

Application Number	2020/0832/OTS
Case Officer	Anna Jotcham
Site	Land At 345552 136293 Main Street Walton Street Somerset
Application Number	2020/0832/OTS
Date Validated	1 May 2020
Applicant/ Organisation	Mr F Rizzuti
Application Type	Outline - Some Matters Reserved
Proposal	Outline Planning Permission for the erection of 6 dwellings with all matters reserved except access.
Division	Mendip West Division
Parish	Walton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Matthew Martin

WHAT 3 WORDS

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

///continued.ironic.hook

SCHEME OF DELEGATION

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

SITE DESCRIPTION AND PROPOSAL

The application site is located on land adjacent to Main Street (A39), Walton, Street. The site is open green space between the residential dwellings at Higher Farm (to the east) and Sunset View on Bramble Hill (to the west).

Residential properties align the A39 in this location, but the surrounding area is relatively rural in nature with open countryside to the west. There is an existing access from the A39 to the site in the form of an unclassified track. This track is currently used as an access for an adjacent residential property to the east of the site, and access to pastureland to the south. This access is proposed to be upgraded as part of the proposal.

The site falls outside of any designated development limit and is currently agricultural land. Additionally, the site falls within an SSSI Impact Risk Zone and Somerset Levels and Moors Ramsar Risk Area.

The application seeks outline planning consent for the erection of six dwellings with only the means of access to be determined at this stage. Matters of layout, appearance, landscaping, and scale are to be determined at the reserved matters stage. The application is supported by a site layout plan outlining access from the public highway with visibility splays and pedestrian access. The site layout plan is indicative at this stage but shows how six dwellings could be accommodated on the site and includes an internal road layout, parking, and landscape buffer along the northern boundary.

The application is supported by a suite of technical reports including a Design and Access Statement, Bat and Wildlife Survey and Extended Habitat Survey. At the request of officers, further information has been submitted in respect of Phosphates.

RELEVANT PLANNING HISTORY

None identified.

SUMMARY OF ALL PLANNING POLICIES AND LEGISLATION RELEVANT TO THE PROPOSAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) Post JR Version
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing

- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip’s Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP14 – Housing Mix and Type
- DP23 – Managing Flood Risk

Other possible relevant considerations (without limitation):

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

SUMMARY OF CONSULTATION RESPONSES

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

Divisional Member (Cllr Matt Martin) – Refer to Committee; the development could have a detrimental impact on the structure of the village and would set an unwelcome precedent for development outside the accepted limits of development.

Walton Parish Council – Objects for the following reasons:

- Outside development limits and urban sprawl – Walton has already exceeded the housing requirement within the local plan.
- Environmental Impact – Lack of an up-to-date ecology survey.
- Highways safety – the application site falls on a curve in the road (A39) and increased traffic here would be hazardous; an application for nine homes opposite has been approved (cumulative effect); application approved for dwelling using the same access (overcrowded development).

Local Highway Authority – No objection, subject to conditions.

Environmental Protection – No objection, subject to condition.

Ecologist – No objection, subject to conditions.

Drainage Engineer – No objection, subject to condition.

Natural England – No objection, subject to conditions.

Local Representations –

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

- Highway safety issues; cumulative use of access, insufficient visibility, volume and speed of cars on the A39, does not promote sustainable travel (reliant on private cars).
- Drainage; proposal will connect to existing private drainage which is at capacity.
- Ecology; surveys are out-of-date.
- Amenity; loss of privacy for neighbouring dwellings.

1 supporting comment has been received.

ASSESSMENT OF RELEVANT ISSUES

PRINCIPLE OF DEVELOPMENT

Policy CP1 (Mendip Spatial Strategy) of the Mendip District Local Plan directs most of the growth in the plan area to the five principal market towns of Frome, Glastonbury, Shepton Mallet, Street and Wells, to enable the most sustainable pattern of growth. In the rural parts of the plan area, and in accordance with the defined settlement hierarchy, the policy seeks development to meet local needs within the villages. Walton is identified in the strategy as a secondary village.

Policy CP2 (Supporting the Provision of New Housing) defines the housing requirement for the plan area and sets out the growth to be distributed within the various settlements. It provides minimum housing figures for the towns and an overarching figure for all the villages (primary, secondary and other). Table 9 in the supporting text of the policy indicates that the housing requirement for Walton is 40 dwellings. This is based on a proportionate approach to growth in the villages of around 15% of the existing housing stock.

The application site is on the edge but lies outside the development limits for Walton and in planning policy terms is in the open countryside. Development in the open countryside will be strictly controlled but may exceptionally be permitted in line with policy CP4 (Sustaining Rural Communities). This allows rural affordable housing, for the benefit of the community where there is evidence of local needs and to be held in perpetuity. Whilst Walton is recognised as a sustainable settlement, and the site is close to village services and facilities, the development would not accord with the policy exceptions. On this basis the principle of the proposed housing development in this location is not acceptable.

