

Application Number	2021/2070/OTS
Case Officer	Nikki White
Site	Land At 354940 138061 Newtown Lane West Pennard Glastonbury Somerset
Application Number	2021/2070/OTS
Date Validated	21 September 2021
Applicant/ Organisation	Mrs Creed
Application Type	Outline - Some Matters Reserved
Proposal	Outline planning application with all matters reserved except for access for the erection of 1No. 4 bedroom dwelling house
Division	Mendip South Division
Parish	West Pennard Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr John Greenhalgh

What3words:

The application site can be found by entering the following into www.what3words.com:

trendy.upwards.swarm

Scheme of Delegation:

In accordance with the Scheme of Delegation, this application is automatically referred to the Planning Committee. This is because this residential development proposal outside the West Pennard development limits represents a departure from the development plan.

Description of Site, Proposal and Constraints:

The application relates to a greenfield site south of Newtown Lane in West Pennard. The site is outside but adjacent to the southern boundary of the development limit of West Pennard, which is designated as a 'secondary village' in the Local Plan. In relation to planning constraints, the site is within the phosphates catchment area, the SSSI Risk Impact Zone and adjacent to an Area of High Archaeological Potential.

The application seeks outline permission with all matters reserved except access for the erection of a 4 bedroom dwelling. The concept plan, submitted to demonstrate the proposed access but also giving an indication of a possible future layout, shows a detached dwelling,

detached garage, parking, turning area, garden, patio and landscape buffer on the boundaries of the site could be delivered on the site.

Relevant History:

No known relevant planning history.

Summary of Comments:

Ward/Divisional Member: no comments received

West Pennard Parish Council: objection

- Inappropriate on agricultural land.
- Highways safety concerns

Archaeology: no objections

- No known archaeological implications.

Highways: standing advice

Land Drainage: no objections subject to conditions (summary of final comments following submission of additional information)

- The site is located in Flood Zone 1 and is shown to be at very low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map. However, the highways around the site are shown to be at high risk of surface water flooding with instances of historic flooding having been recorded. Therefore, it is imperative that surface water from the site is managed effectively.
- The proposals will increase the impermeable areas of the site and therefore the volume of surface water runoff. The application form indicates that a soakaway or sustainable drainage system will be used for the management of surface water but no further details are provided. Soils mapping indicates slowly permeable seasonally wet slightly acid but baserich loamy and clayey soils. Infiltration testing results in accordance with BRE Digest 365 and details of ground water levels will be required to demonstrate whether soils on the site are suitable for infiltration.
- An alternative receptor for the surface water discharge from a sustainable drainage system is available to the ditches system on land with the applicant's ownership (subject to the necessary consents). Therefore, a feasible route of discharging surface water from the development in accordance with the discharge hierarchy has been identified and the detailed drainage design can be conditioned.

- Foul drainage is to be connected to the mains sewer.

Ecology: no objection subject to conditions/legal agreement (summary of final comments)

- Suggested phosphate mitigation is acceptable
- Shadow HRA is acceptable and endorsed by Somerset Council Ecology

Natural England: no objection subject to mitigation being secured

- Habitats Regulations Assessment (HRA) appropriate assessment concludes proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Trees: no comments received

Local Representations:

Three letters of objection have been received raising the following issues:

- Outside development limits
- Could set a harmful precedent
- Loss of high quality agricultural land
- Highway safety concerns – road users and pedestrians
- If parish councillors have conflicts this should be declared and actioned accordingly.

Full details of all consultation responses can be found on the Council's website

www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)

- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1 - Mendip Spatial Strategy
- CP2 - Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip’s Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP16 - Open Space and Green Infrastructure
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

In accordance with the Spatial Plan as set out in the adopted Mendip District Local Plan - Part 1 (LP1), Core Policy 1 (CP1) sets out a hierarchy for future development. CP1 says that to enable the most sustainable pattern of growth for Mendip district the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). In rural parts of the district, development should be “tailored to meet local needs” in primary villages first, then secondary villages, with open countryside sitting at the bottom of the hierarchy. As this site is adjacent but outside the development limits of West Pennard, a secondary village, it sits low within the hierarchy.

