildings, however this was rejected.

RELEVANT PLANNING HISTORY:

05/00887/OUT: Proposed new industrial development and works to highway. Area North committee resolved to approve this application in July 2005. This was subsequently ratified by the Regulation Committee on 21/02/06 subject to a conditions and a s106 agreement. The S106 provided for:-

1. Widening of the carriageway at the Ringwell Hill and the provision of a footway north from the site access or the contribution to the cost doing so.
2. The contribution to the costs of any necessary TROs to cover weight and speed restrictions:
3. a Routeing Agreement so that HGVs will access via the A303.
4. The contribution to the costs of providing additional signage.
5. Travel planning.
6. Maintenance of the landscape buffer zones.

The conditions included:-

19. 30m landscape buffer to the north and west side of the site
28. Restricted working hours – 0800-1900 Mon-Fri and 0800-1300 Sat
29. No deliveries outside these hours
30. No external equipment
31. No air extraction system
32. No outside working
33. No outside storage

The applicant disputed conditions 28 and 29 contending that they were unreasonable and unnecessary and would render the proposal unviable. The matter was reconsidered by Regulation Committee on 17 July 2007 when it was reported that the Environmental Health Officer objected to the variation to conditions 28 and 29. Members resolved that “*amendments to Conditions 28 and 29 of planning permission granted on 21st February 2006 be refused.*”

Following this second resolution additional information was sought regarding the possible impact on protected species (great crested newts). At the time the applicant was keen to progress the proposal, however due to the restrictive conditions it was felt that the employment permission would not be viable and no progress was made. The application however has not been withdrawn and the resolution to approve industrial development on this site remains.

941451 Outline permission granted for light industrial development of land along the B3165 frontage. This was subsequently renewed in 1997, 2000 and 2003 but not implemented.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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)

SS1 – Settlement Strategy – identifies Martock/Bower Hinton as a rural Centre

SS3 – Delivering New Employment Land – sets out a need for 3.19 hectares of additional employment land for Martock/Bower Hinton over the plan period. To date 1.45ha has been delivered with the remaining 1.74ha to be delivered between now and 2028.

Policy ME/MART/2 of the previous local plan has been saved and forms part of employment land commitments at Martock in Policy SS3. This states that:-

Land west of Ringwell Hill (also known as land south of Higher Street), Bower Hinton, Martock amounting to 1.8 hectares (4.4 acres) is allocated for employment use (class B1, B2 and B8 uses). The development will be subject to the following:

- *Existing vehicular access to be upgraded;*
- *Landscaped buffer zone along northern and western boundary between existing settlement and proposed development;*
- *Retain and substantiate existing hedgerow along eastern and southern boundaries;*
- *Landscaping along southern boundary on land to east.*

SS4 – District Wide Housing Provision – sets the overall target for the delivery of at least 15,950 houses over the plan period

SS5 – Delivering New Housing Growth – sets out a need for at least 230 houses in Martock/Bower Hinton over the plan period. As at March 2015 77 dwellings had been completed in the first 9 years of the plan period, with a further 196 committed (i.e. under construction or with extant permission), meaning that around 273 are already being ‘delivered’ at Martock.

SD1 – Sustainable Development

SS6 – Infrastructure Delivery

SS7 – Phasing of Previously Developed Land

EP3 – safeguarding Employment Land

HG2 – The Use of Previously Developed Land for New Housing Development

HG3 – Provision of affordable Housing

HG5 – Achieving a Mix of Market Housing

TA1 – Low carbon travel

TA4 – Travel Plans

TA5 – Transport Impact of New development

TA6 – Parking Standards

HW1 – Provision of open space, outdoor playing space, cultural and community facilities in new development

EQ1 – Addressing Climate Change in South Somerset

EQ2 – General development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ5 – Green Infrastructure

EQ7 – Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

Other Material Considerations

On 3 September 2015 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

CONSULTATIONS

Martock Parish Council – initially recommended refusal on the grounds:-

1. *The development would be unsustainable due to:*
 - a) *the distance the nearest general food store and other amenities, including the surgery, are over 2000m away, (Bower Hinton Stores having closed), the primary school is 2,600m away.*
 - b) *The pavements from the site down to the centre of Martock are narrow, missing on some stretches and change sides 4 times requiring multiple road crossings by pedestrians.*
 - c) *There are only 3 buses per day into the centre of Martock*
 - d) *Cycling is very difficult due to the steepness of the incline of Main Street, the parked cars narrowing the road in several spaces to 1 vehicle width and the traffic on 2 blind corners.*

Therefore the site lacks realistic sustainable transport options other than the predominant use of the private car, contrary to the objectives of Policy ST3 and ST5.
2. *The loss of the existing employment land and industrial buildings which until recently employed over 20 people. The emerging Local Plan has proposed that in line with the target 230 dwellings there be a provision for 3.19 ha of new employment land required in the parish to encourage the provision of 163 additional jobs to maintain the sustainability of the settlement through to 2028 to retain the existing level of self-containment. This application loses nearly a hectare of existing employment land.*
3. *Demolition of existing heritage/ industrial landmark buildings; at least one of which is understood to be listed.*
4. *The development would not maintain the environment in that it is sited on rising ground above the existing residential area of Bower Hinton, losing agricultural land.*

In relation to the revised off-site footpath improvements:-

“The Parish Council considers that it has not received sufficient advice from County Highways to make an informed decision, and is therefore prepared to accept the proposal which SSDC considers to be the safest option for all users based on County Highways advice.”

