

Case Officer	Jennifer Alvis
Site	Land At 373487 154309 Tynning Hill to Faulkland Faulkland Radstock Somerset
Application Number	2022/2076/OUT
Date Validated	9 March 2023
Applicant/ Organisation	M Wilkins
Application Type	Outline Application
Proposal	Application for Outline Planning Permission for 5no. residential dwellings with details of access and all other matters reserved.
Division	Mendip Central And East Division
Parish	Hemington Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

Referral to Chair and Vice Chair

This application has been referred to Planning Board as the application site lies outside any defined development limits and the recommendation is for approval as a departure from the development plan.

Description of Site, Proposal and Constraints:

This application relates to a triangular site on the corner of the A366 and Tynning Hill, Faulkland which is currently an area of open grassland. Access to the site is via the Greenway.

This application seeks outline planning permission for the principal of developing the site for 5 residential dwellings with all matters reserved, except for access.

The application includes an indicative site layout suggesting 3no. 4 bedroom detached dwellings and 2no. 3 bed detached dwellings, each with it's own detached garage.

Access is proposed to the five dwellings from the Greenway via four driveways (two dwellings will have a shared driveway)

Relevant History: There is no relevant planning history for the site.

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No response

Parish Council: Recommend refusal on the following grounds:

- Highway is unsuitable for additional traffic resulting in safety concerns
- The junction of Tynning Hill and the A366 has poor visibility and high speeds
- Visual impact on the existing properties

Environmental Protection: No objections.

Highways Development Officer: No objection subject to conditions.

- Whilst the speed survey results demonstrate that vehicles are travelling in excess of the 30mph posted speed limit the proposed visibility splays have taken the higher speeds into account and are considered acceptable.
- The average dwelling represents between 6 and 8 vehicle movements, therefore this proposal would see between 30 and 40 movements across the day, of which 3-4 would be within the peak hours. This cannot, and is not, be seen as a significant or severe impact on the local highway network.
- Conditions should be imposed in relation to:
 - Creation and maintenance of the visibility splays for the individual properties and the access onto the A366
 - Details for the provision of cycle storage and EV charging
 - Consolidation of the first 6 metres of the accesses and suitable drainage solutions
 - Provision to be made within the site for the disposal of surface water so as to prevent its discharge onto the highway

Ecology: No objection subject to conditions regarding

- Implementation of the green bridge
- Construction and environmental management plan
- Tree protection plan
- Survey of any trees to be felled for the presence of bats
- Lighting design for bats
- Badger sett survey
- Biodiversity net gain.

Land drainage: Objection due to insufficient details provided in regards infiltration testing.

Contaminated Land: No objections subject to conditions.

Tree Officer: No objection in principle subject to conditions regarding a full arboricultural survey, tree protection plan and landscaping

Local Representations: 2 letters of objection have been received raising the following points:

- Will impact on existing on-street parking for properties to the south

- Increase in vehicle movements will be hazardous
- Impact on views
- Residential amenity will be harmed through loss of light and noise
- Harmful to ecology
- Impact on the character of the area

1 letter received neither objecting nor supporting the scheme but raised the following points:

- Addition of ponds would benefit local wildlife but who is responsible for long term maintenance
- Land to be built on is lower than existing built up area to the south so views not significantly impacted
- The improved safety of the junction with the A366 should be supported

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 (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 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: Mendips 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
- DP23: Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)

Assessment of relevant issues:

Principle of the Use:

The application site is located in the open countryside and outside of any development limits as defined in the Local Plan where development is strictly controlled however it lies adjacent to the development limits of Faulkland, a secondary village as identified within the Local Plan Part 1.

Policy CP1 (Mendip Spatial Strategy) of the Mendip District Local Plan directs most of the growth in the plan area to the five principal market towns of Frome, Glastonbury, Shepton Mallet, Street and Wells, to enable the most sustainable pattern of growth. In the rural parts of the plan area, and in accordance with the defined settlement hierarchy, the policy seeks development to meet local needs within the villages. Faulkland is identified in the strategy as a secondary village. Policy CP2 (Supporting the Provision of New Housing) defines the housing requirement for the plan area and sets out the growth to be distributed within the various settlements. It provides minimum housing figures for the towns and an overarching figure for all the villages (primary, secondary and other). Table 9 in the supporting text of the policy indicates that the housing requirement for Faulkland is 20 dwellings during the plan period. The latest monitoring confirms that 36 dwellings have been completed in the village over the period.

