

Application Number	2023/0834/FUL
Case Officer	Anna Jotcham
Site	Land At 371144 141521 Station Road Wanstrow Shepton Mallet Somerset
Date Validated	10 May 2023
Applicant/ Organisation	Mr Reynolds Wanstrow Properties Ltd
Application Type	Full Application
Proposal	Erection of four dwellings with associated vehicular accesses and highway works
Division	Mendip Central And East Division
Parish	Wanstrow Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

### 3. WHAT 3 WORDS

The application site can be found by entering the following words into the What 3 Words website / app (<https://what3words.com/>)

///reminds.offerings.soccer

### SCHEME OF DELEGATION

The application site is located outside of the housing settlement limits so would be a departure from the existing adopted Development Plan. Therefore, in accordance with the scheme of delegation, this application is referred to the Planning Committee by officers.

### SITE DESCRIPTION AND PROPOSAL

The application relates to greenfield land to the east of Station Road (A359) on the periphery of the village of Wanstrow. The site adjoins existing dwellings to the north ('Moonrakers' is the immediate property) and open countryside to the south and east. To the west of the site, on the opposite side of the A359, are the residential properties nos. 1 – 6 Station Road.

The site is generally flat and bounded by a hedgerow on the roadside. There is a single oak tree located within the application site.

Outline planning consent (for access and layout) was granted at appeal in October 2022 for the erection of four dwellings on the site (ref: 2020/2510/OTS). Following the decision details relating to conditions 8 and 9, both regarding land contamination, were approved (discharged) by the Council (ref: 2023/0155/APP).

The current application seeks full planning permission for the erection of four dwellings. The scheme comprises a pair of semi-detached, two-bedroom bungalows (plots 1 and 2) and two detached, three-bedroom dwellings (plots 3 and 4).

Two new vehicular access points, which are a duplicate of those granted at appeal, are proposed. One access would serve plots 1 and 2, and the second access would serve plots 3 and 4. The scheme also includes the provision of a new footpath along the frontage of the site and an uncontrolled pedestrian crossing.

The application is supported by a suite of technical reports including a Planning Statement, Drainage Strategy, Contamination Report and an Ecological Appraisal.

## **RELEVANT PLANNING HISTORY**

2020/2510/OTS – Application for Outline Planning Permission with some matters reserved for erection of 4no. dwellinghouses with details of access and layout – REFUSED – 13.01.2022 (allowed at appeal on 21.10.2022, appeal ref: APP/Q3305/W/22/3296599).

2023/0155/APP – Application for approval of details reserved by conditions 8 (land contamination - risk assessment), 9 (land contamination - remediation scheme) on planning consent 2020/2510/OTS – APPROVED – 13.02.2023.

## **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) Post JR Version
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

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 – 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
- DP14 – Housing Mix and Type
- DP23 – Managing Flood Risk

Other possible relevant considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Design and Amenity of New Development Policy DP7 SPD (March 2022)

## **SUMMARY OF CONSULTATION RESPONSES**

The consultation responses are summarised below. Full comments can be viewed on the public website.

**Wanstrow Parish Council** – Objects / recommends refusal for the following reasons:

- Drainage and flood risk.

- Harm to residential amenity of neighbours opposite the site (car headlamps shining into properties when residents of the new development exit access points).
- Highway safety and inconvenience (proposed access roads are opposite existing access points).
- Contaminated land issues (replacement of topsoil should be conditioned as a minimum).
- Ecology (phase 1 report is incomplete, inaccurate, and lacking in detail).

**Contaminated Land Officer** – No objection, subject to conditions.

**Local Highway Authority** – No objection to the principle of the proposal, however further information is required (a section drawing to show both of the new accesses and gradient details).

**Local Representations** –

2 objections have been received raising the following issues (summarised):

- Drainage and flooding issues (increase in hardstanding will increase surface water run-off and risk of flooding).
- Traffic, congestion and highways safety issues (higher risk of accidents due to poor visibility and traffic speeds, there is no pavement here and adding one will create more issues by narrowing the road, there is no access to public transport in Wanstrow).
- Residential amenity (impacts on the six properties immediately opposite the site, including loss of view and vehicle light dazzle).
- Wanstrow has limited facilities and there will be no benefits to the community.

## **ASSESSMENT OF RELEVANT ISSUES**

### **PRINCIPLE OF DEVELOPMENT**

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. The village of Wanstrow is not a designated primary or secondary village and does not have a settlement boundary, it is therefore classed as countryside.

Residential 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. The policy exceptions do not apply in this case so the principle of the proposed housing development in this location is not acceptable.

However, 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 National Planning Policy Framework (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.

## **HOUSING MIX**

Policy DP14 (Housing Mix and Type) requires that proposals for residential development should provide an appropriate mix of dwelling types and sizes. This is echoed in the NPPF which emphasises the need for local planning authorities to plan for the housing needs of different groups in the community to achieve mixed and balanced communities.

