

<b>Application Details</b>	
Application Reference Numbers:	2022/2489/REM
Application Types:	Reserved Matters
Extension of Time:	08 November 2024
Description:	Application for approval of reserved matters (following outline approval 2018/2648/OTS for the erection of up to 32 dwellings with details of access only). Matters of Appearance/Landscaping/Layout/Scale to be determined. Discharge of conditions 3 (reserved matters), 5 (construction method statement), 8 (parking & turning), 9 (hard & soft landscaping, 10 (surface water drainage), 11 (foul drainage), 12 (waste & recycling storage), 14 (CEMP). (Revised information received 10/04/2024).
Site Address:	Land At Sub Road Butleigh Glastonbury Somerset BA6 8SR
Parish:	Butleigh
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Anna Jotcham
Agent:	BoonBrown Planning
Applicant:	Galion Ltd
Reason for reporting application to Members:	The application is automatically referred to Planning Committee because the Parish Council have objected, and the application is classified as a major application.

## 1. Recommendation

- 1.1 That planning permission be **GRANTED** subject to a legal agreement to secure phosphate mitigation and the stated planning conditions.

## 2. Executive Summary of key reasons for recommendation

- 2.1 The details submitted for reserved matters approval and where relevant to discharge various conditions pursuant to LPA case ref: 2018/2648/OTS proposals accord with the relevant development plan policies and the NPPF and there are no adverse impacts that would justify a refusal as such the scheme is recommended for approval subject to a S106 obligation and a

limited number of conditions that are specific to the reserved matters as to be considered for approval.

### **3. Planning Obligations, conditions and informatives**

#### **3.1 Planning obligations (refer to recommendation for further details)**

- Phosphate mitigation

#### **3.2 Conditions (refer to recommendation for further details)**

- 1) Plans List
- 2) Schedule of Materials
- 3) Sample Panel Walling
- 4) Dwelling Access
- 5) Bicycle Storage
- 6) EV Charging Provision
- 7) Access, Parking and Turning Areas
- 8) Gates
- 9) Water Usage in Phosphate Affected Area

#### **3.3 Informatives (refer to recommendation for further details)**

- 1) Approval
- 2) Condition Categories
- 3) Adhering to Conditions
- 4) Samples of Materials
- 5) Works require Legal Agreement with the Highway Authority
- 6) Estate Road Adoption

### **4. Proposed development, Site and Surroundings**

#### Details of proposal

- 4.1 Outline planning permission (ref: 2018/2648/OTS) for the erection of up to 32 dwellings and formation of access was granted on appeal in April 2020.
- 4.2 The application seeks reserved matters approval relating to (a) layout, (b) scale, (c) appearance, (d) landscaping of the site, and (e) pedestrian link to the existing footpath network allowing convenient pedestrian access to the village centre.
- 4.3 As shown on the proposed finalised site layout drawing, the application delivers 14 different house types, ranging from one to four-bed dwellings. The layout includes 89 (mainly on plot) parking spaces (including provision for 25 garage/car ports) and 6 off plot visitor spaces.
- 4.4 The development includes a pedestrian link to the adjacent play area and general areas of open space incorporating a separate attenuation basin.
- 4.5 Since the application was first submitted in December 2022 amendments to the application details have been made. The numbers of units has remained constant at 32, with the layout details changing to reflect the ongoing design work that has continued. The finalised layout (drawing 4522-1 rev B) under consideration as part of

the assessment below was received on 15<sup>th</sup> August. The individual details for each plot (floor plan, elevational details and visualisations) were received on 10 April 2024 and 16<sup>th</sup> May 2024 accordingly. Updated plans to include: drainage layout, landscaping, materials, site section plans and the GA plan have subsequently been submitted to reflect the finalised layout to reflect the relationship between the houses on plots 19 and 20 and the flat above the garage building (FoG) at the rear of those plots.

4.6 The application also includes, as required by condition on the outline planning approval (ref: 2018/2648/OTS):

- A Construction Method Statement (condition 5)
- Details of parking area and turning areas (condition 8)
- Hard and soft landscaping scheme (condition 9)
- Details of the sustainable drainage scheme (condition 10)
- Details of foul drainage scheme (condition 11)
- Scheme of storage of recycling and waste containers (condition 12)
- A Construction Environmental Management Plan (condition 14)

#### Site and surroundings

4.6 The site is 1.6ha and comprises an undeveloped area to the south of the main core of the village of Butleigh, outside development limits. The site is allocated in the Local Plan Part II as site BT1 (Land at West View, Sub Road), for a minimum of 25 dwellings.

## **5. Relevant Planning History**

5.1 2018/2648/OTS – Application for Outline Planning Permission with some matters reserved for erection of up to 32 dwellings with details of access only – REFUSED – 01.05.2019. [*Planning appeal allowed 08.04.2020 – ref: APP/Q3305/W/19/3236922*]. The appeal decision letter is included in the report pack for this agenda item.

## **6. Environmental Impact Assessment**

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

## **7. Habitat Regulations Assessment**

7.1 The application site is within the fluvial catchment of the Somerset Levels & Moors Ramsar Site. The Somerset Levels & Moors is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). In the absence of mitigation, the application will add phosphorus to the catchment of the designated site due to the increase in dwellings proposed.

7.2 A shadow Habitats Regulations Assessment (sHRA) (dated 3 April 2024 – version 5) and phosphates mitigation proposals have been submitted with the application.

7.3 The sHRA provides that the required mitigation will be achieved by permanently removing agricultural practices from the following Mitigation Land:

- Pre-April 2023 Mitigation Land 29.9 ha at Higher Hill Farm.
- Post-April 2030 Mitigation Land 2.4 ha at Jarmany Hill Farm.

- 7.4 The LPA has consulted with Natural England and SES on the proposed mitigation. Natural England has reviewed the applicant's mitigation proposals and is satisfied with the approach and conclusions provided that the Mitigation Land establishes woodland rather than meadow. SES has subsequently concluded through the Habitat Regulations Assessment that the Appropriate Assessment is passed.
- 7.5 Subject to securing the implementation and maintenance of the mitigation strategy through planning conditions and a legal agreement, it is considered that the proposed development will not adversely effect on the integrity of the Ramsar Site (Regulation 63(5)).

