

Application Number	2023/1275/FUL
Case Officer	Anna Jotcham
Site	Wells Police Station 18 Glastonbury Road Wells Somerset
Date Validated	5 July 2023
Applicant/ Organisation	Churchill Retirement Living
Application Type	Full Application
Proposal	Redevelopment to form 47 No Retirement Living Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping.
Division	Wells Division
Parish	Wells City Council
Recommendation	Approval
Divisional Cllrs.	Cllr Theo Butt Philip Cllr Tessa Munt

WHAT 3 WORDS

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

///delays.cascaded.asleep

SCHEME OF DELEGATION

The application is automatically referred to Planning Committee because the divisional member (Cllr. Theo Butt Phillip) and Wells City Council have objected, and the application is classified as a major application.

SITE DESCRIPTION AND PROPOSAL

The application relates to the redevelopment of a former police station. The site falls within the development limit of Wells and is located on the south-western extent of the city to the north of Glastonbury Road (A39). The site is broadly rectangular in shape and

0.39 hectares. The site is predominantly flat but is situated on higher ground above the road, behind a low ashlar stone retaining wall, and gate piers which define the access.

The northern and eastern boundaries of the site comprise Wells Health Centre and a children's day nursery, with the Grade II listed Priory Hospital beyond. The north-western boundary of the site is defined by the sports pitches associated with St. Cuthberts Church of England Junior School. To the west sits a row of terraced houses which along with the police station building define an open grassed space facing Glastonbury Road (A39). New residential development, including a care home has been built to the south of the site on the opposite side of the A39.

The site comprises three brick buildings set back from the roadside including the former police station, associated offices and garage/storage block, surrounded by areas of hardstanding. The police station, a two-storey building with wings to the rear constructed in a buff brown brick and hipped roof, is the largest building on the site and lies at an angle to the road. The associated offices building is smaller in mass although constructed in similar materials.

The application site is outside the Wells Conservation Area but there are several designated heritage assets within the vicinity of the site, including the Grade II listed Priory Hospital (30 metres north-east) and the Grade II listed Gatehouse (90 metres south-west).

The proposal seeks to demolish all buildings on site and construct a 47-unit age-restricted retirement flat complex with associated communal facilities, landscaping, vehicular access, and car parking. The development consists of 31 one-bedroom units and 16 two-bedroom units, each benefiting from its own front door, entrance hall, lounge / dining room, kitchen, bedroom(s) and bathroom. These units share communal facilities including an owners' lounge, guest suit and refuse room.

Access to the site is shared with existing cottages to the south-west. This access will be retained and widened in the current position.

The application is a resubmission of planning application 2020/2234/FUL which was approved on 28 April 2023. Apart from a slightly amended site plan (which omits a

drainage sub-station and turns a mobility scooter store 180 degrees) the design remains identical to the approved scheme, with the main change being to viability.

The application is supported by a suite of technical documents including a Planning Statement; Design and Access Statement; Heritage Statement; Ecological Assessments; Bat and Bird Survey; Habitat Regulation Assessment; Nutrient Neutrality and Mitigation Strategy; Affordable Housing Statement; Archaeological Assessment; Drainage Statement; Land Contamination Assessment; Arboricultural Assessment; Transport Statement; Travel Plan; Flood Risk Assessment; Indicative Landscaping Plans; and a Statement of Community Involvement.

During the planning application process, further information has been submitted in respect of drainage.

RECENT PLANNING HISTORY

2020/2234/FUL – Redevelopment to form 47 No Retirement Living Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping (Additional information received 20/12/2022) – APPROVAL – 28.04.2023.

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 – Post JR version (December 2021)
- Somerset Waste Core Strategy (2013)

- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP10 – Wells City Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- DP5 – Biodiversity and Ecological Networks
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP11 – Affordable Housing
- DP14 – Housing Mix and Type
- DP16 – Open Space and Green Infrastructure
- DP19 – Development Contributions
- 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)
- Fields in Trust – Guidance for Outdoor Sport and Play (2015)
- City of Wells Neighbourhood Plan 2019 – 2029 (February 2024)

SUMMARY OF CONSULTATION RESPONSES

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

Wells City Council (WCC) – Objection on grounds of inadequate parking and lack of affordable housing (guided by principles of the Draft Neighbourhood Plan, policy H1). Asks for WCC to be considered for any S106 funds.

Divisional Member (Cllr. Theo Butt Phillip) – Objection on grounds of lack of affordable housing provision (on site or off site).

Environmental Protection – No objection, subject to conditions.