The development consists of four bungalows (2 x two-bedroom and 2 x three-bedroom) which will contribute to the variety of housing needs in the District in line with policy DP14 (Housing Mix and Type).

## **DESIGN AND VISUAL IMPACT CONSIDERATIONS**

The application site is on the outskirts of Wanstrow, and the proposed site plan shows the proposed dwellings arranged on a single plot depth extending the linear pattern of development along the village. The proposed layout broadly accords with the extant outline permission, which was considered by the Inspector at the previous appeal to be "a natural extension of the village in what could be a pleasant, softly landscaped context".

This part of Station Road has an eclectic character with a significant variety of house types which were predominantly built from the 1950's onwards. The proposed dwellings would be single storey and their roofs would be hipped, with projecting gables to the front. The dwellings would be constructed with a mixture of Bradstone walling and render under clay double roman tiles. All four properties feature integral garages and the external material for the garage doors has been amended from metal to timber during the planning application process to soften their appearance.

The proposal would inevitably change the character of the site by introducing built development and encroaching into the countryside. However, the proposed dwellings would be enclosed by new native hedging and a wildflower meadow to the southern edge which would aid the transition of the development into the countryside. This effect would be reinforced by the ability to retain the mature tree between the two groups of bungalows.

There are already existing properties on the A359, and a development of the scale proposed would not be out of place. From observations on site, coupled with the plans provided, it seems likely that the visual impact on the surrounding area will be localised, and in proportion with the proposals. Therefore, in line with the previous appeal decision, there would be no inherent overall harm to the character and appearance of the area from erecting four dwellings in this location.

## **SUSTAINABLE CONSTRUCTION**

The siting, layout and design of buildings can have a fundamental impact on energy efficiency and can be addressed through the planning system.

Policy DP7 (Design and Amenity of New Development) comprises a number of criteria to ensure high quality design, and this encompasses measures to ensure the development includes sustainable construction and renewable energy measures. The policy advises that proposals for new development should demonstrate that they:

e) maximise opportunities for:

- i. The use of sustainable construction techniques
  - ii. The use of sustainable drainage systems
  - iii. Renewable energy generation on site
  - iv. The use of water efficiency measures, recycling and conservation
  - v. New residents to minimise, re-use or recycle waste
- f) use locally sourced or recycled materials wherever practically possible

i) undertake construction in a manner that makes efficient use of materials and minimises waste.

The submitted landscaping plan (drawing no. A011.A) indicates that air source heat pumps will be incorporated into each of the buildings, however limited details are offered at this stage. Given the requirements of policy DP7 and the Council's green pledge, a condition is attached to ensure that sufficient measures are designed into the scheme and secured.

## **ECOLOGICAL IMPLICATIONS**

An extended Phase 1 Habitat Survey (by Crossman Associates, dated 28 April 2023) has been submitted with the application. This is an updated survey following on from the ecological assessment that accompanied the scheme which was approved at appeal.

The up-to-date ecology assessment identifies that the site is occupied by improved grassland with a native boundary hedgerow. The site is likely to support nesting birds and foraging/commuting bats and may support dormouse. However, overall, it is considered by the ecologists that the site is small in size and generally has low ecological value.

The extant outline planning consent established the acceptability of the ecological impacts. As such, there is no objection to the scheme from an ecological point of view, subject to the duplication of conditions on the outline approval and one which also requests submission of a Wildlife Protection and Enhancement Scheme.

## **ARBORICULTURAL IMPLICATIONS**

There is a single mature oak tree within the application which is proposed to be retained. There is no objection to the impact of the proposed layout on this tree, subject to the inclusion of a condition requiring tree protection measures and submission of an arboricultural method statement.

## **HIGHWAY SAFETY**

The proposed layout shows two access points off of Station Road (A359) which has a designated speed limit of 30mph. Each access, which serves two of the four dwellings, is 5 metres wide with visibility splays of 2.4 metres by 43 metres to the north of each access and 2.4 metres by 60 metres to the south, which are reasonable given the characteristic of the road. During the consultation process the highway

officer requested further details relating to the access arrangements (specifically a section drawing to show both of the new accesses and gradient details). However, as the access arrangements duplicate the details approved in the outline permission it was not deemed reasonable or necessary for the applicant to provide this additional information in this instance.

Third party concerns over vehicular speeds and potential collisions at this point of the public highway are noted. However, it is considered that through careful management the influx of traffic movements here could be delivered and regulated safely.

As per the outline permission, the proposal would improve pedestrian access to the site by introducing a new 2 metre wide footway across the frontage and an uncontrolled crossing. These would be secured by a relevant condition and legal agreement with the Highway Authority.

