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C/o Agent
c/o Agent

Application Number: 2018/2626/REM
Date of Application: 14th November 2018
Application Type: Reserved Matters Application

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER
2015 (AS AMENDED)

THE MENDIP DISTRICT COUNCIL, being the LOCAL PLANNING AUTHORITY for the said District, hereby **APPROVE THE RESERVED MATTERS** in the development described in the application validated on 14th November 2018 subject to the conditions hereunder stated.

Proposal: Application for approval of reserved matters following outline approval 2014/1522/OTS for the construction of up to 220 dwellings (C3), open space and drainage infrastructure, formation of new means of vehicular access on A371 and associated highway works, and associated infrastructure. Matters of appearance, landscaping, layout and scale to be determined. Additional information received 06.08.2019

Location: Land North Of The A371 And West Of Wells Wells Somerset

Parish: St Cuthbert Out Parish Council

DECISION: Approval

REASON FOR APPROVAL

1. The site benefits from an extant outline planning permission under application reference 2014/1522/OTS. This application seeks permission for reserved matters relating to appearance, landscaping, layout and scale.

The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users.

The means of access and parking arrangements meet the required safety standards and will ensure the free flow of traffic on the highway.

All practical measures for the conservation of energy have been included in the design, layout and siting of the proposal.

The proposal makes adequate arrangements for the protection of biodiversity.

The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:-

- o CP1 - Mendip Spatial Strategy
- o CP2 - Supporting the Provision of New Housing
- o CP10 - Wells City Strategy
- o DP1 - Local Identity and Distinctiveness
- o DP3 - Heritage Conservation
- o DP4 - Mendip's Landscapes
- o DP5 - Biodiversity and Ecological Networks
- o DP6 - Bat Protection
- o DP7 - Design and Amenity of New Development
- o DP8 - Environmental Protection
- o DP9 - Transport Impact of New Development
- o DP10 - Parking Standards
- o DP11 - Affordable Housing
- o DP14 - Housing Mix and Type
- o DP16 - Open Space and Green Infrastructure
- o DP19 - Development Contributions
- o DP23 - Managing Flood Risk

- o National Planning Policy Framework
- o National Planning Practice Guidance
- o The Countywide Parking Strategy (2013)
- o Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- o Wells Conservation Area Appraisal (2011)

CONDITIONS

1. Plans List (Compliance)

This decision relates to the following documents/drawings:

Full Site:

PL-01 SITE LOCATION PLAN - 25.10.2018

26262 PL-PL03S Planning Layout - 02.09.19

26262 PL-06C Storey Heights Plan - 02.09.19

26262 PL-05F Materials Layout - 02.09.19

SS-01B Street Scenes, 26262 SS-02C Street Scenes - 06.08.2019

Trees / Landscape:

9356 TCP 01 Tree Constraints Plan - 19.12.18

BRL-PL210F PUBLIC OPEN SPACE LOCATION PLAN - 02.09.19

26262_BRL-PL211F Public Open Space Planting Plan (Sheet 1) - 02.09.19

26262_BRL-PL212F Public Open Space Planting Plan (Sheet 2) - 02.09.19

26262_BRL-PL101D Public Open Space Sheet 1 - 02.09.19

26262_BRL-PL102D Public Open Space Sheet 2 - 02.09.19

TREE SCHEDULE - 09.11.18

26262_BRL-PL200F Planting Plan (Reference Sheet 1) received 02.09.19

26262_BRL-PL201D Planting Plan (Reference Sheet 2), 15.07.2019

26262_BRL-PL202F Planting Plan (Sheet 1), 26262_BRL-PL203F Planting Plan (Sheet 2),
26262_BRL-PL204G Planting Plan (Sheet 3), 26262_BRL-PL205F Planting Plan (Sheet 4),
26262_BRL-PL206F Planting Plan (Sheet 5), received 02.09.19

26262_BRL-PL207D Planting Plan (Sheet 6), 26262_BRL-PL208D Planting Plan (Sheet 7),
26262_BRL-PL209_Planting Plan (Sheet 8) - 15.07.19

Drainage:

