

Application Number	2023/1625/FUL
Case Officer	Kelly Pritchard
Site	Land South East of The Brambles Higher Brooks Street Somerset
Date Validated	24 August 2023
Applicant/	O Barnard
Organisation	Griffiths and Barnard Ltd
Application Type	Full Application
Proposal	Erection of detached dwelling.
Division	Street Division
Parish	Street Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Simon Carswell Cllr Liz Leyshon

4. **What Three Words: kinder.booms.stages**

Referral to Chair and Vice-Chair:

This application was referred to the Chair and Vice Chair because of the Divisional Member responses and because the case officer recommendation is to approve with conditions, and the Parish Council recommended refusal. Following that referral the Chair and Vice Chair has requested that the application is determined at Planning Committee.

Description of Site, Proposal and Constraints:

The application relates to a piece of land to the south east of The Brambles, Higher Brooks, Street.

The site was quite overgrown at the time of the officer visit, but it had hedgerow surrounding with some trees and a low wooden fence between the site and The Brambles. There is an existing field gate from the site which provides access onto Higher Brooks which is a narrow unclassified road.

There are a row of detached houses of varying styles which lead from where Middle Brooks meets Higher Brooks along to The Brambles. There is a gap in the built development which includes this plot then a property known as Woodlands. Beyond this property heading southeast the development becomes more sporadic.

Higher Brooks is rural in character and is a lane which appeared to be used regularly for walkers.

The application site is located outside defined development limits, within a Landscape character area, a mineral consultation area, a Site of Special Scientific Interest Impact Risk Zone and it is within the Somerset Levels and Moors Ramsar Risk Area.

The application seeks full planning permission for the erection of a four bedroom dwelling with a parking area to the front. A detached garage was originally shown to the front of the house but this was removed from the scheme due to concerns about its negative impact on the character of the area when detached buildings to the front of plot is out of character. The existing field entrance would be utilised for the vehicular access.

The dwelling is proposed to be finished in natural stone and render, the roof will be slate and the windows would be grey UPVC.

Relevant History:

2014/1028/FUL - Proposed new dwelling with driveway, parking & turning. Refusal.
02.10.14

The reason for refusal was as follows:

The site lies in the countryside outside the defined settlement limits shown in the Mendip District Local Plan (adopted December 2002), where development is strictly controlled. The proposed development would fail to maintain or enhance the environment and its urbanising effect and encroachment into the countryside would have a harmful impact on the countryside's intrinsic character here. The development would foster the growth in the need to travel by private vehicle by virtue of its location and distance from services, facilities and employment opportunities. The proposed development would fail to benefit economic activity. The development would therefore be contrary to adopted Mendip District Local Plan (December 2002) Saved Policies S1 and Q1, emerging Policies CP1 and CP2 and the advice in the National Planning Policy Framework.

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

Divisional Members:

Liz Leyshon

- Concerns about the proposed build of a further house in Higher Brooks. The land is outside the 30mph speed limit and the road is narrow and in a poor state of repair.
- The access from the B3151 at the junction with Slugg Hill is of great concern.

Simon Carswell

- Concern about increase in traffic, traffic speeds along narrow road.

Street Parish Council: Objected under material considerations 3 (design and appearance, impact on public visual amenity), 4 (Layout and density of building), and 8 (Access, highways safety or traffic generation).

Highways Development Officer: Standing advice.

Ecology: No objection, subject to conditions.

The application site is located in an area that is hydrologically connected to the Somerset Levels and Moors Ramsar site and as such the proposal may have the potential to contribute to additional phosphate loading in the Ramsar site.

The applicant has undertaken a Shadow Habitats Regulation Assessment (sHRA) report and provided a Nutrient Assessment which relies on the purchase of phosphorus credits from Yew Tree Farm Phosphorus Credits Scheme. The submitted Nutrient Assessment demonstrates that wastewater production and land use change arising from the proposed development will generate an additional 0.26kg of phosphorus (TP) per year (including a 20% buffer). The NNAMS proposes to mitigate for the additional phosphorus by purchasing 0.26 of Nutrient Credits from Yew Tree Farm Phosphorus Credits Scheme (each credit equivalent to mitigate 1kgTP/yr). The Yew Tree Farm Phosphorus Credits Scheme is approved by both Natural England and Somerset Council and is located within the River Brue catchment - the same catchment area as the proposed development. Evidence of a transactional agreement/purchase between the applicant and Yew Tree Farm Phosphorus Credits Scheme to purchase 0.26 of Nutrient Credits has also been provided within the submitted NNAMS.

