

<b>Application Details</b>	
Application Reference	2023/1515/OUT
Application Types	Outline Application
Description	Outline application with all matters reserved except for access, up to 47no. dwellings (including affordable housing), open space, ecological mitigation, and supporting infrastructure.
Site Address	Land at 353038 145483 Gypsy Lane, Wells, Somerset
Parish	St Cuthbert Out Parish Council
Case Officer	Ed Winter
Applicant	Wells LVA LLP and Little Burcott Ltd
Division	Mendip West Division
Divisional Councillors	Cllr Heather Shearer Councillor Ros Wyke
Recommendation	Approval

### **Background and reason for deferral and recommendation summary**

This application was considered at Somerset East Planning Committee on Tuesday 1<sup>st</sup> October 2024. It was deferred for the following reason:

"That planning application 2023/1515/OUT be DEFERRED subject to clarification that the means of access as proposed can be provided without requiring land owned by a third party other than the highway authority."

**Recommendation: Approval subject to the completion of a Section 106 agreement to include the following heads of terms and the conditions as set out below:**

### **Addressing reason for deferral**

The applicant has provided clarification about the access and land ownership. This is presented as follows:

- Access drawing has been revised: "Preliminary Access Layout & Traffic Calming, PHL-01 Rev G".
  - Surveyed distances to highway boundary features added.
  - Overlay showing outline of title plan of Little Orchard House.
- Email correspondence from applicant's highway consultant added.
  - Discussion of highway extent.

The above, taken together, show that the proposed access arrangements are within the extent of the public highway.

### **Summary of representations received since Planning East Committee of 1<sup>st</sup> October 2024**

Further representations since Planning East Committee of 1<sup>st</sup> October 2024 also have been received as follows:

- SC Highway Authority: No Objection subject to conditions and/or S106 obligations. Travel plan acceptable in principle, but minor amendments are required, which can be resolved through the s106 drafting process. Contributions recommended for towards active travel, potentially towards the Strawberry Line.
- SC Affordable Housing: 40% of the total dwellings are to meet the NPPF definition of affordable housing. Making up the 40%, initially, a mix of 25% First Homes and 75% Social Rent was advised, but this has now been updated to 75% Social Rent and 25% Shared Ownership. For a development of up to 47 dwellings, this would equate to 19 affordable homes. The distribution should reflect the overall development and local housing needs, with service charges kept affordable. The scheme must be approved by Somerset Council's Development Enabling Specialist.

#### Officer response to the above.

The approach to the travel plan, active travel contributions and affordable housing contributions is amended in line with advice from the above consultees. This is discussed in further detail below.

### **Summary of representations from neighbours/members of public received since Planning East Committee of 1<sup>st</sup> October 2024**

Two letters of objection have been received. The issues raised are summarised below.

- Concern the development could lead to unchecked urban sprawl outside Wells. They suggest rejecting the application to avoid setting a precedent, questioning if this aligns with the National Planning Policy Framework (NPPF).
- Increased traffic and pollution due to the site's distance from Wells, with a dangerous exit onto Elm Close.
- The development would extend beyond the edge of Wells, negatively impacting the rural landscape and local character.

#### Officer response to the above.

- If this planning application is granted, it would only allow for development to take place on the application site. If further applications were submitted elsewhere in the area, each would be assessed on its merits. The current application does not set a precedent for uncontrolled development outside of Wells.
- The Highway Authority does not object to the application on highway safety grounds.
- The application has been assessed against the development plan and in line with the requirements of the Landscape Institute's best practice and it is not considered that the proposals would result in significant degradation to the landscape.
- These matters have all been considered previously.

## **Update to assessment against the development plan and any material considerations**

No changes to the assessment of the application against the development or material considerations since Planning East Committee on 1<sup>st</sup> October. Please refer to the officer assessment report as included within the report pack

### **Officer commentary: Revised plans detailing how access arrangements can be delivered within the highway extents**

The revised access plan submitted subsequently to Planning East Committee in October, show that the proposed access arrangements are within the extent of the public highway. The revised plans do not make any changes to the substantive designs for the access: the amendments are limited to additional annotations concerning the extent of the highway. The applicant has also submitted an outline of the title plan for the property known as Little Orchard House. Again, this shows that the proposed access can be delivered within the highway. In any case, it is possible for the extent of the highway to overlap land in third party ownership. This does not extinguish any rights that exist over the highway.

### **Officer commentary: Highway Authority comments**

The Highway Authority has provided updated comments to correct an error in their previous comments, which requested a travel plan statement instead of a travel plan.