SCC Highways Officer - initially requested additional information regarding the pedestrian access, visibility splays and the suggested TROs. A number of technical issues and travel plan failings were identified. Following the submission of amended plans the County Council raises no objection, subject to:

- the applicant entering into a s106 agreement to secure:
 - the off-site highway works, including the proposed north-south footpath link, associated works to improve pedestrian safety on the section of B3165 north of the development, visibility splays and proposed change to extent of 30mph speed limit; and
 - the travel plan; and
- conditions and informative notes relating to highways, access and parking being attached to any permission granted by your authority:

Comments awaited at the time of writing in relation off site footpath improvements.

Highways Agency – no objection.

SSDC Policy Officer – No objection to the number of houses, which, given the permissive approach of SS5 and other permitted schemes, is felt to be appropriate to Martock. However concern was raised to the loss of employment land:-

“employment land completions and commitments in Martock (2006-2013) have no way near exceeded the minimum figure (0.27 hectares completed), which already illustrates an imbalance in favour of residential growth, and the loss of this site will have a further impact on this position.

“The site is identified for employment use as explained, and paragraph 19 of the NPPF is clear that the planning system should do everything it can to support sustainable economic growth. Local Plan Policy EP3 seeks to protect employment land. It should be noted that Policy EP3 allows residential redevelopment where there is an identified need for additional housing which overrides the economic reasons in favour of retention of the land. Given the above, I do not believe that such a case has been made and the applicant makes little reference to the need for the allocated site, although a marketing exercise has been undertaken for the existing employment site (Sparrow Works) which colleagues in Economic Development are commenting on. Rather than addressing the loss of employment land, the applicant argues that the residential development of the site is acceptable on the basis that the Council lack a 5 year land supply. Insufficient detail has been provided by the applicant to comply with Policy EP3.

“On the basis of the above, the application appears not to be in compliance with para 19 of the NPPF and Local Plan Policies SS3, SS5 and EP3.”

Subsequently, and in light of the updated market appraisal, which suggests that the previously approved commercial scheme would not be viable in the current market, it is observed:-

“Discussions with colleagues in Economic Development suggest that the commercial assessment and viability assessment is robust, however I would urge them to provide a formal response on this matter as it is crucial to the judgement that needs to be made when assessing this site and its future development.

“As explained in my earlier comments, the site contributes to the supply of employment land in Martock. There is a requirement for 3.19 hectares of employment land over the plan period to support 99 B use jobs. Only 0.27 hectares had been completed between 01/04/06 and 01/09/14. An application has been submitted for 1.29 hectares of land to support 6 additional jobs (15/01865/OUT) this is currently pending consideration.

“The application is contrary to the Local Plan as previously stated, but if this site is unviable for commercial development, being mindful of the NPPF and in particular paragraphs 14 and 22, a judgement needs to be made as to whether the application should be determined in accordance with the Local Plan or whether the further evidence equates to material considerations that indicate otherwise (para 210, NPPF).”

Economic Development – considers the marketing appraisal to be reasonable. Whilst the site maybe identified for employment land it is not considered that it would sustainable to argue against the appraisal.

Area Development – No comments received.

SCC Drainage (as LLFA) - Comments awaited.

SSDC Engineer – accepts strategy and proposals set out in FRA, subject to agreeing technical detail and future management by condition. Requested clarification of outfall from attenuation pond.

Wessex Water – no objection subject to surface water being kept out of the foul sewerage system and no buildings or new trees with 6m of water mains. Any improvements required to the supply network can be requisitioned under the Water Industry Act 1991.

Somerset Drainage Boards Consortium – no objection subject to agreeing technical details.

Environment Agency – no objection subject to conditions to secure agreement of technical details and future management of drainage system.

SSDC Landscape Architect – Considers that:-

“This is a site that has never been favoured in landscape terms, and the allocation of the site as employment land within the current local plan was made without landscape support. In landscape terms, this is not a favoured development site, given its topographical prominence relative to the existing residential edge; whilst in relation to the conservation area, which lays immediately to the north west of the site, it lays above the general level of Bower Hinton’s historic core, for any potential development at this elevation to be at variance with that of the settlement. This incongruity has the potential to be quite imposing in close proximity, and can be viewed as incongruously sited when seen at distance from the Foldhill Lane area, and from ROWs to the east. Consequently whilst there is no substantive landscape issue with redeveloping the existing Works area, the larger, more elevated land to the south is not considered to have a sympathetic correspondence to the conservation area, and generally has a tenuous, peripheral relationship to the settlement as a whole.