Yew Tree Farm Scheme has generated 48.06kg/Pyr equivalent credits through the cessation of specific activities at Yew Tree Farm. The betterment created is denominated as P-Credits and allocated to developments via certificate of allocations. The credits that have been allocated to the subject proposal will be purchased post permission.

SES are satisfied with the sHRA **subject to Natural England's approval** and recommend that the sHRA is suitable for endorsement and subsequent adoption by the Council.

A condition is recommended to secure evidence demonstrating that a sufficient number of credits has been purchased and which illustrates that the number is sufficient to mitigate the nutrient budget totalling to 0.26kg/pyr.

Ecological surveys of the site have been provided and no bat roosts were noted, and a good population of slow worms were found. SES have no objection subject to suitably worded planning conditions to protect wildlife and provide biodiversity net gain.

Natural England: No objection subject to mitigation.

- We concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Somerset Minerals: No comments received.

Local Representations:

We have received 8 letters of objection and 2 in support, their comments are summarised below:

- The dwelling will not solve the housing shortage.
- Flooding.
- Insufficient drainage.
- Not overcome previous reasons for refusal.
- Further incremental encroachment into, and degradation of open countryside.

- Increase in traffic on country lane.
- Highway safety.
- Inappropriate design.
- Detrimental to wildlife, trees and landscape.
- Loss of recreations space.
- Housing needed.
- Development of the site will enhance the area.
- This is an infill or what currently stands as an eyesore of overgrown land.

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)
- CP8 (Street Parish Strategy)
- 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:

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 to 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. The creation of a dwelling as indicated would not accord with the requirements of CP2 and the strategy for the delivery of housing.

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

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) 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.

The previous application on this site, reference 2014/1028/FUL was refused at a time when the Council could demonstrate a housing land supply and as such there was less pressure for speculative housing.

To the north west of this plot are two dwellings, known as Ivythorn View and The Brambles which were both consented in 2015 and they are located just outside the settlement limits of Street. The application site is a gap between these properties and an established dwelling further south east known as Woodlands. Although the application site is situated within the open countryside outside the settlement limits, it is only just outside and is an infill between the existing housing. Street offers key community facilities, employment opportunities and public transport links. There are residential dwellings close and well related to the application site, as such a dwelling would not be considered isolated.

Considering the lack of housing land supply and the development would represent a departure from the local plan policies regarding its spatial strategy for new housing, the conclusion section of this report sets out the balance of issues.

However on balance the application site is considered to be a sustainable location.

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

This is at the rural end of Higher Brooks, but new housing has been built on the adjacent plot. Given the sites location between these houses and Woodlands it is considered that this part of Higher Brooks can accommodate a further dwelling without undue harm to the rural character of the rest of the lane.

The housing along Higher Brooks has a mixed palette of materials and design and set back from the highway. The proposed dwelling will be similar to the adjacent properties.

During the life of this application the garage which was proposed to the front of the site was removed from the scheme thereby retaining the open character of street.

It is considered that the proposal by reason of its design, siting, scale, massing, layout and materials 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, DP4 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 two first floor windows proposed in the north west elevation of the gable end which will serve en-suites. These will face onto the gable end of the adjacent property which equally has two first floor windows although we do not know what rooms these windows serve. As such in the interests of maintaining privacy it is considered reasonable to impose a planning condition to ensure that the proposed first floor windows in the north west elevation are obscure glazed.

Given the design, 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. The impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge their legislative duties in this respect.

The applicant has undertaken a Shadow Habitats Regulation Assessment (sHRA) report and provided a Nutrient Assessment which relies on the purchase of phosphorus credits from Yew Tree Farm Phosphorus Credits Scheme as phosphorous mitigation.

The Council's Ecologist 'competent authority' has accepted the P-Credits as an acceptable solution to mitigate an adverse impact on the integrity of the protected wildlife sites which is also been agreed by Natural England. A condition will need to be imposed to ensure the P-Credits are purchased prior to the first occupation of the dwellinghouse.

Ecological surveys of the site have been provided and the Council's Ecologist has also suggested the imposition of standard conditions to protect, mitigate and enhance biodiversity on site.

The proposal accords with Policies DP5, DP6 and DP8 of the Local Plan.