The internal site layout arrangements have been updated from the outline permission to reflect the current scheme. Nevertheless, the road layout and turning areas are sufficient for vehicles to enter and exit the site in a forward gear, and each dwelling will be afforded sufficient off-street parking provision.

Overall, and having regard to the extant outline approval it is concluded that the proposed development is acceptable in highway terms. The improvements to the footways will be of benefit to both existing and future residents. Subject to conditions and legal agreement with the Highway Authority to secure the construction of the necessary highway works the proposal complies with the relevant highways policies.

## **DRAINAGE AND FLOODING**

The site is not located within any designated flooding areas, but the introduction of development and hardened surfaces will increase the impermeable areas of the site and therefore the volume of surface water run-off from the development.

The application is accompanied by the Drainage Strategy (by AEQ Consultants Ltd) and a corresponding plan which proposes the use of rainwater harvesting and permeable surfaces.

The previous appeal decision considered that an acceptable drainage scheme could be designed which would not increase flood risk on site or elsewhere. Therefore, to adequately control surface water run-off, the condition relating to surface water drainage which was attached to the previous appeal decision is duplicated.

## **IMPACT ON RESIDENTIAL AMENITY**

The site is located to the south of 'Moonrakers' which is a detached, two storey house with a blank gable end and a single storey rear projection with windows facing onto the site. Nos. 1-6 Station Road are opposite the site, to the west, and separated from the site by the main road (A359).

It is acknowledged that the proposed development would change how the immediate neighbours experience the site. However, the proposed site plan shows sufficient buffers and boundary treatments between the proposed dwellings and the existing development. The proposed dwellings are set back from the site frontage and are low profile, single storey. Concerns about the loss of countryside views from the properties opposite the site are appreciated, however this is not a material planning consideration. Comments made in relation to the potential for 'light dazzle' from vehicles exiting the site are also noted, however this kind of disruption would be short-lived and occasional and does not warrant a reason for refusal on residential amenity grounds.

On balance, the development would not pose significant harm to the amenities of neighbouring occupiers and would provide an adequate standard of amenity for the proposal's future occupiers. The development therefore complies with the relevant planning policies.

## **LAND CONTAMINATION**

The outline planning consent imposed conditions relating to contaminated land, which have subsequently been approved (discharged) by the Council. The Council's Contaminated Land Officer has been consulted on the current proposal and has not raised any objection, subject to conditions.

## **HEALTH CARE PROVISION**

It is accepted that the development will place additional pressure on healthcare facilities locally because of an increase in the population of the village. However, the council has not been made aware of any concerns in relation to capacity of the local Doctor's surgery by the relevant consultee as a result of this development.

## **PLANNING BALANCE / CONCLUSION**

The overall thrust of Government Policy as set out in the NPPF is to encourage the delivery of sustainable development and for Local Authorities to significantly boost the supply of housing. The application scheme offers a proposal which would provide four dwellings. This is given significant weight in the planning balance, particularly in the context of the lack of five-year housing land supply in the district.

The site lies adjacent to the village of Wanstrow, and as such, has a close relationship with the village itself. Although Wanstrow is not identified in the Council's spatial strategy as a sustainable location for growth there is a pub, garage, a village hall, and a church. Therefore, future occupiers of the development would have access to some services without having to rely on private vehicular travel.

The application site benefits from outline planning permission for the erection of four dwellings, which is a material consideration that carries significant weight in the assessment of the current submission. The outline approval remains extant until 21 October 2025.

The proposal will deliver simultaneously, economic, social and environmental benefits:

- Economic benefits will be linked to employment opportunities during the construction period but also through the increase in population and the consequent use of local businesses and services in the locality, and also through council tax receipts.
- In the context of social benefits, the proposal would provide four single storey homes within the village and will contribute towards the current shortfall across the district. Footway improvements, including the creation of an informal pedestrian crossing, will be secured.
- With regards to environmental benefits, the scheme will deliver ecological enhancements. Sustainable construction methods and technologies will be secured by condition.

Concerns about the impact on living conditions of neighbours opposite the site are understood but the outline approval has accepted the proposed access arrangements and the introduction of four dwellings on the site. Loss of a view is not a material planning consideration, and the layout, scale and design of the scheme would ensure the preservation of acceptable living conditions for neighbours.

There are no ecological, arboricultural, contaminated land, flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions.

Therefore any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole. Paragraph 11 of the NPPF therefore directs that planning permission should be granted.

Overall, the development is sustainable development, and the application is therefore recommended for approval, subject to conditions and the provision of off-site highway works (secured through a section 278 agreement).

