

Application Number	2020/0910/FUL
Case Officer	Anna Jotcham
Site	Land East Of Squires Mardis Lane West Lydford Somerton Somerset
Date Validated	12 May 2020
Applicant/ Organisation	S Buxton
Application Type	Full Application
Proposal	Erection of a single storey dwelling with associated access and parking
Division	Mendip South Division
Parish	Lydford-On-Fosse Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

### **WHAT 3 WORDS**

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

///atoms.waving.airfields

### **SCHEME OF DELEGATION**

The application would be a departure from the existing adopted Development Plan. Therefore, in accordance with the scheme of delegation, this application is referred to the Planning Board by officers.

### **SITE DESCRIPTION AND PROPOSAL**

The application relates to a plot of land located on the northern side of Mardis Lane, sandwiched between the residential properties 'Squires (to the west) and Higher House (to the east) on the outskirts of the village of West Lydford.

The application site is adjacent to, but falls outside of, designated development limits. In terms of other planning constraints, the application site falls within an Upper-Brue Drainage Board Area, a Mineral Consultation Area, a Site of Special Scientific Interest (SSSI) Impact Risk Zone, Priority Habitats and the Somerset Levels and Moors Ramsar Risk Area.

The application seeks the erection of a single storey dwelling with associated access and parking. The land in question is relatively flat and spacious enough to accommodate the proposed single storey dwelling. The site is accessed from Mardis Lane, which is a narrow country lane.

## **RELEVANT PLANNING HISTORY**

None identified.

## **SUMMARY OF ALL PLANNING POLICIES AND LEGISLATION RELEVANT TO THE PROPOSAL**

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

The Council's Development Plan comprises:

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

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- DP4 – Mendip's Landscapes
- DP5 – Biodiversity and Ecological Networks
- 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
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Design and Amenity of New Development Policy DP7 SPD (March 2022)

## **SUMMARY OF CONSULTATION RESPONSES**

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

**Divisional Member** – No response.

**Lydford on Fosse Parish Council** – Objection for the following reasons:

- The proposal lies outside development limits and would remove 'green space'.
- The site is 'back-fill' and not of the preferred linear nature.
- The site is surrounded by four listed buildings and the design is not in keeping with the rest of the village.
- Mardis lane is a single-track lane and visibility cannot be achieved.
- There is not enough space on site to accommodate four spaces.

**Highways Authority** – Standing advice applies.

**Conservation Officer** – No objection, subject to conditions.

**Ecology** – No objection, subject to conditions.

**Drainage Engineer** – No objection.

**Wessex Water** – No objection. Application requires a new connection to the public foul sewer, notes and application forms can be found here. Our records indicate the rising main located on Mardi's Lane is under private ownership, the applicant will need to seek the owner's permission to connect here.

**Natural England** – No objection, subject to appropriate mitigation.

**Other representations** – Two letters of objection have been received raising the following issues (summarised):

- Impact of design on adjacent listed buildings.
- Access through Mardis Lane unsafe.
- Proposal outside development limits.

## **ASSESSMENT OF RELEVANT ISSUES**

### **PRINCIPLE OF DEVELOPMENT**

Policies CP1 (Mendip Spatial Strategy) and CP2 (Supporting the Provision of New Housing) of the Local Plan seek to direct new residential development towards the principal settlements, and within defined development limits. This is consistent with the aims of creating sustainable development and protecting the countryside, as described in the National Planning Policy Framework (NPPF).

The application site is outside designated development limits and in planning policy terms is in the open countryside. Development in the open countryside will be strictly controlled but may exceptionally be permitted in line with policy CP4 (Sustaining Rural Communities). This allows rural affordable housing, for the benefit of the community where there is evidence of local needs and to be held in perpetuity. The development does not accord with this exception so the principle of the proposed housing development in this location is not acceptable.

Though considering the conflict with policy, the Council is currently unable to demonstrate a five-year housing supply of housing land, based on the local housing need figure. As a result, the policies within the Local Plan, relating to new housing currently have reduced weight and the presumption in favour of sustainable development as defined in paragraph 11(d) of the NPPF applies. This means planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where its specific policies indicate that development should be restricted.

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

### **DESIGN OF THE DEVELOPMENT AND IMPACT ON THE STREET SCENE AND SURROUNDING AREA**

The dwelling proposed is on the very edge of West Lydford, which traditionally follows the linear development line along High Street, though there is a residential building of similar design located to the west of the application site (Squires).

The design in itself, a bungalow, whilst opting for more contemporary design, is not necessarily out of place within this rural setting. The applicant has provided some images of the material finish which is considered to be acceptable in principle. The timber

cladding is proposed as larch which will start as a pale yellow/golden brown in colour but in its untreated form weathers to silvery grey. This material would complement the soft grey of the adjoining blue lias stone and the grey zinc roof.

The L-shaped footprint of the proposed building is not considered too large for the plot and provides enough space for parking and adequate amenity space.