Assessment of Highway Issues:

The site benefits from an existing access to the highway via field gate, this same access will be utilised to serve the proposed dwelling. The previous refusal for a dwelling on this site in 2014 proposed similar access arrangements as currently proposed and was not refused on highway safety grounds.

Whilst the national speed limit applies to Higher Brooks it is a narrow rural lane where traffic speeds are unlikely to be that high. It is also recognised that there is no footway

and the area is used by pedestrians enjoying the countryside, but it is considered that one further dwelling utilising this road will not significantly increase risk to pedestrians.

There is an absence of any recent recorded road traffic accidents and highways did not object to the two dwellings adjacent approved in 2015.

The submitted drawing shows no obstruction above 600mm measured 2.4m back and parallel to the road across the entire site frontage, which is a similar arrangement considered acceptable on the adjacent site.

Adequate parking and turning can be provided with the application site.

Taking all of the above into account it is considered that the proposal is acceptable in highway safety terms.

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:

The site is within flood zone 1, and at low risk of surface water flooding as such in principle soakaways are an acceptable way to manage surface water. Foul drainage will be via a package treatment plant, both of which can be adequately secured by the Building Regulations process.

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:

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 Street and set between existing housing, 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 with conditions which include the purchase of phosphate credits as phosphate mitigation.

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 permission.

2. Plans List (Compliance)

This decision relates to the following drawings and documents: 1624-01, 1624-04, and 1624-06, received 23.08.23 and 1624-07A received 10.07.24.

Nutrient Neutrality Assessment and Mitigation Strategy by Halpin Robbins Ecology and Environmental Services dated 12.07.23 reference 01.117.010.01 and the recommendations of the Shadow Habitats Regulations Assessment (sHRA). Ecological Appraisal undertaken by Avondale Ecology, September 2023.

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

3. **Phosphate Credits Allocation Certificate (Pre-Commencement)**

The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.

The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development (0.26kg/p/yr), thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Development Policies 5 and 8, as well as Paragraphs 180 and 186-188 of the National Planning Policy Framework.

4. **Materials (Compliance)**

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

Reason: In the interests of the character and appearance of the development and the surrounding area in accordance with Development Policies 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Removal of Permitted Development Rights - Obscure Glazing (Compliance)**

The proposed first floor windows in the north west elevation of the proposed dwelling shall be glazed with obscure glass. The windows shall also be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows is installed. The windows shall be permanently retained in accordance with the requirements of this condition.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation shall commence 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 Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. Removal of Permitted Development Rights - Vehicle Visibility Splay (Compliance)

Notwithstanding the provisions of the Town and Country Planning General Development Order 2015 (or any order revoking and re-enacting that Order) there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the approved plans. The development hereby approved shall not be brought into use or occupied unless such visibility is available and shall retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highway safety in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Electric Vehicle Charging (Pre Occupation)

The dwelling shall not be occupied until it is served by at least 1no. active electric vehicle charging point 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).

9. **Nutrient Neutrality Statement (Compliance)**

The development hereby approved shall be carried out in full accordance with the approved Nutrient Neutrality Assessment and Mitigation Strategy by Halpin Robbins Ecology and Environmental Services dated 12.07.23 reference 01.117.010.01 and the recommendations of the Shadow Habitats Regulations Assessment (sHRA).

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Policy DP5 of the Mendip Local Plan and Chapter 15 of the National Planning Policy Framework 2021.

10. **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 to safeguard the rural character of the countryside in accordance with Development Policies 1, 4, 5, 6 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Ecological Appraisal (Compliance)**

The development hereby approved shall be implemented in full accordance with the recommendations set out in paragraphs 6.1.1, 6.1.2, 6.2.4 (1-8) and 6.25 of the Ecological Appraisal undertaken by Avondale Ecology, September 2023.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 and DP6 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 186(d) of the National Planning Policy Framework.

12. **Nesting Bird Protection (Bespoke Trigger)**

No removal of trees, hedges, or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

a) A Schwegler 2FR bat tube 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) One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.

c) One Schwegler 1SP Sparrow terrace or similar at least one metre apart directly under the eaves and away from windows on the north elevation.

d) One log pile as a resting place for reptiles and or amphibians constructed on the southern boundary.

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

The bat and bird 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 174(d) of the National Planning Policy Framework.

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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see 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. 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.

6. It is recommended that all new shrubs be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats.

7. If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of P-credits, then the implementation of your planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore you must obtain formal discharge of the condition prior to commencing any works on site.