

Application Number	2023/1135/FUL
Case Officer	Jennifer Alvis
Site	Land At 351605 155774 Burrington Road Charterhouse Cheddar Somerset
Date Validated	20 June 2023
Applicant/ Organisation	Mr & Mrs Hayes
Application Type	Full Application
Proposal	Demolition of existing stable buildings and the erection of 1no. dwellinghouse with associated access and track.
Division	Mendip Hills Division
Parish	Priddy Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

3. **What 3 Words:** parading.campfires.skins

**Scheme of Delegation:**

The officer recommendation is for approval , and therefore in accordance with the scheme of delegation this application is referred to Planning Board as a departure from the local plan.

**Description of Site, Proposal and Constraints:**

The application site includes a collection of rural buildings and a paddock used for equestrian purposes and is adjacent to a single residential property, Ubley Warren House. This application relates to the demolition of stable buildings and erection of a dwelling; stopping up of vehicular access; new access and access track; new package treatment plant; and associated works to convert the site from equestrian to residential.

There is an existing access off Burrington Road. This access is proposed to be stopped up with a new access and track constructed further east along Burrington Road.

The site is outside any development limits in open countryside and within the Mendip Area of Outstanding Natural Beauty (AONB). Public Right of Way (PROW CL22/20) runs to the west of the neighbouring Ubley Warn House site. The site is within the Bat Consultation Zone for North Somerset Mendip Bats SAC, the SSSI Risk Impact Zone, an Area of High Archaeological Potential, the Civilian Air Limit and the Mendip Gliding Club 15m area.

A previous permission was granted on the site in February 2023 (ref: 2021/2426/FUL) for the conversion of the main stable building to a residential dwelling with the stopping up of the existing access and creation of a new access to the east.

**Relevant History:**

- 2021/2426/FUL - Conversion of existing stable building into a dwelling, formation of new vehicular access and associated track and demolition of three existing stable buildings. – Approved – Feb 2023
- 071666/005 - Erection of stables – Approved - Oct.2003
- 071666/003 – Erection of stables – Permitted – March 1991

**Summary of Ward Councillor Comments, Parish Council Comments, Representations and Consultee Comments:**

Ward Member: No comments received

Priddy Parish Council: No objection

Highways Authority: No objection subject to conditions

- A previous permission was granted on the site under ref: 2021/2426/FUL which included the same proposed access.
- This current submission is predominantly the same as the previous scheme in term of the size and position etc. This current submission has provided the same visibility splays as previously approved.

- Conditions recommended including construction of new access; stopping up of the existing access; cycle parking provision; implementation of visibility splays; electric vehicle charging provision; parking and turning areas to be kept clear; any gates to be inwards opening; highways drainage.
- Recommended informative on highways drainage.

Archaeology: no objections

- 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.

Contaminated Land: No objection subject to conditions

- As there are areas of naturally elevated concentrations of lead in the area, we suggest that the soil is tested to ensure that this site is not affected.
- Recommended conditions including site investigations for lead; submission of a remediation scheme; and verification reporting.

Environmental Protection: No objection subject to a condition which restricts construction hours to protect nearby resident amenity

Lead Local Flood Authority: No comments to make

Mendip AONB: No response

Ecology: no response to the current application but comments from the previous application on the site can be seen below which remain relevant.

No objection subject to conditions (summary of final verbal comments following submission of additional information and consultation with Natural England)

- Phosphates - Site lies within the Panborough Gap Exclusion zone in relation to the Somerset Levels and Moors Ramsar Site. Further to discussions with Natural England, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The

Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

- The Cheddar Complex Site of Special Scientific Interest (SSSI) - the site at its nearest boundary is around 650m away from the nearest component of the SSSI. Following the submission of additional information, it is confirmed that there would not be any detrimental impacts on the Favourable Conservation Status of the SSSI.
- Submitted bat surveys sufficiently demonstrate there are no roosts within the buildings and the proposal would be acceptable re impacts on bats.
- Recommended conditions: lighting for bats; accord with the recommendations of the survey; compliance condition for biodiversity net gain including 2 x bat boxes and 2 x sparrow boxes; sensitive vegetation clearance for birds; sensitive supervision for reptiles; compliance condition to ensure the drainage field is not located within 500m of the SSSI; toolbox talk.