Contaminated Land – No objection, subject to conditions.

Lead Local Flood Authority – No objection, subject to conditions.

Highways – No objection, subject to conditions.

Archaeology – No objection.

Affordable Housing – No objection.

Tree and Woodland Officer – No comments received.

Education – No comments received.

Drainage Board – No comments received.

Ecology – No objection, subject to conditions.

Waste Management Officer – No objection in principle but queries size and location of bin stores.

NHS Somerset – Requests a financial contribution (£17,484) towards the cost mitigation of the pressures on the local healthcare facility should be provided.
[Officer note: Contribution figure amended during the life of the planning application following further review/re-assessment from the NHS on the initial figure].

Natural England – No objection, subject to appropriate planning controls which secure phosphorus mitigation.

Environment Agency – No comments received.

Wessex Water – No objections.

Other representations / third party comments –

1 objection comment received raising concerns about the removal of obligations relating to affordable housing and phosphate neutrality.

ASSESSMENT OF RELEVANT ISSUES

PRINCIPLE OF DEVELOPMENT

To enable the most sustainable pattern of growth, policy CP1 (Mendip Spatial Strategy) of the Mendip District Local Plan - Part 1 directs most of the growth identified in policy CP2 (Supporting the Provision of New Housing) towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street).

The application site lies within the development limits of Wells and is on previously developed land. A police station use is sui generis, and as such, the proposal does not fall within the remit of policy DP17 (Safeguarding Community Facilities) or policy DP20 (Reuse of Employment Sites). In any case, the police station has been moved to another location due to the rationalisation of the Force in terms of property management and as such does not represent a loss of police facilities in Wells.

The Local Planning Authority (LPA) has already confirmed the proposal is acceptable, through a decision made under delegated powers on 28 April 2023. The planning committee is asked to remake this decision, considering the additional information put forward on viability, discussed below.

HOUSING MIX

The development consists of 31 one-bedroom units and 16 two-bedroom units which will contribute to the variety of housing needs in the District in line with policy DP14 (Housing Mix and Type).

AFFORDABLE HOUSING & VIABILITY

Since the proposal is for a development of Use Class C3 'retirement living', there is a requirement for affordable housing as set out in policy DP11 (Affordable Housing). In Wells, the policy requires 40% affordable housing, which would equate to 19 affordable units on site.

The previous planning application (2020/2234/FUL) was accompanied by a viability report (Report on Affordable Housing and Viability, dated October 2020) which presented a case for an off-site payment in lieu of on-site affordable housing. On review, it was accepted that the practical management issues affecting the provision of affordable housing within an age-restricted scheme were justifiable, and that registered providers were unlikely to be prepared or willing to operate affordable housing units within this type of housing scheme. As a result, the provision of an off-site affordable housing contribution was considered appropriate and following negotiation an affordable housing contribution of £434,404 was agreed. This was secured in a section 106 agreement (along with a contribution towards health care of £13,596) and the subsequent planning permission was issued on 28 April 2023.

The current application has submitted a revised viability report (Report on Affordable Housing and Viability, dated June 2023) claiming that the financial viability of the scheme has significantly deteriorated from when the LPA and the applicant agreed the total financial contributions, approximately two years earlier in June 2021. The revised viability report, including the methodology and revised inputs, has been heavily scrutinised and subjected to an independent review by Stephen Blake Consultancy Ltd.

The viability report concludes that the scheme cannot support any financial contribution towards affordable housing (or any other section 106 financial contributions). However, this position does not include changes that took place during the intervening period (i.e. the reduction in phosphate mitigation allowance and increase in drainage costs for the additional off-site sewer that Wessex Water require), discussed elsewhere in this report.

Taking the reduced phosphate mitigation costs into account and re-running the financial models overcame the shortfall in profit and generated a potential affordable housing financial contribution of £71,191. However, when the additional cost of resolving the Wessex Water drainage issues at the site are taken into account there is again a shortfall in the required profit position of approximately £54,000.

The process concluded that the latest financial viability assessment results in no financial contributions whatsoever. However, the applicant is conscious that this position would not be viewed favourably by the Planning Committee. As a result, the applicant has offered to make an affordable housing contribution of £100,000 (and a contribution towards health care of c.£18,000). The applicant has made it clear that this is “on the basis of achieving a local level consent and would be clearly reassessed should the cost and delay of a planning appeal arise which would clearly account for the expedient uplift”.