POND 1 MAINTENANCE QUESTIONNAIRE, POND 2 MAINTENANCE - 07.06.2019

8948-GA-01 C, 8948-GA-02 D, 8948-GA-03 C, GENERAL ARRANGEMENT 8948-GA-02
(DRAINAGE) - 19.12.18

8948-CP-01-P01 Catchment Plan - 28.02.19

8948-GA-05 GENERAL ARRANGEMENT WHOLE SITE - 28.02.19

8948-GA-04C - GENERAL ARRANGEMENT SHEET 4 - 07.06.2019

8948-D-03-P01 FLOW CONTROL DETAILS - 07.06.2019

8948-D-04-P01 FLOOD EXCEEDENCE PLAN - 07.06.2019

21469 43-01C IDB MAINTENANCE ACCESS - 07.06.2019

DRAINAGE CALCULATIONS, SURFACE WATER DESIGN - 14.11.2018

ATTENUATION BASIN 1 SURFACE WATER DESIGN, ATTENUATION BASIN 2 SURFACE WATER
DESIGN - 19.12.18

DRAINAGE TECHNICAL NOTE, SURFACE WATER NETWORK 1, SURFACE WATER NETWORK 2 -
28.02.19

MAINTENANCE REGIME - 07.06.19

Highways:

26262 PL-10F Areas of Adoption - 04.09.19

8948-GA-157 P01 EMERGENCY ACCESS ARRANGEMENT 05.04.19

Other:

HT-BIN-CYCLE-01 BIN AND CYCLE STORE PLANS

HT-GAR-01 SINGLE GARAGE - EAVES FRONT, HT-GAR-02 Double Garage - Eaves Front,
HT-GAR-03A SINGLE GARAGE - GABLE FRONT, HT-GAR-04 Double Owner Garage - Hipped,
HT-GAR-05 Single Owner Garage - Hipped, HT-GAR-06 Double Owner Garage - Hipped -
25.10.2018

DET-01 BOUNDARY TREATMENTS - 07.11.2018

8948-GA-06 P04 Planning Levels - 06.08.2019

House Types:

Received 28.2.19

HT-ENGLINGHAM-01 PLOTS - 100(h), 103

HT-MARYLEBONE-01 PLOTS - 98(h), 101(h), 102

Received 27.03.19

HT-SUTTON-02 - plots 59, 60

HT-CHATSWORTH-01A PLOTS - 22, 27, 28(h)

HT-ROSEBERRY-02 PLOTS 6(h), 7(h)

HT-LUMLEY-01 PLOT 71

HT-LUMLEY-03 Plot 17(h)

HT-LEICESTER-01A PLOTS 34, 35, 36

HT-SANDBSEND-01 PLOTS 18(h), 19, 20(h), 21

HT-CHATSWORTH-02 PLOTS 4, 5(h), 8, 9(h)

HT-HANBURY-01 PLOTS 53, 54(h), 57, 58(h)

HT-HANBURY-02 PLOTS 2(h), 3, 10(h), 11

HT-SUTTON-01 PLOTS 47, 48(h), 51(h), 52

HT-GREYFRIARS-01A PLOTS 68, 69(h)

HT-ROSEBERRY-01 Plot 23

HT-BEL-01 PLOTS - 185(h), 186

HT-BRAXTON-02 PLOTS - 199, 200(h)

HT-BRAXTON-03 PLOTS - 117(h), 118, 119

HT-TRUSDALE-01 PLOT 179

HT-MANFORD-01A PLOT 122(h)

HT-MARFORD-01A PLOTS 153, 163(h)

HT-MARFORD-02A PLOTS 112, 116, 139

HT-WAYSDALE-01 PLOTS 154, 171(h), HT-WAYSDALE-02 PLOTS - 154, 171(h)

HT-WAYSDALE-03 PLOTS 160(h), 165(h), HT-WAYSDALE-04 PLOTS 160(h), 165(h)

HT-GOS-01A PLOTS - 126(h), 142(h), 150(h), 151, 157, 158(h), 182(h), 191, 192(h), 193, 194(h), 208(h)

HT-STAND-01A PLOT 164

HT-STAND-02A PLOT 140

HT-STAND-03B PLOTS 111(h), 113, 115(h), 123(h), 138, 162

HT-GOS-02A Plot 187

HT-GOS-03A PLOTS 180(h), 181

HT-AMER-01A PLOTS - 120(h), 121, 124(h), 125(h), 166(h), 172

HT-EASE-01A PLOTS - 152(h), 184(h), 201, 207(h)

HT-EASE-02A PLOTS 127(h), 141(h), 155, 161(h), 183(h)

HT-YEW-01A PLOT 156

HT-BRAXTON-01 PLOTS 188, 189, 190(h), 195, 196(h), 197, 198(h)

