

Application Number	2022/1647/FUL
Case Officer	Kelly Pritchard
Site	Blackberry Farm House Martin Street Baltonsborough Glastonbury Somerset
Date Validated	16 August 2022
Applicant/ Organisation	S Webb
Application Type	Full Application
Proposal	The erection of one detached dwelling.
Division	Mendip South Division
Parish	Baltonsborough Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

11. **What Three Words: charm.sleepers.animate**

Scheme of Delegation:

In accordance with the scheme of delegation, this application is referred to the planning committee for a decision. This is because the proposal represents a departure from the Local Plan.

Description of Site, Proposal and Constraints:

This application relates to land to the northeast of Blackberry Farm House, Martin Street, Baltonsborough. The farmhouse is at right angles to the road with its main garden area to the east. To the northeast there are some existing semi derelict outbuildings. It is two storeys and is finished in coursed blue lias and has a double Roman tie roof, brick ridge stacks.

To the west and east of the farm house is vehicular access and parking for the existing dwelling. Further south east is an existing vehicular access which was approved via application 2018/1063/FUL to serve the adjacent field.

Although the farmhouse and its curtilage are bounded by fields on the northeast and southeast side, to the west is housing which steps back from the road deeper in their plots than the farmhouse. Further to the southeast there is also housing so the site is considered well related to the existing built development in the vicinity.

This site is located just outside the settlement limits as defined by Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP). Blackberry Farm House is located within the settlement limits, but the land which is the subject of this application is just the other side of the boundary of the limits, to the northeast of the main house.

It is within the Somerset Levels and Moors Ramsar Risk Area, an area of high archaeological potential and the farm house is a grade II listed building.

The application seeks full permission or the erection of a detached dwelling, whilst utilising the existing vehicular access which was approved under planning reference 2018/1063/FUL to serve the field.

Relevant History:

- 118308/000 - Internal alterations, replacement windows and doors, replacement of existing concrete block work walling with natural stone. Approval. 16.03.06
- 2018/0173/FUL - Formation of an agricultural access. Withdrawn. 21.03.2018
- 2018/1063/FUL - Formation of an agricultural access. Approved. 28.06.2018

The applicant had pre-application advise for a dwelling before submitting this current scheme, reference 2021/1127/L4PA.

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

Ward Member: Damon Hooton acting as ward member for Baltonsborough said,

- Whilst I note the comments of Parish Council's refusal recommendation the issue of Development Limit can be considered in light of a lack of 5 year housing land supply and suitable notification of the departure, also drainage issues can be dealt with by condition which I suggest should be a pre-commencement condition, should these be agreed by Officer then I have no further objections.

The comments of Councillor Hooton were received when he was acting as the Ward Member for Baltonsborough prior to the existence of Somerset Council.

Baltonsborough Parish Council: Objection.

- The council unanimously agreed to recommend refusal based on the material considerations of 1. It is outside the development limit of the village and 2. Concerns about drainage and flood issues.

Land Drainage: No objection subject to a condition that the development be carried out in accordance with the Surface Water Drainage Strategy.

- The proposals will increase the impermeable areas of the site and therefore the volume of surface water runoff. Surface water will be managed via a sustainable drainage system. This consists of an attenuation basin with an outfall restricted to a discharge rate of 0.5l/s (greenfield Qbar). This will discharge, via a filter drain, to the existing culverted ditch which ultimately discharges into the Mill Stream and the River Brue. The attenuation basin has capacity for the 1 in 100 plus 45% climate change event.
- The surface water flood risk to the site comprises a surface water flow route flowing approximately north to south through the site. To mitigate against the risk of surface water flooding to the site surface water entering the site from overland flows will be intercepted by a filter drain along the boundary of the site, discharging directly into the existing culvert. Additionally finished floor levels of the property will be raised 250mm above surrounding ground levels.
- Foul Drainage will be connected to a package treatment plant discharging to a zero discharge willow bed with overflow pipe to the main sewer system. This should be reviewed by the ecologist and Wessex Water.

Since receiving the revised NNAMS the drainage engineer comments;

Comment dated 13.01.23 above are still applicable. Surface water drainage as shown in the Drainage Strategy document is included on the revised Foul Drainage Plan 354134-1103-1.3.

Historic Environment: No objection.

- As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Ecology: No objection.

The application site is located within the hydrological catchment of the Somerset Levels and Moors Ramsar, in the River Brue sub-catchment. The proposed development will result in an increase in phosphate loading within the hydrological catchment of the Ramsar, potentially leading to degradation or changes to water quality. If left unmitigated, this would result in a Likely Significant Effect upon the aquatic invertebrate assemblage of the Ramsar.