The requirement for a travel plan statement was covered by condition 16, at Planning East Committee in October. In line with comments from the Highway Authority, it is now proposed to substitute the requirement for a travel plan statement for a travel plan.

The travel plan needs to be secured through a planning obligation instead of a condition (due to the additional complexity in delivering a travel plan as opposed to a travel plan statement). Therefore, condition 16 is removed and the requirement for a travel plan is included as a new planning obligation.

The Highway Authority also recommends that contributions be sought for active travel.

Planning obligations are used to mitigate the impacts of new developments. For a planning obligation to be valid, it must meet three key tests. It should be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. These tests are outlined in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and are also reflected in the National Planning Policy Framework.

In the case of this application, it is considered that contributions to the Strawberry Line of relevant connecting infrastructure between the site and the Strawberry Line would meet the above tests.

### **Officer commentary: Affordable Housing Team comments**

Revised comments have been received since the initial comments were received. The new position prefers shared ownership over First Homes. This can be agreed through the planning obligation process and is reflected the heads of terms.

### **Planning obligation triggers**

Members requested further detail of the triggers that would be identified for the delivery of the planning obligations. Triggers would normally be agreed between the applicant and the relevant specialist officers (e.g. the local education authority or the affordable housing team). However, the triggers below are considered appropriate for this application.

The contributions presented at October Committee were:

- Affordable housing (19 homes)
- Education contribution £207,552.00/47 (£4,416.00 per dwelling)
- NHS contribution £17,788
- Public open space (on-site LAP and LEAP and other open space. Contribution to off-site MUGA)

### ***Triggers to be included in the planning obligations***

#### *Affordable housing*

The affordable housing requirement for this application is 40% of dwellings to be delivered as affordable. This would equate to 19 out of 47 dwellings.

**Trigger:** Not to occupy more than 75% of the Open Market Dwellings until all of the Affordable Dwellings have been completed, fitted out and transferred to the registered provider of affordable housing (RP).

#### *Education contribution*

Education contribution £207,552.00/47 (£4,416.00 per dwelling).

**Trigger:** 50% of the contribution to be paid prior to the occupation of 30% of the total number of dwellings consented (e.g. 30% of 47 would be by 14 dwellings). The remaining 50% of the contribution to be paid prior to the occupation of 60% of the total number of dwellings consented (e.g. 60% of 47 dwellings would be by 28 dwellings).

#### *NHS contribution*

NHS contribution of £17,788 towards additional GP surgery space requirements.

**Trigger:** NHS contribution to be paid prior to 50% occupation of the Open Market Dwellings

#### *MUGA contribution*

A contribution of £21,373 to be paid towards the delivery of an off-site multi-use games area.

**Trigger:** MUGA contribution to be paid prior to 50% occupation of the Open Market Dwellings.

#### *POS, including LAP & LEAP*

The site would deliver public open space, a local area of play and a locally-equipped area of play. The delivery and ongoing maintenance and management of these would be secured through a planning obligation.

**Triggers:** A number of triggers are required including the submission of plans of the POS, details of the LAP & LEAP, providing the POS, LAP & LEAP, transferring it to a management company and keeping them permanent open. **The key triggers are considered to be:** Not to occupy the more than 75% of the Open Market Dwellings until POS has been provided to the satisfaction of the Council and transferred to a management company.

#### *Travel Plan*

The travel plan statement was previously presented as condition 16 and was a pre-occupation condition. Given that this is now required to be a full travel plan, this needs to be secured through a planning obligation instead of a condition, due to the additional complexity of a travel plan compared to a travel plan statement.

**Triggers:** A travel plan as secured through a planning obligation would involve a series of triggers, including the submission and approval of a travel plan, the appointment of a travel plan coordinator, entering the travel plan onto iOnTRAVEL (a monitoring system for travel plans), paying the travel plan fee, paying the management budget, other sums as relevant, and to implement and monitor various other measures. **The key trigger is considered to be** that the travel plan is submitted and approved by the Council prior to commencement.

#### Strawberry Line contribution

In line with revised comments received from the Highway Authority, contributions of £11,412 are sought towards the Strawberry Line multi-model route or connections between the application site and the Strawberry Line.

**Trigger:** Strawberry Line contribution to be paid prior to 50% occupation of the Open Market Dwellings.

**Recommendation: Approval subject to the completion of a Section 106 agreement to include the following heads of terms and the conditions as set out below:**

#### **Heads of terms**

##### Affordable housing

40% of the homes delivered to be as Affordable Housing (NPPF definition).

Trigger: Not to occupy more than 75% of the Open Market Dwellings until all of the Affordable Dwellings have been completed, fitted out and transferred to the RP.

