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BS39 7SU

Application Number: 2018/2722/REM
Date of Application: 5th 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 5th November 2018 subject to the conditions hereunder stated.

Proposal: Application for approval of reserved matters following outline approval 2015/2532/OTS for the erection of 16 dwellings and associated access. Matters of access/appearance/landscaping/layout/scale to be determined.
Location: Land To The West Of Date Palms Ltd. Ham Street Baltonsborough Glastonbury BA6 8PT
Parish: Baltonsborough Parish Council

DECISION: Approval with Conditions

REASON FOR APPROVAL

1. The site benefits from an extant outline planning permission under application reference 2015/0527/OTA. This application seeks permission for reserved matters relating to access, 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:-

CP1 and CP2 (Principle of Development), DP1 (Local Identity), DP3 (Heritage), DP5 (Biodiversity), DP6 (Bats), DP7 (Design and amenity), DP8 (Environmental Protection), DP9 (Transport), DP10 (Parking), DP11 (Affordable Housing), DP14 (Mix and Type of Housing), DP16 (Open Space), DP19 (Development Contributions), DP23 (Managing Flood Risk) of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014)
National Planning Policy Framework
Planning Practice Guidance
The Countywide Parking Strategy (2013)

CONDITIONS

1. **Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.
2. **Plans List (Compliance)**
This decision relates to the following drawings:
F1302/101, F1302/102, F1302/103, F1302/104, F1302/105, F1302/107, PDL 101 C, Drainage Strategy - received 02.11.2018
F1302/001 B - received 26.11.19
F1302/SP 02A, F1302/SP 01C - received 07.1.19
F1302/106A - received 11.3.19
Reason: To define the terms and extent of the permission.
3. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**
No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.
Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
4. **Estate Roads (Bespoke Trigger)**

The proposed estate roads, footways, footpaths, 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, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

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

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

No occupation shall commence until the access, parking, turning areas and footpaths have been constructed in accordance with details shown on the approved plans with properly consolidated and surfaced footpaths and carriageways to at least base course level between the dwellings and existing highway. The vehicular access, parking, turning areas and footpaths 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).

6. **Soft Landscaping (Pre-occupation)**

No occupation shall commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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).

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

The development hereby approved shall not be occupied until 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).

8. **Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this

condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

9. **Boundary Details (Pre-occupation)**

No occupation shall commence until details of the boundary treatments on the eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of privacy and/or visual amenity in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The proposed east (side) elevation of plot 1, west (side) elevation of plot 5, north (side) elevation of plot 6, south (side) elevation of plot 9, south (side) elevation of plot 10, north (side) elevation of 11, south elevation of plot 13, west (side) elevation of plot 15, east (side) elevation of Plot 16 shown on submitted plans as serving bathrooms (annotated as obscured) windows 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).

11. **Drainage (Pre-commencement)**

No development shall begin until a detailed methodology for the formation and construction of the private cellular storage as shown on PDL-101 Rev C received 02 .11.2018 (including an inspection schedule) has been submitted to and been approved in writing by the Local Planning Authority. The approved methodology and inspection schedule shall be strictly adhered to for the completion of this part of the development, which shall be completed prior to the occupation of the dwellings hereby approved.

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

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. 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. 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.
5. 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.
6. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
7. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

8. The applicant is reminded that this reserved matters approval should be read in conjunction with the outline planning permission for the site (2015/2532/OTS) which contains further conditions in relation to the development.
9. Condition 4 of this permission requires the submission and agreement of estate roads details, including lighting details. In relation to lighting a low impact proposal with defined pattern of illumination is required that does not result in any back spill of lighting. As well as securing approval from local planning authority, the applicant would be required to secure the necessary approvals from the highway authority and the applicant is advised to consult the ward member and the parish council in advance of submitting any proposals for formal consideration.



Tracy Aarons
Deputy Chief Executive

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

Dated 14th May 2019