

Application Details	
Application reference numbers	2023/1515/OUT
Application type	Outline
Extension of time	Yes
Description	Outline application with all matters reserved except for access, up to 47no. dwellings (including affordable housing), open space, ecological mitigation, and supporting infrastructure.
Site address	Land At 353038 145483, Gypsy Lane, Wells, Somerset
Parish	St Cuthbert Out
Conservation area	No
Somerset Levels & Moors Ramsar site catchment area	Yes
National landscape	No
Case officer	Ed Winter
Agent	Grassroots Planning Ltd
Applicant	Wells LVA LLP And Little Burcott Limited
Reason for reporting to East committee	Major development & officer recommendation is for approval whereas St Cuthbert Out objects to the application.

1. Background and reason for return of item

1.1. This application was first considered at Somerset East Planning Committee on 1st October 2024, where it was deferred. It was then **refused** at Committee on Tuesday 3rd December 2024, for the following reasons:

- Highway concerns regarding the safety and visibility of the proposed junction with the site from the B3139
- Landscape impact
- Managing flood risk
- Failing to maximise the use of sustainable transport as a result of an insufficient contribution towards active travel, in particular towards the Strawberry Line which would significantly and demonstrably outweigh the benefits of the scheme.

For: 4, Against: 3, Abstain: 1.

- 1.2. The National Planning Policy Framework was revised on 12th December 2024 and therefore, because the decision had not been issued at that time, the application must be reconsidered in the light of the changes to the NPPF, which are material to this application.

2. Changes to NPPF material to this application (published 12th December 2024)

Key changes to the NPPF for this application

- 2.1. Housing supply calculations have changed meaning that the five-year housing supply ("5YS") available in the Somerset East area is reduced from **3.67 years to 2.20 years**.

- 2.2. For the purposes of decision-making, NPPF paragraph 11(d) has been amended as follows: **(changes in bold)**

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

*i. the application of policies in this Framework that protect areas or assets of particular importance, provides a **strong** reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, **having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.** **

****The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.***

- 2.3. Paragraph 11(d)(i) is not considered to apply to this application and therefore the change from a 'clear' reason to the 'strong' reason is not considered relevant. (11(d)(i) would be relevant if one or more of the policies listed in NPPF footnote 7 provided a strong reason for refusal (the "footnote 7 policies" relate to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75)).

- 2.4. Where paragraph 11(d)(ii) applies (as is the case here), because Somerset East does not have a five-year supply of housing sites, for applications involving the provision of housing, permission should be granted, unless any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits. However, the new section starting “**having particular regard**” alters how applications should be assessed.

2.5. Decision-makers are required to attach more weight (whether harmful or beneficial) to the policies referred to, in their planning judgments. This is considered a significant change and is analysed further below, in the context of this application (see section 3, Officer advice to Planning East Committee in the light of the revisions to the NPPF).

Other changes to the NPPF

The changes in this section are provided for information but are not considered to affect the assessment of this application.

- A ‘vision-led’ approach to transport planning is to be adopted instead of the former ‘predict and provide’ model.
- In the previous NPPF there was a reference to uplifts in density that may be inappropriate if the resulting built form would be wholly out of character with the existing area. This has been removed, in line with the government’s push for greater housing delivery.
- The reference to beauty has been removed from the design chapter. The emphasis on high-quality design is retained.
- Changes to Green Belt.
- Promotion of sites to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics.
- Restricting the locations of hot food takeaways.
- Faster delivery of public service infrastructure.
- Approving homes on suitable brownfield sites unless it would result in substantial harm.
- Specific reference to achieving net zero by 2025.
- New paragraph 163 explicitly recognises the importance of climate mitigation as a consideration in the decision-making process.
- Specific reference to sustainable drainage.
- Identifying areas for renewables & low carbon energy sources in plan-making.
- Giving significant weight to low carbon retrofit.
- Some clarifications about when the flood risk sequential test should be applied.
- Paragraph 187(d): an additional reference to “incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.”
- Paragraph 190: the previous reference to AONBs has been changed to “National Landscapes”.