##### Education contribution

Education contribution of £207,552.00/47 (£4,416.00 per dwelling).

Trigger: 50% of the contribution to be paid prior to the occupation of 30% of the total number of dwellings consented (e.g. 30% of 47 would be by 14 dwellings). The remaining 50% of the contribution to be paid prior to the occupation of 60% of the total number of dwellings consented (e.g. 60% of 47 dwellings would be by 28 dwellings).

##### NHS contribution

NHS contribution of £17,788 towards additional GP surgery space requirements.

Trigger: NHS contribution to be paid prior to 50% occupation of the Open Market Dwellings

##### MUGA contribution

A contribution of £21,373 to be paid towards the delivery of an off-site multi-use games area.

Trigger: MUGA contribution to be paid prior to the occupation of 50% of the Open Market Dwellings.

##### POS, including LAP & LEAP

The delivery of public open space, a local area of play and a locally-equipped area of play as well as the ongoing maintenance and management of the same.

Trigger to include: Not to occupy the more than 75% of the Open Market Dwellings until the POS including LAP and LEAP has been provided to the satisfaction of the Council and transferred to a management company.

##### Travel Plan

The delivery of a travel plan and associated commitments as negotiated with Somerset Council.

Trigger to include that the travel plan is submitted and approved by the Council prior to the commencement of development.

### Strawberry Line contribution

In line with revised comments received from the Highway Authority, contributions of £11,412 are sought towards the Strawberry Line multi-model route or connections between the application site and the Strawberry Line.

Trigger: Strawberry Line contribution to be paid prior to 50% occupation of the Open Market Dwellings.

## **Conditions**

### **1. Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

#### **1. Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

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

This decision relates to the following drawings:

PHL-01 Rev G

10602-FPCR-ZZ-XX-DR-L-0001 P03

### **3. Finished Floor and Levels Ridge Heights (Reserved Matters)**

The Reserved Matters application shall include details of finished floor levels and ridge heights of all dwellings. Thereafter the dwellings shall be constructed in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the ground levels and ridge height of the dwellings have the potential to affect the overall acceptability of the impact of the development.

### **4. Footpath and Cycleway Connections (Reserved Matters)**

The reserved matters application shall include a detailed scheme of a network of cycleway and footpath connections within the site including up to the site boundaries along with a programme of implementation. The footpath and cycleway connections shall thereafter be delivered to the boundary of the site on an unencumbered basis to allow the free passage of users into and out of the site in accordance with the approved details.

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

## **5. Landscape and Ecological Management Plan (Reserved Matters)**

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority at the Reserved Matters stage. The LEMP will include confirmation on 5m setbacks for dark bat habitat from the hedgerow and trees along the northwest (Gypsy Lane) and the eastern boundaries of the application site. Existing vegetation along the boundary is to be released from management ahead of works commencing (i.e. six months). Retained and new hedgerows, including the line of trees along the eastern boundary of the application site, will be managed bushy to attain a width of 3-5m and height of 6m and maintain an associated 5m long/tussocky grassland buffer. Details should also be given on new native bolster planting along the boundary where there are gaps, further strengthening the extent of canopy cover where the location of any connection would be chosen on the basis of minimal vegetation loss whilst maximising canopy cover from adjacent trees and this would be agreed under the direction of a suitably qualified ecologist. Information regarding the hedgerow along Burcott Lane to be released ahead of works in order strengthen connections to the eastern boundary. Finally, information should be provided regarding biodiversity net gain (BNG) and how habitats will be managed in order to meet the conditions e.g. fairly good for grassland within the BNG calculations. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species 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.

## **6. Sustainability Strategy Statement (Reserved Matters)**

The reserved matters application shall include a Sustainability Strategy Statement ('SSS'). The SSS shall demonstrate how the development will, in line with a timetable, incorporate reasonable and practical sustainability measures through i) the siting, layout and design of the dwellings hereby permitted, and ii) maximising appropriate opportunities for the use of sustainable constructions techniques, renewable energy on site (including the provision of operational solar voltaic panels, air source or ground source heat pumps, electric vehicle charging points and water efficiency measures (including rainwater harvesting or other methods of capturing rainwater) to each dwelling. The development hereby permitted shall be undertaken in accordance with the SSS, which shall thereafter be maintained as such.

Reason: To reduce carbon dioxide emissions and in the interests of residential amenity in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 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).

