

Application Number	2023/1226/FUL
Case Officer	Carlton Langford
Site	Land At Manor Farm Church Street To Lower Lane Wanstrow Shepton Mallet Somerset
Date Validated	6 July 2023
Applicant/ Organisation	Messrs R A & G E Pole
Application Type	Full Application
Proposal	Demolition of existing agricultural buildings, removal of slurry pit, silage clamp, concrete hard standing and erection of 4no. detached dwellinghouses with associated access and agricultural access.
Division	Mendip Central And East Division
Parish	Wanstrow Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

Referral to Ward Member/Chair and Vice Chair:

The application has been referred to the Planning Committee as the recommendation would be a departure from the development plan.

Description of Site, Proposal and Constraints:

This application relates to land and buildings with an agricultural use situated to the west of the settlement of Wanstrow. The site has an existing access off Church Street and supports several modern agricultural buildings, hard standings, a slurry pit and silage clamp. The site is within an area of high archaeological potential and a bat consultation zone.

This application seeks full planning permission for the demolition of existing agricultural buildings, removal of slurry pit, silage clamp, concrete hard standing and erection of 4no. detached dwellinghouses with associated access and agricultural access.

Through the life of the application, there have been slight amendments to the scheme in relation to the access, access road and garaging.

Relevant History:

No relevant applications relating to the application site itself.

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

Ward Member: No response received.

Parish Council: Wanstrow PC notes the Flood risk and Highways comments and seeks that all parties take note that the final approval should ensure that the perennial flooding after rainfall on the highway at the bend adjacent to the site is cured.

For Highways Planning reference, this issue is well known to County Highways maintenance via Mr AC Higgins who can advise in detail, and we request that Highways Planning specifically refer to an appropriate scheme of mitigation on this in the comments for the application.

Highways Development Officer: Following the submission of revised drawings and additional drainage details, the Highway authority raise no objections subject to the imposition of standard highway safety conditions as suggested.

Historic England: No comments have been provided

Conservation Officer: No comments have been provided

Ecology: No comments have been provided

Waste/Recycling: No objections based on the access road being built to an adoptable standard.

Archaeology: No objections.

Environmental Protection: No objections but due to the proximity of neighbouring residential properties a Construction Management Plan Condition will be necessary.

Contaminated Land: No objections other than to remind the applicant that due to the historical farming use of the site, a watching brief for potential hotspots of contamination through the construction process.

Local Representations: 1 letter of support received.

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 strongly 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 Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

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 – Sustainable rural communities
- DP1 – Local Identity and distinctiveness
- DP3 – Heritage Conservation
- DP4 – Mendip Landscapes
- DP6 – Bats
- DP7 – Design and Amenity
- DP8 – Environmental protection
- DP9 – Transport
- DP10 – Parking
- DP23 – Flooding.

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- Conservation Area Character Appraisals
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The village of Wanstrow is not a designated primary or secondary village and does not have a settlement boundary; it is therefore classed as countryside.

As the site is located in the countryside, the proposal does not accord with the strategy for the delivery of new housing, as set out in the Local Plan. Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined Development Limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions (Development Policies DP12, 13, and 22), which do not apply in this case.

The Council 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 and CP2) do not carry full weight in the decision making process. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

Although Wanstrow is not a village identified in the adopted Local Plan as a sustainable location for growth there is a pub, garage, a village hall, and a church. Although it cannot be considered that the application site is a truly sustainable location, the aforementioned services and facilities means that any future occupiers along with the existing residents would have access to some services without having to rely on private vehicular travel. This aspect, the quantum of development as proposed (4 dwellings) and other aspects of the proposal will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

The application site is currently in agricultural use and the proposal is to redevelop the whole site. All buildings and structures will be demolished and removed from the site and 4 detached executive homes with detached garages/carports will be erected to include a new access road from Church Street, and a new agricultural access to serve the adjoining fields that will remain in agricultural use..

The houses will be constructed from natural stone under slate tiled roofs. The general character and appearance of the units will be in keeping with architectural styles found in the village and will relate well to the surrounding area.

The loss of the agricultural building will not adversely impact on the character of the area and the proposed dwellings by reason of their scale, mass, form and layout will be appropriate to the local context resulting in an enhancement to the immediate setting to include the nearby heritage assets as discussed below.

Overall, the proposal will contribute positively to the maintenance and enhancement of local identity within the street scene and wider landscape in accordance with Policies DP1, DP3, DP4 and DP7 of the Local Plan.

Impact on the Listed Building and their setting:

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 195 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 194-204 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The site does not contain any listed buildings, nor is it located within any Conservation Area. In the vicinity of the site are a number of listed buildings which include -

- Manor Farmhouse Grade II*
- Park House Grade II*
- Banyards Grade II
- Melbury Grade II
- St Mary's Church Grade II*

These buildings and the village church contribute significantly to their setting within Church Street. The application site is located very close to the Listed Buildings and it's appearance affects their setting.

The loss of these agricultural buildings together with the redevelopment of the site for 4 number dwellings of the design and appearance proposed will have no detrimental impact of the listed building or their setting. Rather, it is considered that there would be an improvement to significance of the setting of these listed buildings when viewed from near and/or afar.