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

### 8.1 Statutory Consultees

- 8.1.1 It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order.
- 8.1.2 The consultation responses are summarised below. Full comments can be viewed on the public website.
- 8.1.3 The representation comments refer to 2022/2489/REM unless otherwise stated.

Statutory consultee	Consultee Comments and Officer Comment
Highway Authority	<p><u>Original Consultation</u></p> <p>Further information / clarification sought:</p> <ul style="list-style-type: none"> <li>• Conflict between site layout drawing 4522/01 and same drawing number provided as Appendix A of the Transport Assessment – which drawing should be considered?</li> <li>• What measures are in place to protect people / vehicles from the SWALE / package treatment plant?</li> <li>• A Travel Plan Statement should be submitted.</li> <li>• Parking standards are not met (too low) – a revised layout should be submitted or evidence detailing local circumstances to justify the deviation must be included within the Travel Plan Statement.</li> <li>• Confirm width of shared surface to front of plots 4, 5 and 6.</li> <li>• Swept path drawing for vehicle parking should be submitted for parking areas: <ul style="list-style-type: none"> <li>- To front and rear of plots 4, 5 and 6</li> <li>- Plots 15, 21, 22 and 23 (how can parking be accessed with gate at plot 23 in place)?</li> <li>- Plots 24, 25, 29, 30, 31 and 32.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Plan demonstrating bicycle parking (one space per bedroom) and an EV charging point for each dwelling.</li> <li>• Further drawings demonstrating refuse vehicle and fire tender swept path analysis (current one only shows vehicle movement in one direction around the site and a significant amount of oversailing – touching buildings).</li> <li>• SCC lighting team no longer design lighting schemes for new development.</li> </ul> <p><u>Second Consultation (April 2024)</u></p> <p>No objection, subject to matters being dealt with at the detailed design stage or by way of a condition.</p>
<b>Officer comment:</b>	
<b>Environment Agency (EA)</b>	<p>No objection. This site is located within an area served by a public sewer, therefore connection should be made to the public sewer in preference to private drainage options, unless the applicant can provide good reasons why this is unfeasible.</p> <p><u>Second Consultation (April 2024)</u></p> <p>No objection. We are pleased to see the development will be connected to mains foul sewer.</p>
<b>Natural England</b>	<p>No objection following receipt of further information.</p>
<b>Officer comment:</b> The matter of nutrient neutrality/phosphates has already been considered and assessed at Section 7.	
<b>Lead Local Flood Authority (LLFA)</b>	<p><u>Original Consultation</u></p> <p>Insufficient information. The applicant should:</p> <ul style="list-style-type: none"> <li>• Consider above ground green SuDS (e.g. green roofs, raingardens) / provide appropriate justification if these are not proposed.</li> <li>• Avoid surcharged pipes (see 1 in 2-year flood event calculations) / or provide appropriate justification for this.</li> <li>• Provide infiltration report showing testing (BRE 365 digest standard).</li> </ul> <p><u>Second Consultation (April 2024)</u></p> <p>No objection, subject to matters being dealt with at the detailed design stage or by way of a condition.</p>
<b>Officer comment:</b>	

## 8.2 Non-Statutory Consultees

<b>Non-Statutory consultee</b>	<b>Consultee Comments and Officer Comment</b>
<b>Ecologist</b>	<p><u>Original Consultation</u></p> <p>No objection, subject to conditions. Any forthcoming scheme should reinforce existing boundary treatments (i.e. keeps hedgerow and plants new) and include the 5m ecology buffer (as per the outline permission). The ecology buffer will need to be outside the curtilage of individual plots to ensure it remains as intended (i.e. a commuting corridor for animals to travel along). All planting should be native (i.e. no ornamental or mass shrub planting). The site is in the Somerset Levels and Moors Ramsar Risk Area so we will need to undertake a HRA. To speed things up you may want to commission and submit a shadow HRA, which providing we agree with the findings, we can endorse.</p> <p><u>Second Consultation (April 2024)</u></p> <p>No objection, subject to legal agreement and conditions.</p>
<b>Officer comment:</b> <i>These comments are based on a verbal conversation with the ecologist</i>	
<b>Affordable Housing</b>	<p><u>Original Consultation</u></p> <p>Submits the following informal comments:</p> <ul style="list-style-type: none"> <li>• <u>Affordable housing tenure:</u> The mix of tenure (80% social rent and 20% shared ownership) adheres to the s106 and DP11 and is acceptable.</li> <li>• <u>Affordable housing mix:</u> It would be preferable for the shared ownership units to be 2-beds to assist with affordability. The exclusion of 1-bed units is questioned and if layout changes are required it would be useful to have at least 1 x 1-bed unit, particularly with older persons in mind. Has a registered provider been offered based on the current mix?</li> <li>• <u>Layout:</u> It is disappointing to see all the affordable units clustered in one distinct area of the site (ideally, they would be dispersed).</li> </ul> <p><u>Second Consultation (April 2024)</u></p> <p>No objection.</p>
<b>Sustrans</b>	No comments received.
<b>Drainage Board</b>	Defer comments on surface water drainage to LLFA as statutory consultee. The Environment Agency (EA) are the statutory consultee for non-mains drainage on major development. However, we observe that the foul drainage strategy presented is substantially different from the outline application which proposed a connection to the mains sewer. There is a public foul sewer within 32x30m of the application site boundary. Justification for non-mains drainage over a connection to the foul sewer is not provided with the application.

<b>Biodiveristy and Landscape</b>	No comments received.
<b>Wessex Water</b>	Defer to LLFA to agree the surface water drainage strategy. The proposal seeks to install a private treatment plant which will be adopted and maintained by a private entity. WW has no vested interest in this
<b>Environmental Protection Team</b>	The CEMP is not satisfactory. The working hours should be 08.00 start in line with all sites in the Mendip Area, especially as the site is surrounded by residential property, in a quiet location.  <u>Second Consultation (April 2024)</u> No objections. The content of the CEMP is satisfactory
<b>Officer comment:</b> <i>the CEMP has been updated with the requested time restriction</i>	

### 8.3 Local consultation and representation

8.3.1 In accordance with the Council's Adopted Statement of Community Involvement application this application was publicised by letters of notification to neighbouring properties in January 2023 and April 2024. Several site notices were displayed and a press advert placed as part of the initial consultation and re-consultation.

8.3.2 19 public comments have been received during the first wave of public consultations which are summarised below. The full representation plus enclosures can be viewed on the Council's website.

