

Application Number	2023/0734/FUL
Case Officer	Kelly Pritchard
Site	Land At 355328 131038 Castle Cary Road Lydford On Fosse Somerton Somerset
Date Validated	26 April 2023
Applicant/ Organisation	T Ireland
Application Type	Full Application
Proposal	Erection of 1no. single storey dwellinghouse.
Division	Mendip South Division
Parish	Lydford-On-Fosse Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

5. **What Three Words: revealing.merchant.nibbled**

Referral to Planning Committee:

In accordance with the scheme of delegation, and given the officer recommendation is for approval this application is referred to the Planning Committee as a departure to the development plan.

Description of Site, Proposal and Constraints:

The application relates to land to the north of the B3153, Castle Cary Road, Lydford on Fosse. the application sits behind stable building and manège which was granted approval in 2018. The site is currently accessible from Cottons Lane.

Historically under reference 2018/2962/FUL, permission was granted for the stable for commercial equine use and new vehicular access onto the B3153. This permission was not implemented.

Outline permission was granted, reference 2020/0697/OTS, for the erection of a dwelling on land adjoining the stables, details of access, layout, scale and landscaping were approved as part of that application. Details of appearance was reserved for subsequent approval. The dwelling shown on the outline application had

a footprint which was a 'H' shape (a central part with two end wings) and was single storey. This permission was also not implemented.

The site is located outside defined development limits, within an Air Limit MOD, a Mineral Consultation Area, its within Somerset Levels and Moors Ramsar Risk Area and a Site of Special Scientific Interest Impact Risk Zone.

The application seeks full planning permission for the erection of a dwelling and creation of a vehicular access.

The new access is to be formed from the B3135 and is the same arrangement as the access approved under reference 2018/2962/FUL and the outline application, reference 2020/0697/OTS. The existing vehicle access onto Cotton Lane is proposed to be reduced in width to prohibit vehicular access at this point.

The dwelling will be single storey with black corrugated vertical cladding to the walls on the north, east and west elevations and vertical native timber cladding to the south. The roof will be finished with black corrugated roof panels to match the walls.

The dwelling proposes a ridge height of 4.8m, similar to the outline consent, but the building now proposed is an oblong shaped footprint and its orientation has changed.

Relevant History:

- 2016/1689/FUL – Construction of agricultural style stable building and manege and formation of new access onto Cottons Lane with associated landscaping. Approval. 19.10.16
- 2016/2803/APP – Application to discharge conditions 5 (storage and removal of waste) and 6 (landscaping) from permission 2016/1689/FUL. Approval. 20.12.16
- 2018/2962/FUL – Change of use of existing private stables to commercial use, extension of stable building, construction of new access, construction of winter turn out yards and canter track. Approval. 29.03.19
- 2020/0697/OTS - Application for Outline Planning Permission with some matters reserved for the erection of 1 single storey dwelling with details of access, landscaping, layout and scale. Approval. 24.01.23

Summary of Divisional Councillor comments, Parish Council comments, representations and consultee comments:

Divisional Member: No comments received.

Lydford Parish Council: Approval.

Highways Development Officer: Standing Advice.

Environmental Protection:

We have no objections to this proposal except hours of construction operations due to proximity of other residential:

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

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

Contaminated Land: No comments to make.

Land Drainage: No comments received.

Ecology: No objection subject to conditions.

Local Representations:

One letter of objection has been received raising the following planning issues:

- Disturbance to amenity during construction.

Full details of all consultation responses can be found on the Council's website www.somerset.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) (post JR version)
- Somerset Waste Core Strategy
- 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)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The principle of a dwelling, along with the vehicular access as proposed, on this site has been established by the outline planning permission. The planning history in this case carries significant weight in the planning balance in this case. The policy position is further outlined below.

Core Policy 1 (CP1) of the adopted "Mendip District Local Plan - Part 1" 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). This application site is however outside of the Development Limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

Core Policy 2 (CP2) of the Local Plan 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 and (c) other allocations of land for housing and, where appropriate, mixed-use development, outside of Development Limits through the Site Allocations process.

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.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land

supply in accordance with the requirements of the NPPF. As a result, the policies within the

Local Plan, which seek to prevent new housing outside the development limits of settlements

(CP1, CP2 and CP4) currently can not be given full weight in the decision making process. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

In this regard paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Although the application site is situated within the open countryside there are residential dwellings on the opposite side of Cotton Rd to the application site, so the proposed dwelling would not be considered isolated. Furthermore the occupiers would have access to services and facilities within Keinton Mandeville without having to rely on private vehicular travel.

The conclusion section of this report set out the balance of issues and the recommendation for this application.