Core Policy 2 (CP2) of the LP1 states that the delivery of new housing will be secured from three sources:

- (a) infill, conversions and redevelopments within development limits defined on the proposals map
- (b) strategic sites identified on the key diagrams for each town associated with Core Policies 6-10
- (c) other allocations of land for housing and, where appropriate, mixed use development, outside of development limits through the site allocations process. The creation of a dwelling as indicated would not accord with the requirements of CP2 and the strategy for the delivery of housing.

CP4 says that rural settlements and the wider rural area will be sustained by making planned provision for housing within the primary and secondary villages in line with CP1 and CP2 and making allowance for occupational dwellings in rural locations where there is a proven and essential functional need, to support agricultural, forestry and other rural-based enterprises.

Local Plan Part 2 (LP2) does not allocate any new residential land in West Pennard. Minor changes to the development limit included 3 houses which had been delivered since LP1. LP2 confirms that 6 dwellings could be delivered in the plan period (i.e. up to 2029) within the Development Limit.

The Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply in accordance with the requirements of the NPPF. The Local Plan policies therefore carry reduced weight and para 11d of the NPPF requires planning permission to be granted in accordance with the presumption in favour of sustainable development unless adverse impacts of doing so would be 'significant and demonstrable'. As such, the principle of development needs to be considered in the 'tilted balance' and the principle of this application can only be refused if harms are 'significant and demonstrable'. This is considered in the overall planning balance section below.

Design of the Development and Impact on the Street Scene and Surrounding Area:

This application is submitted in outline with matters of appearance, landscaping, scale and layout all reserved for later consideration. This application is considering the principle of development and the proposed access.

The proposal seeks permission for a 4 bedroom dwelling. The submitted concept plan demonstrates there is sufficient space within the site to deliver the dwelling and associated development – in this case, the concept plan shows a garage, parking, turning and garden.

The spatial characteristics of the locality are not unusual for a secondary village within the rural parts of the district. They include low density, detached dwellings, which are set back from the road within generous plots. The proposed dwelling would sit immediately adjacent to the

development limit and the dwelling Lippeatts, and close to various other dwellings in the immediate locality. The characteristics of the site, including relationship to the road size and layout of plot, would mean the proposed development would integrate with the spatial characteristics of the village.

The proposed new access would come off Newtown Lane. It would consist of a single new access point. Although opposite an existing junction, in urban design terms this would not harm the character and appearance of the local area such to warrant refusal of the application in this case.

In conclusion on this matter, the outline proposal shows a scheme could be delivered which is acceptable in terms of design, siting, scale, massing, layout and materials. The principle of development and the access represent development which responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

As the proposal is submitted in outline, details of scale, siting, fenestration etc. have yet to be confirmed. The characteristics of the site, including position and shape, indicate that a scheme could be delivered on the site with acceptable impacts on neighbouring amenity.

In conclusion on this matter, this outline proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The shadow Habitats Regulations Assessment (sHRA) includes an Ecological Impact Assessment (EIA). The EIA includes a desk based assessment and on site phase 1 habitat survey, with extended surveys for dormice and badgers. This concludes the application site is subject to no statutory designations for nature conservation. The application site is approximately 10.3km from the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar. The EIA identifies 6 non statutory designated sites of nature conservation including local wildlife sites 0.97km-2.7km from the application site. The EIA confirms the application site includes modified grassland field and species rich hedgerows. Hedgerows are listed as a Priority Habitat. The EIA concludes the following in relation to habitats and protected and notable species:

- Nesting birds - the hedgerows are suitable for nesting birds. All birds, their nests, eggs and young are legally protected

- Amphibians - the hedgerows and grassland provides suitable habitat for common amphibians including toad, which is a priority species. No evidence of great crested newts and low risk associated with proposed development.
- Reptiles - the hedgerows and grassland provide suitable habitat for reptiles, which are legally protected.
- Bats - no suitable roosting locations identified. Hedgerows and field margins likely to provide suitable foraging and commuting habitat for bats. Bats are legally protected.
- Badgers - no evidence recorded or found, although badgers could periodically forage within the site. Badgers are legally protected.
- Hazel dormouse - no records or evidence found. EIA concludes hazel dormouse absent from site.
- Hedgehog - the site provides suitable habitat for hedgehog which is a priority species.