“Putting the issue of principle aside, I can say advise that the submitted proposal has addressed a number of my previous concerns, in that (i) the built edge is pulled back from the east boundary, to avoid over-dominance of built form along this edge (due to the level differential relative to the road); (ii) the badger sett in the southeast corner is accommodated within an open space area, and (iii) existing and proposed planting within the open space area assists with playing down site profile as viewed from the east and southeast; and (iv) housing along the southern – elevated – boundary is well broken, to ensure that housing mass is not too prominent against the skyline.

“I note that a comprehensive landscape proposal is offered – drawing no; 624 01B. Other than the use of betula and sorbus within the tree planting, which are not typical of the locality; nor suited to the local soils, nor offer long-term presence, and thus should be omitted, the remainder of the proposal is sympathetically designed. If you are minded to approve, please condition that once amended, the landscape plan is implemented in full on completion of the construction works. If the build-out rate is likely to take longer than 18 months, such planting should be phased, to tally with development progress on site.”

Subsequently a revised landscaping scheme has been provided. Whilst a landscape objection is maintained it is accepted that the amended scheme overcomes previous concerns about the planting schedule.

SSDC Conservation Officer – initially raised concerns about the loss of the historic industrial buildings and requested a historic evaluation of these structure., observing:-

“As this application stands I cannot support the principle of the complete demolition of this historic complex and am of the view that a more responsive approach would be a scheme of conversion that retained the most interesting elements and preserved the established character of the building group as espoused by NPPF 17 to encourage the reuse of existing resources including conversion of existing buildings”

Considers the modified layout to better reflect the intricate interest of the spaces within the historic setting. However the design of the buildings proposed to replace the heritage assets, although attempting to invest some reference to the historic character, remains unconvincing.

Somerset Industrial Archaeological Society – object to the wholesale redevelopment of Sparrow’s site and to the demolition of the buildings in particular. Retention and conservation of the existing buildings should be included along with full archaeological investigation and recording. Suggest that should this application be approved SIAS would press for:-

- *A buildings survey by photography and selective drawings with descriptions and historical associations where known. The Society would be looking to the standard of the Viney Bridge Report by Richard Sims.*
- *On the basis of this and additional research the buildings on site could be thoroughly assessed and where possible earmarked for conversion rather than demolition.*
- *Under the National Policy Planning Framework (Section 12: Conserving and Enhancing the Historic Environment) there already appears to be the case that some buildings could fall within the category of **non-designated historic assets**.*
- *It would be expected that the PA would contain a full Heritage Statement recognising past uses and a Design & Access Statement to show how parts of the site could be suitably merged with the proposed modern development.*
- *Any permitted development work would include archaeological monitoring for sub-surface features with keyhole excavations for interpretation where appropriate.*

SCC Archaeologist – initially requested further details on any archaeological remains prior to determination of the application.

SSDC Ecologist – notes the recorded presence of great crested newts in a garden pond on adjoining land and the destruction of a bat roost in one of the existing building. It was initially recommended that outline mitigation proposals for great crested newt be agreed before the application is determined. Subsequently it was confirmed that the additional information provided is acceptable and that Great Crested Newts are very unlikely to be detrimentally affected by this proposed development. The impact on bats needs to be assessed against the Habitats Regulations, however subject to this no objection is raised subject to safeguarding conditions

Somerset Wildlife Trust – no objection subject to safeguarding.

Natural England – recommended that the possible impact on Great Crested Newts be fully investigated prior to determination.

SSDC Climate Change Officer – does not support this application as currently presented because:-

“the opportunity to maximise solar orientation within the constraints of the site has not been taken and despite the text presented in the DAS, sustainability (e.g. energy and carbon balance) is dealt with unsatisfactorily as an afterthought rather than the initial

design principle it should be.”

SSDC Tree Officer – considers trees by their access to be of value and has placed a provisional TPO on the site.

SSDC Environmental Protect Officer – no objection subject to conditions to cover possible contaminated land and construction management

SCC Rights of Way – no objection subject to works on encroaching the footpaths.

SCC Education Officer – originally considered that:-

“A development of 49 dwellings would be expected to require 10 primary school places. Whilst there are a small number of places currently available at Martock CE Primary School, these would not be sufficient taking into account the approved developments of 95 dwellings in Coat Road (13/02474/OUT), and the 35 at Lyndhurst Grove (13/01500/OUT); and there would be a shortage of school places.

“The County Council will therefore require financial contributions to mitigate the additional pressure arising from this scheme. The cost attributable to each new primary school place is £12,257, so contributions totalling £122,570 would need to be secured through a Section 106 agreement.

“Martock is also short of available pre-school places for 3-4 year-olds. This development would equate to about one-and-a-half places being required to meet additional demand, with the capital cost per place also of £12,257, so an additional £18,385 would need to be secured.”

Subsequently it has been confirmed that the cost per place has risen to £14,007, equating to a total of £161,080.