Annex 1 - Implementation

For all development management decisions, the NPPF is to take immediate effect (paragraph 231). Ongoing applications and appeals will therefore need to consider the new NPPF.

3. Officer advice to Planning East Committee in the light of the revisions to the NPPF

3.1. Given that the housing supply now amounts to 2.2 years, instead of 3.67 years, the housing that would be delivered from this scheme is considered more important. Previously this was considered a significant benefit. Now it is considered a very significant benefit.

3.2. The revised NPPF requires particular regard to be given to certain paragraphs within the NPPF (66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12. The table below provides officer advice on whether this affects the assessment of this application.

<i>NPPF paragraph number</i>	<i>Affects planning assessment?</i>	<i>Commentary</i>
Chapter 5: Delivering a sufficient supply of homes		
66	No	<i>Paragraph 66, as amended, is concerned with ensuring affordable housing mix reflects local housing needs. It removes the 10% requirement for affordable home ownership. Officer advice is that the increased weight to be placed on this paragraph does not alter the assessment, because the proposed mix was already as per the revised NPPF.</i>
84	No	<i>Paragraph 84 concerns isolated homes in the countryside, which does not apply to this application. Therefore, the planning assessment is unaffected.</i>
Chapter 7: Ensuring the vitality of town centres		
91	No	<i>Paragraph 91 concerns the sequential approach to town centre uses, which is not relevant to this application.</i>
Chapter 9: Promoting sustainable transport		
110	Yes	<i>Paragraph 110 promotes sustainable transport broadly. The planning system is to actively manage patterns of growth to achieve sustainable transport objectives through focussing significant development on locations which are or can be made sustainable and offer a genuine choice of transport modes.</i> <i>Officer advice is that greater weight should be placed on the site's location, which is considered to be a sustainable</i>

		<i>one. This should be taken into account in the planning balance.</i>
115	Yes	<p><i>Paragraph 115 also covers a range of transport issues, including the prioritisation of sustainable transport modes taking into account the vision for the site and its location, safe and suitable access for all users, design of streets and impact on the transport network.</i></p> <p><i>Given that highway safety was identified by Committee as a reason for refusal, due to visibility of the proposed junction with the B3139, this should receive greater weight (albeit this position is not supported by the Highway Authority).</i></p> <p><i>Furthermore, as insufficient contributions to active travel were identified by Committee as a reason for refusal, this should also receive greater weight (albeit this was not identified as a reason for refusal by officers).</i></p>
Chapter 11: Making effective use of land		
129	No	<i>Paragraph 129 concerns making efficient use of land. While a range of considerations are referred to under 129, including the desirability of maintaining an area's prevailing character and setting, officer advice is that <u>this is in the context of achieving appropriate density</u>, rather than whether land should be development or not. As such, this paragraph could be relevant if the density were considered too high or too low, but that is not the case here.</i>
Chapter 12: Achieving well-designed places		
135	Yes	<p><i>Paragraph 135 deals with a range of design considerations, but most are more relevant to detailed design stage rather than outline stage.</i></p> <p><i>However, there is specific reference to developments being sympathetic to local character and history, including the surrounding built environment and <u>landscape setting</u>, while not preventing or discouraging appropriate innovation or change.</i></p> <p><i>Officer advice is that, due to the landscape impact of the proposed development being considered by Committee to amount to a reason for refusal, this aspect is potentially relevant to the consideration of this application. If so, it could now be attached greater weight.</i></p>
139	No	<i>Paragraph 139 concerns matters of details design not relevant to this application.</i>