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

The site is set back from the main road and the proposed dwelling will be seen in the context of the single storey dwellings consented on the other side of Cotton Lane. The dwelling will be single storey as described earlier in this report and will be behind the existing stable building. Its design and proposed palette of materials is reflective of an agricultural building.

There is a hedge along the western boundary of the site with Cottons Lane, and planting is proposed on the eastern side of the plot to fine the boundary here.

The proposal by reason of its siting, scale, design and layout is acceptable and contributes and 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:

There are no immediate neighbours to be impacted by this scheme and providing the height of the dwelling remains single storey it is not considered to have a negative impact on the newly consented dwellings on the opposite side of Cotton Lane.

The adjoining equine activity is currently in private leisure use owned by the applicant. Consent was given 2019 to extend the stable, create a new access, winter turn out area and canter track for commercial use. The agent has confirmed that this permission was not implemented, and it has therefore expired.

The proposed dwelling will be to the northern side of the site beyond the existing stables, but it will share a vehicular access. Given the close proximity of the proposed dwelling to the stables and the potential for amenity conflict, the agent for this application is suggesting a planning condition to restrict the occupation of the dwelling to be ancillary to the equestrian activity on the land. This condition was also suggested during the life of the outline application, but was discarded by the LPA as the condition would not meet the planning tests for conditions as the dwelling could never be ancillary to the equestrian use. Notwithstanding this it was decided that there is an element of buyer beware, and as such a restrictive occupancy condition was not and is not considered necessary.

Although Environmental Protection did not object or suggest planning conditions on the outline permission they have suggested a condition restricting noise emission from the site during certain hours during the demolition, clearance and redevelopment of the site. This is considered reasonable given there have been dwellings built recently nearby.

Given the scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The 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 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. This application may require a Habitats Regulations Assessment (HRA), or, where applicable, screening to rule out a likely significant effect on the Ramsar. As such the submission needs to demonstrate how the proposal achieves nutrient neutrality.

The application is supported by evidence pertaining to the Interim guidelines on small-scale thresholds and nutrient neutrality principles, specifically to the small

scale thresholds of likely significant effects in relation to Package Treatment Plants (PTPs). SES are satisfied that the proposal will result in discharges of less than 2m³ per day and that the proposed locations of the drainage field and PTP meet the Proposed thresholds criteria a- h.

A PTP discharging into a drainage field needs to be appropriately designed, including acceptable year-round percolation rates for it to work effectively. A percolation test ensures the drainage field effectively removes pollutants and then determines the size of the drainage field required. A percolation test has been performed of the proposed location of the drainage field and the results of the percolation test indicate that the proposed location of the drainage field will effectively remove pollutants. The application proposes the use of the Kingspan Small wastewater treatment system Biodisc (with a rotating biological contractor) suitable for up to 50 persons. The proposed PTP, make and model is considered acceptable.

It is therefore concluded that the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect alone and in combination under the Conservation of Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out. As the PTP does not require chemical dosing a suitably worded compliance condition can be imposed to secure the foul drainage arrangement.

Given the current use of the site it is unlikely to be suitable habitat for any ecology of note. However, similar ecological conditions to the ones imposed on the outline application for a dwelling on this site will be reimposed. The biodiversity net gain shown on the submitted plans will be secured.

Subject to planning conditions the proposed development will not have an adverse impact on bats or other ecology. The proposal 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:

The junction of Cottons Lane with the B3153 is substandard and the existing equine access is from Cottons Lane. The 2018 permission for commercial equine use consented a new vehicular access onto the B3153 as did the outline consent for a dwelling. The design of the new access is also being brought forward via this current

proposal, it is therefore considered acceptable for use by a single dwelling and the existing private stables, subject to similar planning conditions to the conditions imposed on the outline application.

There is adequate parking provision within the site.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Land Drainage:

Surface water will be disposed of by a soakaway and the foul will be dealt with via a package treatment plant.

Parts of the site are shown to be at low risk of surface water flooding, therefore the threshold level of the proposed dwelling would need to be at least 150mm above existing ground levels. The threshold levels have been illustrated on the submitted drawings and is acceptable.

The proposed development will 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 15 of the National Planning Policy Framework.

Refuse Collection:

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.

Conclusion & Planning Balance

It is acknowledged that the development will be beyond the settlement limits 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. However, the application is relatively close to the services and facilities within Keinton Mandeville which is close to the site and therefore it cannot be described as isolated or an unsustainable location.

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 of a dwelling 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 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.

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: 1621-01, 1621-02 Rev A, 1621-03 and 1621-04 received 24.04.23.

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

3. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing and roofing materials as specified on the application plans.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Access, Parking and Turning Areas (Pre-occupation)**

The development hereby approved shall not be brought into use until the access, parking and turning areas have been constructed in accordance with details shown on the approved plans. The vehicular access, parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The development hereby approved shall not be brought into use until the approved vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for at least the first 5 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.