SSDC Housing Officer – requests 17 affordable houses as follows:-

- 6 x 1bed (2 person)
- 5 x 2 bed (4 person)
- 5 x 3 bed (6 person)
- 1 x 4 bed (8 person)

SSDC Leisure Policy: requests a total contribution of £107,361 (£2,191 per dwelling) as follows:-

- Provision of a 500m² LEAP on site with 30m buffer zones to dwellings to be provided and maintained by the developer.
- £18,719 towards enhancement of existing pitches at Martock Recreation Ground;
- £38,005 towards the provision of new changing rooms at Martock Recreation Ground;
- £16,414 as a commuted sum towards the above local facilities
- £24,524 towards the provision of a new community/youth centre at Martock Recreation Ground;
- £8,636 towards the development of new indoor swimming pool in the Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil.
- Monitoring fee of £1,063

REPRESENTATIONS

67 objection letters and 4 letters commenting on the application have been received raising the following concerns:-

- Loss of employment space/employment allocation
- Narrow roads ill-suited to additional traffic, particularly larger vehicles, to due existing levels of traffic and parked car through Bower Hinton
- Loss of on street parking, passing and manoeuvring space if large bell-mouth junction at Bower Hinton/Higher Street is reconfigured
- Increased surface water run-off and risk of flooding
- Impact on protected species – bats, badgers and great crested newts
- Impact on all other wildlife
- Existing infrastructure (doctors surgery, school, roads) cannot cope
- Lack of facilities to serve additional residents (no post office, only a small shop, limited village centre parking etc.)
- New residents would simple leave via the A303 and bring nothing to Martock
- Housing not needed
- Unsustainable out commuting
- Lack of buses
- Not walkable to village centre facilities and services due to topography, narrow and incomplete pavements and lack of crossing points.
- Cycling to village centre not attractive (steep hill and narrow, heavily parked roads)
- Transport assessment manipulates figures to conclude these isn't congestion in Bower Hinton
- Loss of green field
- Design is poor
- Loss of historic working buildings

In the event permission is granted the following are suggested:-

- 30mph zone to be extended to the south
- Appropriate lighting to be provided
- Suitable visibility required at junction
- Barriers to be provide at junction to prevent users coming straight out onto the B3165
- Footpath should be provided from the pedestrian exit to the path through the village
- Safe crossing should be provided across Higher Street
- New bus stop to be provided at entrance to site
- The road through Bower Hinton/Hurst should be made one-way
- Ringwell hill should be widened
- All construction traffic should access from the A303 to the south
- There is a farm shop in Bower Hinton
- Not all Martock children go to school in the village this site is accessible to other schools

A petition against the proposal, signed by 244 people, has been submitted.

One letter of support has been received in support of the application on the grounds that Martock need to grow to address the shortage of housing. New homes will support new facilities, jobs etc.

Following re-consultations a further 31 letters have been received reiterating previous

comments and maintaining objections. Concern is maintained to the loss of historic buildings. The retention of other buildings is welcome but it is felt that this has not been done sympathetically.

CONSIDERATIONS

Principle

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 – 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In this instance, the site is allocated for industrial development and is adjacent to a Rural Centre where policy SS5 advises that a permissive approach should be taken to housing proposals.

It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "*in the context of the presumption in favour of sustainable development*" (para. 49) and that any adverse impacts would need to "*significantly and demonstrably outweigh the benefits*" (para.14).

It flows from this that the proposal cannot simply be rejected because it is outside the existing village or that the number of houses might exceed the minimum set out in the local plan. Such an approach could not be justified under either paragraph 14 of the NPPF or policy SS5 of the local plan, the permissive approach of the latter being very similar to the former.

Instead it is necessary to consider whether or not the proposal would be 'sustainable' in light of any harmful impacts, whilst giving significant weight in the planning balance to the benefits of delivering much needed housing.

Notwithstanding local concerns it is accepted that no technical consultee has raised an objection to this proposal, in its own right or cumulatively with the other schemes in Martock, in terms of highways impact, drainage, ecology or archaeology. Furthermore no infrastructure provider has objected to the scheme, subject to appropriate contributions towards education, affordable housing and leisure facilities..

Accordingly subject to appropriate conditions and a S106 agreement to secure planning obligations in relation to education, affordable housing and leisure it is considered that no significant harm would arise in respect to these areas of concern.

Concerns have been raised with regard to the loss of employment land, the cumulative levels of development proposed within Martock/Bower Hinton and to the landscape impact of this proposal. There is also considerable local concern over the highways impact of the proposal. The key issues are considered as follows.

Loss of Employment Land

The proposal would result in the loss of the existing employment space and the local plan allocation. Saved policy ME/MART/2 allocates the undeveloped part of the site as part of the overarching employment growth set out by policy SS3. Policy EP3 sets out the criteria by which redevelopments of employment land will be considered. This sets out a presumption for the retention of existing employment land unless it can be demonstrated that the loss would not *“demonstrably harm the settlement’s supply of employment land/premises and/or job opportunities.”*

The applicant has provided a Commercial Assessment & Viability Report. This concluded:-

“...there is considerable availability of development land and existing buildings nearby, Martock has a 46,294 sq m industrial estate of its own within a mile’s drive, access to this site is not ideal, the northern boundary is adjacent to residential housing and market conditions remain challenging. There are units available within Sparrow Works on the other side of the road and there are many thousands of square feet of available commercial premises within nearby towns, estates and business parks. I do not believe a commercial developer would risk a commercial scheme on this site in the foreseeable future.”