The submitted EIA includes proposed mitigation and enhancement measures including retention of hedgerow; planting an additional 78m of species rich hedgerow around the east and south of the site; around 500m² of wildflower meadow planting in the margins of the garden; installation of a bird box; installation of a bat box; and lighting controls. These proposed measures are considered suitable and acceptable. Conditions are recommended which would see these recommendations met; and a lighting condition would ensure details of any lighting would be agreed with the local planning authority beforehand.

Notwithstanding the application states biodiversity net gains would be delivered as part of this outline application, this matter would be further considered as part of any reserved matters planning application. The Environment Act will require at least 10% biodiversity net gain as of November 2023, and any reserved matters application would likely need to demonstrate compliance with this requirement.

Various informatives are recommended to remind the applicant of their legal obligations, including the statutory protections afforded to birds and badgers.

In conclusion on this matter, the proposed development would not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Phosphates:

The application site is mapped by Natural England as falling within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. Any new housing, including single dwellings, would result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

Following ongoing discussions with the applicant and agent, the applicant has proposed to upgrade an existing package treatment plant (PTP) on another residential property elsewhere within the same phosphates catchment area, Southtown Cottage, Southtown Lane, West Pennard - which is the home of a member of the applicant's family.

This approach has been considered and accepted by the Somerset ecologist. The applicant has submitted a shadow Habitat Regulations Assessment (sHRA) which has been endorsed by the Somerset ecologist and referred to Natural England, where it has been confirmed to be acceptable subject to conditions and legal agreements. As the PTP to be upgraded does not fall within the application site (red line) for this application, a legal agreement would be required to secure delivery of the PTP upgrade in line with agreed maintenance and management in order to confirm a reduction in phosphate loading elsewhere within the catchment and allow development of the dwelling associated with this planning application.

Extracts from submitted 'Nutrient neutrality assessment and mitigation strategy for Land off Newtown Lane, West Pennard, Glastonbury, Somerset, BA6 8NL' (NNMAS):

"In accordance with the Somerset Advice Note - Considering Package Treatment Plants and Septic Tanks as part of nutrients mitigation in Somerset1 it is proposed that to mitigate the additional +0.65 kg TP/year from the proposed development the existing septic tank at Southtown Cottage, Southtown Lane, West Pennard, Glastonbury, Somerset BA6 8NS will be replaced by a new package treatment plant. The positions of the development and Southtown Cottage are shown in figure 2 below. Southtown Cottage is in the ownership of Derek and Pam Creed the parents of the applicant."

"It is proposed that the existing septic tank is replaced with a Sequencing batch reactor (SBR) GRAF One2Clean package treatment plant (PTP). This system is biological and so no chemical dosing is required."

*"A reduction from 1.22 kg TP/yr to 0.17 kg TP/yr of - **1.05 kg TP/yr** will be achieved by installing the new PTP at Southtown Cottage, which will mitigate the surplus +0.65 kg TP/yr from the proposed development whilst leaving an overall improvement of - **0.4 kg TP/yr within the catchment therefore Nutrient neutrality is achieved.**"*

"The Package treatment plant will be installed following the manufacturer's installation and assembly instructions. The plant should be operated in accordance with the manufacturer's latest Operating Manual an example of which is included in Appendix 3. The monitoring and maintenance checklist is to be followed and records kept within PTP logbook. Failures, maintenance work, sludge removal, maintenance reports and other incidents should all be recorded in the operations logbook."