Having regard to the above, no material harm to the designated heritage assets have been identified and therefore, having due regard to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) consent should be approved.

Impact on Residential Amenity:

The layout of the scheme raises no adverse amenity issues of overlooking or overshadowing between the 4 new houses that are proposed. The loss of the farming activities on the site which are currently within close proximity to numerous residential properties, will no doubt improve the amenity of the area.

Overall it is considered that the application scheme will deliver a satisfactory environment in accordance with policies DP7 and DP8 of the LP.

Impact on Ecology:

The application is accompanied by an ecological report. The report concludes that the site is predominantly developed, with modern buildings that are being used to rear cattle. The remainder of the site comprises small areas of tall herb/ruderal vegetation and scattered scrub.

There are also boundary hedgerows and a wet ditch.

The buildings have negligible suitability for roosting bats. Surrounding vegetation has suitability for nesting birds.

It is recommended that in the absence of any significant protected wildlife or wildlife habitats on site, a precautionary approach to development in relation to bats and nesting birds is ensured, provision is made for nesting birds, and all new external lighting be bat sensitive.

All the above recommendations can be secured through condition.

On this basis the application scheme accords with the provision of policies DP5 and DP6 of the Local Plan.

Assessment of Highway Issues:

Access is derived off Church Street, a classified un-numbered highway subject to national speed limit (60mph) into a 20mph speed restriction adjacent to the point of access.

On reviewing the recorded PIC's (Personal Injury Collisions) for the last five years there are no incidents within 500m of the existing access.

The proposal seeks to alter the existing access to serve the new residential development, whilst a new agricultural access will be formed to the west of the site entrance to serve the ongoing agricultural use on neighbouring land (fields).

Additional information was requested regarding additional swept path drawings for the residential element and a swept path drawing for the agricultural access including a revised gate position to 12m within the site. The requested information was submitted demonstrating entry and exit for in both directions for a refuse vehicle and fire truck for the residential element.

A swept path drawing for the agricultural access was also received along with a revised access drawing to move the gate 12m back into the site in accordance with the advice given. The details submitted are considered to be acceptable.

A further issue was raised regarding the parking provision and the ability to turn within two of the plots, the garage opening widths and the boundary wall height adjacent to the boundary. Additional information was received, including drawing numbers 562.12E (Block Plan) and 562.29A (Carports), addressing all of the above issues.

Having regard for the additional information and revised drawings received, the proposed development raises no highway safety concerns and adequate parking in accordance with the Countywide Parking Strategy has been demonstrated (4 + spaces per dwelling).

The proposed development accords with the provisions of Policies DP9 and DP10 of the Local Plan.

Flood Risk and Drainage:

The application is accompanied by a flood risk assessment with surface and foul water strategies which concludes that the proposed development has been assessed in line with the National Planning Policy Framework, to allow the planning application to be progressed

and to show that the development can be undertaken in an acceptable manner from a flood risk perspective.

The proposed development is located within Flood Zone 1 and is known to be susceptible to flooding from pluvial sources, which are mapped as being partly at low risk. However the site also experiences existing flooding from external sources in front of the entrance on Church Lane.

To ensure the development is safe throughout its lifetime, the surface water strategy accounts for runoff in up to the 1 in 100-year return period. The strategy also safeguards against climate change (45%), providing betterment over existing conditions, where the rate and volume of runoff would continue to increase due to climate change.

Infiltration drainage has been precluded due to the underlying ground conditions. Instead, runoff will be attenuated on site and discharged to the watercourse at the sites equivalent greenfield runoff rates achieving a betterment compared to existing site conditions.

Foul flows generated by the proposed development will be served by a new private network and a pumping station, tying into the existing Wessex Water foul sewer network located at the entrance of the site. The existing manhole will be used, as agreed with Wessex Water.

All on site drainage will remain private and will be designed in accordance with Building Regulations Part H and CIRIA C753 and will become the responsibility of the building operator.

Based in the information received, the development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment in accordance with Policies DP7, DP8 and DP23 of the Local Plan.

The Highway authority have also reviewed the submitted Flood Risk Assessment report and confirm that they raise no objection in principle to the proposed surface water management strategy presented therein as it relates to both the existing public highway fronting the application site or the proposed access road serving the development.

However, they have provided the following observations to assist any subsequent detailed design.

1. Reference is made in item 2.34 of a blocked highway drainage system in Lower Lane and proposals to address this problem. This is of course welcomed, and it is respectfully suggested this matter is best dealt with directly between the applicant and Area Highways Office countyroads@somerset.gov.uk.

2. The section of the new access road that falls within the footprint of the existing public highway should be constructed to a concrete asphalt specification and not permeable as is proposed for the remainder of the road.

Sustainability and Renewable Energy:

Suitable sustainable building techniques have been built into the scheme.

Refuse Collection:

Ample space within the curtilage of each dwelling to accommodate refuse bin stores accessible by bin lorries over an access road which will be built to an adoptable standard.

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.