- Lack of housing need / inappropriate location for development.
- Inappropriate housing mix and type (not enough affordable units, no 1-bed affordable units, and only delivers 3-4 bed open-market dwellings when more 1 and 2 bed homes are needed in the village).
- Site layout and quantum of houses has no regard to previous appeal / outline permission.
- Highway safety issues caused by the new access, traffic and insufficient parking and lack of footways.
- Refuse vehicles and/or emergency vehicles will have to enter on a one-way basis.
- Access to village via the children's playing field is unresolved (concerns about access through play park and safety of children using it).
- Lack of existing infrastructure (roads, drains, water and power supplies).
- Impact on residential amenity (noise, overlooking, loss of light, loss of privacy).
- Impact on air quality.
- Scale of earthworks are unclear / excessive / may cause subsidence.
- Inappropriate building design, layout, scale (particularly height of buildings) and materials (buildings are too high, small gardens, unnecessary design features such as chimney pots).
- Loss of views across site.
- Sewage, drainage and flooding issues.
- Inappropriate separation / boundary treatment around the site to protect neighbouring occupiers.
- Impact on existing trees and hedging.
- Ecological implications (wildlife corridor / landscape buffer in outline has gone, impact on nearby off-site Victorian reservoir).
- Proposed phosphate mitigation is untested and unproven.

- Inappropriate storage of waste (gardens are serviced by flights of steps so will make storage difficult).
- Insufficient CEMP (it refers to development of 30 dwellings with a proposed start date of July 2022 and completion July 2024, no noise abatement or control of dust/debris from site to adjoining property, Heras (not solid) fencing is for health and safety purposes – not to prevent disruption to adjoining properties, no control over amount of light being used during winter months during construction, doesn't mention effects on Holm Oaks properties).
- Disruption during the construction period/process.
- Lack of information on powerlines (underground powerlines will probably require intrusion through neighbouring property).

1 neutral comment received acknowledging benefits of development but raising concerns about safe access for pedestrians along Sub Road to the town, school, play park etc. Suggests traffic calming measures or a pavement along Sub Road.

8.3.3 18 public comments have been received during the second wave of public consultations which are summarised below. The full representation plus enclosures can be viewed on the Council's website.

- Over development.
- Inappropriate pattern, density, form, size, layout, building height.
- Insufficient car parking spaces.
- Lack of (front) garden space.
- Lack of affordable housing / no identified local housing need.
- Land stability and subsidence issues.
- Reduction in landscape buffers will harm privacy and biodiversity.
- Lack of a safe pathway through the development to the main part of the village.
- Harm to residential amenity through overlooking, loss of privacy and loss of light.
- Noise and disturbance during the construction period.
- Excavations at boundaries and lack of boundary treatment.
- Sewage, drainage and flooding issues.
- Light pollution.
- Increased traffic.
- Position of electrical sub station (conflict with layout, roof heights and impact on public health).
- Harm to setting of listed building (Higher Rookes Barn).

## 9. Relevant planning policies and Guidance

9.4 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

9.5 The site lies in the Somerset East planning area. For the purposes of determining current applications the local planning authority considers that the



adopted development plan comprises the policies of the Mendip District Local Plan Part I: Strategy and Policies (December 2014), Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021), Somerset Minerals Plan (2015), and Somerset Waste Core Strategy (2013).

- 9.6 The Mendip Local Plan Part II Limited Update was submitted to the Secretary of State for independent examination on 30 September 2024. This has identified additional housing and employment sites and included further detailed policies (for example, development management policies, community space designations) to complement the strategic policies set out in the Local Plan Part I. This process does not affect the weight that should be given to policy allocation BT1 in the assessment of this reserved matters application, and/or the scope of the outline planning permission that has been issued.
- 9.7 Listed Buildings and Conservation Areas Act 1990 section 66 and 72 is relevant in order to assess the impact on heritage assets.
- 9.8 As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council published a Local Development Scheme in October 2023 to set out a timetable for the preparation of the local plan.
- 9.9 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
- DP3 – Heritage Conservation
- 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
- DP11 – Affordable Housing
- DP14 – Housing Mix and Type
- DP16 – Open Space and Green Infrastructure
- DP19 – Development Contributions
- DP23 – Managing Flood Risk

- 9.9 The following policies of the Local Plan Part II are relevant to the determination of this application:

BT1 – Land at West View, Sub Road

### Other Relevant Documents

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

### The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
4. Decision-Making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making efficient use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

## **10. Material Planning Considerations**

10.4 The main planning issues relevant in the assessment of this application are as follows:

- The principle of development
- Access and Highway Impacts
- Design
- Sustainability
- Ecology
- Drainage and Flood Risk
- Heritage
- Residential Amenity
- Community, Play and Recreation
- Other Matters

## **11. Principle of Development**

11.1 Local Plan Part II policy BT1 (Land at West View, Sub Road) establishes support for the redevelopment of the application site to deliver housing. The appeal decision (2018/2648/OTS) has crystallised this policy position into a deliverable scheme including how the access to the site will be achieved. The terms of the outline permission allow up to 32 new dwellings to be provided on the allocated site, which aligns with the adopted policy which promotes a minimum of 25 dwellings.

11.2 Key aspects from the Inspectors decision are set out below:

- At Paragraph 5, the main issues for the appeal are identified as:
  - Whether the proposal would represent a suitable site for residential development with regards to local and national planning policy;
  - The effect of the proposed development on the character and appearance of the surrounding area;
  - The effect of the proposed development on heritage assets, including the adjacent Butleigh Conservation Area and nearby listed buildings; and,
  - Whether or not the proposed development makes adequate provision for affordable housing and public open space.
- At Paragraph 15, 16 and 17 the Inspector concluded that the development of the site would not adversely affect the character or appearance of the locality for the following reasons:

15. In my view, such an arrangement and mixture of housing types would reflect the pattern of development exhibited by the residential development at Holm Oaks and I consider that the site could accommodate up to 32 dwellings without harm to the character of the area.

16. Further to the above, the demolition of part of the dwelling located on Sub Road to provide access to the site, would not, in my view, materially affect the street scene on Sub Road or have an adverse impact on the character and appearance of the surrounding area by reason of the variety of design and scale of dwellings located on this section of Sub Road and due to the presence of other roads which connect to the eastern side of Sub Road close to the proposed access point.