Following the comments of the policy and economic development officer an addendum report has been provided which concludes:-

“This viability appraisal, which could not be undertaken by a more experienced company than Summerfield Developments, clearly supports my view that a commercial development of this site would not be viable in current market conditions. Building materials, construction and infrastructure costs continue to rise, there are no signs of rental and capital value growth in the foreseeable future, interest rates are low which help appraisals at the moment the likelihood is that they will rise soon. I have serious doubt as to whether any developer would take on such a risky project even had a profit been shown.”

It is the view of the author that there are:-

“serious reservations as to whether a commercial development would be economically viable...[and]...I can genuinely see the site remaining undeveloped for many years to come”.

The land owner has also provided evidence of the marketing of premises on the site which states that between March 2013 and summer 2014 just one expression of interest was received. In the view of their agent the limited interest is due to the age and poor configuration of the buildings (it is suggested that it may have reached the end of its useful life).

On this basis it is considered that it would be reasonable to resist the redevelopment of the existing employment site for residential purposes as the applicant has adequately addressed the requirements of policy EP3. Furthermore the reuse of this site would achieve the objectives of policies HG2 and SS7 for the reuse of previously developed land.

With regard to the undeveloped allocation, ME/MART/2, whilst there is a resolution to approve application 05/00887/FUL the previous applicant did not feel this was a viable permission and it is clear from the historic file that there were grave local concerns about the proximity of industrial units to existing dwellings. This is reflected in the onerous operation conditions that were imposed and the large, 30m, buffer between the units and the dwellings. Although the disputed conditions were challenged and the matter reconsidered at a second meeting of the Regulation committee the Council has maintained them.

The Section106 also imposed onerous requirements including the widening of Ringwell Hill and the provision of a foot path north from the site entrance. It seems that the latter could not be safely achieved. Given the viability issues identified by the applicant's agents, the views of the policy and economic development officers and the constraints imposed by the previous resolution it is considered that it would not be reasonable or justifiable to reject the current residential scheme simply because it would result in the loss of the previous unimplementable employment scheme.

Clear evidence has been provided, and accepted, that demonstrates that the delivery of employment space as required by saved policy MART/ME/2 would not be viable or likely to come forward. No evidence has been put forward to counter the applicant's case on this issue and the governments guidance in this respect is clear in that where the development of the site has been accepted (it is allocated and there is a resolution to approve), but the proposed scheme is undeliverable, local planning authorities should take a pragmatic view and "*look for solutions rather than problems.... to secure development that improve economic, social and environmental conditions of the area.*" (NPPF, para. 187).

Cumulative Impact of Level of Development in Martock/Bower Hinton

Policies SS1 and SS5 set the settlement strategy and levels of growth respectively. It is not considered that these policies are automatically rendered out-of-date by the lack of a five year housing land supply. SS1, in designating Martock /Bower Hinton a 'Rural Centre' within the hierarchy of settlements, has taken into account the fact that:-

Development in smaller but still sizeable settlements is likely to be less sustainable and so should be geared to meet local needs and address affordable housing issues. Small scale economic activity is not considered out of keeping in these settlements in order to:

- *Support economic activity that is appropriate to the scale of the settlement;*
- *Extend the range of services to better meet the needs of the settlement and immediate surrounds; and*
- *Meet identified local needs.*

(para. 5.21 SSLP 2006-2028)

The level of growth across the District is set out in Policy SS5. The figure of 230 for Martock/Bower Hinton is a minimum and any growth above this should be assessed on its merits. The current lack of a 5 year housing land supply is a material consideration of considerable weight however, it does not negate the local plan figure, or the permissive approach, which are considered to still have weight.

As at March 2015, 77 dwellings had been completed over the first 9 years of the plan period. A further 196 dwellings are committed, at total of 273, 43 over the minimum of 230 set out in the local plan. Whilst there may be other development proposals at appeal (Foldhill Road and Stapleton Cross) it is the view of the local planning authority that these are unacceptable. It would not therefore be reasonable to factor these into the equation on the basis that the appeals might be successful.

On this basis the relevant issue is whether an additional 49 houses represents growth so far in excess of the local plan minimum figure that it would either be out of kilter with Martock's status in the hierarchy of settlement in the District or that it would undermine the district wide strategy for the delivery housing focused on the higher tier settlements (Yeovil and the Market Towns). The level and pattern of growth and identified in the local plan has been subject to a detailed sustainability appraisal. Development fundamentally at odds with this plan has the potential to cause issues such as perpetuating out-commuting, deficits in infrastructure capacity and harm to the character of the settlement.