It should be noted that the updated viability report refers to Vacant Building Credit and confirms that the building is now vacant. If Vacant Building Credit is taken into account when assessing the viability of the scheme, it would strengthen the applicant’s case to reduce any potential affordable housing contributions.

In light of the above, the LPA is willing to accept the independent review recommendation to allow a reduced affordable housing contribution. The monies would support other affordable housing schemes, as and when they are proposed. The contribution, albeit less than the amount agreed under the previous planning permission, is still seen a significant benefit to the scheme.

Subject to a section 106 legal agreement, the development is considered to accord with policy DP11.

DESIGN AND VISUAL IMPACT CONSIDERATIONS

Policy DP1 (Local Identity and Distinctiveness) states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 (Design and

Amenity of New Development) states that proposals should be of a scale, mass, form, and layout appropriate to their local context.

The proposal will result in the loss of all buildings on the site. The former police station building is two-storeys high with a hipped roof and lies at an angle to the road. It has considerable mass and bulk and has a certain presence within the streetscene. The associated office building is smaller in mass but is still a prominent feature within the site. The surrounding built development displays a mixture of design, scale and materials. To the east lies the substantial buildings of the Grade II listed Priory Hospital. To the west sits a row of two-storey terraced houses and a large two-storey care home. Opposite the site the redevelopment of the former Nutricia site includes three-storey dwellings and a two-storey care home (reduced from a previously approved three storey scheme).

The proposal seeks to demolish the existing buildings on the site and replace with an 'L' shaped building three and a half storeys high, where accommodation is tucked into a dormered roof. The proposed building will have a larger mass than the existing buildings it will replace but will follow the existing building lines referencing the orientation of the police station and areas of open space around the building. The set-back position of the building will help reduce the overall perceived mass and bulk of the building in views along the streetscape. The design of the building is simple, with the rear leg of the building, sitting behind the formal front elevation. The proposed materials (brick, render and roof tiles) reflect the palette used locally and are sympathetic to the terrace of housing to the west (nos. 20-26). The massing and scale of the building is broken up by tile hopped pitched roofs and the combination of brick and render walls which also add visual detail. Confirmation of materials can be secured by condition.

In terms of contribution to the public realm, the most important elevation of the building is the south elevation facing Glastonbury Road. The central bay sits at three and a half storeys high with wings either side that drop down to three storeys. The simple, formal and balanced elevation takes its design cue from the police station it will replace. Fenestration follows the window hierarchy, and the existing stone portico is proposed to be reused to create a feature on the road facing elevation. The existing access point and retaining stone wall provide a positive contribution to the surrounding streetscape and

are proposed to be retained (i.e. reinstated after the construction process) and widened in the current position.

The proposed layout broadly follows the footprint of the buildings which will be demolished. This respects the open space to the west in front of the terraced houses and provides a suitable set back and landscaping buffer to the designated recreational grounds of St Cuthbert's Junior School to the north.

The proposed landscape design is at a domestic scale to reflect the intended residential use. The existing hedge and trees will be retained on the north-western boundary with proposed orchard trees to enhance the natural screening between the proposed and existing developments. Landscaped amenity areas are provided either side of the rear projection and can be accessed from the building.

Overall, the design, scale, mass, form and layout of the proposed development is acceptable and has regard to the local context. As such, the proposal complies with policies DP1 and DP7.

IMPACT ON HERITAGE ASSETS

Policy DP3 (Heritage Conservation) confirms proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance and setting of the district's heritage assets, whether statutorily or locally identified, especially those elements which contribute to the distinct identity of the area.

The application is supported by a Heritage Statement. This identifies the heritage assets that may be affected by the development and their significance. The site is located approximately 30 metres south-west of the Grade II listed Priory Hospital (also known as the Wells Infirmary) and 90 metres north-east of the Grade II listed Gatehouse.

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 NPPF at paragraph 190 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.

Here it is considered that the setting or significance of the Gatehouse will be unaffected by the proposals as the building is not immediately adjacent to the development site and so its immediate context will be unaffected. The site and the listed building share a streetscape, but these are constantly evolving. Any change introduced by redevelopment along Glastonbury Road would reflect the continuing urban development of this area.

The Priory Hospital would suffer partially from a change in the built-form and use of the site. Despite what the Heritage Statement says, inter-visibility between the site and the listed building would to some degree be affected. However, it is agreed that the views identified do not make a significant contribution to the heritage significance of the listed building. As such, the proposed scheme would not affect the principal components of the designated heritage asset, nor would it result in any adverse impact on the key elements of setting which contribute to its significance. In this sense, the proposal would cause less than substantial harm to the listed building, at the lower end of the spectrum. As advised in the NPPF, this harm must be balanced against the benefits of the proposal. This will be dealt with in the Planning Balance section of this report.