## **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. Standard Time Limit (Compliance)**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

## 2. **Plans List (Compliance)**

This decision relates to the following drawings:

09 May 2023 - A0.01 - LOCATION PLAN  
09 May 2023 - A0.10 - PROPOSED SITE PLAN  
09 May 2023 - A0.11A - PROPOSED LANDSCAPE PLAN  
09 May 2023 - A0.12 - EXISTING SITE SURVEY  
09 May 2023 - A0.30 - PLOTS 1 & 2 PROPOSED GROUND FLOOR  
09 May 2023 - A0.31 - PLOT 3 PROPOSED GROUND FLOOR  
09 May 2023 - A0.32 - PLOT 4 PROPOSED GROUND FLOOR  
28 Jul 2023 - A0.40A - PLOT 1 & 2 PROPOSED ELEVATIONS  
28 Jul 2023 - A0.41A - PLOT 3 PROPOSED ELEVATIONS  
28 Jul 2023 - A0.42A - PLOT 4 PROPOSED ELEVATIONS  
09 May 2023 - A0.43 - PLOT 1 & 2 PROPOSED RETURN ELEVATIONS  
09 May 2023 - A0.44 - PROPOSED SITE SECTION  
09 May 2023 - AEQ260-C-101 - ENGINEERING & OFF-SITE WORKS LAYOUT

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

## 3. **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 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 schedule shall include:

1. Detailed specification of the proposed materials (type, size, colour, brand, quarry location, etc.).
2. Photographs of all the proposed materials.
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of 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 Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details (drawing no. A0.11A). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Development Policy 4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Sustainable construction (Bespoke trigger)**

Prior to works above ground level, a detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how the development has incorporated reasonable and 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 that sustainable construction and renewable energy opportunities are maximised in accordance with DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Construction Environmental Management Plan (Pre-commencement)**

No site clearance, preparatory work or development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period, 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) and UK priority species and

habitats listed on s41 of the Natural Environment and Rural Communities Act 2006. This is a condition precedent as the commencement of works without these details could have a harmful impact on protected species.

7. **Wildlife Protection and Enhancement Scheme (Bespoke Trigger)**

No works above ground level shall take place until a Wildlife Protection and Enhancement Scheme (WPES) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the WPES shall include the following, or similar:

- (i) Bat box (south and/or west elevations).
- (ii) Bird box (east and/or north elevations).
- (iii) Bee brick (south elevation).
- (iv) Details of new fencing (this must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle).

All works within the BEP shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To provide biodiversity gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014), paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

8. **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 approved details. No new external lighting, other than that shown on in the approved "lighting design for bats", 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).

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

No development shall commence, other than those required by this condition, until a scheme for the protection of the retained tree and the appropriate working methods (an 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 the tree to be retained is not adversely affected by the development proposals in accordance with Development Policy 1 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 the retained tree and therefore these details need to be agreed before work commences.

10. **Construction Method Statement (Pre-commencement)**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- a) provision of a construction access;
- b) provision of contractors' parking/compound;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) construction hours.

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.

11. **Disposal of Surface Water (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 before occupation of the proposed development and thereafter maintained at all times.

Reason: In the interests of highway safety and to protect the integrity of the highway drainage asset in accordance with policies DP7, DP9 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Vehicular Access (Compliance)**

The vehicular accesses hereby approved shall not be brought into use until they have been constructed in accordance with details shown on drawing no. A0.10. The vehicular accesses shall thereafter be permanently retained in accordance with the approved plans.

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).

13. **Visibility Splay (Pre-occupation)**

No occupation of the development shall commence until the visibility splay shown on drawing no. A0.10 have been provided. There shall be no on-site obstruction exceeding 300mm 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).

14. **Footpath/pavement/pedestrian crossing (Pre-occupation)**

No part of the development hereby approved shall be occupied or brought into use until the footway along the site frontage and the uncontrolled pedestrian crossing facility as per the approved drawing (A0.10) have been constructed and fully implemented in accordance with a design and specification to be first submitted to and approved in writing by the Local Planning Authority. (The provision of these works will require a highway legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works).

Reason: In the interests of highway and pedestrian safety having regard for Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Parking (Compliance)**

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that sufficient parking is provided to serve the approved development in the interests of highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **Surface Water Drainage System (Pre-commencement)**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall have been submitted to and approved in writing by the local planning authority. The scheme shall include results of infiltration testing and an assessment of the

capacity of the downstream channel and structures to accommodate additional flows from the site, along with details of groundwater levels and soakaway design, in accordance with Building regulations Part H, to verify whether or not soakaways will be suitable for the development. Where soakaways are found to be suitable, details of the soakaways to be installed shall be provided. If the infiltration test results or ground water levels demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be detailed and justified. Discharge from the site shall be restricted to greenfield rates of runoff with attenuation provided up to the 1 in 100 year plus 40% climate change event. The submitted details shall also include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

**17. 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 workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework.

**18. 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.

## **Informatives**

1. 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.

2. **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.

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.