The proposed 49 dwellings would take development in Martock/Bower Hinton to 322, 92, or 40% over the local plan figure of 230. Given that this is a minimum it is not considered that it could reasonably be argued that this is objectionable either as a level of growth for Martock/Bower Hinton or that it would jeopardise the planned strategic growth of the District as set out in the local plan. In coming to this conclusion the comments of the policy officer are noted as is the lack of objection from any infrastructure provided.

On this basis it is not considered that an additional 49 dwellings in Martock/Bower Hinton is contrary to policies SS1 and SS5.

Loss of Existing Buildings

Whilst the application originally proposed the loss of all existing building on site, the applicant has amended the scheme to retain 3 buildings one of which would be converted to a pair of dwellings, the others to garaging. It is accepted that not all existing buildings are worth or capable of a viable conversion and as such it is considered that the revised scheme strike an appropriate balance between retention and new build.

The building that would be lost are not listed and are not within the conservation area. it is not considered that they make any particular contribution to the character and appearance of the conservation area or its setting and their loss would not therefore be detrimental to this historic asset. In this respect it is considered that the proposal complies with policy EQ3.

Impact on Local landscape and Visual Amenities

Whilst the Landscape Officer remains opposed to the development of this site members are reminded that the site was allocated for industrial development in the previous plan; the Council resolved to grant permission for industrial development in 2006 and that the allocation has been carried forward in to the current local plan. On this basis it would not be reasonable to now attempt to argue on landscape grounds that the site should not be developed.

The rising land to the south would screen the development in views from the south and would form the backdrop when viewed from the north. The Landscape Architect notes that, setting aside the principle, the submitted layout and landscaping scheme is sympathetic it that:-

- the built edge is pulled back from the east boundary, to avoid over-dominance of built form along this edge (due to the level differential relative to the road);
- the badger sett in the southeast corner is accommodated within an open space area;
- existing and proposed planting within the open space area assists with playing down site profile as viewed from the east and southeast;
- housing along the southern, elevated boundary is well broken, to ensure that housing mass is not too prominent against the skyline.

It is considered that the submitted scheme would achieve the aims of saved policy

ME/MART/2. It should be noted that this policy relates to industrial development, and envisages bigger, functional buildings as opposed to the 2 storey, detached, residential properties now proposed on the southern boundary, together with domestic gardens and planting. On this basis it is considered that, in landscaping terms, the proposal complies with policies EQ2, EQ5 and ME/MART/2 of the local plan.

Design and Layout of Development

It is considered that proposed mix of housing types, including the provision of 35% as affordable homes would meet the requirements of policies HG3 and HG5, the design and layout are considered to relate appropriately the context. The materials are indicated to be a mix of re-constituted stone and render, with pantiles and slate effect tile. It is not considered that these are appropriate across the development.

It is suggested that the frontage building and key plots within the site should be in natural local stone. Double roman tiles should be the dominant roofing material with the occasional use of slate for variety. Pantiles would be appropriate for ancillary buildings. Such materials are considered appropriate to the proposed house designs and would appear sympathetic to the surrounding development when viewed in the context of the locality. The applicant is agreeable to this and the details could be secured by condition and on this basis it is considered that the proposal complies with policies EQ2 and EQ3.

Residential Amenity

It is not considered that the layout or design/window arrangement of the proposed houses would have any undue impacts on the amenities of existing residents. It is noted that bungalows are proposed on the plots nearest to existing dwellings in Higher Street and the existing building to the rear of Sparrow Cottages is retained as a garage. The provision of off-street parking for existing residents would be beneficial. The layout and design of the proposed houses is considered sufficient to ensure an adequate standard of amenity for future occupiers. In this respect therefore it is considered that the proposal complies with policy EQ2.

Highway Issues and Accessibility

Clearly there is significant local concern that traffic from this development may have a serious impact on the local road network. The applicant has provided a full transport statement, which has been updated to address issues raised by the highway authority who now accept its findings and raise no objection to the proposal subject to safeguarding conditions and travel planning measures, including the extension of the 30mph limit to a point approximately 70m south of the entrance.

Whilst this is at odds with local views there is no evidence the substitution of traffic that might have been expected to be generated by the agreed industrial area by residential traffic from 49 houses would have a 'severe' impact on highways. On this basis, subject to the conditions suggested by the highways authority it is considered that the highways impacts of the proposal would not be severe and as such the scheme complies with policies TA5 and TA6 and the policies contained within the NPPF.

It is accepted that the site is at some distance (over 2000m) from the services and facilities available in the village centre, nevertheless there are a limited range of facilities including a public house, restaurant/bar, farm and coffee shop available within approximately 800m. The proposal includes a pedestrian access onto the B3165 to the north of the site and 2 options are suggested for footpath improvements to create pedestrian linkages to Bower Hinton to the north. At the time of writing these 2 options were out to consultation and an oral update on the

preferred works will be made

It is accepted that, given the topography, distance and nature of the pavement, which are in places narrow and require crossing the road to maintain continuity, not all future residents would choose to walk. However subject to creating the option to walk, it is considered that this will be a viable choice for some.