## **7. Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- a. The working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
- b. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise and vibration.
- c. Proposals for the safe disposal of waste materials confirming that no burning of site generated waste will occur.
- d. A map to identify which route(s) is to be used by construction vehicles to access the site.
- e. The parking of vehicles of site operatives and visitors.
- f. Loading and unloading of plant and materials.
- g. Storage of plant and materials used in constructing the development.
- h. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities.
- i. Delivery and construction working hours, which shall not permit: noise generating activities outside of the following hours: Mon - Fri 08:00-18:00 Sat 08:00 -13:00 All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities. The development shall thereafter be carried out in accordance with the approved CMP.

Reason: To minimise the effect of noise, odour and dust from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular chapters 8 and 12. This is a condition precedent because the impacts identified above need to be understood at the earliest stage of development.

#### **8. Construction Ecological Environmental Management Plan (Pre-commencement)**

No development shall take place (including ground works or vegetation clearance) until a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including for reptiles, nesting birds, dormice and badgers.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to throughout the construction period.

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 species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Mendip District Council Local Plan Part 1 Policy DP5, and Chapter 15 of the NPPF. This is a condition precedent as harm to protected species needs to be prevented from the earliest states of the development.

#### **9. Lighting and Bats (Pre-commencement)**

No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for greater horseshoe bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging.

- b) Show how and where external lighting will be installed (through the provision of lighting contour plans illustrating Lux levels in accordance with Step 5 of Guidance Note 08/18 Bats and artificial lighting in the UK) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent greater horseshoe bats using their territory or having access to their breeding sites and resting places. The design will also include any amenity and or security lighting where needed.
- c) Show the use of shields and other methods of reducing light spill (such as the installation of physical barriers) to prevent light spill.
- d) 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. The approved lighting scheme shall be implemented before the occupation of the development hereby permitted and shall thereafter be permanently retained as such.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species, and in accordance with Mendip District Council Local Plan Part 1 Policies DP5 and DP6 and Part 15 of the NPPF. This is a condition precedent as potential harm to protected species needs to be understood and thereafter prevented from the earliest states of the development.

#### **10. Surface Water Drainage System (Pre-commencement)**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development. Thereafter, the surface water drainage scheme shall be permanently retained as approved.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

#### **11. 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, 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.

## **12. Biodiversity Enhancement and Management Strategy (Pre-commencement)**

No development hereby permitted shall take place until a Biodiversity Enhancement and Management Strategy ('BEMS') has been submitted to, and approved in writing by, the Local Planning Authority. The BEMS shall provide for biodiversity net gain and shall align with the approach set out in the Ecological Impact Assessment (Grassroots Ecology, April 2024 Ref: 1318 April 2024). Development shall be carried out in accordance with the approved BEMS and the site shall be thereafter be managed in accordance with the approved BEMS for the lifetime of the development.

Reason: To avoid adverse impacts on protected and priority species & habitats in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework.

## **13. Roads, Footpaths and Turning Spaces (Pre-occupation)**

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

## **14. New Access (Pre-occupation)**

No dwelling hereby approved shall be occupied until the new access as shown on approved drawing number PHL-01 Rev G has been constructed in accordance with that drawing.

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

## **15. Visibility Splay (Pre-occupation)**

No dwelling hereby approved shall be occupied until the visibility splay shown on drawing number PHL-01 Rev G has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained as such permanently thereafter.

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

#### **16. Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths) and
- (d) any retained planting and
- (e) a detailed programme of implementation. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Development Policies 1, 3, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

#### **17. Nutrient Neutrality Statement (Compliance)**

The development hereby approved shall be carried out in full accordance with the as submitted in the NUTRIENT NEUTRALITY ASSESSMENT & MITIGATION STRATEGY, dated 2nd April 2024 reference RMA-C2659. This shall include installation of a Package Treatment Plant that does not require any chemical dosing and achieves 0.80 mg/l concentration of phosphorous per litre of effluent discharged. If the Package Treatment Plant needs to be replaced in the future, the replacement Package Treatment Plan must include a biological treatment (with no chemical dosing) with 0.80 mg/l concentration of phosphorous per litre of effluent discharged or less.

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 Development Policy 5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.

## 18. Estate Roads (Bespoke)

Except for enabling works (construction access, ground clearance, ecology works, archaeology works and the formation surface water drainage) no development shall commence until details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include plans and sections, the design, layout, levels, gradients, materials and method of construction.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006- 2029 (Adopted 2014). This is a condition precedent because any initial construction works could have a detrimental effect on highway safety and residential amenity.

### 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. 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 development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved

NOTE: 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. A suitable adoptable layout should be provided as part of the Reserved Matters application.

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. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development

## **Appendix A – Report to Planning East Committee October 1<sup>st</sup> 2024**