To mitigate for the increase in phosphate loading as a result of the proposed development, onsite mitigation is proposed. To the south of the proposed dwelling, the existing garden space shall be converted to a zero-discharge willow bed, consisting of 126 short rotation coppice energy crop willow trees over approximately 0.018 hectares (180.6m²).

The applicant will install a British Standard compliant Package Treatment Plant with a high phosphorus efficiency, Pumping Chamber, and a zero-discharge willow bed system to serve the proposed dwelling resulting in no discharge to the downstream sewer network. The applicant shall achieve Nutrient Neutrality through the proposals.

Provided the above mitigation measures are secured by S106 agreement or conditions as appropriate, it is therefore considered unlikely that the proposed development would result in a significant effect upon the integrity of the aquatic invertebrate assemblage of the Somerset Levels and Moors Ramsar alone.

Other ecological matters can be controlled by planning conditions.

Natural England: Agree with the findings of the appropriate assessment, and the measures proposed to mitigate for all identified adverse impacts.

Conservation Officer: No objection.

- No substantive harm to the significance of the listed building or its setting, subject to securing further details through conditions.

Highways: Standing advice.

Local Representations:

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

- Northeast elevation shows two windows in the roof of the upstairs bedroom which would look directly into my living room. If these windows are removed from the plans I will no longer object.

NOTE: Following receipt of this objection the plans were amended deleting the referenced rooflights.

Full details of all consultation responses can be found on the Council's website

www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP4 (Sustaining Rural Communities)

- DP1 (Local Identity and Distinctiveness)
- 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)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of the Use:

Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed to towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is however outside of the Development Limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

Core Policy 2 (CP2) of the Local Plan states that the delivery of new housing will be secured from three sources (a) Infill, conversions and redevelopments within Development Limits defined on the Proposals Map, (b) Strategic Sites identified on the Key Diagrams for each town associated with Core Policies 6-10 and (c) other allocations of land for housing and, where appropriate, mixed use development, outside of Development Limits through the Site Allocations process. The creation of a dwelling as indicated would not accord with the requirements of CP2 and the strategy for the delivery of housing.

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

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the

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

(CP1, CP2 and CP4) currently have reduced weight in the planning balance. Therefore, whilst regard should be given to the policies in the Local Plan, the ‘presumption in favour of sustainable development’ as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

In this regard paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a

significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Although the application site is situated within the open countryside outside the settlement limits, it is only just outside. Baltonsborough is a primary village which offers key community facilities, employment opportunities and public transport links. There are residential dwellings close and well related to the application site, as such a dwelling would not be considered isolated.

The conclusion section of this report sets out the balance of issues and the recommendation for this application, but in summary it is considered that the development proposed is sustainable.

Design of the Development and Impact on the Street Scene and Surrounding Area and on the Setting of a Listed Building:

The application site sits as part of the garden of Blackberry Farmhouse which is a listed building. This part of the report assesses the impact of the application scheme on the significance of the setting of Blackberry Farmhouse.

The applicant sought pre-application advice, the Conservation officer's comments are summarised;

The principle of a new dwelling on the proposed site could be acceptable if:

- *The new building did not project further eastwards beyond the line of the existing farmhouse.*
- *The new build was set sufficiently far back (northwards) on the site to allow some sense of separation.*
- *The existing small outbuilding was retained as a detached structure.*
- *The scale of the new dwelling was subservient to the farmhouse.*
- *The design was carefully considered.*

The proposed approach of building what is effectively a new barn conversion would be the preferred option. The success of this proposal will rest on the quality of design, appropriate materials and skilled workmanship. It shouldn't be trying to appear as if it has always been here, nor as a striking newbuild. A balance should be found which results in a traditionally designed building which sits quietly to the rear of the site behind the listed farmhouse.

The proposal is to construct a single 1.5 storey L-shaped dwelling to the north of the farmhouse. It would be visually subservient to the farmhouse but resembling local vernacular farm buildings. The stone building shown on the 1st Edition Ordnance Survey

map are to be retained and used as storage, which means their new function may help to ensure their retention.

The main views of the dwelling will be from the east but given the access and hedgerow these views will be limited. It is therefore considered that the impact of this proposed structure on the significance of the designated heritage asset is limited.

Permitted development rights should only be removed where it is clearly reasonable and necessary, in accordance with guidance contained within the NPPG, and then only when the rights to be removed are clearly defined. Given that the site has the potential to impact on the setting of the adjacent listed building it is considered necessary to restrict further alterations.