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).

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

The development hereby approved shall not be brought into use until the visibility splay shown on drawing number 1621-04 have 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. **Closure of Access (Bespoke Trigger)**

Within one month of the new access hereby approved being first brought into use the existing access onto Cottons Lane shall be reduced in width and permanently closed off to vehicles as detailed on drawing number 1621-04.

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

8. **Erection of Gates (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 6 metres from the adjoining carriageway edge.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration including new openings or enlargement of the dwelling or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require the detailed consideration by the Local

Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Policies DP1, DP4, and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Policies DP1, DP4, and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Flooding - Finished Floor Levels (Compliance)**

The finished floor levels and threshold levels for the dwelling hereby approved shall be no lower than 150mm above ground level as shown on drawing 1621-02-Rev A.

REASON: To limit the risk from flooding and minimise the risk to its occupants in accordance with Development Policy 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 14 of the National Planning Policy Framework.

12. **Hours of Construction (Compliance)**

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

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

Reason: To safeguard the amenities of adjoining occupiers having regards to Development Policies 7 and 8 of the Mendip District Local Plan Part 1:

Strategy & Policies 2006-2029 (Adopted 2014).

13. **Tree and Hedgerow Protection (Compliance)**

All hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. The measures shall be maintained throughout the construction period.

Reason: In the interests of European and UK protected species and biodiversity generally and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

All hard and soft landscape works shall be carried out in accordance with the approved details. 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 Policy DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be 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. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the potential bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be

maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy DP5 of the Mendip Local Plan

16. **Biodiversity Enhancement (Net Gain) (Pre-occupation)**

No occupation shall commence until the following have been installed within the application site:

A) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation

B) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation

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

D) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

The bat, bird and bee features shall be retained thereafter in perpetuity.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 180(d) of the National Planning Policy Framework.

17. **Drainage (Compliance)**

The approved development shall only be carried out in accordance with the approved documents: 'PTP CERTIFICATE' (Submitted 2nd December 2022) 'FOUL DRAINAGE ASSESSMENT FORM' (Submitted 21st October 2022); 'WESSEX WATER MAP' (Submitted 21st October 2022) 'DAILY DISCHARGE CALCULATOR' (Submitted 21st October 2022) 'DOMESTIC WASTEWATER TREATMENT' (Case Environmental, submitted 10th August 2022)

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the Somerset Levels and Moors Ramsar Site and associated potential impact on ecology in accordance with Policy DP5 and DP8 of Mendip Local Plan Part I: Strategy & Policies

2006-2029 (Adopted 2014) and in compliance with The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019).

18. **Electric Vehicle Charging provision (Pre-Occupation)**

Prior to occupation of the development hereby approved the Electric Vehicle Charging Points shown on drawing 1621-04 shall be provided on site. The details of the Charging Points shall be in accordance with the Somerset Parking Strategy and the Somerset County Council Electric Vehicle Charging Strategy.

Reason: To support sustainable transport objectives in accordance with the Somerset County Council Parking Strategy and Electric Vehicle Charging Strategy and Development Policies 9 and 10 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. Please note the following regarding the provision of the above scheme of foul water treatment:

Where PTPs discharging into drainage fields are proposed, compliance with the criteria on drainage and waste disposal, as set out under the Building Regulations 2010 (see Approved Document H - Drainage and Waste Disposal, 2015 edition) is required. This criteria outlines distances in relation to the location of the PTP and drainage field, as well as the requirement for a percolation test, amongst other requirements. See

https://www.planningportal.co.uk/info/200135/approved_documents/71/part_h_-_drainage_and_waste_disposal.

In addition, compliance with the criteria on small sewage discharges, as set out within the general binding rules under the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014, and/or an environmental permit under the Environmental Permitting Regulations 2016, is required. Both outline distances in relation to the location of the PTP and drainage field, as well as limits on daily discharges, amongst other requirements. See <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>, <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules/general-binding-rules-for-small-sewage-discharges-in-england>, and <https://www.gov.uk/permits-you-need-for-septic-tanks>. It is the Applicant's responsibility to have ensured that the above criteria, separate to the planning permission, can be met by the approved foul sewage treatment scheme.

In the event that the approved foul sewage treatment scheme needs to be amended, to comply with the above criteria or otherwise, it is strongly recommended that you discuss this with the Planning Office at your earliest convenience as it is likely that you will need to submit the revised scheme for approval, potentially by way of a variation of condition, before commencing development.

6. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
7. The developers and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
8. The developers and their contractors 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.

9. The applicant is advised to contact the relevant utilities with regards to works close to a low-pressure gas main that runs parallel to Cottons Lane, in the interests of safety.