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| Application Number | 2021/1975/OTS |
| Case Officer | Carlton Langford |
| Site | Land At 356804 130886 Castle Cary Road West Lydford Somerton Somerset |
| Date Validated | 7 October 2021 |
| Applicant/ Organisation | W R Berry |
| Application Type | Outline - Some Matters Reserved |
| Proposal | Outline application with all matters reserved except for access for the erection of dwelling and garage |
| Division | Mendip South Division |
| Parish | Lydford-On-Fosse Parish Council |
| Recommendation | Approval |
| Divisional Cllrs. | Cllr Claire Sully Cllr Alex Wiltshire |

What3Words: riskiest.type.balanced

Referral to Planning Committee:

The application proposes a new residential property outside of settlement limits. The officer recommendation is for approval, and therefore in accordance with the scheme of delegation this application is referred to Planning Committee as a departure from the local plan.

Description of Site, Proposal and Constraints:

The application site is situated within the open countryside to the north of the B3153 on the outskirts of Lydford on Fosse and is within the Somerset Levels and Moors Phosphate Catchment area and the land supports a Public Right of Way.

The site lies to the north of Greystones, the applicant's dwellinghouse, and comprises of a generally flat site that has a gravelled driveway onto the B3153. The driveway leads to a parking area and detached garage building. There is a further storage building and farm building on the northern boundary. The application site is landscaped and used as domestic garden to Greystones and has done for at least 25 years.

This application seeks outline planning permission with all matters reserved except for access for the erection of dwellinghouse and garage.

Relevant History:

No planning history.

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

Ward Member: No response

Parish Council: Support.

Drainage Engineer: Object based on the lack of surfacewater drainage details.

Tree Officer: Object based on there being no tree survey or proposed tree protection.

Highways Development Officer: Standing advice.

Right of Way: No objections

Environmental Protection: No objections save for the inclusion of a condition to control construction hours.

Natural England: No objection subject to securing phosphate mitigation.

Ecologist: No objections subject to the imposition of conditions to secure appropriate phosphate mitigation in the form of P-Credits and the inclusion of standard wildlife and wildlife habitat conditions to secure protection, mitigation and enhancements.

Local Representations: One letter of support received.

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Somerset Parking Strategy

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

- CP1 – Mendip Spatial Strategy
- CP4 – Sustainable rural communities.
- DP1 – Local Identity and distinctiveness
- DP3 – Heritage Assets
- DP4 – Mendip Landscapes
- DP5 – Ecology
- DP6 – Bats
- DP7 – Design and Amenity
- DP9 – Transport
- DP10 – Parking
- DP23 – Flooding

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of the Use:

The ‘Lydfords’ both East and West are designated as a Secondary Village within the Local Plan but Lydford on Fosse where the application site is located has no settlement limit and therefore designated as the Countryside.

As the site is located in the countryside, the proposal does not accord with the strategy for the delivery of new housing, as set out in the Local Plan. Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined Development Limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things,

seeks to strictly control residential development in the open countryside save for specific exceptions (Development Policies DP12, 13, and 22), which do not apply in this case.

The Council cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1 and CP2) currently have limited weight. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies.

Whilst it is appreciated that the site is within a Habitat protected area (Somerset Levels and Moors Habitat Risk Area) where a 'presumption in favour of sustainable development' does not automatically apply, the report below confirms that though mitigation there would be no adverse impact on this protected habitat and therefore no clear reason for refusing the development as per paragraph 11d (i).

However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

Although Lydford on Foss is not a village identified in the adopted Local Plan as a sustainable location for growth there is a reasonable range of local facilities including a public house, a convenience store, petrol filling station, a children's day nursery and access to public transport. Although it cannot be considered that the application site is a truly sustainable location, the aforementioned services and facilities means that future occupiers along with the existing residents would have access to some services without having to rely on private vehicular travel. These aspects and others of the proposal will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

The application site already has a domesticated appearance being the landscaped garden of Greystones, including having an existing driveway and gravelled parking area next the garage building. The site also has a built up, albeit relatively low-key, presence by virtue of the existing storage building and agricultural barn both of which are to be demolished.

Notwithstanding the presence of a field either side of the application site the distances to the neighbours to the east and west are small because these neighbouring parcels of land are narrow. There is a continuous line of houses on the opposite side of the B3153 too which gives the sense that the application site is 'within' the built-up envelope of Lydford on Fosse and this ensures that the proposed development would not materially elongate

the village into the countryside in a harmful manner and would read more as a logical infill plot.