Conclusion and Planning Balance:

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining applications for new housing and which are out of date, 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 Framework taken as a whole. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal would include contributing 4 new dwellings, which would make some contribution to assisting the Council's shortage of housing land within the District as a whole. Further, the proposal would have economic benefits for the duration of

the construction phase and thereafter for local facilities to include the garage and public house.

The amount of weight given to these benefits has been limited by the fact that the proposal would be in an unsustainable location alongside a small settlement. However as set out in the technical assessment in this report following the revisions to the application scheme no demonstrable harm has been identified. The proposal is adjacent to the existing built extent of the settlement, with dwellings immediately adjacent to the site. As such, it would appear as a logical small extension to the village and would be seen against the backdrop of existing houses from many vantage points. It would not appear as an incongruous 'bolt-on' and/or visually remote from the settlement. Furthermore, the scheme is seen as an enhancement to the immediate setting both visually and in terms of amenity.

In the absence of any specific identified and demonstrable harm, and taking into account the limited benefits, a recommendation for approval is on balance considered justified.

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 permissions.

2. Plans List (Compliance)

This decision relates to the following drawings:

WANN_01 (Site Plan)

WANN_01 (Demolition Plan)

01-ATR-101 REV C

01-ATR-102 REV A

01-ATR-103 REV A

01-PHL-101 REV C

01-PHL-201 REV B

562.10C, 11, 12E, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29A, 31 and 32.
FLOOD RISK ASSESSMENT (AWP 06/04/2023)
Ecological Appraisal (09/03/2023)
DEMOLITION STATEMENT
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 in accordance with Policies DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details (Drawing 562.12E). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Visibility Splay - Residential access (Pre-occupation)**

No occupation of the development shall commence until the visibility splays shown on drawing number 01-PHL-101 Rev C have been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. 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).

6. **Visibility Splay - field access (Pre-occupation)**

Prior to the first use of the agricultural field access hereby approved, visibility splays

as shown on drawing number 01-PHL-201 Rev B shall have been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splays. 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).

7. Erection of Gates (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the agricultural field access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 12m from the adjoining carriageway edge.

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

8. Residential Access Surface and drainage (Bespoke Trigger)

No development of the residential access shall commence until details of the proposed road surface material and a surface water drainage scheme, at the residential access, have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed details prior to first occupation of the dwellings hereby approved and retained as such in perpetuity.

Reason: In the interests of highway safety and to ensure a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policies DP9 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. Bound/Compacted Vehicle Access (Pre-occupation)

No occupation shall commence until the approved vehicular accesses (both field access and residential) have been constructed with a bound and compacted surfacing material (not loose stone or gravel) for the first 6 metres of its length as measured from the edge of the adjoining carriageway, and drainage installed, all in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority. The accesses and drainage shall be retained as such thereafter.

Reason: To prevent loose material and surface water spilling onto the highway 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).

10. **EV Charging Points (Bespoke Trigger)**

The dwelling shall not be occupied until it is served by an electric vehicle charging point. Each 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.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with Policy DP7 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).

11. **Implementation of Wildlife Protection and Enhancements (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations within the Ecological Appraisal (09/03/2023) for Wildlife Protection and Enhancement has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme 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).

12. **Provision for Swallows (Bespoke Trigger)**

Within 3 months of the commencement of development a scheme for provision for nesting swallows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full details of the provision of, for example, Schwegler 1SP and/or designs by Vivara, which are suitable for surface mounting or can be integrated into walls for a more aesthetic finish. Timber boxes are not suitable. The approved scheme will be implemented in full and retained thereafter.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and in accordance with Government policy for the maintenance of biodiversity as set out in the National Planning Policy Framework (170d).

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

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be

installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

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

14. **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 and subsequently be implemented in accordance with these approved details.

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.

15. **Construction Management Plan (Pre-commencement)**

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) Measures to regulate the on-site routing of construction traffic;
- b) The importation of spoil and soil on site;
- c) The removal /disposal of materials from site, including soil and vegetation;
- d) The location and covering of stockpiles;
- e) Details of measures to prevent mud from vehicles leaving the site and must include wheelwashing facilities;
- f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;
- g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Code of practice for noise

and vibration

control on construction and open sites shall be used to minimise noise or vibration disturbance

from construction works;

h) A waste disposal policy (to include no burning on site);

i) Measures for controlling the use of site lighting whether required for safe working or for security

purposes;

j) Details of any site construction office, compound and ancillary facility buildings;

k) Specified on-site parking for vehicles associated with the construction works and the provision

made for access thereto;

l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how

complaints will be addressed, including an appropriate phone number.

m) Prevention of nuisance caused by radios, alarms, PA systems or raised voices

The development shall thereafter be constructed in accordance with the approved Construction Method Statement.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or 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, 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 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.
4. 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.

Reference is made in item 2.34 of the Flood Risk Assessment report, ref. 1490 Rev. A dated 6th April 2023 of a blocked highway drainage system in Lower Lane and proposals to address this problem. This matter is to be addressed directly between the applicant and the Somerset Area Highways Office.
countyroads@somerset.gov.uk.

5. 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.

6. 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.
7. Due to historic farming activities on site, a watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.
If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.
8. 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.