To construct the apartments, the police station will need to be demolished as its retention and adaptation is not practical for the proposed use. The heritage significance of the (unlisted) police station derives from its original purpose and construction. Although the buildings are aesthetically pleasing to the eye, they are not particularly notable buildings in terms of architecture or characteristics of the area. As such, the supporting Heritage Assessment concludes that the existing buildings hold a low heritage significance with some local value. The ashlar stone wall which runs along the

southern boundary of the site is a positive feature of the streetscape of Glastonbury Road (A39) and the proposed retention of this feature is therefore welcomed.

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.

The application is supported by a Design and Access Statement which sets out principles for achieving energy efficiency through building design and how this might be applied in the proposed development.

A summary of the measures which will be incorporated into the new development includes:

- Photovoltaics located within the valet of the roof (and hidden from view).
- Low energy lighting and movement sensor controls.
- Water saving appliances (e.g. flow restrictors, aerated taps, dual flush low-capacity cisterns, shower cubicles rather than baths).
- Water butts to collect rainwater for gardening use.
- Covered electric mobility scooter parking with charging points.
- 'Home shopping scheme' which allows residents to order food shopping collectively and have it delivered.
- All external lighting powered by photovoltaic fittings.

- Communal refuse room with recycling facilities.

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

ARBORICULTURAL IMPLICATIONS

An Arboricultural Assessment and Method Statement has been submitted with the application. This confirms that no trees will be lost through the proposal, but three off-site trees (on adjacent land) may be affected during the construction activity. Protection of these trees is recommended, and a Tree Protection Plan is included within the submission. Compliance with this can be secured by condition. Details of new tree planting (species, size, location etc.) can be agreed as part of a landscaping scheme. This can also be secured by condition.

The impact of the development to trees is acceptable with the imposition of relevant conditions. The proposal therefore complies with policy DP1 (Local Identify and Distinctiveness).

ECOLOGICAL IMPLICATIONS

The application is supported by the Protected Species Report (dated September 2020) which was submitted with the previous planning application (2020/2234/FUL), and an Update Bat and Bird Survey (dated May 2023). The latter confirms that the habitats are unchanged from those described within the original report, with much of the site comprising hardstanding car park and buildings, with several small shrubs and small amenity grassland gardens.

A shadow Screening Assessment was undertaken in October 2023 which concluded that there will be no likely significant effects to both the North Somerset and Mendip Bats Special Area of Conservation (SAC) and the Mendip Woodland SAC as a result of the proposed development. No evidence of nesting birds was recorded, however birds such as house sparrow and blue tit could potentially use the structures proposed for demolition. Providing mitigation and enhancement measures are followed, no adverse impacts to bats or nesting birds are predicted.

Somerset Ecology Services (SES) has been consulted on the application and has not raised any ecological concerns, subject to the inclusion of various conditions. Given that the habitats on the site have not changed since the previous planning application was approved it is reasonable to duplicate the conditions on the previous permission, rather than impose new ones. Informatives reminding developers of the legal protection afforded to nesting birds, badgers and their resting places are attached.

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 an 'unfavourable condition' or at risk from the effects of eutrophication caused by excessive phosphates. As such, any new housing development is likely to give rise to additional phosphates within the hydrological catchment. Mitigation is therefore required to ensure that the development achieves nutrient neutrality.

A Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) (dated October 2023) notes that the total phosphate budget for the proposed development is currently 6.73 kg/year, reducing to 3.36 kg/year after the end of 2024 once the upgrades to the wastewater treatment works have been completed. The applicant has agreed to delay occupation of the development until the treatment works have been upgraded (post December 2024). An agreement has been made (and a certificate of allocation provided) to purchase 3.36kg/year of phosphate credits at the strategic mitigation scheme at Yew Tree Farm near Wraxall in Somerset. The mitigation site is in the same catchment as the application site and is used currently as a pig farm. Mitigation is to be provided by the closure and demolition of the on-site pig unit. With the mitigation in place at Yew Tree Farm, the phosphate budget arising from the proposed development would be off-set and therefore there would be no adverse effects on the Somerset Levels and Moors Ramsar site.

Natural England have formally approved the NNAMS and subsequent Shadow Habitats Regulations Assessment (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 where appropriate.