17. In summary of the above, I conclude that the appeal site could accommodate up to 32 dwellings, subject to approval of reserved matters, without being harmful to the character and appearance of the surrounding area. The proposed development would therefore accord with Policy DP7 of the LPP1 which, amongst other things, requires that development is of a form and layout appropriate to local context.

- At Paragraph 21, 22, 23, 24, 25 the Inspector concluded that the development of the site would not adversely affect the setting of the Butleigh Conservation Area and nearby listed buildings (Heritage Assets) for the following reasons:

21. The appeal site is separated from Peony Cottage by garden land and boundary treatments which provide a degree of visual separation. Having regard to the domestic scale of the asset and the extent of its current curtilage, I consider that the appeal site and the more open space it currently provides, does not form part of the immediate setting of this listed building. Whilst shared views of the proposed development and Peony Cottage would be possible from within the wider area, the existing surrounding residential development described above would also form part of these vistas and additional dwellings at the site would not, in my view, have a significant or harmful effect on wider setting. I therefore find that development of the appeal site would not be harmful to the significance or setting of Peony Cottage.

22. The heritage assets located at Higher Rockes Farm include the Grade II listed farmhouse and a Grade II listed barn located east of the farmhouse. The Listing

for Higher Rockes Farmhouse states that this building is likely to have been a former Manor House which later became a farm. The significance of this heritage asset lies largely in the age of parts of the remaining fabric and as an example of a building of a farm group and its age and type. Whilst the buildings are located close to the appeal site, and the space around these assets is in keeping with their original function, the separation distance from the appeal site and intervening natural and built features are such that the appeal site does not contribute to the significance of this listed building.

23. In respect of the barns located south of the farmhouse, whilst I acknowledge that the structures are listed by curtilage, their former appearance as agricultural buildings has somewhat been altered by their conversion into residential dwellings with the parking arrangements and domestic paraphernalia associated with domestic occupation that that entails. Nonetheless, in my view part of the significance of these buildings derives from the space surrounding the structures and which separates these buildings from residential development.

24. Whilst I acknowledge that the appeal site is located close to these barns, the proposal would not erode this sense of space which would remain around the barns by reason of the open land to the east of the barns and due to the extensive area of garden land between the barns and the boundary with the appeal site. Furthermore, whilst I acknowledge that landscaping is a reserved matter, I find that through careful introduction of high hedges which would form a buffer between the proposed dwellings and these buildings, any perceived harm to these assets could be sufficiently mitigated. I am therefore satisfied that the significance of these buildings would not be adversely affected by the proposed development and that the scheme would preserve the setting of these listed buildings.

25. The appeal site abuts the Conservation Area for only a very short distance along its northern boundary and, consequently the physical and visual relationship between the site and the Conservation Area is limited. The Conservation Area incorporates the historic core of the village which is located north and away from the appeal site beyond the housing development at Holm Oaks. The Conservation Area boundary extends out of the historic core of the village so as to incorporate the listed buildings and structures described above at Peony Cottage and Higher Rockes Farm but excludes the appeal site. As I have found that the scheme would not harm the setting of these assets, and that the remainder of the Conservation Area has no direct relationship with the appeal site, it follows that it would also not harm the setting of the Conservation Area.

- At Paragraph 27 and 28 the Inspector concluded that the development of the site included sufficient provision for open space and affordable housing:

27. As agreed at the hearing, the Appellant has submitted a completed and fully executed Unilateral Undertaking which seeks to secure provision for the required affordable housing at the site and adequate contributions towards public open space.

28. The provision of affordable housing and contributions towards public open space would accord with the requirements of Policies DP11, DP16 and DP19 of the LPP1 as well as the aims of the Framework. I consider that these obligations would be necessary to secure the affordable housing and financial

contribution towards public open space, both of which are directly related to the development and fairly and reasonably related in scale and kind to the development.

- At Paragraph 30 the Inspector concluded that the development of the site would not adversely affect highway safety as follows:

30. In respect of the proposed access and its effect on highway safety, I have noted the concerns of interested parties and the views of the Highways Authority. Following amendments made to the access plans and transport statement during the determination of the planning application, the Highways Authority have confirmed that, subject to conditions to which I will return to below, the appeal scheme would not have a severe impact on the local highway network or cause highway safety concerns. Having regard to the verbal and written submissions before me, and taking account of my observations on site, I am not led to conclude differently to the Highway Authority and find that the proposal would not be harmful in respect of highway safety.

- At Paragraph 31 and 32 the Inspector concluded that the development of the site would not affect land stability for surrounding residential occupiers subject to the following further clarification to be provided.

31. At the hearing, a number of interested parties put it to me that the development of the site would impact on nearby dwellings with regards to land instability. In this respect, the Appellant has provided an initial report and assessment of the position and which concludes that there are no ground related issues which cannot be overcome by following a standard approach of further investigation.

32. However, interested parties were concerned that the report provided did not consider the effect of the development on nearby properties, but rather focused on the potential impact on the proposed housing at the appeal site alone. In light of these concerns, I have concluded that further information regarding these potential issues should form part of a construction management plan which would require approval of the Local Planning Authority prior to commencement of construction at the appeal site. I am satisfied that the additional information to be provided in this regard, would provide sufficient scope to ensure that the development would not have a harmful effect on land stability.

- 11.3 The reserved matters application proposes 32 new dwellings, along with partial demolition of / alterations to the existing 'Westview' bungalow. The application also submits details for a host of the conditions imposed at outline stage, although a separate application for approval of these details and conditions will be required.
- 11.4 The following sections of this report provide a summary assessment of this reserved matters submission for (a) layout, (b) scale, (c) appearance, (d) landscaping of the site, and (e) pedestrian link to the existing footpath network allowing convenient pedestrian access to the village centre.
- 11.5 Consideration of the specific requirements of policy BT1 which are as follows will also be considered as part of the assessment of this reserved matters application:

- The site should be designed sensitively to ensure no substantial harm to the conservation area setting and should achieve a satisfactory relationship with heritage assets including the listed buildings and curtilage listed buildings at Higher Rockes Farm, the listed building at Peony Cottage and the Conservation Area.
- Have particular regard to site layout, building height and soft landscaping, to minimise the visual impact of the development in this location.
- New development should reflect the local materials and style.
- The site should be designed to safeguard the amenity of neighbouring residential properties.
- Opportunities should be taken to maintain or enhance biodiversity.
- A safe access should be provided on to Sub Road.
- A link should be provided to the existing footpath network, allowing convenient pedestrian access to the village centre, potentially via the adjacent play area.
- Any scheme should be supported by evidence regarding ground conditions of the site including any recommendations regarding the formation of foundations. This is to ensure that development proposals minimise the potential for an impact on existing ground conditions for properties adjacent to the site along Sub Road and Barton Road.
- The mitigation necessary to ensure any residential development likely to affect the Somerset Levels and Moors Ramsar site is 'phosphate neutral'.

