

T Price
Orme Ltd
Mill Farm Barns
Tuckers Lane
Baltonsborough
Glastonbury
BA6 8RH

R & J Coakes
Batch Brooke
Muchelney Road
Baltonsborough
Glastonbury
Somerset
BA6 8PQ

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:** 2023/2035/VRC

Location of Development: Batch Brooke Muchelney Road Baltonsborough Glastonbury
Somerset

Description of Proposal: Application to vary condition 2 (Plans List) 3 (Materials) 8 (Access, Parking and Turning Areas) and 9 (Vehicle Visibility Splay) of planning approval 2023/0360/FUL (Demolition of existing dwelling and outbuilding and erection of replacement dwelling and outbuilding and creation of new access.) to substitute approved drawings.

Application submitted by: R & J Coakes

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

Condition(s)

1. **Standard Time Limit Section 73 - Variation of Condition (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 2023/0360/FUL dated 18.08.23.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

2. **Plans List (Compliance)**

This decision relates to the following drawings:

1763/001, 1763/002, 1763/010, 1763/006, 1763/011, 1763/012, 1763/020 Rev A, received 04.04.23 and 1763/003 Rev B received 30.05.23 and 1763/004 Rev D, 1763/005 Rev D, 1763/007 Rev B, 1763/030 Rev B, 1763/031 Rev B, 1763/040 Rev C and 1763/041 Rev B validated 26.10.23.

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 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, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Sample - Roofing (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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 Development Policies 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Sample Panel - Walling (Bespoke Trigger)**

No construction of the external stone walls of the development shall commence until a sample panel of the external stone walling materials 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 Development Policies 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Removal of Existing Dwelling (bespoke trigger)**

Prior to first occupation of the dwelling hereby approved, the existing dwelling known as Batch Brooke, Muchelney Hill, Baltonsborough shown on drawings 1763/001, 1763/002 and 1763/006, shall be demolished and the land restored to domestic garden for use in association with the new dwelling.

Reason: To avoid unjustified dwellings in the open countryside in accordance with policies CP1, CP2, CP4 and Development Policy 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Existing Vehicular Access (bespoke trigger)**

Within one month of the first occupation of the proposed dwelling the existing vehicular as shown on drawing 1763/006 shall be closed off for use the new hedge shown on drawing 1763/007 Rev B shall be provided on site or in accordance with a programme (phasing) agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Development Policy 1, 4 and 7, in the interests of biodiversity having regard to policy DP5 and in the interests of highway safety (Policy DP9) of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation shall commence until the 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 Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Removal of Permitted Development Rights - Vehicle Visibility Splay (Compliance)**

Notwithstanding the provisions of the Town and Country Planning General Development Order 2015 (or any order revoking and re-enacting that Order) there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the approved plans drawing 1763/007 Rev B. The development hereby approved shall not be brought into use or occupied unless such visibility is available and shall be retained permanently thereafter.

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

10. **European Protected Species Mitigation Licence (Pre-commencement)**

No demolition to the existing house as shown on drawings 1763/002 and 1763/006 shall commence until the following has been submitted to and approved in writing by the Local Planning:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence - for bats only.

Reason: In the interests of the strict protection of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

11. **Provision for Bats (Pre-commencement)**

No development shall commence until;

- a) Construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the toolbox talk; and prior to demolition of the existing house,
- b) An Beaumaris Woodstone Bat Box (or similar) to provide a suitable alternative roosting location, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing their installation will be submitted to the Local Planning Authority; and
- c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: In the interests of the strict protection of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure the strict protection of European protected species.

12. Implementation of Wildlife Scheme (Compliance)

All ecological measures and/or works shall be carried out in accordance with the details contained in Section 4.1.1 of the submitted Bat Survey Report (Nash Ecology, November 2022).

Reason: In the interests 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 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. External Lighting (Bespoke Trigger)

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to, and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory and will not cause harmful light pollution in the countryside. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and protecting the character and appearance of the countryside in accordance with Development Policies 1, 4, 5, 6, 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. Nesting Bird Protection (Bespoke Trigger)

No removal of buildings, structures, or removal of trees, hedges, or shrubs shall take place between 1st March and 30th September inclusive unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No removal of buildings, structures, or removal of trees, hedges or shrubs shall be removed between 1st March and 30th September inclusive other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Development Policy 5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. Biodiversity Enhancement (Net Gain) (Pre-occupation)

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

- a. four integrated bat bricks and soffit boxes or fascia boards to be engineered to include small crevices that could be exploited by bats.
 - b. 2x Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 3m and 4m high on the northerly facing aspect of mature trees or building
- The bat box and bird box 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.

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 145GBP per request (or 43GBP where it relates to a householder application). 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.

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 <https://buildingcontrol.somerset.gov.uk/>

Date of Decision: 20 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 \(somerset.gov.uk\)](#)