



South Somerset District Council

Development Management
The Council Offices, Brympton Way, Yeovil, Somerset, BA20 2HT
Telephone: (01935) 462462
Website: www.southsomerset.gov.uk

Simon Fox – Lead Specialist – Planning

Mr & Mrs G. Swift & S. Beeny
C/o Grass Roots Planning Ltd
Unit 106, 86-88 Colston Street
Bristol
BS1 5BB

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England)
Order 2015
DETERMINATION OF APPLICATION FOR PLANNING
PERMISSION (FULL)**

APPLICATION NO **19/01133/FUL**

APPLICANT **Mr & Mrs G. Swift & S. Beeny** PARISH: **Shepton Montague**

DESCRIPTION: **The erection of a single dwelling, access, landscaping and ancillary works.**

LOCATION: **Land North Of Stoke Farm Barrow Water Lane Charlton Musgrove Wincanton Somerset BA9 8HR (GR:371352/132823)**

In pursuance of powers under the above Acts and Orders the South Somerset District Council gives you notice that its decision upon your application described above and in the plan(s) which accompanied that application is to:

GRANT PERMISSION FOR THE FOLLOWING REASON:

01. The proposed replacement dwelling in this rural location outside the development limits of any settlement, by reason of its size, scale, design and materials, would cause no demonstrable harm to the setting of any designated heritage asset (Redlynch Park) and would cause no significant or demonstrable adverse impact on the general character and appearance of the area, residential amenity, highway safety, flood risk or biodiversity. Due regard is also given to the extant 2009 appeal decision which has allowed the erection of a replacement dwelling and large agricultural building elsewhere on the Stoke Farm agricultural holding. As such the proposal accords with Policies SD1, SS1, SS2, HG8, EQ1, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF.

SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

- Drawing no. 13127/001 Rev A: Site Location Plan
- Drawing no. 13127/003 Rev A: Proposed North Elevation
- Drawing no. 13127/004 Rev A: Proposed West Elevation
- Drawing no. 13127/005 Rev A: Proposed South Elevation
- Drawing no. 13127/006 Rev A: Proposed East Elevation
- Drawing no. 13127/007 Rev B: Proposed Ground Floor Plan
- Drawing no. 13127/008 Rev B: Proposed First Floor Plan
- Drawing no. 13127/009 Rev A: Proposed Second Floor Plan
- Drawing no. 13127/010 Rev A: Proposed Roof Plan
- Drawing no. 13127/011 Rev A: Proposed Site Plan
- Drawing no. 13127/012: Car Port Plans and Elevations
- Drawing no. 13127/013: Proposed Section A-A
- Drawing no. 13127/014: Building Overlay
- Drawing no. 409_A4_001_Demolition Plan_Rev A: Buildings to be demolished
- Drawing no. MP01 Rev C: Masterplan
- Drawing no. MP02 Rev C: Masterplan
- Drawing no. PP01: Planting Plan
- Drawing no. PP02: Planting Plan
- Planting Management document entitled "Stoke Farm - Management Notes" dated 2nd August 2019 prepared by Greenbook Landscape Design
- Ecological Survey results in a Letter dated 20th May 2019 prepared by Grass Roots Ecology Ltd - ecological considerations,
- Sustainability Summary report dated 2nd August 2019 prepared by AADNunn Energy Assessors
- SAP Report Submission for Building Regulations Compliance dated 2nd August 2019 prepared by AADNunn Energy Assessors.

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

03. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, barrier tape shall be tied to/fixed along the whole length of the existing field boundary fencing alongside the proposed new access driveway to be used during the phase(s) of construction. Such barrier tape shall remain tied to/fixed to said boundary fencing in its entirety for the duration of the construction of the development and shall only be moved, removed or dismantled prior to completion of the development with the prior written consent of the Local Planning Authority.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

04. No removal of potential bird nesting habitats, comprised of hedgerows, trees, scrub, shrubs and ruderal vegetation, or works to or demolition of any buildings or structures, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before works proceed and vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority and written agreement from the Local Planning Authority so obtained.

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

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

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

(a) details of all materials to be fixed to the roofs of the dwelling and car port, including the type, size, colour and profile of natural slate, together with type, colour and profile of ridge tiles;

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

(c) the colour and finish of the timber cladding/weatherboarding to be used on the car port and a drawn section to show its profile, lapping and finish;

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

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

(f) the locations, heights, sizes, materials of construction and colour finishes of all flues, ducts, rainwater goods, external vents, extracts, meters and any other external attachments;

(g) the type, size, siting and method of fixing of all rooflights to be used. All rooflights shall be fitted flush to the roof plane wherever possible; and

(g) materials, design, appearance and (colour) finish of all railings, decorative metalwork and other decorative features.

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

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

06. Prior to the commencement of any works to demolish the existing farm house, a 'Bat Mitigation Strategy' shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include, but not exclusively, a copy of the Natural England European protected species licence for the existing farm house and details of the proposed roost construction within the car port hereby permitted.