Conclusion of officer advice

- 3.3. The revisions to the NPPF change the way some aspects of this application should be assessed and therefore Committee should carry out a fresh assessment and planning balance of this application.
- 3.4. The reduction in the five-year housing supply from 3.67 years to 2.20 years is significant and officer advice is that greater weight should now be placed on the benefit of housing supply.
- 3.5. The changes introduced in paragraph 11(d)(ii) and footnote 9, whereby *particular regard* should be given to the paragraphs in the table above, where they are relevant, also affects the assessment.
- 3.6. In the overall planning balance, the revised paragraph 11(d)(ii) requires that greater weight should be placed on the site's location, which is considered to be a sustainable one (110). The change weighs in favour of granting permission.
- 3.7. In the overall planning balance, the updated guidance would allow for added weight to be attached to issues of active travel and highway safety (albeit refusal on this basis is not supported by officers) (115).
- 3.8. In the overall planning balance, the updated guidance would allow for added weight to be attributed to landscape setting, being sympathetic to local character and history, including the surrounding built environment (albeit refusal on this basis is not supported by officers (135).
- 3.9. In the overall planning balance, the updated guidance is not considered to affect the assessment of flood risk (the third reason for refusal identified by committee). The site is in flood zone 1, and surface water would be managed through an attenuation system that would then drain into a watercourse at greenfield runoff rates. Neither the LLFA nor the IDB objected to this application. Therefore, the officer advice is that a reason for refusal based on flood risk should not be maintained.
- 3.10. Having reassessed the application in light of the above, it is open to the Committee to:
 - Refuse, approve or defer the application.
 - If the decision is to refuse, the reason(s) must take the revised NPPF into account.
- 3.11. In light of the worsened housing supply position and lack other reasons to refuse the application supported by specialist advice or policy reasons, the officer recommendation remains that the application should be approved.
- 3.12. Notwithstanding the officer recommendation, officer advice is that, further to the updated guidance in the revised NPPF, which specifically states that decision-makers should have **particular regard** to landscape setting, being sympathetic to local character and history, including the surrounding built environment this factor should now attract greater weight.

3.13. A landscape-based reason for refusal is considered the strongest of the four reasons identified previously, and a single reason for refusal based on harm to landscape is considered easier to maintain at appeal and reduce the exposure of the Council to its own costs and potentially the costs of the applicant (should an order of costs be made against the Council). Members are therefore advised to consider dropping the other three reasons for refusal, if they are minded to refuse the application.

4. Recommendation: Approval subject to the completion of a Section 106 agreement to include the following heads of terms and the conditions as set out below.

5. Heads of terms

5.1. Affordable housing

40% of the homes delivered to be as Affordable Housing (NPPF definition).

Trigger: Not to occupy more than 75% of the Open Market Dwellings until all of the Affordable Dwellings have been completed, fitted out and transferred to the RP.

5.2. Education contribution

Education contribution of £207,552.00/47 (£4,416.00 per dwelling).

Trigger: 50% of the contribution to be paid prior to the occupation of 30% of the total number of dwellings consented (e.g. 30% of 47 would be by 14 dwellings). The remaining 50% of the contribution to be paid prior to the occupation of 60% of the total number of dwellings consented (e.g. 60% of 47 dwellings would be by 28 dwellings).

5.3. NHS contribution

NHS contribution of £17,788 towards additional GP surgery space requirements.

Trigger: NHS contribution to be paid prior to 50% occupation of the Open Market Dwellings

5.4. MUGA contribution

A contribution of £21,373 to be paid towards the delivery of an off-site multi-use games area.

Trigger: MUGA contribution to be paid prior to the occupation of 50% of the Open Market Dwellings.

5.5. POS, including LAP & LEAP

The delivery of public open space, a local area of play and a locally-equipped area of play as well as the ongoing maintenance and management of the same.

Trigger to include: Not to occupy the more than 75% of the Open Market Dwellings until the POS including LAP and LEAP has been provided to the satisfaction of the Council and transferred to a management company.