It is noted that the Parish Council has raised concern around the design of the building and its footprint. Overall, the dwelling is of good quality design and the choice of materials is appropriate for the setting. If the dwelling were constructed on the High Street, then this would be a different matter because the design would be incongruous. However, the separate nature of the site, combined with the substantial screening reduces the site's context dramatically and means that the dwelling will not contribute to the village's streetscape, and vice versa. A contemporary design in this location is therefore considered acceptable. It is, however, appropriate to remove permitted development rights for alterations to the roof and future outbuildings for the site to strictly control the development in the open countryside.

Whilst some details of hard and soft landscaping have been submitted, this will need to be conditioned to ensure the visual impact of the development is managed sufficiently.

Providing conditions are adhered to, 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 (Local Identity and Distinctiveness) and DP7 (Design and Amenity of New Development) of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

## **IMPACT ON HERITAGE ASSETS**

The site is a parcel of land which extends beyond the grade II listed Higher House and is separated from it by a hedge. The site is not in or near a conservation area, but there are two other grade II listed buildings to the north and east (barn adjoining Huntswell House, and Bridge Farmhouse).

The application is supported by a Heritage Statement which makes an assessment of the nearby heritage significance. The application site is surrounded on all sides by substantial hedging and because of this the site is very much separated from the surrounding fields. There are not many views into or from this parcel of land from those nearby, and because of this, the site itself does not form an important part, or contribute to the setting of these listed buildings.

The proposed single storey dwelling in the centre of the application site will not significantly alter the character of the site. Furthermore, the substantial planting around the site, which should be retained, will act as adequate screening to preserve the separation between the site and the neighbouring land. On this basis, there will be no harm to the setting of the heritage assets and so their significance will be preserved.

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 nearby listed buildings, thereby resulting in no harm to the significance of the designated heritage assets. The proposal accords with Policy DP3 (Heritage Conservation) of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

## **SUSTAINABLE CONSTRUCTION**

The siting, layout and design of buildings can have a fundamental impact on energy efficiency and can be addressed through the planning system. Policy DP7 (Design and Amenity of New Development) requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for:

- the use of sustainable construction techniques
- the use of sustainable drainage systems
- renewable energy generation on site
- the use of water efficiency measures, recycling and conservation
- new residents to minimise, re-use and recycle waste
- use locally sourced or recycled materials wherever practically possible
- undertake construction in a manner that makes efficient use of materials and minimises waste.

Given the requirements of policy DP7 and the Council's green pledge, conditions are attached to ensure that sufficient measures are designed into the scheme and secured.

## **IMPACT ON RESIDENTIAL AMENITY**

The closest neighbouring property to be affected by the development is Squires to the west. The properties would be separated by ample garden space and a boundary hedge line between the plots. Due to the fact both these buildings are bungalows, it is considered there is a sufficient distance to protect amenity.

To the north and east of the site are open fields to other neighbouring residential properties, and the garden of Higher House, which provide an adequate separation distance.

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 (Design and Amenity of New Development) of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

## **HIGHWAY SAFETY**

There is adequate parking and turning within the site. Whilst visibility is considered to fall short of highways standing advice, Mardis lane is a single car width and given the proximity of the site to the adjacent main road (High Street) traffic speeds are unlikely to be raised above the road speed limit. Additionally, the parish council note this road is used for horses/walkers which would impede potential speeds.

The proposed parking is noted as four spaces, the property is three bedrooms therefore this is more than the recommended in highways standing advice.

Conditions are recommended to ensure the access is consolidated, with any gates hung inwards 6m back from the carriageway and the provision of visibility splays; the proposed car parking and manoeuvring space to be set out and retained.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 (Transport Impact of New Development) and DP10 (Parking Standards) of the adopted Local Plan Part 1 (2014) and part 4 of the National Planning Policy Framework.

## **ARBORICULTURAL IMPLICATIONS**

The new dwelling will not involve the removal of any trees, but it will remove a section of hedge fronting onto the lane. Overall, it is considered that the impact of the development to vegetation is acceptable with the imposition of relevant conditions.

## **ECOLOGICAL IMPLICATIONS**

A Preliminary Ecological Appraisal Report has been submitted which assess the various species and habitats on site and makes recommendations to safeguard these. The

Council's ecologist has considered the findings of the report and has not raised any objection to the scheme, subject to the inclusion of conditions.

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. The Ramsar is in 'unfavourable condition' or at risk from the effects of eutrophication caused by excessive phosphates. As such, any new housing development is likely to increase the total phosphorous through both the wastewater treatment effluent as well as surface water run-off from public open space associated with the scheme.

The application is accompanied by a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). The report shows that the proposed development would give rise to a phosphate surplus of 0.58 kgP/year. Mitigation will be off set in the form of purchasing nutrient credits from Yew Tree Farm Phosphorus Credits Scheme. The supporting Shadow Habitats Regulations Assessment (sHRA) includes an agreement with Yew Tree Farm to purchase the required credits and a Deed of Allocation has been provided.

Natural England have formally approved the NNAMS and sHRA prepared on behalf of the applicants. The Council supports this view and adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended).