The system will be replaced by the owner of the property as and when required to ensure maintained treatment efficiency for perpetuity.”

The sHRA concludes:

“It is concluded that the project will not adversely affect the integrity of the Somerset Levels and Moors Ramsar Site, either alone or in-combination with other plans or projects. Mitigation has therefore been secured in perpetuity.”

The Somerset ecologist has confirmed the following three controls would be necessary to secure appropriate phosphate mitigation:

1. Compliance with the shadow HRA and NNMAS to include installation, maintenance and retention in perpetuity of a replacement PTP at nearby Southtown Cottage. Although formal comments from the ecologist have recommended this be covered by condition, as Southtown Cottage is not within the red line boundary of this application site, this matter would need to be secured via legal agreement - this mechanism has been agreed with the Somerset ecologist. The legal agreement would need to specify the PTP, it's discharge rates, and confirm chemical dosing will not take place. This legal agreement will continue these controls in the event that the PTP is replaced in future.
2. Submission and agreement with the LPA of a detailed management plan for the ongoing maintenance of the PTP at Southtown Cottage. Again, as Southtown Cottage is outside the red line boundary associated with this planning application, this matter will need to be set out as an obligation in a formal legal agreement with the applicant and the owners of Southtown Cottage. Confirmation of this control mechanism (i.e. via legal agreement rather than condition) has also been agreed with the Somerset ecologist.
3. Controls on water consumption at the proposed new dwelling. This is a standard condition which is included on all phosphate related permissions involving PTP's. As this relates to the proposed dwelling on the application site, this requirement can be included within a planning condition and will not need to form part of the legal agreement.

As such, the following planning obligations are recommended in a legal agreement:

Nutrient Neutrality Statement

The development hereby approved shall be carried out in full accordance with the approved 'Shadow Habitats Regulation Assessment (sHRA)' dated 05.04.2023 and 'Nutrient neutrality assessment and mitigation strategy' dated 13.03.23. This shall include installation of a Sequencing Batch Reactor (SBR) GRAF One2Clean package treatment plant (PTP) at Southtown Cottage, Southtown Lane, West Pennard, Glastonbury, Somerset BA6 8NS that does not require any chemical dosing, and achieves 1.6 mg/l concentration of phosphorous per litre of effluent discharged.

Maintenance Plan

No occupation shall commence until a detailed Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Maintenance Plan shall include:

- a. Details of management arrangements to ensure the package treatment plan adheres to the 'Shadow Habitats Regulation Assessment (sHRA)' dated 05.04.2023.
- b. Formal confirmation of management arrangements of an OFWAT registered provider in perpetuity.
- c. Details of ongoing annual monitoring arrangements
- d. Confirmation of permit arrangements with the Environment Agency

The development shall accord with the Maintenance Plan in perpetuity.

Subject to the inclusion of planning obligations in a legal agreement and planning condition, as outlined above and confirmed with the Somerset ecologist and Natural England, the proposal is considered acceptable in this regard.

In conclusion on this matter, the impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge their legislative duties in this respect. Taking all of the above into consideration, sufficient information has been submitted to confirm that the proposal would not result in an unacceptable increase in phosphate levels within the foul water discharge and not affect the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such passes Regulation 63 of the Habitat Regulations 2017. Therefore, the proposed development accords with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

GIS mapping shows Newtown Lane as being an unclassified, unnumbered road. The highways standing advice confirms that Manual for Streets is the appropriate guidance for visibility splays, and visibility splays should be determined by the posted speed limit. It is understood the speed limit at this site is 30MPH. The standing advice confirms that the stopping sight distance (SSD), adjusted to take into account a bonnet, is 43m in this case. The submitted concept plan demonstrates that this visibility splay can be achieved. Proposed landscaping would need to take this into account – and this would need to be addressed as part of any reserved matters application. A condition is recommended which would see this visibility splay in place prior to occupation of the dwelling. It would also require it is retained in perpetuity. The existing road

layout, including nearby junction with Church Lane, has been considered in the assessment of this application. In this case, although not ideal, considering the modest scale of development proposed, the proposed new access is on balance considered acceptable. As such, the proposed access is concluded to meet the standing advice and therefore accord with DP9.