HIGHWAY SAFETY

The existing site access is located off Glastonbury Road (A39) and takes the form of a dropped kerb vehicle crossover. Glastonbury Road is approximately 10m wide and is subject to a 30mph speed limit. The proposal seeks to utilise the existing access arrangements. However, as part of the development it is proposed to relocate the left-hand pillar to increase the width at this point (by c.6.5m) to accommodate two-way vehicle movements. Visibility splays of 2.4m x 43m are demonstrated as achievable to the kerblines in both the primary and secondary direction. A dedicated pedestrian access will be provided via an opening in the boundary wall to avoid conflict with incoming and outgoing vehicles.

The Transport Statement provides that the proposed development is likely to result in a decrease in the number of vehicle movements. A police station falls under the sui generis land use category and therefore there are no directly comparable site uses available on the national TRICS database, which is the national standard methodology for assessing trip generation. Baseline figures used in the Transport Statement are based on the 'office' use class instead, selected as the most comparable land use to understand the trip generation of the existing/former use on site. The approach and findings used in the assessment is disputed by a third-party consultee but accepted by the Highways Officer. Overall, it is not anticipated that the proposal will result in a severe impact on the local road network from an operational, capacity or safety perspective.

The proposal will provide 23 car parking spaces for the 47 units which equates to a provision of 0.49 spaces per apartment. Given that there are no specific standards in the Somerset Parking Strategy for this type of development use, this is deemed reasonable and appropriate to the operational needs of the development under policy DP10 (Parking Standards). In terms of cycle parking, the scheme proposes a shared cycle/mobility scooter store in the northern part of the development which can be used by those who may own a bicycle or buggy. Electric vehicle charging facilities will be controlled through the building regulations process.

The proposed access arrangements allow a refuse vehicle to enter and exit the site in a forward gear and the turning area will allow refuse collection to take place off the highway. As the access route is not suitable for adoption, it is recommended that the applicant / developer engage with the refuse collection service provider to ensure such an arrangement is appropriate.

Overall, it is concluded that the proposed development, as revised, is acceptable in highway terms. Subject to conditions, the proposal complies with policies DP9 (Transport Impact of New Development) and DP10 (Parking Standards).

DRAINAGE AND FLOODING

The site is in Flood Zone 1 but is surrounded by Flood Zone 3, including the main access from the Glastonbury Road. The site is shown to be at very low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map with low to medium risk along the access road.

A Flood Risk Assessment accompanies the submission to demonstrate that there will be no adverse effects from the proposal in relation to flood and drainage matters. Whilst the lower edge of the site access is within Flood Zone 3, flood depths remain shallow (less than 200mm) and can facilitate emergency service vehicles. During a flood event the remainder of the site remains above flood levels and provides a safe environment.

The NPPF explains that a sequential test and exception test is required because part of the site falls within Flood Zone 3. Its aim is to steer new development to areas of the lowest risk of flooding. Given that the access arrangements are existing (i.e. part of the former police station access) and that the entirety of the proposed housing units and majority of the access are within Flood Zone 1 a pragmatic approach has been taken. The lack of a sequential test and exception test would not justify a reason for refusal in this instance.

The Environment Agency has been consulted on the application and has not made any comments. Concerns raised by Wessex Water (who coincidentally did not comment on the previous application) have been addressed through amendments to the site layout and through submission of additional information. The site layout changes have omitted a drainage sub-station and turned the proposed mobility scooter store 180 degrees so that the access is on the other side giving sufficient space to the foul pumping station.

The applicant has advised that they will pursue a section 102 of the Water Industry Act and upgrade an existing highway drainage system to Wessex Water sewer adoptable

standards. The applicant will then use this system to discharge surface water from the site and have the sewer adopted by Wessex Water. Wessex Water and the Highways Authority have accepted this approach in principle. As such, the applicant has demonstrated that there is a feasible discharge location from the site. The applicant is aware that this may require significant works and time both on and off site. There may also be works required on third party land or structures, and the Lead Local Flood Authority (LLFA) will expect full details to be submitted.

Overall, it is considered that an appropriate sustainable surface water drainage scheme can be designed, and this can be secured via condition. Subject to an acceptable drainage scheme being designed there will be no increase in flood risk from the development. The proposal accords with policy DP23 (Managing Flood Risk).

IMPACT ON RESIDENTIAL AMENITY

Policy DP7 (Design and Amenity of New Development) advises that new development should protect the amenities of neighbouring occupiers and users and provide an adequate standard of amenity for the benefit of the proposal's future occupiers. Policy DP8 (Environmental Protection) states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

The proposed building is positioned to the centre and north of the site to avoid harmful impact on the amenity on existing neighbouring occupants, as well as future occupants of the development. The proposed 'L-shaped' design and orientation, together with the parking court and amenity garden buffer spaces, results in an acceptable layout that avoids harmful overlooking of nearby existing buildings.