## **12. Access and Highway Impacts**

- 12.1 The access to the site from Sub Road (public highway) and impact upon the road network was assessed and approved at outline stage. Therefore, the acceptability of these matters has been established.
- 12.2 In terms of the internal arrangements the road providing access to each of the plots as proposed has been revised and additional information has been submitted in response to comments made by the Highway Authority. There is no objection in terms of the layout, parking provisions and accessibility to the plots. However, the highway layout arrangements would be subject to technical review as part of the necessary Section 38 agreement (adoption of highways) process. The applicant is advised that the submitted information does not currently fulfil these requirements.
- 12.3 In summary the Highways Authority is satisfied that most of their concerns raised and almost all other details can be dealt with at the detailed design stage (Section 38 agreement process) or by way of a condition. On this basis, the proposal complies with policies DP9 (Transport Impact of New Development) and DP10 (Parking Standards) of the Local Plan.
- 12.4 Condition 5 (Construction Method Statement) on the outline secures a Construction Method Statement (CMP). The submission includes a Construction and Environmental Management Plan (CEMP) but not all details required by condition 5 have been presented. Specifically, there is no site plan showing the parking of vehicles of site operatives and visitors, loading and unloading of plant materials, storage of plant and materials used in constructing the development. As such, the details are not sufficient to fulfil the requirements of conditions 5 at this stage.
- 12.5 Condition 8 (Parking and Turning) on the outline required plans showing parking and turning areas and details of the surfacing materials to be submitted to and agreed by the LPA. The revised site layout plan shows all parking and turning areas, including the surface materials to be used for all highways, turning areas, and parking spaces. Feedback from the Estates Road team (via the Highway Officer) indicates that the

use of granite setts, as indicated on the proposed site layout is not acceptable if the new road is to be adopted by the Highway Authority. As such, the information submitted in relation to condition 8 is not fully agreeable at this stage.

- 12.6 Condition 14 (Construction Environmental Management Plan) on the outline seeks to ensure that any concerns with construction traffic can be adequately managed. The report has been reviewed by the Council's Environmental Protection team and the proposed working hours have been adjusted (from a 07.30 to 08.00 start). The details are now considered to be acceptable and meet the requirements of condition 14.

### **13. Design**

- 13.1 The site is surrounded by existing residential development on all sides. The site shares a common boundary to South with 5 existing properties and is approximately 145 metres in length. To the East the site shares a common boundary with a single dwelling (Higher Rockes Farm Barn) and is approximately 105 metres in length. To the North the site shares a common boundary with the Holm Oaks estate approximately 115 metres in length. This is a modern estate comprising dwellings which are mixed in terms of design and scale, being predominately two storey detached dwellings with bungalows and link detached dwellings arranged in cul-de-sacs. Access from Sub Road is from the west and is achieved by demolishing part of the existing property West View and adjacent to the Bungle, with Pennoy Cottage and Woodlands further along Sub Road either side of the access.
- 13.2 The outline application was supported by an illustrative masterplan to demonstrate how the 32 dwellings could be accommodated on the site. The layout has evolved since the outline planning permission was granted and further changes have been made during the life of the application to address concerns on design grounds, and those raised by other consultees and the local community. The layout now provides a greater sense of place and distinct character achieved by the inclusion of key buildings terminating vistas (plots 4 and 22), shared surfaces and landscaping to create a strong street scene.
- 13.3 The layout of the scheme is dictated to a large extent by the site levels. The internal road has been amended to include shared surfaces in key areas of the site adjacent to the open space, and within courtyards in the southeastern and southwestern part of the south, to provide a softer and less engineered appearance. The number of visitor parking spaces has been increased during the application process and there is sufficient parking within plots and communal areas to meet local parking standards.
- 13.4 The built form of development has been moved away from the northern boundary with Holm Oaks, as concerns were raised with dwellings creating unacceptable overlooking / overbearing impacts upon neighbouring dwellings. Care has also been taken to ensure that there is appropriate orientation, sufficient separation distances and boundary treatments between the proposed built form and surrounding properties.
- 13.5 Building heights have been kept low at a maximum of two storeys to ensure a conventional residential scale and to reflect local character. The density of development results in gaps between individual buildings and at site boundaries, and the proposed landscaping particularly along the eastern (adjacent to Rock Farm Barn), southern (adjacent to Pennoy Cottage) and the northern boundary (adjacent to Holm Oaks properties) will help soften and reduce its cumulative scale and massing. This application is submitted with planting details for approval approval.

- 13.6 Cross section drawings, a Construction and Environmental Management Plan (CEMP, March 2024) and a Desk Study and Ground Investigation Report (Completed by Tec) 10 April 2024) which includes details of foundation/sub structure design (at paragraph 7.4) have been provided to address concerns raised by interested parties with regard to ground levels, conditions and stability.
- 13.7 The design of buildings follows traditional residential forms and proportions with pitched roofs. The materials, as illustrated on the submitted plans reflect the variety of palettes used locally and include local natural stone, slate and clay roof tiles and local distinctive detailing such as chimneys, stone lintels, sills. Boundary and surface treatments have been indicated on the submitted plans and are broadly considered acceptable. Importantly the palette of materials proposed is consistent across all dwelling types and tenures. The final materials will be agreed through the approval of a materials schedule and sample panels.
- 13.8 The configuration of the scheme allows for landscaping in key areas including new street trees within the public domain (plots 4, 5 and 15). New hedging and the retention of existing hedgerow along the northern and eastern boundaries within a 5-metre-wide development free-zone will reduce the visual impact and maintain and enhance biodiversity. An area of open space will be retained in the northwestern corner of the site incorporating the SuDS pond (planted with lawn and wetland flower mix and native trees) and footpath link to the northern boundary with the adjacent play area, overlooked by active frontages (plots 1 and 2). The existing and proposed landscaping will help reduce the visual impact of the proposal by screening the development and assimilating it into its surroundings. The landscaping details submitted as part of this application are considered to fulfil the requirements of condition 9 (Landscaping) on the outline planning permission. The management and maintenance will need to be formally approved as part of obligations (Schedule 4) that the owner/developer will have to agree prior to the commencement of development.
- 13.9 The proposal includes a pedestrian link up to the northern boundary which will allow access to the village centre, via the adjacent play area, as sought by condition on the outline planning approval and the requirements of policy BT1.
- 13.10 Overall, it is considered that the 'reserved matters' relating to layout, scale, appearance, landscaping and pedestrian link of the proposed development are acceptable and have regard to the local context. The scheme overall has the potential to be a high-quality addition to the housing stock within the plan area.