The car port shall be constructed in strict accordance with the approved 'Bat Mitigation Strategy' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

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07. Prior to occupation of the dwelling hereby permitted, a 'lighting design for bats' shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting, including any amenity or security 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 or having access to their resting places. 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 in writing 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.

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

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

09. Prior to occupation of the dwelling hereby permitted, a scheme of surface water disposal from all new buildings and hardened areas shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution and flooding, having regard to Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. The dwelling hereby permitted shall not be occupied until an electric vehicle charging point (EVCP) rated at a minimum of 16 amps has been provided for within its associated garage / parking space. Such provision shall be in accordance with details indicating the siting, design, rating and appearance of the EVCP which shall be previously submitted to and approved in writing by the Local Planning Authority.

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

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11. The landscape planting scheme set out on the submitted drawings nos. PP01 and PP02, both titled "Planting Plan", prepared by Greenbook Landscape Design shall be fully implemented and thereafter retained and maintained. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development, whichever is the sooner.

Reason: To safeguard the character and appearance of the area, and to accord with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

12. For a period of ten years after the completion of the landscaping scheme pursuant to condition 11, the newly planted trees, hedges and shrubs, together with retained trees and hedges, shall be protected and maintained in a healthy weed free condition and in accordance with details set out in the document "Stoke Farm - Management Notes" dated 2nd August 2019 prepared by Greenbook Landscape Design.

Any new or retained trees, hedges or shrubs that cease to grow or are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, shall be replaced by trees, hedges or shrubs of similar size and species, or other appropriate trees, hedges or shrubs as may be approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

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

13. Within three months from the date of first occupation of the new dwelling hereby permitted (such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants/developer prior to said occupation commencing), the existing dwelling (and all associated garaging/outbuildings) and those agricultural buildings to be demolished as indicated on the submitted Plan ref: 409_A4_001_Demolition Plan_Rev A shall be demolished and the site reinstated to form part of the agricultural land within the Stoke Farm agricultural holding.

Reason: In the interests of visual amenity and sustainable development in accordance with Policies Hg8 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 1, Class D (porches)
- (e) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (f) Part 1, Class F (hardsurfaces);
- (g) Part 1, Class G (chimney, flues, soil or vent pipes);
- (h) Part 1, Class H (microwave antenna);
- (i) Part 2, Class A (gates, fences, walls or other means of enclosure);
- (j) Part 2, Class B (means of access to a highway);
- (k) Part 2, Class C (exterior painting);
- (l) Part 14, Classes H and I (wind turbine for microgeneration).

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions to the dwelling, to ensure there is no resultant detriment to ecological, environmental and biodiversity interests and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. Legal Agreement

This permission shall be read in conjunction with the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between South Somerset District Council and Sweeny LLP and dated 17th February 2020.

02. CIL

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

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

You are advised to visit our website for further details

<https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

03. Bats and Roosts

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the 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.

Development should not commence (including any site clearance and demolition works) until demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats by a licensed bat ecologist.

04. Lighting

In respect of condition 07, light could cause nuisance to ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council, and also Guidance Note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

A handwritten signature in black ink, appearing to read 'Simon Fox', with a horizontal line underneath the name.

Simon Fox
Lead Specialist - Planning

Date: 20 February 2020

NOTES:

(1) Please read the above condition(s) very carefully. This permission has only been granted on the basis that all of the conditions are fully complied with. Applicants are advised that failure to comply with the requirements of each and every condition as detailed may become the subject of enforcement action by the Council.

(2) The applicant has a right of appeal against this decision, which, amongst other things, is explained in the attached notes. That right of appeal is only available to the applicant; it is not available to those who made representations on the application.

(3) In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

(4) It is the legal responsibility of SSDC to issue and register all new postal addresses. If appropriate in this case, please contact the Street Name and Numbering Department (address at head of letter) prior to commencement of development for details of the appropriate process.



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Town and Country Planning Act (as amended) 1990

NOTICE OF COMMENCEMENT

You are requested to notify the Planning Authority **21 days** prior to commencement of development or use of land approved under planning permission **19/01133/FUL**.

Many planning permissions have conditions imposed upon them which require the submission of details prior to commencement of development or use of land. Failure to comply with such conditions prior to commencement may mean that the development becomes the subject of enforcement action by the Council.

Please ensure you notify the Planning Authority prior to starting work (see form below for your convenience).

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NOTICE OF COMMENCEMENT – RETURN FORM

please return this completed form to

To: Development Management, Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT

Planning Permission: 19/01133/FUL Case Officer **David Kenyon**

It is intended to implement the above planning permission on:

Date:/...../..... Signed: Print.....

Address

.....

Phone Number Email

APPLICANT: Mr & Mrs G. Swift & S. Beeny

DESCRIPTION: The erection of a single dwelling, access, landscaping and ancillary works.

LOCATION: Land North Of Stoke Farm Barrow Water Lane Charlton Musgrove Wincanton Somerset BA9 8HR