The Council is currently unable to demonstrate a five-year housing supply of housing land, based on the local housing need figure. Accordingly, the presumption in favour of sustainable development as defined in paragraph 11(d) of the NPPF applies. This means planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

An assessment of the Local Plan policies which are the most important to the determination of the application will therefore be made, but the 'tilted balance' should be applied to their assessment. This will be considered in the overall planning balance section of the end of this report.

HOUSING MIX

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

The mix of dwellings will be addressed at the reserved matters stage, but there is no reason as to why these objectives will not be achieved.

DESIGN AND VISUAL IMPACT CONSIDERATIONS

The application is in outline with only the means of access to be determined. Matters of appearance, scale and landscaping will be considered at the reserved matters stage.

The proposed site location falls just outside the development limits of Walton, and the indicative site layout plan shows the proposed dwellings erected with a linear character based predominately along the A39. East of the application site in the direction of Walton there are increased clusters of properties set back from the A39.

The existing site is currently agricultural land. There would inevitably be a change in the character of the site and some encroachment into the countryside. However, the site is not a designated / protected landscape, and it is not classified as green belt (development of a greenfield site is not the same as being green belt). The loss of agricultural land would have an impact on the wider street scene and character of the area, but there are already existing properties on the A39, and a development of the scale proposed would not be out of place. From observations on site, coupled with the outline information provided, it seems likely that the visual impact on the surrounding area will be localised, and in proportion with the proposals.

The submission identifies a series of measures to help minimise any adverse impacts and maximise the green infrastructure benefits of the proposals. These include the retention of a landscape buffer along the north boundary and planting along the western and eastern boundaries. Landscaping is a reserved matter, but the submission provides confidence that the six dwellings proposed can be delivered alongside an acceptable landscape scheme that will ensure that the development assimilates successfully into the local and wider landscape. Whilst there will no doubt be a change in the character of the site overall this is considered acceptable.

The parish council has raised objection, stating that if the application were to be approved the dwellings must be constructed in blue lias stone to match the existing street scene. It has also requested that hedgerows are retained / planted along the entire site boundary. Matters of appearance and landscaping will be dealt with at reserved matters stage and are not for determination here.

SUSTAINABLE CONSTRUCTION

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

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

e) maximise opportunities for:

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

Given these requirements and the Council's green pledge, a condition is attached to ensure that sufficient measures are secured at reserved matters stage. In the interests of water efficiency, any emerging scheme should ensure that each dwelling is provided with rainwater measures such as water butts, again this can be secured via a condition.

Subject to the inclusion of conditions, it is considered that appropriate sustainable construction and renewable energy methods will be secured in any future scheme. The development is therefore compliant with the relevant parts of policy DP7.

ECOLOGICAL IMPLICATIONS

The proposal is on previously undeveloped land offering the potential to support ecological habitats. The site and its surroundings have no ecological designations and are not known or suspected to provide a habitat for protected or priority species.

The development will change the setting and nature of the land from open green space to hardstanding and residential dwellings. Therefore, the proposal should ensure that all means of conservation and the protection of biodiversity is ensured and attained.

The submitted ecological wildlife survey confirms that the land is of semi-improved rank grassland with large hay bales and some stone rubble in its southern part. Therefore, within the site and its boundary there are potential spots for wildlife development. The Council's ecologist has been consulted on the application and has raised no objection, subject to conditions.

It was determined in consultation with Natural England, that the application required a Habitats Regulations Assessment (HRA) / Appropriate Assessment (AA). This is because the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. The Ramsar is in 'unfavourable condition' or at risk from the effects of eutrophication caused by excessive phosphates. As such, any new housing development is likely to increase the total phosphorous through both the wastewater treatment effluent as well as surface water run-off from public open space associated with the scheme.

The Shadow HRA (sHRA), prepared on behalf of the applicants, has been filed as the HRA record for the determination of the planning application. The sHRA identifies a likely significant effect on the Ramsar site because of the water quality arising from the additional load of phosphates associated with the development both alone and in combination with other known phosphate loads. Mitigation is required to achieve nutrient neutrality.

The proposed mitigation strategy involves upgrading two septic tanks which are within the same sub-catchment as the application site (the River Brue), to package treatment plants. After December 2024 (following programmed upgrades to the Glastonbury Waste Water Treatment works) a single package treatment plant upgrade will be sufficient to mitigate the nutrient load of the development. The septic tank upgrade(s) will provide a reduction in phosphates and generate a nutrient neutrality position. This will allow the development to proceed without

resulting in an adverse effect on integrity of the Somerset Levels and Moors Ramsar. The works to upgrade the septic tank(s) will need to be secured via a legal agreement.