Whilst this is not ideal, members are reminded that it has been accepted that this is a sustainable location to work which would presumably commuting to the site. It would therefore be difficult to argue that it would unsustainable to live at this site and commute to work.

Accordingly subject to agreeing travel planning measures and the off-site footpath improvements it is not considered that this proposal could be regarded as contrary to policies TA4 and TA5 in terms of the accessibility of the site.

Ecology

The Council's ecologist accepts that the development will result in the destruction of a bat roost as therefore an assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement¹ in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of '*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*'
2. '*there is no satisfactory alternative*'
3. the development '*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*'.

It is considered that the provisions of much needs housing to address the council shortfall constitutes a clear benefit in the wider public interest. This part of the site is previously developed land, for which there is no reasonable prospect of finding a user for the existing buildings. As such it is not considered that there is a satisfactory alternative use for these buildings.

In respect of test 3, the Council's ecologist concludes that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, of species that are relatively common and have a widespread distribution in Somerset, and the securing of appropriate mitigation by condition.

Great crested newt (one individual animal) was previously identified in a garden pond adjacent to this site. Recent surveys for this species gave a negative result and recorded the habitat as sub-optimal for this species. It's possible that the earlier record was a remnant of a once healthier population that has since died out, possibly due to longer term land use and habitat changes in the area. It's also possible that great crested newts may still be present in low numbers but at too low a population level to be readily detectable by standard survey methods. In either case the Council's ecologist does not consider that the proposed development presents a sufficiently high risk to this species to warrant any further specific consideration. On this basis, and subject to safeguarding conditions as recommended by the council's ecologist it is not considered that the proposal would have any undue impact on biodiversity, as

such the proposal complies with policy EQ4.

Drainage

The application provides for off-site drainage on land to the north at the rear of Sparrow Works. Surface water from the site would be piped north to a new surface water drain under the road which would take flows east and then south behind Sparrow Works to an attenuation pond which would discharge at the appropriate rate to an existing north flowing water course. This would pick up off site surface water that currently pools on the bend of the road.

All the drainage consultees accept this strategy subject to the agreement of the technical details by condition. The resolution of the existing problem of standing water on the bend is a welcome benefit that should be afforded weight.

On this basis it is accepted that the proposed drainage strategy would not increase the risk of flooding elsewhere and would cure an existing problem and as such complies with policy EQ2.

Planning Obligations

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policies HW1 an off-site contribution towards the provision and maintenance of these facilities is requested along with an on-site LEAP equating to an overall total of £107,361 (£2,191 per dwelling).

The County Council requests an education contribution of £161,080 together with Travel Planning measures and provision for the necessary off-site improvements.

The applicant has raised no objection to making these contributions and has also agreed to the request for 35% of the houses to be affordable as requested by the housing officer. Provided these requirements are secured through the prior completion of a Section 106 agreement the application is considered to comply with policies SS6, HW1 and HG3 and the aims of the NPPF.

Conclusion

It is accepted that the proposal would result in the loss of existing employment space and the additional land allocated for B-uses in the local plan. However this needs to be balanced against the benefits in terms of the provision of additional housing, including affordable housing, to meet the Council's shortfall. In the absence of a 5 years housing land supply such benefit must be given significant weight.

It is considered that the harm arising from the loss of employment land is minor given that evidence has been provided and acceptable that it is unlikely to be delivered. There remains a landscape concern about the development of the site, however given the site history of allocation and resolution to approved industrial development, the harm that might arise should be given little weight.

Whilst local concerns including highways, visual impact, ecological impact are acknowledged they are not supported by the relevant consultees and as such little weight in the planning balance should be given to these issues.

Accordingly, whilst some harm would arise from the loss of employment land and in terms of the landscape impact of the development of this site, such harm would be outweighed by the significant benefit arising from the delivery of additional housing to meet the council's shortfall.

The development is considered to meet the requirements of sustainable development in that it would deliver a quality scheme that would sustain the environment, socially it would provide housing and economically it would support the house building industry in the short term and the economic activity of future residents would be beneficial locally.

RECOMMENDATION

That, application reference 14/04723/FUL be approved subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-

- (i) Contributions towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £18,719 towards enhancement of existing pitches at Martock Recreation Ground;
 - £38,005 towards the provision of new changing rooms at Martock Recreation Ground;
 - £16,414 as a commuted sum towards the above local facilities
 - £24,524 towards the provision of a new community/youth centre at Martock Recreation Ground;
 - £8,636 towards the development of new indoor swimming pool in the Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil.
 - Monitoring fee of £1,063
 - Monitoring fee based on 1% of total
- (ii) The provision of an on-site LEAP to the satisfaction of the Assistant Director (Wellbeing).
- (iii) At least 35% of the dwellings as affordable dwellings of a tenure and mix that is acceptable to the Corporate Strategic Housing Manager.
- (iv) an education contribution of £161,080 to the satisfaction of the Development Manager in consultation with the County Education Authority
- (v) Travel Planning measures to the satisfaction of the Development Manager in consultation with the County Highways Authority
- (vi) Off-site highways and footpath improvements, including any contribution necessarily to the full cost of applying for any Traffic Regulation Orders to the satisfaction of the Development Manager in consultation with the County Highways Authority

and the following conditions.