Received 01.07.19

HT-AA31-01A PLOTS - 128(h), 129, 131(h), 132, 143(h), 144(h), 145(h), 146, 147(h), 219, 220(h)

HT-AA41-01A - 130(h), 148, 149

TW flats 01.07.19

HT-1+2BedFlat-02 Plots 173-178

HT-1+2BedFlat-01 Plots 209-217

HT-AA23-01A PLOTS - 133(h), 134, 135, 136(h), 137,167(h), 168, 169, 170, 202(h), 203, 204, 205(h), 206

Received 02.07.19

HT-AA23-02A PLOTS - 218

HT-MANFORD-02B PLOTS 114(h), 159(h)

Received 06.08.2019:

HT-BEADNELL-01B PLOTS - 39-40(h), 41-42, 60-61, 62-63(h) 75-76, 77-78(h)

HT-3BED-01 PLOTS - 13, 14, 15, 16, 106, 107, 108

HT-LEICESTER-01B PLOTS 79, 80(h)

HT-CLAYTON-01 PLOTS 1, 12(h), 26

HT-ALBEMARLE-02 86(H), 87, 94(H), 99(H) FLOORPLANS
HT-ALBEMARLE-01A PLOTS 86(h), 87, 94(h), 99(h) Elevations
HT-HOLBRAN-02A PLOTS 85(h), 88, 90, 95, 96
HT-HOLBRAN-01A PLOTS 93(h)
HT-MARYLEBONE-02A PLOTS 84(h), 91(h), 92
HT-MAYFAIR-02A PLOTS 89, 109(h), 110
HT-LUMLEY-02A PLOT 83(h)
HT-LUMLEY-01A PLOT 70
HT-GREYFRIARS-02C PLOTS 24(h), 25, 51(h), 52
HT-GREYFRIARS-01B PLOTS 66, 67(h)
HT-SUTTON-02A PLOTS 55(h), 56
HT-SUTTON-01B PLOTS 44, 45(h), 47(h), 48

Received 07.08.2019:

HT-2BED-01 PLOTS 30, 31(h), 32, 33(h), 37, 38(h), 49, 50(h), 57(h), 58(h), 59(h), 64(h), 65, 71(h), 72, 73(h), 74, 81(h), 82, 104(h), 105

Received 08.08.19:

P761 (Hanbury) PLOTS 2(h), 3, 10(h), 11, 53, 54(h), 68(h) , 69

Received 02.09.19:

26262 HT-Garages-HT-CARPORT-01 Plots 204, 205

HT-BUNG-01 PLOTS - 43(h), 46

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

2. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing materials as specified on 26262 PL-05D Materials Layout received 27.06.2019.

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

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

No occupation of any individual dwelling shall commence until its relevant and necessary 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).

4. **Tree Protection Plan - outside site boundary (Pre-commencement)**

Notwithstanding the plans hereby approved no development shall commence until an Arboricultural Impact Assessment/Tree Protection Plan and Detailed Arboricultural Method Statement in accordance with BS5837:2012 has been first submitted to and approved in writing by the Local Planning Authority showing how all trees and hedgerows are to be retained outside and adjacent to the site boundary.

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) Service positions
- (f) Details of any special engineering requirements including 'no dig construction'
- (g) Pre construction tree works
- (h) Facilitation pruning
- (i) Details of the contractor compound, storage, parking and working space for plant and scaffolding during construction
- (j) Name and contact details of the Arboricultural Contractor(s) and/or Consultant(s) who will be implementing the tree works proposed and overseeing the required "Tree Protection Measures" as shown on the Tree Protection Plan (as approved)

The development shall thereafter be carried out in strict accordance with the approved Detailed Arboricultural Method Statement.

Reason: in the interests of protecting the trees/hedges that are important to the setting and green infrastructure of the proposal site, integral to the local landscape on or immediately adjacent the site. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may damage trees which make a positive contribution to the street scene.

5. Tree Protection Plan - within site boundary (Pre-commencement)

Notwithstanding the plans hereby approved no development shall commence until an Arboricultural Impact Assessment/Tree Protection Plan and Detailed Arboricultural Method in accordance with BS5837:2012 has been first submitted to and approved in writing by the Local Planning Authority showing how all trees and hedgerows are to be retained as shown on approved documents 26262_BRL-PL211C Public Open Space Planting Plan (Sheet 1) and 26262_BRL-PL212_Public Open Space Planting Plan (Sheet 2) received 27.06.19. 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) Service positions
- (f) Details of any special engineering requirements including 'no dig construction'
- (g) Pre construction tree works
- (h) Facilitation pruning
- (i) Details of the contractor compound, storage, parking and working space for plant and scaffolding during construction
- (j) Name and contact details of the Arboricultural Contractor(s) and/or Consultant(s) who will be implementing the tree works proposed and overseeing the required "Tree Protection Measures" as shown on the Tree Protection Plan (as approved)

The development shall thereafter be carried out in strict accordance with the approved Detailed Arboricultural Method Statement.

