



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 Richard Hunt
C/o Brimble, Lea & Partners
Wessex House
High Street
Gillingham
SP8 4AG

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order
2015 (as amended)**

**DETERMINATION OF APPLICATION FOR APPROVAL OF
MATTERS RESERVED IN OUTLINE PLANNING PERMISSION**

APPLICATION NO **19/03409/REM**

APPLICANT **Mr & Mrs Richard Hunt** PARISH: **Abbas/Templecombe**

DESCRIPTION: **Reserved Matters application following approval 18/03222/OUT for the erection of 2 dwellings and construction of vehicular access thereto.**

LOCATION: **Land Opposite The Orchard Combe Hill Templecombe Somerset (GR:371082/121919)**

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 APPROVAL FOR THE FOLLOWING REASON:

01. The proposal has been considered to be acceptable, in principle, in this location by virtue of the grant of outline permission and the location of the new access also has the benefit of an extant approval. The proposal represents a sustainable form of development that would cause no significant adverse impact on the character of the area, residential amenity, highway safety, flood risk or biodiversity. As such it accord with Policies SD1, SS2, EQ1, EQ2, EQ4, 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 carried out in accordance with the following approved drawings:

18037 - 3 Rev B. Site Location Plan,
18037 - 5 Rev C. Proposed Site Plan,
18037 - 6. Plot 1 & Detached Garage - Plans, Elevations and Sections as Proposed,
18037-7 Rev A. Plot 2 - Plans, Elevations and Sections as Proposed.

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

02. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

(a) construction vehicle movements;
(b) construction operation hours;
(c) construction vehicular routes to and from the site;
(d) construction delivery hours;
(e) expected number of construction vehicles per day;
(f) car parking for contractors;
(g) specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practise;
(h) a scheme to encourage the use of public transport amongst contractors; and
(i) measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and efficiency and in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

03. Prior to commencement of the development, site vegetative clearance, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be fully implemented in accordance with the details indicated on the approved drawing no. 18037-5 Rev C.

Within the tree and hedgerow protection areas that run alongside the retained trees and hedgerows,

(a) no materials, equipment, machinery or structure shall be attached to or supported by any part of the retained hedgerow and no materials shall be stored, temporary buildings erected, moveable structures, works, plant or machinery placed or ground levels altered;
(b) there shall be no mixing of cement or use of other contaminating materials or substances shall take place;

- (c) levels shall not be raised or lowered in relation to existing ground levels;
- (d) no roots shall be cut, trenches dug or soil removed;
- (e) no buildings, hardened areas or other engineering operations shall be constructed or carried out; and
- (f) no vehicles shall be driven over that protected area.

The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and shall only be moved, removed or dismantled 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. Notwithstanding the details indicated on the submitted drawings, prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority.

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

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: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan and relevant guidance in the NPPF.

05. No removal of potential bird nesting habitats, comprised of trees, hedges, scrub, shrubs and ruderal vegetation, 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.

06. All measures to protect badgers from being trapped in open excavations and/or pipe and culverts shall be carried out strictly in accordance with the details indicated on the approved drawing no. 18037-5 Rev C and shall remain implemented in their entirety for the duration of the construction of the development.

Reason: To ensure that important biodiversity is conserved and in accordance with Policy EQ4 of the South Somerset Local Plan, ODPM Circular 06/2005, relevant guidance within the NPPF, and Section 40 of the Natural Environment and Rural Communities Act 2006.

07. The landscape planting scheme shown on the submitted drawing no. 18037-5 Rev C 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 the dwellings or the completion of the development, whichever is the sooner.

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

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

Reason: To ensure the environment of the development is improved and enhanced, having regard to Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plan, if within a period of five years from the date of the completion of the dwellings or completion of the approved landscaping scheme, any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning authority gives its written approval to any variation. 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.

09. Notwithstanding the details indicated on the submitted drawings, foul and surface water drainage details to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, capacity and areas of soakaways of the proposed new treatment plant and areas of soakaway to accommodate all clean surface water drainage.

Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first occupied or brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities and highway safety in accordance with Policies TA5, EQ1 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. The proposed access shall be constructed to 5 metres in width and in accordance with details shown on the approved drawing no. 18037-5 Rev C and shall be available for use before first occupation of any of the dwellings hereby permitted. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: To ensure safe access and egress to and from the site in the interests of highway safety and convenience, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. Prior to commencement of construction of any of the dwellings hereby permitted, the proposed access over at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details shown on the approved drawing no. 18037-5 Rev C. Once constructed the access shall be maintained and retained in that condition thereafter at all times.