Justification:

Notwithstanding the local concerns the provision of 49 dwellings, which would contribute to the district Council's housing shortfall and make provision for enhancements to drainage, highways safety and community and education facilities and without undue impacts in terms of landscape, residential amenity, ecology, drainage or highway safety impacts and would respect the setting of nearby heritage

assets. As such the proposal accords with the policies of the South Somerset Local Plan 2006 - 2028 and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

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

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

02. Unless required otherwise by conditions attached to this permission the development hereby permitted shall be carried out in accordance with the following plans:- 0519-100; 0519-100-1; 0519-100-2; 0519-100-3; 0519-100-4; 0519-101; 0519-102-D; 0519-102-01; 0519-103-B; 0519-104-1-C; 0519-104-2-C; 0519-105-B; 0519-106-B; 0519-107-C; 0519-108-C; 0519-109-B; 0519-111; 0519-112-A; Parking Matrix 0519-Issue 3; House Type Booklet 0519-Issue 4; 624-01G; 31871-SK01-G; 31871-SK02-D; FMW1276-SK01-B; FMW1276-SK02-C; FMW1276-SK05-A; and FMW1276-SK06.

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

03. Notwithstanding the details should in the submitted plans, no development hereby approved shall be commenced until particulars of following have been submitted to and approved in writing by the Local Planning Authority;

- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b) a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
- c) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- d) details of all hardstanding and boundaries
- e) details of the rainwater goods and eaves and fascia details and treatment.

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

Reason: To safeguard the character and appearance of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

04. No development hereby approved shall be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such scheme shall include measure to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

05. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

06. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Such strategy scheme shall include appropriate arrangements for the agreed points of connection and provision for capacity improvements as required to serve the development. Once approved drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: In the interests of residential amenity and to ensure that proper provision is made for sewerage of the site in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

07. Prior to the commencement of the dwellings hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

08. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

09. The development shall be implemented in accordance with the wildlife mitigation measures detailed in section 4 ('Mitigation and enhancement') of the Ecological Impact Assessment (EAD Ecological Consultants, July 2015), unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species and species of nature conservation importance ('priority species') in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and

Countryside Act 1981.

10. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

11. The existing vehicular access to the site adjacent to 1 Sparrow Cottages shall be closed to vehicular traffic, its use permanently abandoned and reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed before the occupation of the development hereby permitted.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

12. The development hereby permitted shall not be occupied until a scheme for the highway works (including the proposed north-south footpath link adjacent to 1 Sparrow Cottages and associated works to improve pedestrian safety on the section of B3165 north of the development, visibility splays and proposed change to extent of 30mph speed limit) have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be completed in accordance with the approved scheme.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

13. The development hereby permitted shall not be commenced until parking spaces as detailed on Drawing Number 0519-102 Rev D (including the spaces for existing dwellings 1-4 (inclusive) Sparrow Cottages and 98 and 100 Bower Hinton) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highways safety and to ensure adequate parking is provided in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

14. The proposed internal highway layout, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

15. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

16. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a scheme of tree planting, a Tree Protection Plan and an Arboricultural Method Statement relating to all retained trees on or adjoining the site shall be drafted so as to conform to British Standard 5837: 2005. Such Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the Council and it shall include:
 - a) details of any required tree works so as to conform to BS 3998:2010 - Tree Works;
 - b) plans detailing root protection areas, construction exclusion zones and the installation of tree protection fencing;
 - c) layout plans showing the locations of required below-ground services
 - d) special tree protection and engineering measures for any approved installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees;
 - e) a scheme of arboricultural on-site supervision, monitoring and certificates of compliance relating to the tree protection measures.

Upon implementation of this planning permission, the measures as specified within the agreed scheme of tree planting, the Tree Protection Plan and the Arboricultural Method Statement shall be implemented in their entirety for the duration of construction, inclusive of any landscaping measures.

Reason : To safeguard existing trees in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

15. All planting, seeding or turfing comprised in the Landscaping Proposals as shown on drawing 624-01G shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written approval to any variation.

Reason: In the interests of visual amenity in a accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

16. No development hereby approved shall be commenced out until a scheme of maintenance and management of the southern boundary has been submitted to and approved in writing by the local planning authority. Once approved such regime shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

17. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
 1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on going monitoring should also be outlined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ7 of the South Somerset Local Plan 2006-2028.

Informatives

1. You are reminded that development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use until the necessary diversion/stopping up order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
2. You are reminded that there should be no removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be

carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

3. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) may be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
 4. It is suggested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
 5. You are reminded that no work should commence on the development site until the appropriate rights of discharge for surface water have been obtained.
 6. It should be noted that given the nature and scale of the works required to create the proposed new access, it is likely that these works will need to be secured via a suitable legal agreement rather than a standard 184 Licence. Please contact the Highway Authority to progress this agreement well in advance of commencement of development.
 7. The developer delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.
 8. Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.
 9. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).
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