Reason: in the interests of protecting the trees/hedges that are important to the setting and green infrastructure of the proposal site, integral to the local landscape on or immediately adjacent the site. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may damage trees which make a positive contribution to the street scene.

6. **Removal of Permitted Development Rights - No Windows (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, roof lights or openings, other than those shown on the plans hereby approved, shall be formed above ground floor level on plots 43, 46 and 60-61 in the elevation or roofslope at any time unless a further planning permission has been granted.

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

7. **Removal of Permitted Development Rights - Obscure Glazing (Compliance)**

The proposed side (east) windows on plots 29, 43, 46 and 60-61 shall be glazed with obscure glass. The window/s shall also be non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window/s is installed. The window/s shall be permanently retained in accordance with the requirements of this condition.

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

8. **Provision and Storage of Recycling and Waste Containers (Pre-occupation)**

No occupation of any individual dwelling shall commence until its respective provision for the storage of recycling and waste containers has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Policies DP3, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Levels and Heights (Compliance)**

The development shall be completed in accordance with '8948-GA-06 P03 Planning Levels' received 08.07.2019

Reason: For the avoidance of doubt and to clarify the finished height of the development to accord with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Flood Risk Assessment and Surface Water Drainage Strategy (Bespoke Trigger)**

The development shall only be carried out in accordance with the approved details set out in DRAINAGE TECHNICAL NOTE, SURFACE WATER NETWORK 1, SURFACE WATER NETWORK 2, 8948-CP-01-P01 CATCHMENT PLAN received 28 Feb 2019; and 8948-D-04-P01 FLOOD EXCEEDENCE PLAN, 8948-D-03-P01 FLOW CONTROL DETAILS, MAINTENANCE REGIME received 07.06.2019.

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).

11. Maintenance Access for Watercourses (Compliance)

The development shall be carried out in accordance with the approved IDB MAINTENANCE ACCESS received 07 Jun 2019 and maintenance access for watercourses shall be retained in perpetuity.

Reason: To prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. Footpath Linkages (Pre Occupation)

Flat footpath / cycle path linkages shall be implemented as shown on Layout Plan 26262 PL-03Q received 27.06.2019. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority.

Reason: To ensure that suitable access is provided in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. Surface Water Drainage System (Bespoke Trigger)

No development other than the provision of the site access shall commence until an updated plan for Basin 2 including details of forebay and preferential flow has been submitted to and approved 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 Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. Public Right of Way (Bespoke Trigger)

No development hereby approved which shall interfere with or compromise the use of footpath WS 10/54 shall take place until a path diversion order has been made and confirmed, and the diverted route made available to the satisfaction of the Local Planning Authority.

Reason: To ensure the public right of way is not compromised.

15. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved on plots 29, 43, 46, 54, 55, 56 shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

16. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings or hardstanding shall be erected within the curtilage of the dwelling(s) hereby approved on plots 54, 55 and 56, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings or hardstanding requires detailed consideration by the Local Planning Authority to safeguard the nearby protected tree.

NOTES

1. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

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

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

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

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

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is £116 per request (or £34 where it relates to a householder application) and made payable to Mendip District Council. The request must be made in writing or using the Standard Application form (available on the council's website www.mendip.gov.uk). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. 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.
3. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
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. 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 <http://www.sedgemoor.gov.uk/SomersetBCP/>

6. The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Axe Brue Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.
7. The promoter of works is required to contact Bristol Water directly to discuss requirements in detail prior to commencement of development.
8. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
9. With regard to condition 10, the applicant should inform the SUDS Inspectors 2 weeks prior to commencement of construction (DevelopmentEngineering@somerset.gov.uk).
10. The applicant is encouraged to liaise with neighbours prior to construction and through the construction period.



Julie Reader-Sullivan
Planning and Growth Group Manager

If you have any queries regarding this notice please contact our Customer Services Team on 0300 303 8588

Dated 19th September 2019