Local Representations: No other representations have been made.

Full details of all consultation responses can be found on the Council's website [www.somerset.gov.uk](http://www.somerset.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)
- 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)
- DP16 (Open Space and Green Infrastructure)
- DP22 (Reuse and Conversion of Rural Buildings)
- DP23 (Managing Flood Risk)

**Other possible Relevant Considerations (without limitation):**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Environment Agency Standing Advice
- Mendip Hills AONB Management Plan 2019 - 2024 (January 2019)
- National Character Area Profile: 141. Mendip Hills (NE416), published by Natural England on 20 March 2013

**Assessment of relevant issues:**

**Principle of the Use:**

Core Policies CP1 and CP2 of MDLP 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 12, 13, and 22), which do not apply in this case as the proposal seeks to demolish the existing stables rather than convert it. Policy CP1 directs that new housing should be located in sustainable locations in the 5 market towns and villages near to services and facilities.

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 limited weight. 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.

The planning history is a material consideration and in February 2023, reference 2021/2426/FUL, planning permission was granted for the change of use of the stables to a residential dwelling. That permission remains extant and as such could still be implemented

Although the site is outside the settlement limits where development is strictly controlled there is planning history on the site in the form of the permission mentioned above, for the conversion of the stable to a residential dwelling, which was granted in compliance with DP22. As this permission remain extant, it is a material consideration when determining the current application for the demolition of the stables and replacement with one 3no. bed dwelling.

The proposed access and blocking up of the existing access was also previously found acceptable and approved under 2021/2426/FUL.

The principle of the residential use on this site has been established and was considered acceptable in line with the provision of policy DP22 of MDLP under 2021/2426/FUL. Further consideration of the design of the current proposal, and its impact on the character and appearance of the area, highway safety, ecology, neighbour amenity etc. will be discussed below.

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

The proposed dwelling will be sited slightly further to the east than the existing stable building approved for conversion but still partially overlaps the original footprint. The building will be set away from the main road and screened by established trees which runs along the northern boundary. The footprint of the new proposed dwelling will be slightly larger than the previous permission but retains the original L shape of the stables. While there is a slight increase in ridge height, the dwelling remains single storey and it would appear as part of the overall cluster of buildings in this location and not as a incongruous feature within the landscape. No roof lights are proposed.

4 stables are proposed to be removed to facilitate this development. To ensure the removal of the 4 stable buildings would be achieved, and to give this removal weight in the planning balance, a condition is recommended to ensure they are removed prior to occupation of the dwelling.

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 is within a nationally designated landscape, the Mendip Hills Area of Outstanding Natural Beauty (AONB), the impact of development should be carefully considered. This is particularly relevant to the insertion of rooflights, which can lead to harmful light-spill, where dark skies are an important characteristic. In addition, extensions to the roof that would lead to a significant increase in the height of the proposed dwelling would lead to the building being particularly intrusive, and further extensions and outbuildings are at risk of harming the agricultural character of the building.

In conclusion on this matter, 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 Policy DP1, DP4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

### **Impact on Residential Amenity:**

The only neighbour in proximity to the site is Ubley Warren House. Due to the distance and scope of development, this relationship would be acceptable in residential amenity terms.

In conclusion on this matter, 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, smell, 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.

### **Assessment of Highway Issues:**

The proposal would stop up the existing access and introduce a new access. The proposed access is the same as previously approved under ref: 2021/2426/FUL and was found acceptable. The Highway Authority has considered this and has not objected, subject to the inclusion of standard conditions.

Sufficient parking would be available within the site to accommodate parking as per the standards set by Somerset County Council.

Conditions recommend by the Highway Authority include provision of the new access; new access; stopping up of the existing access; cycle parking provision; implementation of visibility splays; electric vehicle charging provision; parking and turning areas to be kept clear; any gates to be inwards opening; highways drainage. Electric vehicle charging and highways drainage are required as part of Building Regulations therefore planning conditions for these matters are not necessary. All of the other considerations are recommended, albeit slightly rewarded to comply with the Mendip condition processes and formatting.

In conclusion on this matter, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy



DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

**Ecology:**

No response was received from Ecology Services however their previous response for 2021/2426/FUL remains valid as it's less than a year old, and can be used to make an assessment on the current application.