## **14. Heritage**

- 14.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 14.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires special attention to be paid to the preservation or enhancement of the character of the surrounding conservation area.



- 14.3 The site is located close to a number of designated heritage assets including the Butleigh Conservation Area, Peony Cottage (Grade II listed building located adjacent to the northwestern corner of the site) and Higher Rockes Farm (Grade II listed building with curtilage listed barns located to the west of the site).
- 14.4 As assessment of the scheme with regard to the conservation area and listed buildings was made at outline stage by the Planning Inspector, as outlined above in this report, and found to be acceptable based on the information and limitations of the application at the time.
- 14.5 Whilst the scheme has evolved since the outline planning permission was granted there remains sufficient space and visual separation to ensure that the proposed dwellings at the site would not have a significant or harmful effect on the significance or setting of the nearby listed buildings. Furthermore, the proposed landscaping at the common boundaries would form a buffer between the existing and proposed dwellings, helping to mitigate any perceived harm. In this sense, the proposed scheme would preserve the setting of the aforementioned listed buildings.
- 14.6 As per the previous Inspector's assessment, the conservation area incorporates the listed buildings noted above but excludes the application site and therefore the physical and visual relationship between the site and the conservation area is limited. Given that the scheme would not harm the setting of the listed buildings and that there is no direct relationship between the conservation area and the application site it follows that the proposals would also not harm the setting of the conservation area.
- 14.7 For these reasons, the proposal would accord with policy DP3 (Heritage Conservation) of the Local Plan, which amongst other things, requires that development preserves the significance and setting of heritage assets.

## **15. Residential Amenity**

- 15.1 It is acknowledged that the proposed development will change how the immediate neighbours experience the site. However, there are sufficient buffers and boundary treatments between the proposed dwellings and existing development. Concerns about the site levels and height of buildings having an overbearing impact on neighbouring properties have been addressed through revisions to the layout, including pulling the built form of development away from the northern boundary with Holm Oaks, which are the most affected properties. Cross sections drawings, which cut through the site, show how the existing and proposed dwelling will relate to one another, and what boundary treatment and landscaping will be in place to assimilate the scheme into its surroundings.
- 15.2 The proposed dwellings are carefully orientated and set back from the boundaries to limit their impact on adjacent occupiers. Concerns from interested parties about the loss of views are appreciated, however this is not a material planning consideration.
- 15.3 Neighbouring occupiers will inevitably experience disturbance during the construction period, but this will be temporary. The submission includes a Construction Environmental Management Plan which part fulfils (see highway comments) the requirements of condition 5 (Construction Method Statement) and condition 14 (Construction Environmental Management Plan) for neighbouring properties on the outline permission. Information required by the conditions will need to be agreed by the LPA before development commences.

- 15.4 The layout as revised incorporates a range of property types and plot and garden sizes with each new dwelling. There are two x 1 bed apartments which occupy the upper level of plots 31 and 32 which includes garage car parking below. This building is single aspect in order to minimise the impact on the future occupiers of the units on plots 19 and 20. The inclusion of the two one bedroom apartments assists with the delivery of the range of housing types and on balance the relation between the plots and buildings in this part of the site is acceptable in order to achieve the objective of delivering a mixed and balanced community (refer to paragraph 18 below).
- 15.5 Based on the assessment as set out above, 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 policies DP7 (Design and Amenity of New Development) and DP8 (Environmental Protection) of the Local Plan.

## **16. Ecology**

- 16.1 The application site is within the fluvial catchment of the Somerset Levels & Moors Ramsar Site. The Somerset Levels & Moors is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). In the absence of mitigation, the application will add phosphorus to the catchment of the designated site due to the increase in dwellings proposed.
- 16.2 A shadow Habitats Regulations Assessment (sHRA) (dated 3 April 2024 – version 5) and phosphates mitigation proposals have been submitted with the application.
- 16.3 The sHRA provides that the required mitigation will be achieved by permanently removing agricultural practices from the following Mitigation Land:
- Pre-April 2023 Mitigation Land 29.9 ha at Higher Hill Farm.
  - Post-April 2030 Mitigation Land 2.4 ha at Jarmany Hill Farm.
- 16.4 The LPA has consulted with Natural England and SES on the proposed mitigation. Natural England has reviewed the applicant's mitigation proposals and is satisfied with the approach and conclusions provided that the Mitigation Land establishes woodland rather than meadow. SES has subsequently concluded through the Habitat Regulations Assessment that the Appropriate Assessment is passed.
- 16.5 Subject to securing the implementation and maintenance of the mitigation strategy through planning conditions and a legal agreement, it is considered that the proposed development will not adversely effect on the integrity of the Ramsar Site (Regulation 63(5)).
- 16.6 Regarding other ecological matters, Somerset Ecology Services (SES) has not raised any objection, subject to conditions. Some of these are already covered by conditions on the outline permission which secure a Construction Environmental Management Plan (CEMP: Biodiversity) (condition 13), details of lighting (condition 15), restrictions on tree, hedge or shrub removal (condition 16) and protection of bats and nesting birds (conditions 17 and 18). Other requested conditions relate to the phosphate Mitigation Land, which will be secured through the s106 agreement. Additional conditions are included where they meet the tests set out within the National Planning Policy Framework (NPPF).