The application site is on the edge, but lies outside the development limits for Faulkland, therefore in planning policy terms it is in the open countryside. Development in the open countryside will be strictly controlled but may exceptionally be permitted in line with policy CP4 (Sustaining Rural Communities). This allows rural affordable housing, for the benefit of the community where there is evidence of local needs and to be held in perpetuity. Whilst Faulkland is recognised as a sustainable settlement, and the site is close to village services and facilities, there is no development plan policy support for the application scheme.

Notwithstanding the assessment above and to be completed as part of the planning balance the scope of the development proposed is not considered isolated development as defined by paragraph 80 of the NPPF.

The Council is currently unable to demonstrate a five-year housing supply of housing land, based on the local housing need figure. Accordingly, the presumption in favour of sustainable development as defined in paragraph 11(d) of the NPPF applies. This means planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. An assessment of the Local Plan policies which are the most important to the determination of the application will therefore be made, but the 'tilted balance' should be applied to their assessment. This will be considered in the overall planning balance section of the end of this report.

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

The site is enclosed on the south and east boundaries by residential development of a similar scale and type as that proposed. It is therefore considered that despite the application being outline with all matters reserved for further consideration, the site could support 5 buildings of a style/type shown on the indicative layout plans without having an adverse impact on the character of the area.

Full details of appearance are to be agreed on a reserved matters application.

Impact on Residential Amenity:

The indicative layout as submitted would suggest that the site could accommodate up to 5 additional dwellings without harm to current and future occupants. Objections have been received from local residents in regards the harm through a loss of light and noise. The proposed indicative layout suggests there is adequate spacing between the proposed dwellings and the existing properties to the south so that overshadowing would not occur. Any noise produced during the construction phase would be temporary and can be managed through suitability worded conditions which restrict construction hours.

Impact on views are not a material planning consideration and as such cannot be taken into account when making a determination.

Given the location of the site in its context, which is set away from the existing dwellings and separated by a lane and parking areas it is not considered that the development of 5 houses on the site would impact on residential amenity of the neighbouring occupiers. A condition is recommended to control the construction hours.

Whilst the details of sitting will be confirmed at the reserved matters stage it is considered that the application scheme would accord with policies DP7 and DP8 of the Local Plan Part 1.

Assessment of Highway Issues:

The layout proposes separate access for each property from Greenway, a single lane carriageway with a 30mph limit running to the south of the site which already supports a number of accesses. Each proposed access will have visibility splays of 43m in each direction which complies with the Manual for Streets for 30mph zones.

The visibility from Greenway onto the A366 is partially obscured in the westerly direction given the roadside hedgerow which is present along the length of the application site. The proposals will deliver a betterment to this junction by relocating the hedgerows from the edge of the carriageway to behind the visibility splays, and to ensure that vegetation is kept at or below a height of 0.6m. This will achieve a visibility splay of 124m in the westerly direction which complies with national standards and will benefit all road users. Visibility when looking east from this junction is already good and accords with policy.

Therefore overall given the proposed access arrangements and the improvements to the junction with A366 as referred above it is considered that a safe means of access can be achieved in accordance with Policy DP9 of the Local Plan.

The indicative layout also suggests that adequate off-street parking to serve the development can be achieved in accordance with Policy DP10 of the Local Plan, details of which can be secured through reserved matters.

All conditions as suggested by the Highway Authority should be imposed on any permission granted.

Ecology:

The application is supported by a Preliminary Ecological Appraisal which found that the site had moderate suitability for the roosting and foraging of bat and high suitability for the nesting of birds. All other potential species habitats were considered to be of low or negligible suitability. The site lies within Bat Zone Band C of the Mells Valley Special Area of Conservation (SAC).

Due to the potential for roosting and foraging bats to be present on the site within the trees and hedgerows, a green bridge is proposed which will branch over the proposed accesses onto Greenway, to create an unbroken foraging path for bats and provide additional habitat for roosting bats and nesting birds.

County Ecology Services, in their response to the application, have raised no objection on ecology grounds subject to conditions as mentioned in Consultee Responses section above.

Therefore, and subject to suitability worded conditions, the proposal is considered to comply with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1.

Trees:

The tree officer raised no objection in principle subject to a full arboricultural survey, tree protection plan and landscaping being provided, however some concerns were raised over the loss of hedgerow to create accesses and future maintenance of the remaining hedgerow. A green bridge is proposed to replace the hedgerows which will act as mitigation for this loss however, as this application is currently only at outline stage with landscaping held back as a reserved matter, further details can be conditioned to be provided with the reserved matters application.