Whilst the proposal is for outline permission only with the scale, appearance, layout and landscaping being reserved for further consideration, the intention is to have a single storey low key development of only one dwellinghouse and this is indicated on the indicative plans submitted. It is not envisaged that the proposal would change the character of the application site to such a degree to have an unacceptably adverse impact on the character and appearance of the surrounding landscape.

A single storey dwelling in this location, in lieu of the existing barn and store, and served by an existing access within the established garden plot, would not appear isolated nor out-of-context with its surroundings. As such it would not result in the significant degradation of the landscape and therefore would not meet the high threshold necessary to conflict with Policy DP4 of the Local Plan.

Impact on the Listed Building:

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

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 201 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 200-210 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

There is a single Listed Building situated across the road from the application site known as Barberry but marked as 'Perrotts' on OS mapping. The building is Grade II Listed, is an early 19th century house.

The heritage significance of Barberry is primarily derived from the architectural and historic interest of its physical fabric, and the evidential and historic value which it embodies, as an example of an 19th century domestic building.

The proposed development site being separated by the highway from the Listed Building together with the screening effects of the existing hedgerow vegetation is unlikely to harm the setting of Barberrry. The modest scale of development proposed and separation together with few overall visual changes to the character or appearance of the site within the landscape nor street scene brought by the proposal will cause no harm to the setting of the Listed Building.

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

Impact on Residential Amenity:

Notwithstanding the outline nature of this application, a dwelling is capable of being accommodated within the site in a location that is sufficiently far from any of the nearest neighbours to ensure that the development would not result in an unacceptable loss of amenity in terms of loss of light, overbearing or loss of outlook.

End users of the dwelling would be afforded a satisfactory living environment with a generously proportioned garden and a high degree of privacy.

It is very likely that a reserved matters scheme could be brought forward which would safeguard amenity for existing and future residents in the locality in accordance with Policy DP7 of the LP.

Impact on Ecology:

The application site lies within the surface water catchment of the Somerset Levels and Moors which is an area containing internationally important wildlife sites designated under the RAMSAR convention. Natural England (NE) have written to the District Council to say that the protected wildlife sites are in unfavourable condition because of the effects of eutrophication caused by excessive phosphates entering into watercourses, via wastewater effluent.

Before determining any planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment (HRA), proceeding to an Appropriate Assessment which must rule out any reasonable doubt of the likelihood of an adverse impact on the integrity of the protected wildlife sites. This requirement extends to all new housing developments, including those

connected to mains drainage systems where the effluent is treated by Wessex Water at their wastewater treatment works (such as here).

The applicant has commissioned a Phosphate Mitigation Strategy (by Water Design Engineers) which sets out the phosphate 'budget' for the proposed development. Whilst the Strategy identifies three main options to achieve phosphate neutrality, the applicant has settled on P-Credits which are now available.

The Council's Ecologist 'competent authority' has accepted the P-Credits as an acceptable solution to mitigate an adverse impact on the integrity of the protected wildlife sites which is also been agreed by Natural England. A condition will need to be imposed to ensure the P-Credits are purchased prior to the first occupation of the dwellinghouse.

The Council's Ecologist has also suggested the imposition of standard conditions to protect, mitigate and enhance biodiversity on site.

The proposal accords with Policies DP5 and DP6 of the LP.

Assessment of Highway Issues:

The proposal will utilise an existing access which is satisfactory in terms of highway safety and adequate off-street parking and turning has been demonstrated in accordance with Policies DP9 and DP10 of the LP.

Whilst Greystones will lose the use of off-street parking, it retains an existing access and off-street parking of its own adequate to serve the dwelling.

Refuse Collection:

Ample space on site to store waste and recycling bins.

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.

Other matters:

Whilst there has been an object from the Council's Drainage Engineer regarding the lack of information available to determine the impacts of the development on surface water, it is considered that as the replacement building (dwellinghouse) is unlikely to be having any additional impacts on surface water drainage over or above those currently made by the buildings on site, which are to be demolished and therefore, a suitable surface water drainage scheme can be secured through condition.

Whilst the Tree and Landscape Officer objects for the reason that the application is not accompanied by a tree survey, there are no notable or significant trees which will be lost to the development as shown on the indicative plans. To safeguard existing trees and/or ensure suitable replacement planting on the site, a pre-commencement landscaping condition is thought necessary along with the requirement for a tree protection plan.

