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NOTIFICATION OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Application Type: Variation or Removal of Conditions **Application No:** 2022/0218/VRC

Location of Development: 6 Frome Road Rode Frome Somerset BA11 6PW

Description of Proposal: Variation of condition 2 (Plans List) of permission 2019/0620/REM (Application for approval of reserved matters following outline approval 2015/1431/OTS redevelopment to replace existing dwelling and garage with 5no. new dwellings and associated garages. Matters of access/appearance/landscaping/layout/scale to be determined).

Application submitted by: Rathbourne Limited

Mendip District Council, hereby **GRANT** the application described above subject to the following:

Condition(s)

1. **Plans List (Compliance)**

The development hereby approved shall be carried out in full accordance with the following approved drawings:

- FR4
- FR6A
- FR10
- FR11
- FR 12
- FR13
- FR14

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

2. **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 DP1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 3. Sample Panel - Walling (Bespoke Trigger)**
Notwithstanding the details provided on the approved plans, no construction of the external walls of the development shall commence until a sample panel of all external walling materials (including render and timber cladding) to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 4. Joinery Details - Submission of Details (Bespoke Trigger)**
No piece of external joinery shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 5. Ducts, Pipes, Rainwater Goods - Submission of Details (Bespoke Trigger)**
No ducts, pipes, rainwater goods, vents or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall thereafter be retained in that form.
Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 6. Garages (Compliance)**
The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose.
Reason: To ensure adequate off-street parking provision is retained in accordance with Policy DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 7. Parking (Compliance)**
The dwellings hereby approved shall not be occupied until they are served by their respective allocated parking spaces, including garages. The areas allocated for parking and turning shall be kept clear of obstruction at all times. The parking and turning areas shall be permanently retained and maintained thereafter.
Reason: To ensure that sufficient parking is provided to serve the approved development in the interests of highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 8. Footpath and Carriageways (Pre-Occupation)**
No part of the development hereby permitted shall be occupied or brought into use until the footway works along the site frontage and access points have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details and be permanently maintained and retained as such thereafter. The provision of these works will require a Highway Authority legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.
Reason: In the interests of highway and pedestrian safety and the future amenities of the occupiers of the development and locality in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Construction Management Plan (Pre-commencement)**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) delivery and construction working hours.

The development shall thereafter be constructed in accordance with the approved Construction Method Statement.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

10. **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).

11. **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 shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority in the interests of preserving the visual character and appearance of the development and wider area and to safeguard the living conditions of neighbouring properties, having regard to the provisions of Policy DP1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **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 shall be erected within the curtilage of the dwelling(s) hereby approved, 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 requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities

of the surrounding area and residents in accordance with Policies DP1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informative(s):

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 116GBP per request (or 34GBP 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 they need to consult Somerset County Council Rights of Way Team with regards to the diversion of FR13/18.

Date of Decision: 30 June 2022



Julie Reader-Sullivan
Head of Service Planning and Growth

NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or to approve it subject to conditions, you may appeal to the Secretary of State under Section 78 and 79 of The Town and Country Planning Act 1990, Section 20 of The Planning (Listed Building and Conservation Area) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisements) Regulations 1992.

- You must appeal within 6 months of the date on the decision notice (12 weeks for Householder applications, 8 weeks for Advertisement consent)
- Appeals must be made using a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at: <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990 and/or Section 32 of The Planning (Listed Building and Conservation Area) Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990, Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in respect of Tree Preservation Orders, Section 203 of The Town and Country Planning Act 1990.

NOTES IN RESPECT OF ALL APPLICATIONS

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building, Listed Building Consent may also be required before work commences.
- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the County Council, as Highway Authority should also be obtained - <https://www.somerset.gov.uk/roads-and-transport/>
- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: <https://www.somerset.gov.uk/waste-planning-and-land/public-rights-of-way/>
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department, Mendip District Council, for assignment of the official address/es. Details are available at www.mendip.gov.uk/snn