5.6. Travel Plan

The delivery of a travel plan and associated commitments as negotiated with Somerset Council.

Trigger to include that the travel plan is submitted and approved by the Council prior to the commencement of development.

5.7. Strawberry Line contribution

In line with revised comments received from the Highway Authority, contributions of £11,412 are sought towards the Strawberry Line multi-model route or connections between the application site and the Strawberry Line.

Trigger: Strawberry Line contribution to be paid prior to 50% occupation of the Open Market Dwellings.

6. 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. Plans List (Compliance)

This decision relates to the following drawings:

PHL-01 Rev G

10602-FPCR-ZZ-XX-DR-L-0001 P03

4. Finished Floor and Levels Ridge Heights (Reserved Matters)

The Reserved Matters application shall include details of finished floor levels and ridge heights of all dwellings. Thereafter the dwellings shall be constructed in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the ground levels and ridge height of the dwellings have the potential to affect the overall acceptability of the impact of the development.

5. Footpath and Cycleway Connections (Reserved Matters)

The reserved matters application shall include a detailed scheme of a network of cycleway and footpath connections within the site including up to the site boundaries along with a programme of implementation. The footpath and cycleway

connections shall thereafter be delivered to the boundary of the site on an unencumbered basis to allow the free passage of users into and out of the site in accordance with the approved details.

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

6. Landscape and Ecological Management Plan (Reserved Matters)

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority at the Reserved Matters stage. The LEMP will include confirmation on 5m setbacks for dark bat habitat from the hedgerow and trees along the northwest (Gypsy Lane) and the eastern boundaries of the application site. Existing vegetation along the boundary is to be released from management ahead of works commencing (i.e. six months). Retained and new hedgerows, including the line of trees along the eastern boundary of the application site, will be managed bushy to attain a width of 3-5m and height of 6m and maintain an associated 5m long/tussocky grassland buffer. Details should also be given on new native bolster planting along the boundary where there are gaps, further strengthening the extent of canopy cover where the location of any connection would be chosen on the basis of minimal vegetation loss whilst maximising canopy cover from adjacent trees and this would be agreed under the direction of a suitably qualified ecologist. Information regarding the hedgerow along Burcott Lane to be released ahead of works in order strengthen connections to the eastern boundary. Finally, information should be provided regarding biodiversity net gain (BNG) and how habitats will be managed in order to meet the conditions e.g. fairly good for grassland within the BNG calculations. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41

of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local Plan.

7. Sustainability Strategy Statement (Reserved Matters)

The reserved matters application shall include a Sustainability Strategy Statement ('SSS'). The SSS shall demonstrate how the development will, in line with a timetable, incorporate reasonable and practical sustainability measures through i) the siting, layout and design of the dwellings hereby permitted, and ii) maximising appropriate opportunities for the use of sustainable constructions techniques, renewable energy on site (including the provision of operational solar voltaic panels, air source or ground source heat pumps, electric vehicle charging points and water efficiency measures (including rainwater harvesting or other methods of capturing rainwater) to each dwelling. The development hereby permitted shall be undertaken in accordance with the SSS, which shall thereafter be maintained as such.

Reason: To reduce carbon dioxide emissions and in the interests of residential amenity in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

8. Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- a. The working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
- b. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise and vibration.
- c. Proposals for the safe disposal of waste materials confirming that no burning of site generated waste will occur.
- d. A map to identify which route(s) is to be used by construction vehicles to access the site.
- e. The parking of vehicles of site operatives and visitors.
- f. Loading and unloading of plant and materials.
- g. Storage of plant and materials used in constructing the development.
- h. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities.
- i. Delivery and construction working hours, which shall not permit: noise generating activities 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. The development shall thereafter be carried out in accordance with the approved CMP.

Reason: To minimise the effect of noise, odour and dust from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and

having regard to the NPPF, in particular chapters 8 and 12. This is a condition precedent because the impacts identified above need to be understood at the earliest stage of development.