The highways standard advice also sets out required standards for pedestrian visibility, which is 2.4m x 2.4m to the rear of the footway, or where the access meets the carriageway edge. The submitted concept plan demonstrates that this can be achieved.

There is no pedestrian footpath along this part of Newtown Lane, with a connection to a footpath on the northern side of Newtown Lane further west. The footpath connection in this part of west Pennard is incomplete. Although not ideal, various appeal decisions have confirmed that this is not unusual in a village location, and this is not necessarily a reason to withhold planning permission. In this case, considering the low scale of development and the context of the site, on balance, the footpath situation is concluded to be acceptable.

Considering the low scale of development and the context of the site, there is concluded to be sufficient highway capacity within the local network.

Somerset parking standards require 3.5 spaces for a four bedroom dwelling in this location (zone C). The submitted concept plan demonstrates adequate room for parking and manoeuvring within the plot.

The comments in relation to highway safety from the parish council and some neighbours are noted, however in this case, for the reasons outlined above, it is concluded that a refusal could not be justified and the proposal meets the necessary standards and policy requirements.

Various conditions are recommended including visibility splays; installation of access; provision and retention of parking and turning areas; and installation of an electric vehicle charging point.

In conclusion on this matter, the means of access are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Trees:

There are no protected trees on the site. There is however a hedgerow which makes a contribution to the character and ecology of the locality. Installation of a new access point would result in a break in the hedgerow. It may also be necessary to translocate the hedgerow south to achieve the necessary visibility splay.

As this is an outline application, details of landscaping would be considered as part of a reserved matters application. Any reserved matters application would be expected to retain or translocate the hedgerow, and include suitable and robust controls. Furthermore, any reserved matters application would be expected to include generous landscape buffers on the southern and eastern boundaries of the site, and the submitted concept plan shows there is sufficient room within the site to achieve this. Any reserved matters application would also be expected to include generous on site planting to allow the detailed design of the new dwelling to successfully integrate to this rural setting on the edge of a village. Furthermore, conditions as outlined near ecology section above, require delivery of ecological measures as set out in the EIA.

Following review of the submitted concept plan, the proposal is considered acceptable, and it is concluded that a detailed design could be developed to meet all policy requirements in this regard.

Due to the scope of this outline planning application it is not necessary to include landscaping conditions at this stage, as this would be fully considered at reserved matters stage, and conditioned in line with national conditions tests.

In conclusion on this matter, the proposal accords with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Impact on Archaeology:

Although the site is adjacent to an area of high archaeological potential, the Somerset archaeologist has confirmed there are no known archaeological implications, and therefore there are no objections to the proposal,

Therefore, it is considered the proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014), and Part 16 of the National Planning Policy Framework.

Land Drainage:

The application site is within flood zone 1, meaning it is acceptable for development in principle drainage terms.

Comments from the land drainage engineer confirm the highways around the site are shown to be at high risk of surface water flooding with instances of historic flooding having been recorded.

Sufficient information has been submitted with the application to demonstrate that an adequate drainage solution can be delivered. As this is covered by building regulations, a condition is not recommended.

Foul drainage is proposed to be connected to the mains sewer. Again, as this is covered by building regulations, a planning condition is not necessary.

In conclusion on this matter, the proposed development would not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 14 of the National Planning Policy Framework.

Loss of Agricultural Land:

Consultation comments have raised the issue of loss of agricultural land. The NPPF as well as local policy is clear that brownfield sites should be considered before greenfield sites; and local policy sets out the spatial strategy which is well established within the district. However, there is no policy restricting residential development on agricultural land subject to other relevant material planning considerations. This issue alone is not such to warrant refusal of the planning application. This application must be considered in the tilted balance, as outlined in this report.

