

D Bissex
Meadow View
Radstock
BA3 3QT

D Rowe
1 Apple Meadow View
Park Hayes
Leigh-on-Mendip
Radstock
BA3 5GP

NOTIFICATION OF DECISION

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

Application Type: Full Application **Application No:** 2021/1341/FUL

Location of Development: 28A Hervey Road Wells Somerset BA5 3JD

Description of Proposal: Erection of 1no. attached dwellinghouse.

Application submitted by: D Rowe

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

Condition(s)

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:

2021657
2021658
2021659
2021660
2021661
2021662
2021663

Validated 07/06/2021

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

3. **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 174 and 180-182 of the National Planning Policy Framework (September 2023)."

4. **Biodiversity Enhancement (Net Gain) (Pre-occupation)**

No occupation shall commence until the following have been installed within the application site:

- a. 1 x Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from the windows on the north elevation.
- b. 1 x integrated bee brick must be built into the external wall space of the new building. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting.
- c. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.

These measures shall be retained thereafter in perpetuity.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

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

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Discharge from the site shall be restricted to greenfield rates of runoff with attenuation provided up to the 1 in 100 year plus 40% climate change event. The scheme shall include a programme of implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Development Policy 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

6. **Water Efficiency (Compliance) (Pre-commencement)**

The approved dwelling(s) shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Parking (Compliance)**

The areas allocated for parking and turning on the submitted plan 2021659 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that sufficient parking is provided to serve the approved development in the interests of highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informative(s):

1. Securing the Acquisition of Third-party Phosphate Credits

If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of P-credits, then the implementation of your planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore you must obtain formal discharge of the condition prior to commencing any works on site.

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

3. Legal Protection Afforded to Badgers

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.

4. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop immediately, and do not restart either until the young have fledged or advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

5. 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.

Date of Decision: 6 December 2023

Mickey Green
Executive Director
Climate and Place

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,
- Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012,
- Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 or
- Section 195 of the Town and Country Planning Act 1990

You must appeal **within the following timescales**:

- **28 days** from the date on the decision notice for works to trees covered by Tree Preservation Orders (TPO) using the form available here:

[Appeal a decision about a tree preservation order: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **8 weeks** from the date on the decision notice for Advertisement Consent using the form available here: [Appeal a decision about consent to display an advertisement: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **12 weeks** from the date on the decision notice for householder applications using the form available here:

[Appeal a householder planning decision: Overview \(www.gov.uk\)](http://www.gov.uk)

- **12 weeks** from the date on the decision notice for minor commercial applications using the form available here:

[Appeal a minor commercial development decision: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **6 months** from the date on the decision notice for Listed Building Consent using the form available here:

[Appeal a listed building consent decision: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- There is **no time limit** for submission of an appeal for a Certificate of Lawfulness or a Listed Building Certificate of Lawfulness using the form available here:

[Appeal a decision about a lawful development certificate: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **6 months** from the date on the decision notice for all other applications using the form available here: [Appeal a planning decision \(www.gov.uk\)](http://www.gov.uk)

You can contact the Planning Inspectorate's customer support team if you need help using the online service above by email: enquiries@planninginspectorate.gov.uk or telephone: 0303 444 5000 Monday to Friday, 9:00am to 12:00pm (noon) (except public holidays).

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 they 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 VI 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 them.
- 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 the work can commence.
- 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 Somerset Council, as Highway Authority should also be obtained - [Roads, travel and parking \(somerset.gov.uk\)](#)
- 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: [Public Rights of Way \(somerset.gov.uk\)](#)
- 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 of Somerset Council, for assignment of the official address/es. Details are available at [Street naming and numbering \(somerset.gov.uk\)](#)