In terms of separation, the western boundary of the proposed building is approximately 11.5 metres away from the gable of the adjacent residential property. However, no windows are in the gable of this property and the separation distance increases as the proposed building returns into the site to a minimum of 18 metres from the closest proposed window. The eastern boundary of the proposed building is approximately 12.5 meters from the neighbouring day nursery. However, the day nursery is a single storey building behind a close board fence with windows that front into the fence. To the north,

the end of the proposed building fronts obliquely onto the school playing field and the health centre. There is no direct overlooking of residential gardens or the school playing field, which are both at an angle.

The Environmental Protection Officer has reviewed the submission and not raised any objection subject to a condition securing a Construction Management Plan (CMP). This will control and minimise harm to neighbouring occupiers during the construction process.

Based on the above, Officers are satisfied that the development would protect the amenities of neighbouring occupiers and users and provide an adequate standard of amenity for the benefit of the proposal's future occupiers. The development therefore complies with the relevant policies (DP7 and DP9).

PUBLIC OPEN SPACE

Policy DP16 (Open Space and Green Infrastructure) requires that proposals for new residential development make provision for public open space based on the National Playing field Association's long-standing standard of 2.4ha of new space per additional 1,000 people.

Based on this standard and an average dwelling occupancy of 2.1 persons per dwelling, this equates to approximately 99 people living on site (2.1 persons x 47 units). This means that the required area of open space based on the proposed population is 0.24ha (2.4ha / 1000 x 99).

'Fields in Trust Guidance for Outdoor Sport and Play' states that developments between 10-200 dwellings require both a LAP (Local Area for Play) and a LEAP (Locally Equipped Area for Play) as well as a contribution towards a MUGA (Multi-Use Games Area).

The application provides amenity gardens within the site which equates to around 0.12ha, which is an under supply against the defined need. However, given the age-restricted nature of the scheme, it is not considered that many occupiers of the proposed development would use public open space in the form of a dedicated LAP, LEAP or MUGA, or put pressure on existing ones in the locality. The proposed amenity

gardens, with dedicated patio and outdoor seating options, is considered more appropriate for the target audience.

On balance, given the target age group who will occupy the development, it is not considered appropriate or necessary in this instance to require on-site provision of formal public open space or seek financial remuneration towards it.

HEALTH CARE PROVISION

As set out in policy CP1 (Mendip Spatial Strategy) new development will be expected to contribute to new local infrastructure. NHS Somerset Clinical Commissioning Group (CCG) have commented on the application advising that the combined surgeries of Wells City Practice and Wells Health Centre are already over capacity within their existing footprint. Therefore, it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review.

Taking the above into account the CCG have requested a financial contribution towards the cost mitigation of the pressures on the local healthcare facility. The cost will be £17,484 and this will be secured through a section 106 agreement.

CONTAMINATED LAND

The Ground Investigation report submitted with the application indicates that a former underground diesel storage tank is present on the site. This tank will need to be decommissioned and removed and any contamination associated with the tank will be required to be remediated before development commences. These matters can be secured via conditions.

OTHER MATTERS

The Wells Neighbourhood Plan was 'made' on 16 February 2024. The policies in the plan have been reviewed and do not present any conflict with the proposed development.

PLANNING BALANCE / CONCLUSION

The application is a resubmission of 2020/2234/FUL which remains extant until 28 April 2026. This is a material consideration which carries significant weight in the assessment of the current submission.

The overall thrust of government policy as set out in the NPPF is to encourage the delivery of sustainable development and for local authorities to significantly boost the supply of housing. The application scheme offers a proposal which would provide 47 age-restricted dwellings, including a financial contribution towards affordable housing. This is given significant weight in the planning balance, particularly in the context of the lack of five-year housing land supply in the district.

The application proposals will deliver simultaneously, economic, social and environmental benefits:

- Economic benefits will be linked to employment opportunities during the construction period but also through the increase in population and the consequent use of local businesses and services in the locality, and also through council tax receipts.
- In the context of social benefits, the proposal would provide 47 age-restricted homes to contribute towards the current shortfall across the district as well as a financial contribution towards affordable housing in the district.
- With regards to environmental benefits, the scheme will deliver ecological enhancements and open space across the development area. Sustainable construction methods and technologies will be secured by condition.