Renewable Energy:

Although limited information has been submitted to support this outline planning application, meaningful unmeasurable commitments to carbon reduction measures are required, as set out in the NPPF and policy DP7. As detailed design has not been confirmed at this stage, a condition is recommended which would require a detailed sustainability strategy statement to be submitted and agreed as part of any reserved matters application. With the inclusion of this condition as recommended, this application is concluded to be acceptable in this regard.

Refuse Collection:

The submitted concept plan demonstrates that the site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Precedent:

Comments received as part of the consultation process have outlined concerns that permission of this application would result in a harmful precedent being set. Each application is considered on its merits and a permission here would be based on the site characteristics, context and relevant material planning considerations in this case. This would not justify refusal of this application.

Other Matters:

Consultation comments have also referred to the parish council, on issues around declarations of interest. The local planning authority is required to consider the application on its merits. Any concerns regarding declarations of interest should be raised directly with the parish council. This matter has not formed part of the planning balance or the officer recommendation.

Conclusion:

Although the site is outside the development limits of West Pennard, a secondary village as set out in the Local Plan, the council cannot demonstrate a five year housing land supply, meaning the tilted balance is engaged and a refusal could only be justified in the event that harms were 'significant and demonstrable'.

In this case, the benefits of the scheme include the delivery of 1 dwelling. Although outside the settlement limit of West Pennard, the dwelling would sit immediately adjacent to the development limit and other residential development and would replicate the density and integrate to the spatial characteristics of the locality.

Harms of the development would include increased traffic, including an access near an existing road junction, loss of an agricultural field and minor increased pressure on services including the local school.

Overall, the harms in this case are not considered 'significant and demonstrable' therefore the principle of development is considered acceptable in this case, and the impacts of development are concluded to be acceptable also.

This planning application is therefore recommended for APPROVAL. Various planning conditions are recommended, as well as a legal agreement to secure phosphate mitigation.

Recommendation

Approval

Conditions

1. Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3. Reserved Matters (Pre-Commencement)

Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section

92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4. **Plans List (Compliance)**

This decision relates to the following:

- H6412/100A - Concept Site Plan & Location Plan - received 08.09.2021
- H6412/001 - Existing Location and Block Plan - received 08.09.2021

Reason: To define the terms and extent of the permission.

5. **Access (Compliance)**

The vehicular access hereby approved shall not be brought into use until it has been constructed (properly consolidated and surfaced) in accordance with drawing number H6412/100A received 08.09.2021. The vehicular access shall thereafter be permanently retained in accordance with the approved drawings.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Visibility Splay (Pre-Occupation)**

No occupation shall commence until the visibility splay shown on drawing number H6412/100A received 08.09.2021 has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **External Lighting (Bespoke Trigger)**

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed, including technical specifications, location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme, 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 thereafter 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.

No new external lighting, other than that shown on the approved plans, shall be installed

within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Compliance with Ecological Recommendations (Compliance)**

The development hereby approved (including demolition, ground works, and vegetation clearance) shall be carried out in strict accordance with the recommendations set out in the approved Ecological Impact Assessment Report prepared by HT Ecology dated March 2023 (contained as Appendix 3 of the Shadow Habitats Regulation Assessment. The Ecological Impact Assessment Report shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Renewable Energy (Reserved Matters)**

A detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. This shall demonstrate how the development has incorporated all practical measures through siting, layout and design, and maximised the opportunities for the use of sustainable construction techniques, renewable energy on site and water efficiency measures. The development will thereafter be carried out in full accordance with the approved details.

Reason: To ensure the development meets the Council's climate change objectives in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works.

10. **Package Treatment Plant (PTP) Requirements in Phosphate Affected Area (Pre Occupation)**

The dwelling hereby approved shall not be occupied until:

- i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
- ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

Informatives

1. Condition Categories

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
5. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
6. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
7. Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st MARCH to 31st AUGUST, no works should be undertaken to trees which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found to be present in the trees works should immediately cease until specialist advice has been obtained from Natural England.
8. **Legal Protection Afforded to Badgers**

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