Less than significant harm

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, 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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance. The proposals would preserve the setting of the listed building, thereby resulting in no substantive harm to the significance of the designated heritage asset. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1, DP3 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Archaeology:

The site lies within an area of high archaeological potential.

The submitted desktop archaeology statement says that the direct impacts on any buried archaeology, should anything be present, are considered major adverse. It goes on to say that it is likely that the development of this part of the site would result in low risk to archaeological remains. There is a higher risk to other areas of the property such as the parking area to the west, which is unaffected by the development proposed. The SCC Archaeologist was consulted and did not consider the development would endanger any archaeological remains. Therefore, it is considered the proposal accords with Policy DP3 of

the adopted Local Plan Part 1 (2014), and Part 16 of the National Planning Policy Framework.

Impact on Residential Amenity:

Following receipt of the objection from the occupiers of Farthings which is to the northeast, the plans were amended deleting the offending rooflights. However, a rooflight serving the first floor bathroom is still proposed in the northeast elevation. This was not specifically mentioned in the objection, but in any event, it is not considered to result in harmful amenity issues for the occupiers of the Farthings.

There are no roof windows proposed in the rear elevation and in any event it would back onto the parking area and outbuildings belonging to the adjoining residents. The timber door in the south west elevation first floor is being shown as fixed shut on the plans.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There is a major issue with nutrients entering watercourses, which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within drainage discharges. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

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

A HRA and an appropriate assessment has been undertaken and providing the mitigation measures are secured by S106 agreement or conditions as appropriate, it is considered unlikely that the proposed development would result in a significant effect upon the integrity of the aquatic invertebrate assemblage of the Somerset Levels and Moors Ramsar alone.

Other ecological matters can be controlled by planning conditions.

The proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

There are no proposed changes to the access for the site. The existing vehicular access which was approved under planning reference 2018/1063/FUL will be utilised. The access has reasonable visibility in both directions.

The proposed access for the site is therefore considered to be in accordance with DP9.

The proposal includes the provision of 3 parking spaces and turning within the site.

The proposed parking for the site is therefore considered to be in accordance with DP10.

Electric car charging points and cycle storage are shown on the submitted plans.

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

Land Drainage:

Surface water will be managed via a sustainable drainage system. This will discharge, via a filter drain, to the existing culverted ditch which ultimately discharges into the Mill Stream and the River Brue.

The surface water flood risk to the site comprises a surface water flow route flowing approximately north to south through the site. To mitigate against the risk of surface water flooding to the site surface water entering the site from overland flows will be intercepted by a filter drain along the boundary of the site, discharging directly into the existing culvert. Additionally finished floor levels of the property will be raised 250mm above surrounding ground levels.

The drainage engineer is satisfied that this arrangement is acceptable and suggests a condition to the effect that the development be carried out in accordance with the submitted drainage strategy.

It is considered that to make this clear, a further condition should be imposed which states notwithstanding the details submitted the finished floor level shall be set 250mm above the existing ground level on site in accordance with the drainage strategy.

Foul Drainage will be connected to a package treatment plant discharging to a zero discharge willow bed with overflow pipe to the main sewer system.

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The submitted drawing show adequate storage space for refuse and recycling.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion:

It is acknowledged that the development will be beyond the settlement limits and therefore would represent a departure from local plan policies regarding its spatial strategy for new residential development as set out at policy CP1 and CP2. However, the application is relatively close to the services and facilities within Baltonsborough which is close to the site and therefore it cannot be described as isolated or an unsustainable location.

Given that the Council does not have a five year housing land supply the tilted balance of Paragraph 11 (d) of the NPPF applies. The additional of a dwelling will make a modest contribution to housing in the district, which is of some weight. There will also be limited

economic benefits through the construction period, and new occupants may use local services and facilities contributing to their long term viability. This again has limited economic and social benefits. Furthermore, it has been demonstrated that the application site is accessible to some local services and facilities, and therefore future occupants would not be wholly reliant on the private car.

Following the assessment of the application as set out above, any impacts arising from the application scheme are not considered significant and would not demonstrably outweigh the benefits delivered. On balance, it is recommended that planning permission be granted as a departure from the Development Plan with conditions and subject to a legal agreement to secure a maintenance plan for the PTP and a Landscape Ecological Management Plan for the willow bed.