The application has been submitted with a Protected Species Survey which concludes that all four stable buildings proposed for demolition have 'negligible suitability for roosting bats'. This has been agreed by both the Somerset Ecologist and Natural England (NE) in their response to 2021/2426/FUL

The Protected Species Survey recommendations include vegetation clearance to include measures to protect reptiles; stopping works if bats are found; a toolbox talk to construction worker; exclusion measure to prevent birds from nesting; vegetation clearing timescale; ramps in any holes or trenches to allow wildlife including hedgehogs to escape; installation of 2 bat boxes; and installation of 2 sparrow boxes.

The recommendations set out in the Protected Species Survey and are all considered acceptable, and a condition is recommended to ensure these recommendations are followed.

As the application has not included a detailed lighting plan, the standard lighting for bats condition is recommended as well. Due to the sensitive rural setting and the ecological sensitivity of the site, this is considered reasonable and necessary.

A package treatment plan is proposed on the site, with associated drainage field. This is subject to a permit from the EA before it can become operational. This is covered by its own legislation so further controls via planning are not necessary. The Ecologist has confirmed that the water discharge must be at least 500m from the Cheddar Complex SSSI. The applicant has also submitted a plan demonstrating the application boundary is over 500m from the SSSI. Although the Ecologist recommended a condition requiring the discharge field is not within 500m of the SSSI, as the site in its entirety is not within 500m of the SSSI, this condition is not necessary.

The application site is outside the phosphate catchment area therefore nutrient neutrality is not required in this case.

In conclusion on this matter, the proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

### **Drainage:**

The site is within flood zone 1 meaning it is suitable for development in principle drainage terms.

Surface water is proposed to be managed via soakaway, and foul drainage is proposed to be managed via an onsite package treatment plant and water dispersal field. This is subject to a permit from the EA.

The foul and surface water drainage details have been duplicated from the previous consent on the site which was considered acceptable subject to conditions which can be re-imposed to secure appropriate drainage measures.

In conclusion on this matter, the proposed development would 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.

### **Area of Outstanding Natural Beauty:**

The proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

### **PROW:**

The proposal is considered acceptable and would not harm the PROW.

### **Contaminated Land:**

Due to the naturally elevated concentrations of lead in the area, the Contaminated Land Officer has recommended conditions including investigations for lead; submission of a remediation scheme; and verification reporting. Subject to the inclusion of these conditions, the application is considered acceptable in this regard.

**Trees:**

There are some trees in close proximity to the proposed dwelling which contribute the character of the area at this rural location. The agent has confirmed it is the intention of the applicant to retain the trees, and this was considered acceptable under the previous application subject to a recommended condition which would require the submission and agreement of a Tree Protection Plan prior to the commencement of any works. A hard and soft landscaping condition is also recommended which includes confirmation of retained trees and details of new planting. These conditions are necessary to ensure appropriate landscaping is in place to allow the development to integrate into its rural setting.

The proposal accords with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

**Impact on Archaeology:**

The site is within the 'Area of High Archaeological Potential'. The Historic Environment Officer 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.

**Refuse Collection:**

There is sufficient space within the proposed site for the storage of waste and recycling.

**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, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **Conclusion:**

The overall thrust of Government Policy as set out in the updated NPPF is to encourage the delivery of sustainable development and requires Local Authorities to boost significantly the supply of housing. As the Council cannot demonstrate a 5 year housing land supply, this application is considered in the tilted balance as set out in para 11d of the NPPF is engaged, confirming that 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.

In this case no material harm has been identified regards the application proposal - refer to assessment above. The fact that the site already benefits from permission for a stable conversion is recognised and taken into account in arriving at this conclusion, and should be given significant weight.

In summary, given that the site already benefits from a fall back position in the conversion, the new proposal will not result in any additional harm above that already permitted in terms of sustainability, and no material harm has been identified. The application is therefore recommended for approval subject to conditions, as a departure from the Development Plan.

### **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: PL4944/1, PL4944/2, PL4944/3, PL4944/4, PL4944/5, PL4944/6 and PL4944/7

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

3. **Compliance with Ecological Recommendations (Compliance)**

The development hereby approved (including demolition, ground works, and vegetation clearance) shall be carried out in strict accordance with the recommendations set out in the approved 'Protected Species Survey: Land to East of Ubley Warren House, Charterhouse' prepared by Crossman Associates dated 07.12.2022. All recommendations shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. This includes installation of 2 bird boxes and 2 bat boxes in accordance with the recommendations. The bat box and bird box shall be retained thereafter in perpetuity.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **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 technical specifications, location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme, 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).

5. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing materials as specified on the Proposed Plans and Elevations ref PL4944/5

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **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(s) 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 require detailed consideration by the Local Planning Authority to protect the rural character in this part of the AONB in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Removal of Permitted Development Rights - No extensions or alterations to roof (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 external alteration, extension or enlargement to the roofs of the dwelling/s hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to protect the rural character and the dark skies in this part of the AONB in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **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(s) 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 in this part of the AONB in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Foul and Surface Water Drainage Strategy (Compliance)**

The development shall only be carried out in accordance with the approved Foul and Surface Water Drainage Strategy as shown on drawing PL4944/3 and accompanying testing results and calculations.

Reason: In the interests of providing a satisfactory level of foul and surface water drainage, avoid pollution of the environment, 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).

10. **SITE INVESTIGATION FOR LEAD (Pb) (Pre-Commencement)**

No development shall commence unless an investigation and risk assessment of the nature and extent of lead (Pb) on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess soil lead levels on the site.

The assessment and written submission shall include:

- (i) a survey of the nature, extent and significance of any lead (Pb) contamination
- (ii) an assessment of the potential risks to:
  - o human health

o property (existing or proposed) including gardens, crops, livestock and pets

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development is safeguarded from naturally elevated concentrations of lead in accordance with the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application. This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

11. **SUBMISSION OF REMEDIATION SCHEME (Pre-Commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, and other property, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

(i) all works to be undertaken

(ii) proposed remediation objectives and remediation criteria

(iii) timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures

(iv) where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out

(v) where required, additional contingency measures designed to safeguard future users and receptors

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than those works required to carry out remediation, or in accordance with the approved timetable of works.



Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development is safeguarded from naturally elevated concentrations of lead (Pb) in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore these details need to be agreed before work commences.

12. **VERIFICATION REPORTING (Pre-Occupation)**

No occupation shall commence, or where the site is subject to an already approved phasing plan, there shall be no occupation of any part of each phase, until a verification report has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development is safeguarded from naturally elevated concentrations of lead (Pb) in accordance with the National Planning Policy Framework.

13. **Visibility Splay (Pre-Occupation)**

Before the development hereby approved is brought into operation the appropriate visibility splay must be provided. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge. Such visibility shall thereafter be maintained at all times.

Reason: To ensure sufficient visibility is provided 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)

14. **Parking (Compliance)**

The areas allocated for parking and turning on the submitted plan drawing number PL4944/3 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that sufficient parking is provided to serve the approved development in the interests of highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation shall commence until the approved new vehicular access as shown on drawing numbers PL4944/3 and PL4944/7 has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for the first 5 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained and maintained as such thereafter.

Reason: To prevent loose material 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).

16. **Existing Access - Stop Up and Re-Instate (Pre-Occupation)**

Prior to the development hereby approved being occupied, the existing vehicular access, as shown on PL4944/3, shall be stopped up and its use as such permanently ceased. The vegetation shall be reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

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

17. **Gates (Bespoke Trigger)**

Any entrance gates erected shall be hung to opens inwards and shall be set back a minimum distance of 6m from the carriageway edge and shall thereafter be maintained in that condition at all times.

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

**18. Hard and Soft Landscaping (Pre-occupation)**

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

- (a) size, species and positions for new trees and plants
- (b) boundary treatments
- (c) surfacing materials (including roadways, drives, patios and paths)
- (d) any retained planting / hedgerows
- (e) a detailed programme of phasing and implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**19. Tree Protection Plan (Pre-commencement)**

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan shall include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policy DP1 and DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the works comprising the development have the potential to

harm retained trees, therefore these details need to be agreed before work commences.

20. **Stable Demolition (Pre-Occupation)**

Prior to the development hereby approved being occupied, the four stables to be demolished as shown on Proposed Block Plan PL4944/3 will be demolished and permanently removed from the site.

Reason: To protect the rural character in this part of the AONB in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**Informatives**

1. **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.

2. 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.
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. 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. 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.
6. 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.