Refuse Collection:

There is ample space on site for an area to be allocated which is accessible from the highway for collection. To be agreed on a reserved matters application.

Planning Balance/Conclusion

Whilst it is acknowledged that the development will be beyond the edge of the Faulkland Village and therefore would represent a departure from local plan policies regarding its spatial strategy for new residential development as set out at policy CP1 and CP2, the application site cannot be described as being in isolated open countryside.

Given that the Council does not have a five year housing land supply the tilted balance of Paragraph 11 (d) of the NPPF applies. The additional 5 dwellings will make a modest contribution to housing in the district, which is of some weight. There will also be limited economic benefits through the construction period, and new occupants of the village may use local services and facilities contributing to their long term viability. This again has limited economic and social benefits. Furthermore it has been demonstrated that the application site is accessible to some local services and facilities, and therefore future occupants would not be wholly reliant on the private car.

Following the assessment of the application as set out above, any impacts arising from the application scheme are not considered significant and would not demonstrably outweigh the benefits delivered. On balance, it is recommended that planning permission be granted as a departure from the Development Plan.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement 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, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

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 - Specific details required (Compliance)**

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.

3. **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.

4. **Plans List (Compliance)**

This decision relates to the following drawings: 1985-CMS-XX-XX-DR-A-LOC01 A, 1985-CMS-XX-XX-DR-A-PL01, 1985-CMS-XX-XX-DR-A-PL02 C, 1985-CMS-XX-XX-DR-A-PL04 E, 1985-CMS-XX-XX-DR-A-PL05 A and 1985-CMS-XX-XX-DR-A-PL07.

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

5. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Flood Risk Assessment and Surface Water Drainage Strategy (Compliance)**

The development shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy by Jomas Engineering Environmental dated 18th January 2023, and the details contained within it.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with Environment Agency's Land Contamination Risk Management(LCRM).

The assessment and written submission shall include:

(i) a survey of the nature, extent and significance of any contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service
- lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal and justification for the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy

Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences in addition to any assessment

provided with the planning application (undertaken in accordance with the relevant National Guidance). This condition does not restrict commencement of enabling

works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

8. **Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled waters, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures;
- (iv) where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- (v) where required, additional contingency measures designed to safeguard future users and receptors

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall not commence until the approved remediation scheme has been carried out, excepting those works required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore these details need to be agreed before work commences.

9. **Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. Where a phasing plan has been approved no occupation shall commence of each phase until a verification report dealing with that phase has been submitted to and approved in writing by the Local Planning Authority. The

verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other off-site receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

10. Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other off-site receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

11. Construction Management Plan (Pre-commencement)

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) delivery and construction working hours; confirmation that noise emissions from the site during the development, i.e. the demolition, clearance and redevelopment of the site, shall not occur outside of the following hours:

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

The development shall thereafter be constructed in accordance with the approved Construction Method Statement.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

12. **Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall commence, other than those required by this condition, until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Detailed Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development;
 - (b) Construction exclusion zones;
 - (c) Protective barrier fencing;
 - (d) Ground protection;
 - (e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision;
 - (f) Service positions; and,
 - (g) details of any special engineering requirements, including 'no dig construction';
- The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition because the works comprising the development have the potential to harm retained trees and therefore these details need to be agreed before work commences.

13. **Construction Environmental Management Plan (Compliance)**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities, including the use of artificial lighting after sunset during construction.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as method statements), including sensitive measures for reptiles and amphibians etc.
- d) The location and timing of sensitive works to avoid harm to biodiversity features and protected species.
- e) The times during construction when specialist ecologists need to be present on

site to oversee works.

f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs; and

i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent as the commencement of works without these details could have a harmful impact on protected species.

14. **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 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 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).

15. **Badger Protection (Pre-commencement)**

Within six weeks of vegetative clearance or groundworks commencing, a survey for badger setts will be carried out by an experienced ecologist. The results of these surveys will be reported to Local Planning Authority and subsequent actions, or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required, a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: This condition must be a pre-commencement condition to safeguard

badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with policy DP5 of the Mendip Local Plan.