## **17. Drainage and Flood Risk**

- 17.1 The site lies within Flood Zone 1 so is identified as being at low risk of flooding, but the introduction of development and hardened surfaces will increase the impermeable areas of the site and therefore the volume of surface water runoff from the development.
- 17.2 The application is supported by a revised drainage strategy which is in line with the principles agreed at the outline stage. All surface water runoff from impermeable areas will be captured within a below ground gravity drainage network and conveyed to the existing ditch which runs along the northern boundary of the site. Attenuation will be provided within a proposed detention basin located within the area of Public Open Space (POS) within the northwestern corner of the site, adjacent to the existing ditch. Further attenuation will be provided within and below ground attenuation tanks located below hardstanding areas. Treatment of surface water runoff will be provided through the permeable paving on private drives and the proposed detention basin.
- 17.3 Foul water flows will be conveyed to the existing public foul water sewer within Sub Road. The point of connection has been discussed and agreed with Wessex Water.
- 17.4 The Environment Agency and LLFA (following receipt of additional information) have not raised any objection to the application. It is noted that a third-party management company will be responsible for maintaining private drainage features. This management company should be named and provided to the LPA when this is known by the developer.
- 17.5 The details submitted are considered to be acceptable and addresses the matters raised by conditions 10 (Sustainable Drainage System) and 11 (Foul Drainage) on the outline planning permission. The development complies with policies DP23 (Managing Flood Risk) of the Local Plan.

## **18. Affordable Housing**

- 18.1 A policy compliant level of affordable housing (30% equating to the delivery of 10 affordable homes) was secured at outline. The accommodation schedule has been revised following comments made by the Council's Housing Enabling team during the initial round of consultation. The revised housing mix is as follows:

2 x 1-bed flats  
3 x 2-bed houses  
4 x 3-bed houses  
1 x 4-bed houses

- 18.2 The proposed housing mix is considered to provide an appropriate balance of unit sizes which is reflective of local housing need and would contribute to the sustainability of the scheme.

## **19. Housing Mix**

- 19.1 Policy DP14 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 LPAs to plan for the housing needs of different groups in the community in order to achieve mixed and balanced communities.

- 19.2 The mix of housing has been adjusted during the life of the application. Open market housing now comprises smaller units with less than five bed units. Ten affordable housing units will be provided, clustered within a courtyard, in accordance with the s106 attached to previous outline permission.
- 19.3 Overall, it is considered that the development caters for all housing needs, with a range of dwelling types and sizes. The development is considered to be fully compliant with DP14.

## **20. PUBLIC OPEN SPACE**

- 20.1 A s106 agreement was approved as part of the outline permission securing provision of on-site open space and an off-site financial contribution (Schedule 2) and a management company to maintain the open spaces (Schedule 4). Therefore, the full details of the area of open space in the northwestern corner of the site incorporating the SuDS will be approved through the Open Space Plan which is an obligation set out in the s106 agreement. Irrespective, the details as set out within the reserved matters application are considered acceptable.

## **21. WASTE AND RECYCLING**

- 21.1 All dwellings will have ample rear gardens and/or garages / rear sheds with sufficient space for the storage of waste and recycling containers which can be brought out to the kerbside or a refuse collection point (plots 24-32) on collection days. Refuse vehicle tracking has been undertaken which shows refuse vehicles can service all dwellings.
- 21.2 The details submitted fulfil the requirements of condition 12 (Waste and Recycling Storage) on the outline permission.

## **22. Sustainability and Renewable Energy**

- 22.1 The Sustainability Statement demonstrates that the applicant has considered options to reduce the need for energy and use energy more efficiently. Specific technologies such as ground source heat pumps and photovoltaic panels will be considered by the development at the construction stage as part of the Building Regulations. Electric vehicle charging points are to be secured via condition.
- 22.2 Whilst it is considered that the scheme could have gone further in terms of sustainability credentials, it is broadly acceptable and in line with policy DP7 (Design and Amenity of New Development) of the Local Plan.

## **23. PLANNING BALANCE AND CONCLUSION**

- 23.1 The assessment of this reserved matters application has been completed to deliver a scheme which responds positively to the provisions of the site allocation policy BT1. The scheme will deliver 32 new houses across the site utilising the access arrangements that are already agreed under 2018/2648/OTS.
- 23.2 Paragraph 11 of the National Planning Policy Framework (NPPF) also remains a relevant consideration given the date of adoption of Local Plan 1 and the current 5-year land supply position. The assessment as set out above confirms that there are no adverse impacts as a result of the proposals which would significantly and demonstrably outweigh the benefits that will be delivered.

- 23.3 In summary, the reserved matters in relation to appearance, layout, scale, landscaping and a pedestrian link to the existing footpath network for the approved development under outline planning permission 2018/2648/OTS are considered to be acceptable and in accordance with the relevant guidance as set out in the NPPF and the policies of the development plan as listed above.
- 23.4 This application has also included information on conditions attached to the outline permission. The outcome of the assessment is provided in the report and is as follows:
- Condition 5 (Construction Method Statement) – Details insufficient.  
Condition 8 (Parking and Turning) – Details insufficient.  
Condition 9 (Landscaping) – Details submitted as acceptable. Some boundary treatments are still to be submitted for consideration.  
Condition 10 (Surface Water Drainage) - Details acceptable.  
Condition 11 (Foul Drainage) - Details acceptable.  
Condition 12 (Waste and Recycling) - Details acceptable.  
Condition 14 (Construction Environmental Management Plan) - Details acceptable.
- 23.5 A separate application for formal approval of these conditions will be required. The conditions on the outline planning permission will need to be complied with in terms of the development approved under this 'reserved matters' submission.
- 23.6 Careful consideration has been given to the comments of consultees and third parties. The proposals have been revised a number of times in order to try and address the comments of consultees. Whilst some concerns remain, it is considered that the scheme is now acceptable. Additional conditions are recommended where appropriate.
- 23.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. For the reasons discussed, the scheme is considered to comply with the development plan as a whole and it is therefore recommended that this reserved matters application be approved.

## RECOMMENDATIONS

**Recommendation:** Approve application subject to (the prior signing of a s106 agreement) and subject to the stated planning conditions

### Section 106 Agreement (s106) Heads of Terms

A planning obligation will secure: The development hereby approved shall be carried out in accordance with the approved Shadow Habitats Regulation Assessment (sHRA) - (Gallion, April 2024) and the email dated 6 August 2024 from Natural England. A woodland planting scheme will be required to be submitted to and approved by the Local Planning Authority as part of the obligations which the developer has to comply with.