Reason: To prevent loose debris, stones, gravel and similar non-compacted material from being deposited onto the County highway in the interests of highway safety and convenience, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

12. The gradient of the proposed access shall not be steeper than a slope of 1 in 10 as shown on the approved drawing no. 18037-5 Rev C. Once constructed, the access shall be maintained in that condition thereafter at all times.

Reason: To ensure safe access and egress to and from the site in the interests of highway safety and convenience, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60 metres either side of the access, as shown on the approved drawing no. 18037-5 Rev C. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained and retained at all times.

Reason: In order to provide adequate visibility for vehicles entering and leaving the site in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

14. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each dwelling within its associated garage as shown on the approved drawing no. 18037-5 Rev C.

Reason: To ensure provision of EVCP's 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.

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

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

16. The recommendations and enhancement measures contained within Sections 5.0 and 6.0 of the "Phase 1 Ecological Survey + GCN Habitat Suitability Assessment" dated May 2019, prepared by David Leach Ecology Ltd, Environmental Consultants and forming part of the outline planning permission dated 16th July 2019, application ref. 18/03222/OUT shall be strictly adhered to during the course of the construction phase of development and thereafter regularly monitored by a suitable and competent ecologist, and completed prior to occupation of any of the dwellings hereby permitted.

Such measures shall include:

- (a) the area of amenity grassland on site being maintained at a short sward until works on site are completed to retain the suitability of habitat for reptiles and amphibians low and reduce risk of reptiles or amphibians moving onto the site. Evidence of this in the form of photos shall be sent to the Local Planning Authority periodically during the construction period;
- (b) any new fencing incorporating accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site;
- (c) two integrated bee bricks being built into the external wall space of the new buildings. The bricks shall be placed one metre above ground level on a south facing aspect and thereafter so retained and maintained. Vegetation shall not block the entrance holes;
- (d) the installation of bird nesting boxes and house martin terraces in the locations indicated on the approved drawing no. 18037-5 Rev C, of a type to be previously agreed in writing by the Local Planning Authority prior to fixing;

(e) the installation, as high as possible but at a minimum of 3m of Bat Tubes as shown on the approved drawing no. 18037-5 Rev C, of a type to be previously agreed in writing by the Local Planning Authority prior to fixing.

Photographic evidence of the installation of the above bird nest boxes and bat tubes shall be submitted to and acknowledged in writing by the Local Planning Authority prior to occupation of the dwellings and thereafter they shall be retained and maintained and no access holes shall be blocked up.

Reason: In the interests of safeguarding wildlife and in accordance with Local Plan Policy EQ4 and relevant guidance within the NPPF.

17. There shall be no external lighting installed at the site without the prior written approval of the Local Planning Authority. Notwithstanding the details indicated on the submitted drawing no. 18037-5 Rev C which indicates location and type of external lighting to be provided on the buildings, prior to the installation, fixing, placement and/or operation of any such external lighting, details of the precise positions on walls, sizes, heights, type, luminance/light intensity, direction and cowlings of all such external lights to the buildings and the hours at which such lighting is to be operated shall be submitted to and approved in writing by the Local Planning Authority. No artificial lighting associated with the development shall illuminate the boundary habitats, newly created habitats, or any proposed bat boxes, bat roosts or flight paths used by foraging or commuting bats.

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

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF. In addition, all bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Lacking evidence to the contrary it must be assumed the boundary hedgerows and trees forms part of the habitat available to maintain local bat populations. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity. This will accord with Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

18. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:
- (a) Part 1, Class A (enlargements, improvements or other alterations);
 - (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
 - (c) Part 1, Class C (other roof alterations); and
 - (d) Part 2, Class A (gates, fences, walls or other means of enclosure).

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

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

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

NOTES (if any)

01. 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

02. Dormice

Dormice are not considered likely within the boundary habitat due to the lack of connection to the wider landscape. However if dormice are found during the course of the development all operations

03. Lighting

In respect of condition 17, light could cause nuisance to existing residential properties and 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.

A handwritten signature in black ink that reads "Simon Fox". The signature is written in a cursive style with a large, looping 'S' and a horizontal line underneath the name.

Simon Fox
Lead Specialist - Planning
Date: 5 May 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.



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

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 **19/03409/REM**.

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).

.....

NOTICE OF COMMENCEMENT – RETURN FORM

please return this completed form to

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

Planning Permission: **19/03409/REM** Case Officer **David Kenyon**

It is intended to implement the above planning permission on:

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

Address

.....

Phone Number Email

APPLICANT: **Mr & Mrs Richard and Lynne Hunt**

DESCRIPTION: **Reserved Matters application following approval 18/03222/OUT for the erection of 2 dwellings and construction of vehicular access thereto.**

LOCATION: **Land Opposite The Orchard Combe Hill Templecombe Somerset**