The Council has considered the content and measures designed to mitigate the impacts of the proposed development on the Ramsar site, set out in the applicant's sHRA. The Council agrees with the conclusion that any such impacts will be fully mitigated taking into account the measures proposed. As a result, the Council has ascertained beyond reasonable scientific doubt that the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site either alone or in combination with other plans or projects. The Council, as the competent authority, adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England supports this view.

Conditions have been included where appropriate. Providing these conditions are adhered to, the proposal is considered ecologically acceptable.

HIGHWAY SAFETY

Policy DP9 (Transport Impact of New Development) and DP10 (Parking Standards) set out a range of criteria to ensure that new development provides safe access arrangements that avoid causing traffic or environmental issues on the transport network; avoid direct access onto National Primary or County Routes; and, where appropriate, demonstrate how sustainable modes of transport would be promoted.

The proposed access is currently off of Main Street (A39) which has a designated speed limit of 30mph, it has been noted by a number of neighbour objections and parish comments that the speed limit is regularly exceeded within the vicinity of the proposed access at Main Street. The PIC records for the past five years show only one incident with 500m of the proposed access which was noted as a 'driver error'. Whilst there are concerns over vehicular speeds at this point on the public highway, it is considered by the Highway Officer that through careful management the influx of traffic movements here could be delivered and regulated safely.

The access track to the site is an unclassified road which is utilised by a single dwelling and accesses an open field to the rear of the site. It is considered that this development would bring a substantial intensification to a currently substandard access. However, the plans show that the access will be improved to accommodate increased traffic movements, and this would become wide enough at its bellmouth to accommodate two-way traffic flows.

The site access is on a bend in the A39, and the proposed access demonstrates visibility of 2.4m x 43m in either direction which is considered acceptable.

The proposal would greatly improve the pedestrian access to the site by introducing a pavement to the west of the proposed access. There would also be the introduction of an uncontrolled pedestrian crossing facility to access the pedestrian way to the north of the A39. The proposed tactile paving has acceptable visibility from either side of the road in both directions in accordance with highways safety standards. The pedestrian access and crossing will be ensured by a relevant condition and legal agreement with the Highway Authority.

Internal road layouts, parking and turning are to be considered at the reserved matters stage. Details of what is required at reserved matters stage will be secured through condition.

Overall, it is concluded that the proposed development, is acceptable in highway terms. The improvements to the footways will be of benefit to both existing and future residents. Subject to conditions and legal agreement with the Highway Authority to secure the construction of the necessary highway works the proposal complies with DP9 and DP10.

DRAINAGE AND FLOODING

The site is not located within any designated flooding areas, but the proposal will increase impermeable surface areas significantly. Therefore, to adequately control surface water run-off conditions are required.

IMPACT ON RESIDENTIAL AMENITY

At this stage the layout proposed within the plans is indicative though the plans demonstrate that multiple dwellings could be accommodated within the application site without causing adverse harm to the amenities of neighbours, or future occupiers. There is ample space in this area, and it is considered that through careful design, the dwellings could be designed without causing adverse harm to existing or future residential amenities. This issue will be fully assessed at the reserved matters stage and is not a matter for determination here.

HEALTH CARE PROVISION

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

PLANNING BALANCE / CONCLUSION

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

The site lies adjacent to the village of Walton, and as such, has a close relationship with the village itself. The application site is privy to the local infrastructure and transport links of the village.

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

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

Concerns about the impact on living conditions and loss of privacy are understood but there is space within the site to accommodate the number of dwellings proposed. The detailed design of the scheme through the consideration of reserved matters would ensure the preservation of acceptable living conditions for neighbours.

Regarding phosphates, Natural England and the Council's Ecologist are satisfied that subject to the proposed mitigation measures the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site.

There are no flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions.

Overall, the development is sustainable development, and the application is therefore recommended for approval, subject to conditions and planning obligations secured in a legal agreement. The planning obligations are set out within the report but comprise provision of off-site highway works (secured through a section 278 agreement) and works to secure the required septic tank upgrades (secured through a section 106 agreement). This is necessary to make the development acceptable in planning term. This is directly related to the development and fairly and reasonably related in scale and kind to the development. It would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

ENVIRONMENTAL IMPACT ASSESSMENT

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

EQUALITIES ACT

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Recommendation

Approval

Conditions

1. 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).

2. 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.

3. Reserved Matters (Pre-commencement)

Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of

the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4. **Plans List (Compliance)**

This decision relates to the following drawing received 7 July 2020:

SL01 revC (Site Layout)*

[*Details of access only approved].