9. Construction Ecological Environmental Management Plan (Pre-commencement)

No development shall take place (including ground works or vegetation clearance) until a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including for reptiles, nesting birds, dormice and badgers.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to throughout the construction period.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Mendip District Council Local Plan Part 1 Policy DP5, and Chapter 15 of the NPPF. This is a condition precedent as harm to protected species needs to be prevented from the earliest states of the development.

10. Lighting and Bats (Pre-commencement)

No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for greater horseshoe bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging.
- b) Show how and where external lighting will be installed (through the provision of lighting contour plans illustrating Lux levels in accordance with Step 5 of Guidance Note 08/18 Bats and artificial lighting in the UK) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent greater horseshoe bats using their territory or having access to their breeding sites and

resting places. The design will also include any amenity and or security lighting where needed.

c) Show the use of shields and other methods of reducing light spill (such as the installation of physical barriers) to prevent light spill.

d) No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented before the occupation of the development hereby permitted and shall thereafter be permanently retained as such.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species, and in accordance with Mendip District Council Local Plan Part 1 Policies DP5 and DP6 and Part 15 of the NPPF. This is a condition precedent as potential harm to protected species needs to be understood and thereafter prevented from the earliest stages of the development.

11. 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. Thereafter, the surface water drainage scheme shall be permanently retained as approved.

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.

12. Phosphate Credits Allocation Certificate (Pre-commencement)

The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway. The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Development Policies 5 and 8, as well as Paragraphs 180 and 186-188 of the National Planning Policy Framework.

13. Biodiversity Enhancement and Management Strategy (Pre-commencement)

No development hereby permitted shall take place until a Biodiversity Enhancement and Management Strategy ('BEMS') has been submitted to, and approved in writing by, the Local Planning Authority. The BEMS shall provide for biodiversity net gain and shall align with the approach set out in the Ecological Impact Assessment (Grassroots Ecology, April 2024 Ref: 1318 April 2024). Development shall be carried out in accordance with the approved BEMS and the site shall be thereafter be managed in accordance with the approved BEMS for the lifetime of the development.

Reason: To avoid adverse impacts on protected and priority species & habitats in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework.

14. Roads, Footpaths and Turning Spaces (Pre-occupation)

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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).

15. New Access (Pre-occupation)

No dwelling hereby approved shall be occupied until the new access as shown on approved drawing number PHL-01 Rev G has been constructed in accordance with that drawing.

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

16. Visibility Splay (Pre-occupation)

No dwelling hereby approved shall be occupied until the visibility splay shown on drawing number PHL-01 Rev G has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained as such permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Development Policies 1, 3, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

18. Nutrient Neutrality Statement (Compliance)

The development hereby approved shall be carried out in full accordance with the as submitted in the NUTRIENT NEUTRALITY ASSESSMENT & MITIGATION STRATEGY, dated 2nd April 2024 reference RMA-C2659. This shall include installation of a Package Treatment Plant that does not require any chemical dosing and achieves 0.80 mg/l concentration of phosphorous per litre of effluent discharged. If the Package Treatment Plant needs to be replaced in the future, the replacement Package Treatment Plan must include a biological treatment (with no chemical dosing) with 0.80 mg/l concentration of phosphorous per litre of effluent discharged or less.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Development Policy 5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.

19. Estate Roads (Bespoke)

Except for enabling works (construction access, ground clearance, ecology works, archaeology works and the formation surface water drainage) no development shall commence until details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang

margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include plans and sections, the design, layout, levels, gradients, materials and method of construction.

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). This is a condition precedent because any initial construction works could have a detrimental effect on highway safety and residential amenity.

Informatives

1. In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
2. Condition Categories Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only. Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee. The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself.

There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development

Appendix A – Report to Planning East Committee October 1st 2024

Appendix B – Report to Planning East Committee December 3rd 2024