## Conditions

### 1. Plans List (Compliance)

This decision relates to the following drawings:

15 Aug 2024 - 4522-1-B - PROPOSED SITE PLAN  
10 Apr 2024 - 4522-2 - HT 125 PLANS AND SECTIONS  
04 Jul 2024 - 4522-3-A - HT 125 ELEVATIONS  
04 Jul 2024 - 4522-4-A - HT 125 VISUALISATION  
16 May 2024 - 4522-5 - HT 140 PLANS AND SECTIONS  
16 May 2024 - 4522-6 - HT 140 ELEVATIONS  
16 May 2024 - 4522-7 - HT 140 VISUALISATION  
16 May 2024 - 4522-8 - HT 155b PLANS AND SECTIONS  
04 Jul 2024 - 4522-9-A - HT 155b ELEVATIONS  
04 Jul 2024 - 4522-10-A - HT 155b VISUALISATION  
10 Apr 2024 - 4522-11 - HT 185 PLANS AND SECTIONS  
10 Apr 2024 - 4522-12 - HT 185 ELEVATIONS  
10 Apr 2024 - 4522-13 - HT 185 VISUALISATION  
10 Apr 2024 - 4522-14 - HT 220 PLANS AND SECTIONS  
10 Apr 2024 - 4522-15 - HT 220 ELEVATIONS  
10 Apr 2024 - 4522-16 - HT 220 VISUALISATION  
10 Apr 2024 - 4522-17 - HT 170 PLANS AND SECTIONS  
10 Apr 2024 - 4522-18 - HT 170 ELEVATIONS  
10 Apr 2024 - 4522-19 - HT 170 VISUALISATION  
10 Apr 2024 - 4522-20 - HT 190 PLANS AND SECTIONS  
10 Apr 2024 - 4522-21 - HT 190 ELEVATIONS  
10 Apr 2024 - 4522-22 - HT 190 VISUALISATION  
10 Apr 2024 - 4522-23 - HT 124 PLANS AND SECTIONS  
04 Jul 2024 - 4522-24-A - HT 124 ELEVATIONS  
04 Jul 2024 - 4522-25-A - HT 124 VISUALISATION  
10 Apr 2024 - 4522-26 - HT 155a PLANS AND SECTIONS  
04 Jul 2024 - 4522-27-A - HT 155a ELEVATIONS  
04 Jul 2024 - 4522-28-A - HT 155a VISUALISATION  
10 Apr 2024 - 4522-29 - HT 123 PLANS AND SECTIONS  
10 Apr 2024 - 4522-30 - HT 123 ELEVATIONS  
10 Apr 2024 - 4522-31 - HT 123 VISUALISATION  
10 Apr 2024 - 4522-32 - HT 81 PLANS AND SECTIONS  
10 Apr 2024 - 4522-33 - HT 81 ELEVATIONS  
10 Apr 2024 - 4522-34 - HT 81 VISUALISATION  
10 Apr 2024 - 4522-35 - HT 85 PLANS AND SECTIONS  
10 Apr 2024 - 4522-36 - HT 85 ELEVATIONS  
10 Apr 2024 - 4522-37 - HT 85 VISUALISATION  
10 Apr 2024 - 4522-38 - HT 85a PLANS AND SECTIONS  
16 May 2024 - 4522-39 - HT 85a ELEVATIONS  
10 Apr 2024 - 4522-40 - HT 85a VISUALISATION  
10 Apr 2024 - 4522-41 - HT 50 PLANS AND SECTIONS  
10 Apr 2024 - 4522-42 - HT 50 ELEVATIONS  
10 Apr 2024 - 4522-43 - HT 50 VISUALISATION  
22 Oct 2024 - 4522-44 revB - PROPOSED EXTERNAL MATERIALS PLAN  
10 Apr 2024 - 4522-45 - SINGLE CARPORT PLANS, SECTION AND ELEVATIONS  
10 Apr 2024 - 4522-46 - DOUBLE CARPORT PLANS, SECTION AND ELEVATIONS  
10 Apr 2024 - 4522-47 - TRIPLE CARPORT PLANS, SECTION AND ELEVATIONS  
10 Apr 2024 - 4522-48 - SITE LOCATION PLAN  
10 Apr 2024 - 4522-49 - TOPOGRAPHICAL SITE SURVEY  
22 Oct 2024 - 4522-50 revA - PROPOSED SITE CROSS SECTIONS  
21 Oct 2024 - 201 PL6 - PLANTING PLAN 1 OF 2  
21 Oct 2024 - 202 PL6 - PLANTING PLAN 2 OF 2  
15 Aug 2024 - PDL-101 E - PRELIMINARY DRAINAGE LAYOUT SHEET 1  
15 Aug 2024 - PDL-102 E - PRELIMINARY DRAINAGE LAYOUT SHEET 2

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

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

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

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

**3. Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials and finishes to be used, including natural stone walls, stone quoins and copings have been erected on site, and approved in writing by the Local Planning Authority. The sample panel shall be kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

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

**4. Dwelling Access (Compliance)**

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**5. Bicycle Storage (Pre-occupation)**

Each dwelling shall not be occupied until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved in writing by the Local Planning Authority. Any such scheme must, thereafter, be kept free from obstruction and available for the purpose specified.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of cycling in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**6. Electric Vehicle Charging provision (Bespoke trigger)**

Prior to the construction of any part of the development above damp-proof course level a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development, along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These details should be in accordance with the Somerset Parking Strategy and the Somerset County Council Electric Vehicle Charging Strategy. Thereafter the development shall be carried out in accordance with the approved details and timetable.

Reason: To support sustainable transport objectives in accordance with the Somerset County Council Parking Strategy and Electric Vehicle Charging Strategy and DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)

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

Each dwelling shall not be occupied until the parking and turning provision shown on drawing 4522-1-B has been properly consolidated and surfaced. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with DP9 and DP10 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 entrance gates erected shall be permanently hung to open away from the public highway and shall thereafter be maintained in that condition in perpetuity.

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

#### 9. **Water Usage in Phosphate Affected Area (Pre-Occupation)**

No dwelling hereby approved shall be occupied until:

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

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

### **Informatives**

1. 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 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.

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. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.

#### **5. Works Require Legal Agreement with the Highway Authority**

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is requested to contact the Highway Authority to progress this agreement well in advance of commencement of development.

#### **6. Estate Road Adoption**

If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code