16. **Bat Protection (Pre-commencement)**

Any trees to be removed will be inspected by a suitably qualified ecologist prior to being felled. If it is further considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is confirmed, then felling will need to be delayed and an EPS licence sought from Natural England. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Trees shall be 'soft felled', which would involve sensitively lowering the sections with Bat Roost Potential features to the ground. Once on the ground, features should be kept upright and angled at 90 degrees to the ground to enable bats to exit in the unlikely event of single or low numbers of bats being present. The felling shall avoid the maternity period when bats are most sensitive to disturbance (May to August inclusive) and to avoid the hibernation period (mid-October to mid-March inclusive). Written confirmation of the supervision will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of completing the operations.

Reason: In the interests of the 'strict protection' of European protected species and in accordance with policy DP5 and DP6 of the Mendip Local Plan.

17. **Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

a) A minimum of two bird nest boxes to be implemented on the new dwellings and to be installed 3-4m above ground level between north and east to avoid direct sunlight and prevailing wind and rain. Choices of box include Vivara Pro WoodStone House Sparrow Nest Box, Woodstone Build- in Open Nest Box and Schwegler Brick Nest Boxes.

b) A minimum of two bird nest boxes to be installed 3-4m above ground level on suitably mature trees between north and east to avoid direct sunlight and prevailing wind and rain. Birds must have a clear flight path to and from the boxes. A choice of 1B Schwegler bird box, Vivara Pro Seville 32mm WoodStone nest box, 2GR Schwegler nest box are to be implemented.

c) A minimum of two integrated bat boxes to be installed in or on the external elevations of the proposed building and/or built into the walls (e.g. 1FR Schwegler bat tube, Vivara Pro Build- in Woodstone bat tube, Ibstock Enclosed bat box, Beaumaris Woodstone bat box, 2FE Schwegler wall- mounted bat shelter are all suitable choices).

d) A minimum of two bat boxes to be installed on a suitable mature tree (e.g. 2F

Schwegler bat box, Low Profile WoodStone bat box, 1FF Schwegler bat box). Bat boxes must be installed at least 3 - 4 m above ground level, ideally facing to the south, south- west and/or south- east, located away from windows and other artificial light sources, and with a clear flight path to and from the entrance.

e) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of 1-2 dwellings. Please note bee bricks attract solitary bees which do not sting.

f) All new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs within the local landscape;

g) One log pile to be installed as a resting place for reptiles and or amphibians or hedgehog constructed on the western boundary ideally away from a private garden;

h) New hedgerow/s and green bridges (as shown on drawing: 1985-CMS-XX-XX-DR-A-PL07) to be planted up with native species comprised of a minimum of five of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. The hedgerow will be ancient coppiced and laid on reaching maturity and cut on a 3-year rotation thereafter. Any gaps in existing hedgerow will be planted with native shrub and tree species to fill gaps and thereby increase value as foraging and commuting habitat; and

i) Wildflower meadow and/or native species rich marginal vegetation is to be created around the proposed pond and to be managed as a wildlife feature.

All bird and bat boxes are to be installed under the guidance of the Ecologist.

Photographs of and/or plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

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

18. **Individual Property Visibility Splays (Pre-occupation)**

At the proposed accesses there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development of each dwelling hereby permitted and shall thereafter be maintained in perpetuity.

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).

19. **Visibility Splay (Pre-commencement)**

At the junction of Greenway and the A366 there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays

shown on the submitted plan. (Drawing No. 811.0002.004 Rev A in the Transport Assessment) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained in perpetuity.

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).

20. **Electric Vehicle Charging (Pre Occupation)**

The development hereby approved will not be occupied until it is served by at least 1no. active electric vehicle charging point per dwelling in line with the requirements set out in Somerset Council Electric Vehicle Charging Strategy 2020. Each active charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging. Charging provision shall be retained permanently thereafter.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with the Somerset County Council Electric Vehicle Charging Strategy (2020), Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

21. **Bound/Compacted Vehicle Access (Pre-occupation)**

Prior to first occupation of the development hereby permitted the proposed accesses over at least the first 6metres of their length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) and drainage installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the accesses shall thereafter be maintained in that condition in perpetuity.

Reason: To prevent loose material spilling onto the highway 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).

22. **Drainage onto Highway (Pre-occupation)**

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained in perpetuity. NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure

being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

Reason: To ensure that suitable drainage is provided to prevent surface water discharge onto the public highway, and thereafter retained in the interests of highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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 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.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>
5. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
6. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
7. The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact S106andS278LegalAgreements@somerset.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

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