Conclusion and Planning Balance:

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Notwithstanding the site being within a protected area (Somerset Levels and Moors Habitat Risk Area), the report confirms that there will be no adverse impacts on this habitat which might result in refusal. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal would include a contribution of one new dwellinghouse, which would make only a very modest contribution to assisting the Council's shortage of housing land within the District as a whole. The proposal would, however, have economic benefits for the duration of the construction phase and thereafter for local facilities to include a public house, a convenience store, petrol filling station and possibly a children's day nursery.

The amount of weight given to these benefits has been limited by the fact that the proposal would be in an unsustainable location alongside a small settlement. However as

set out in the technical assessment in this report no demonstrable harm has been identified. The proposal is adjacent to the existing built extent of the settlement, with dwellings immediately opposite the site and either side of the site, albeit separated by other agricultural land. As such, it would appear as a logical small extension or even infill to the village and would be seen against the backdrop of existing houses from many vantage points. It would not appear as an incongruous 'bolt-on' and/or visually remote from the settlement.

The site is also in easy access to public transport routes which again aids the site's sustainable location.

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

Recommendation

Approval

Conditions

1. Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3. Reserved Matters (Pre-commencement)

Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4. **Plans List (Compliance)**

This decision relates to the following drawings:

PL4380/1A, 2, 3A and 4.

Habitat Regulations Assessment for Application ref: 2021/1975/OTS Prepared by David Hiscox, Hackworthy Ltd.

Ecological Appraisal Report (Nov 2023)

PHOSPHATE MITIGATION STRATEGY (Water Design Engineers 27/07/2021)

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

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

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

6. **Access, Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the access, parking and turning areas have been constructed in accordance with details shown on the approved plans. The vehicular access, parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy &

Policies 2006-2029 (Adopted 2014).

7. Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence, other than those required by this condition, until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Detailed Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development;
- (b) Construction exclusion zones;
- (c) Protective barrier fencing;
- (d) Ground protection;
- (e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision;
- (f) Service positions; and,
- (g) details of any special engineering requirements, including 'no dig construction';

The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition because the works comprising the development have the potential to harm retained trees and therefore these details need to be agreed before work commences.

8. P-Credits - Purchase and Delivery (Pre-occupation)

Prior to the first occupation of the dwelling hereby approved -

(i) Evidence shall be provided which demonstrates that a sufficient number of credits has been purchased by the applicant from an approved (approved meaning by Natural England) Nutrient Credit Bank concerning application 2021/1975/OTS, which illustrates that the number of credits is sufficient to mitigate the nutrient budget totalling to 0.58kg/yr. and

(ii) Evidence showing the implementation and delivery of Hillcrest Farm cessation of dairy units, and the continuity of the removal of no less than 0.58 kg/year of phosphorous resultant from the proposed development.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policies DP5 and DP6 of the Mendip Local Plan as well as Paragraphs 174 and 180-182 of the National Planning Policy Framework (September 2023).

9. **Non-native species protocol (Pre-commencement)**

Prior to the commencement of development other than the containment, control and removal works required by this condition, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Cotoneaster on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Cotoneaster is included within this schedule. All Cotoneaster waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. This is a condition precedent because the non-native species requires containment, control and removal prior to works commencing on site. Therefore these details need to be agreed and implemented before work commences.

10. **Tree and Hedgerow Protection (Compliance)**

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

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Wildlife Protection (Compliance)**

No removal of vegetation or works to or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings

commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

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

13. **Wildlife Protection and Enhancement (Pre-commencement)**

All ecological measures and/or works shall be carried out in accordance with the details contained in '5.4 Opportunities for Ecological Enhancement', within the report titled 'Preliminary Ecological Appraisal Report Nov 2023' prior to the occupation of the development.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018 and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **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) and

(d) any retained planting.

(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).

15. **Construction Hours (Compliance)**

Noise emissions from the site during the development, i.e. the demolition, clearance and redevelopment of the site, shall not occur outside of the following hours:

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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. 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.
4. 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.
5. Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st MARCH to 31st AUGUST, no works should be undertaken to trees which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found

to be present in the trees works should immediately cease until specialist advice has been obtained from Natural England.

6. 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.
7. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
8. The developer is 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 greater than 200 mm in 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 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.