Conditions have been included and providing these are adhered to, the proposal is considered ecologically acceptable.

## **FLOODING AND DRAINAGE**

The site is not located within any designated flooding areas. However, the proposal will increase impermeable surface areas significantly and there should be an effort to adequately control surface water run-off.

Concerns raised by the Council's Drainage Engineer have been addressed through the submission of additional drainage details which proved the viability of infiltration and soakaway.

Foul discharge will require a new connection to the existing mains sewer which can be obtained through Wessex Water, who have not raised any objection to the application.

Subject to conditions, the proposal is considered acceptable in flood risk and drainage terms, in accordance with policies DP7 (Design and Amenity of New Development), DP8 (Environmental Protection) and DP23 (Managing Flood Risk) of the adopted Local Plan Part 1 (2014).



## **REFUSE AND RECYCLING**

The proposed dwelling has adequate outdoor amenity space to provide refuse and recycling bins/containers, which would be brought out to suitable locations on collection day. These arrangements are acceptable.

## **OTHER MATTERS**

The application site is in a mineral consultation area but given the proximity to residential properties it is not considered that minerals extraction would be a viable option in this location.

## **PLANNING BALANCE / CONCLUSION**

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

Although the application site is situated within the open countryside there is a residential dwelling (Squires) immediately west, and other residential properties which fall within the settlement boundary (along The High Street) to the east. As such, the proposed dwelling would not be considered isolated. Furthermore, the occupiers of the proposed dwelling would have access to some services and facilities within the nearby Lydfords and Keinton Mandeville without having to necessarily rely on private vehicular travel.

The proposal will deliver simultaneously, economic and social benefits in the form of employment opportunities during the construction period, an increase in population and the consequent use of local businesses and services in the location, including through council tax receipts. The addition of one dwelling would contribute towards the current shortfall in housing across the district. With regard to environmental benefits, ecological enhancements, as well as sustainable technologies, can be secured by conditions.

No heritage harm has been identified and there are no residential amenity, highway safety, arboricultural, ecological, flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions.

No adverse impacts have been identified which would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF

taken as a whole. Paragraph 11(d) of the NPPF therefore directs that planning permission should be granted.

On this basis, the proposed development represents sustainable development, and the application is recommended for approval, subject to conditions.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **EQUALITIES ACT**

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

## **Recommendation**

Approval

## **Conditions**

### **1. 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:

11 May 2020 - PL4278 /1 - LOCATION PLAN

11 May 2020 - PL4278 /2 - EXISTING SITE PLAN

05 Sep 2023 - PL4278 /3A - BLOCK PLAN

11 May 2020 - PL4278 /4 - FLOOR PLANS

05 Sep 2023 - PL4278 /5A - PROPOSED ELEVATIONS

11 May 2020 - PL4278 /6 - SITE SECTIONS

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

3. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing and roofing materials as specified on the application form.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **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, and
- (e) a detailed programme of implementation

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

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

5. **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 require the detailed consideration by the Local Planning Authority to safeguard the appearance of the development within context and the amenities of the surrounding area and residents in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **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 and the amenities of the surrounding area and residents in accordance with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Water Efficiency - Rainwater Harvesting (Pre-occupation)**

The dwelling hereby approved shall not be occupied until it is served by a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policies DP7 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

8. **Parking Area (Bespoke Trigger)**

No construction above slab level shall commence until plans showing a parking area (providing for four vehicles), including full details of the surfacing materials, space dimensions and turning circles, has been submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until the parking area has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the

9. **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 vehicular access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 6m 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).

10. **Ecological Appraisal (Compliance)**

The development hereby approved shall be implemented in full accordance with the Preliminary Ecological Appraisal (PEA) undertaken by Nash Ecology, dated July 2023, incorporating all of the recommendations including opportunities for ecological enhancement set out in Section 5 - Identification of Ecological Constraints and Recommendations (pages 14 to 18) under the supervision of a competent Ecologist. The PEA shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 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 180(d) of the National Planning Policy Framework.

11. **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. Lux levels should be below 0.5 Lux on key and supporting features or habitats. 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.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Policies DP5 and DP6 of the

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

No removal of trees, hedges, or shrubs shall take place between 1st March and 31st August 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 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Phosphate Credits Allocation Certificate (Pre-Commencement)**

The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.

The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Policies DP5 and DP8, as well as Paragraphs 174 and 180-182 of the National Planning Policy Framework (September 2023).

14. **Water Usage in Phosphate Affected Area (Pre-Occupation)**

The dwelling hereby approved shall not be occupied until:

- i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
- ii. a notice specifying the calculated consumption of wholesome water per person

per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

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

15. **Surface Water Drainage (Compliance)**

The development shall only be carried out in accordance with the Surface Water Drainage details (by JRC Consulting Engineers) submitted by email from the agent dated 06.08.2020.

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).

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

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

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy.

**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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.



5. 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.
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. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
8. If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of P-credits, then the implementation of your planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore you must obtain formal discharge of the condition prior to commencing any works on site.
9. 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.