Harm to a nearby heritage asset is identified. The Grade II listed Priory Hospital would be affected by a change in the built-form and use of the site, and intervisibility between the site and the listed building would to some degree be affected. However, these are not designated views and do not surmount to the entirety or majority of the hospital's setting. This degree of impact on setting would cause less than substantial harm to the listed building at the lower end of the spectrum.

Considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise. When the less than substantial harm to the significance of the hospital is weighed with the public benefits of the proposal, the balance tips in favour of an approval given the high level of public benefits. In reaching

this decision, officers have had due regard to the requirements of Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and the provisions of local plan policy DP3 (Heritage Conservation) and Chapter 16 of the NPPF.

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

There are no highway, flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions. The layout and design of the scheme preserves acceptable living conditions for neighbours. A financial contribution towards healthcare provision will help mitigate pressures on the local healthcare facility.

Overall, the development is sustainable development, and the application is therefore recommended for approval, subject to conditions and planning obligations secured in a legal agreement.

The planning obligations are set out within the report but comprise the following:

- £100,000 towards off-site affordable housing.
- £17,484 towards the cost mitigation of the pressures on the local healthcare facility.
- Purchase of 3.36 kg/year phosphate credits (on the basis that occupation of the development is delayed until after the upgrades to the Wells wastewater treatment works have occurred (post December 2024).

It is regrettable that affordable housing financial contributions are proposed to be reduced from the previous planning application (2020/2234/FUL). However, the applicant has put forward a strong viability case which provides evidence to justify this lesser amount. Having regard to the circumstances in this case the proposal is considered acceptable and permission, subject to conditions, is recommended.

Given the policy requirements and infrastructure needs arising from the development all the above obligations are necessary to make the development acceptable in planning terms. These are directly related to the development and fairly and reasonably related in

scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

ENVIRONMENTAL IMPACT ASSESSMENT

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

EQUALITIES ACT

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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:

04 Jul 2023 - 10108WL-PA00 - THE LOCATION PLAN

04 Jul 2023 - SU-01 - TOPOGRAPHIC SURVEY
04 Jul 2023 - 10108WL-PA10 - ELEVATION - EXISTING
04 Jul 2023 - A-00-2 REV 1 - BLOCK A GROUND FLOOR PLAN
04 Jul 2023 - A-01-2 REV 1 - BLOCK A FIRST FLOOR PLAN
04 Jul 2023 - B-00-1 REV 1 - BLOCK B GROUND FLOOR PLAN
04 Jul 2023 - C-00-1 - BLOCK C GROUND FLOOR PLAN
23 Nov 2023 - 10108WL-PA01 G - PROPOSED SITE PLAN
04 Jul 2023 - 10108WL-PA02 - PROPOSED GROUND FLOOR PLAN
04 Jul 2023 - 10108WL-PA03 - PROPOSED FIRST FLOOR PLAN
04 Jul 2023 - 10108WL-PA04 - PROPOSED SECOND FLOOR PLAN
04 Jul 2023 - 10108WL-PA05 - PROPOSED THIRD FLOOR PLAN
04 Jul 2023 - 10108WL-PA06 - PROPOSED ROOF PLAN
04 Jul 2023 - 10108WL-PA07 - PROPOSED SOUTH & WEST ELEVATIONS
04 Jul 2023 - 10108WL-PA08 - PROPOSED NORTH & EAST ELEVATIONS
04 Jul 2023 - 10108WL-PA09 - PROPOSED SITE SECTION
04 Jul 2023 - 20028-BT2 - TREE PROTECTION PLAN

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 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 schedule shall include:

1. Detailed specification of the proposed materials (type, size, colour, brand, quarry location, etc.);
2. Photographs of all the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of 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 Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Materials - Retaining Wall - Making Good (Compliance)**

All work of making good to the low ashlar stone retaining wall, and gate piers which define the access, shall be finished to match the existing stonework in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1, 7 and 22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Prior to works above ground level, a detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall follow the broad principles for achieving energy efficiency set out in the Design and Access Statement and shall demonstrate how the development has incorporated reasonable and practical measures through siting, layout and design, and maximised the opportunities for the use of sustainable construction techniques, renewable energy on site and water efficiency measures. The development will thereafter be carried out in full accordance with the approved details.

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

6. **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 shrubs,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths),
- (d) any retained planting, and
- (e) a detailed programme of implementation.

All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech).