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

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

A detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. This shall demonstrate how the development has incorporated reasonable and practical measures through siting, layout and design, and maximised the opportunities for the use of sustainable construction techniques, renewable energy on site and water efficiency measures. The development will thereafter be carried out in full accordance with the approved details.

Reason: To ensure that sustainable construction and renewable energy opportunities are maximised in accordance with DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Prior to construction above damp-proof course level, a "lighting design for bats", following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018) shall be submitted to and approved in writing by the local planning authority. The design shall

show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the agreed details and maintained as such thereafter. No other external lighting shall be installed.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include the following, or similar:

- a. A Habibat 001 bat box;
- b. A cluster of five Schwegler 1a swift bricks;
- c. Four Vivra Pro Woodstone House Martin nests;
- d. Two Schwegler 1SP Sparrow terraces;
- e. A bee brick;
- f. New fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent as the commencement of works without these details could have a harmful impact on protected species.

9. **PTP Requirements in Phosphate Affected Area (Pre-Occupation)**

No individual dwelling hereby approved shall be occupied until 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.

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

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

The development hereby approved shall be carried out in full accordance with the approved 'Shadow Habitats Regulations Assessment (sHRA) Creation of Six Dwellings on Land off Main Street, Walton, Somerset' (18th May 2023) & 'Nutrient Neutrality Assessment and Mitigation Strategy Creation of six dwellings on land off Main Street, Walton, Somerset' (18th May 2023).

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

11. **Maintenance Plan (Pre-Occupation)**

No occupation shall commence until a detailed Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Maintenance Plan shall include:

- a. Details of management arrangements to ensure the package treatment plan adheres to the 'Shadow Habitats Regulations Assessment (sHRA) Creation of Six Dwellings on Land off Main Street, Walton, Somerset' (18th May 2023) & 'Nutrient Neutrality Assessment and Mitigation Strategy Creation of six dwellings on land off Main Street, Walton, Somerset' (18th May 2023).
- b. Formal confirmation of management arrangements of an OFWAT registered provider in perpetuity if required.
- c. Details of ongoing annual monitoring arrangements
- d. Confirmation of permit arrangements with the Environment Agency. The development shall accord with the Maintenance Plan in perpetuity.

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

12. **Pedestrian Crossing (Compliance)**

The proposed access and uncontrolled pedestrian crossing shall be constructed in accordance with details shown on the submitted plan, Site Layout dwg no: SL01 revC, and shall be available for use before occupation of any of the dwellings hereby approved. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: To ensure that the development is served by an adequate means of access in

accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Estate Roads (Bespoke Trigger)**

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 shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. No occupation shall commence until the development has been constructed in accordance with the approved details and retained in perpetuity thereafter.

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

14. **Dwelling Access (Pre-occupation)**

The proposed roads, including footways and turning spaces, where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, is served by a properly consolidated and surfaced footway 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).

15. **Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be thereafter kept clear of obstruction 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).

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

No occupation of the development shall commence until the visibility splays shown on drawing number SL01 revC has been provided. There shall be no on-site obstruction exceeding 600 millimetres above adjoining road level in advance of lines drawn 2.4m metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

17. **Provision of Cycle Parking (Pre-Occupation)**

No individual dwelling shall be occupied until a cycle store for that individual unit has been provided in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. The works shall be permanently retained and maintained in accordance with the approved details thereafter.

Reason: In the interests of promoting sustainable travel alternatives having regards to DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

18. **Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 14 of the National Planning Policy Framework. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

19. **Drainage - Foul (Pre-commencement)**

No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to occupation.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment. 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 foul drainage strategy.

20. **Noise Emissions (Compliance)**

Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall not occur outside of the following hours:

Mon - Fri	08.00 - 18.00
Sat	08.00 - 13.00

Where noise exceeds a level of 3 dB(A) below the existing background L90 level (or 8 dB (A) below if there is a particular tonal quality) when measured as a 15 minute equivalent continuous sound level at the boundary of any noise sensitive receptor.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

21. **Storage of Recycling and Waste (Pre-occupation)**

No individual dwelling within the development hereby approved shall be occupied until provision for the storage of recycling and waste containers has been made for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to DP3, DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
2. **Condition Categories**
Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>

5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
6. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
7. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
8. The mix of dwellings within the proposed development should reflect the local need for smaller family homes and single storey properties (to facilitate younger families and the elderly to remain within the village). This need is outlined within the independent Walton Housing Needs Survey.
9. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.
10. Prior to any vegetative clearance or groundworks, any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10½C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut, vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as rubble piles and hay bales which potentially afford resting places for reptiles should be dismantled by hand under the supervision of a competent ecologist in April or August to October and any individuals found translocated to a suitable location on site.