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2. Plans List (Compliance)

This decision relates to the following drawings: Location Plan, drawing PL01 and Drainage Strategy and Water Quality Assessment Issue 1.1 (Reference 354134-SWDS) dated 28.05.22 received 16.08.22, drawings PL-02A and PL-03A received 09.09.22, PL-04B and PL-05B received 23.12.22, Operation, Monitoring and Maintenance Report Issue 1.1 (reference 354134-OMMP) dated 03.05.23 and received 03.05.23, Nutrient Neutrality Assessment and Mitigation Strategy Issue 1.3 (Reference 354134-NNAMS) dated 07.03.23 and received 05.05.23.

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

3. 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 appearance of the development and the surrounding area and setting of the listed building in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **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 to be used has been erected on site, approved in writing by the Local Planning Authority, and 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 appearance of the development and the surrounding area and the setting of the listed building in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Joinery Details - Submission of Details (Bespoke Trigger)**

No piece of external joinery, including the rooflight, shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The make and model of rooflight will suffice. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area and the setting of the listed building in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Ducts, Pipes, Rainwater Goods - Submission of Details (Bespoke Trigger)**

No ducts, pipes, rainwater goods, vents or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall thereafter be retained in that form.

Reason: In the interests of the appearance of the development and the surrounding area and the setting of the listed building in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Parking (Pre-occupation)**

No occupation of the development shall commence until the parking and turning space shown on drawing PL-04B have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking and turning is provided in the interests of amenity and highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Electric Vehicle Charging (Pre Occupation)**

The dwelling shall not be occupied until it is served by at least 1no. active electric vehicle charging point in line with the requirements set out in Somerset Council Electric Vehicle Charging Strategy 2020. Each active charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging. Charging provision shall be retained permanently thereafter.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with the Somerset County Council Electric Vehicle Charging Strategy (2020), Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

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

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

Reason: Any further extensions or alterations require detailed consideration by the Local Planning Authority to safeguard the character and appearance of the dwelling and the setting of the listed building and in the interests of neighbour amenity in accordance with Development Policy 1, 4, 3, and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development, the setting of the listed building and the amenities of the surrounding area and residents in accordance with Development Policies 1, 3, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Surface Water Drainage Strategy (Compliance)**

The development shall only be carried out in accordance with the approved Surface Water Drainage Strategy (Drainage Strategy and Water Quality Assessment Issue 1.1 (Reference 354134-SWDS) dated 28.05.22 received 16.08.22).

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Development Policies 7, 8 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Flooding - Levels (Pre-Occupation)**

The dwelling hereby approved shall not be occupied unless the slab levels of the property are 250mm above existing ground level.

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

13. **Drainage - Foul (Compliance)**

The approved development shall only be carried out in accordance with the approved documents: Nutrient Neutrality Assessment and Mitigation Strategy Issue 1.3 (Reference 354134-NNAMS) dated 07.03.23 and received 05.05.23.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the Somerset Levels and Moors Ramsar Site and associated potential impact on ecology in accordance with Development Policies 5, 8 and 23 of the Mendip District Local Plan Part 1: Strategy

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

Where external lighting is to be installed, prior to construction above damp-proof course level, a lighting design for bats, following Guidance Not 08/23 - bats and artificial lighting at night (ILP and BCT 2023), 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. Lux levels should be below 0.5 Lux on key and supporting features or habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 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 of the Mendip District Council Local Plan Part 2 and Chapter 15 of the National Planning Policy Framework 2021.

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

No removal of trees, hedges, or shrubs shall take place between 1st March and 30th September inclusive, unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree, hedge or shrub shall be removed between 1st March and 30th September inclusive other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Development Policy 5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **Tree Hedge Protection - Implementation (Compliance)**

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

Reason: To ensure that the trees and hedgerows are protected from potentially damaging activities in the interests of European and UK protected species and

biodiversity generally and in accordance with Development Policy 1 and 5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

17. **Reptile Mitigation (Compliance)**

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. Written notification of the date of the operations will be submitted to the Local Planning Authority prior to the works being undertaken. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: To prevent ecological harm and in the interests of UK protected and priority species and in accordance with Development Policy 5 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation;
- b) Two Vivara Pro Woodstone Nest Boxes (1x 32mm hole version and 1x open front design)) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- c) A hedgehog house will be placed where it will not be disturbed (ie against a wall, bank or fence) and under or near plant cover. Face the entrance away from north or north-east direction; and
- d) An insect hotel (National Trust Apex insect House or similar), to be installed appropriately and positioned at the correct orientation e.g., within one of the hedgerows.

The bat box and bird box shall be retained thereafter in perpetuity.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy

Framework.

Informatives

1. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

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. 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.
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. 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.
6. 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/>
7. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.