All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

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 and provide biodiversity net gain in accordance with Development Policies 1, 3, 4, 5, 6 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014), paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

7. Arboriculture - Compliance with Arb Method Statement (Compliance)

The development hereby approved shall be carried out in full accordance with the approved Arboricultural Assessment and Method Statement (by Barrell Tree Consultancy, dated 14 July 2020) and Tree Protection Plan (drawing nos. 20028-BTS).

Reason: To ensure that trees which contribute to the character and appearance of the area, and are to be retained, are not adversely affected by the development proposals in accordance with Development Policy 1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Walkover Survey (Bespoke Trigger)

No removal of vegetation or works to or demolition of the buildings or structures

shall take place until a site walkover survey undertaken by a suitably qualified ecologist has taken place to ensure that no species (particularly bats and nesting birds), which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm will need to be submitted to and approved by the local planning authority in writing.

Reason: In the interests of the strict protection of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Biodiversity and Enhancement Plan (Bespoke Trigger)**

No works above ground level shall take place until a Biodiversity Enhancement Plan (BEP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the BEP shall provide details of where suitable biodiversity enhancement will be situated in the site and shall include the following:

- (i) Bat box (south and/or west elevations).
- (ii) Bird box (east and/or north elevations).
- (iii) Bee brick (south elevation).

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

Reason: To provide biodiversity gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014), paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

10. **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, the specification of lights to be used and the kelvin outcome (recommended 2,700 - 3,000 degrees Kelvin) 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.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **AMP7 Improvements (Pre-occupation)**

The development hereby approved shall not be occupied before 1 March 2025, unless otherwise agreed in writing with the Local Planning Authority on production of written evidence that the Asset Management Plan 7 (AMP7) planned upgrades to the Wells Waste Water Treatment Works by Wessex Water to provide additional treatment capacity and improve nutrient capture have been completed and that the increase in phosphorus arising from occupation of the Development will accordingly be no more than 3.36 kg/year.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policies DP5, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) as well as Paragraphs 174 and 180-182 of the National Planning Policy Framework (July 2021).

12. **Phosphate Credits (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, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) as well as Paragraphs 174 and 180-182 of the National Planning Policy Framework.

13. **Standard Water Usage (Compliance)**

No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the policies DP5, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).and Paragraphs 134, 154 and 180 of the National Planning Policy Framework.

14. **Access, Refuse Collection Point, Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the access, refuse collection point, parking and turning areas have been constructed in accordance with details shown on the approved plans (drawing nos. 135.0032.003-C and 10108WL-PA01-G) . The vehicular access, refuse collection point, parking and turning areas shall thereafter be maintained in that condition, kept clear of obstruction and shall not be used other than for the intended uses in connection with the development hereby permitted.

Reason: To ensure that suitable access, refuse collection point, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Travel Plan (Compliance)**

The Approved Travel Plan (by Paul Basham Associates, dated May 2021) shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in

accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **Construction Management Plan (Compliance)**

The development hereby approved shall be carried out in accordance with the approved Construction Management Plan, received 29 March 2023.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Development Policies 7, 8 and 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

17. **Surface Water Drainage System (Pre-commencement)**

No development, except demolition, shall commence until details of a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water, and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policies DP7, DP8 and 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.

18. **Surface Water Drainage System (Pre-occupation)**

No development approved by this permission shall be occupied or brought into

use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with Policies DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

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

20. **Contaminated Land - Remediation Scheme (Pre-commencement)**

No development, except demolition, 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, controlled waters, ecological systems, buildings and other property and sites of historical interest, 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 development shall not commence until the approved remediation scheme has been carried out, excepting 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 can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and 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.

21. **Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence 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 can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework.

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. 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. **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.

4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>
5. The 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 examples a plank or sloped end, to allow any animals to escape. In the even that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
6. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. The developer should, therefore, intercept such water and convey it to a suitably sized soakaway on land within their ownership.
7. In relation to discharging condition 'Surface Water Drainage System' the Local Lead Flood Authority (LLFA) will expect to see the following:
 - Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS, such as raingardens / planters illustrated in discussions previously, should be considered as part of a 'SuDS management train' approach to provide resilience within the design.

- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:

- a) Details of design criteria etc. and where relevant, justification of the approach / events / durations used within the calculations.
- b) Where relevant, calculations should consider the use of surcharged outfall conditions.
- c) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
- d) Results should be provided as a summary for each return period (as opposed to each individual storm event).
- e) Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network.

- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.

- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.

- With regards to maintenance, the following information will be required:

- a) Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.

- b) A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.
8. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
 9. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.
 10. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.