

Planning Board

DATE: 21st October 2020

NOTES:

1. Items may be taken out of order and therefore we are unable to advise the time at which an item will be considered.
2. Applications can be determined in any manner notwithstanding the recommendation being made
3. Councillors who have a query about anything on the agenda are requested to inspect the file and talk to the case officer prior to the meeting.
4. Any members of the public wishing to make late additional representations should do so in writing or contact their Ward Councillors prior to the meeting. Please give a day's notice if you wish to inspect a file if this is possible.
5. Letters of representation referred to in these reports together with any other background papers may be inspected at any time prior to the Meeting and these papers will be available at the Meeting.
6. For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, 'background papers' in accordance with section 100D will always include the case officer's written report and any letters or memoranda of representation received.

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DM02	20	2020/1009/FUL	Commerce Park, Imperial Way, Frome, Somerset, Beckington And Selwood	Delegation to approve subject to S106 legal agreement	Anna Clark
DM03	34	2020/0960/FUL	The Queens Arms , Wraxall Road, Wraxall, Shepton Mallet, BA4 6RQ The Pennards And Ditcheat	Approve	Mr James U'Dell
DM04	51	2020/1195/FUL	Four Hands , Village Lane, West Horrington, Wells, BA5 3ED St Cuthbert Out North	Approve	Mr Callam Pearce
DM05	63	2020/0775/FUL	30 Wells Road, Wookey Hole, Wells, Somerset, BA5 1DN St Cuthbert Out North	Refuse	Charlotte Rogers
DM06	69	2020/0652/OTS	The Old Parsonage , Parsonage Lane, Chilcompton, Wells, BA3 4HD Ashwick, Chilcompton And Stratton	Approve	Sarah Tucker

Agenda Item No.	DM01
Case Officer	Mr James U'Dell
Site	Lambrook Pig Unit Wyke Farm To Snagg Farm Lamyatt Shepton Mallet BA4 6NX
Application Number	2020/0581/FUL
Date Received	13th March 2020
Applicant/ Organisation	Mr Jason Fewell Wyke Farms
Application Type	Full Application
Proposal	Demolition of existing pig fattening unit (agricultural use) and erection of 8 storage units (use class B8 storage and distribution) together with welfare facilities, parking and landscaping works to be used ancillary to the operation of Wyke Farms, Lambrook Pig Unit, Wyke Farm to Snagg Farm, Lamyatt, Shepton Mallet, Somerset, BA4 6NX
Ward	Postlebury
Parish	Lamyatt Parish Meeting
Recommendation	Approval
Ward Cllrs.	Councillor Michael Gay

What 3 Words: <https://w3w.co/packages.rectangular.gliding>

Referral to Planning Board

This application is referred to the Planning Board at the request of the Chair and Vice Chair of the Planning Board following a referral due to the Ward Members comments.

Site Description and Proposal

This application relates to Lambrook Pig Unit, Wyke Farm to Snagg Farm, Lamyatt which is owned and run by Wyke Farms.

Wyke Farms business headquarters are located at White House Farm in Bruton (1.1 miles away from the application site), where the cheese and butter production facilities are located along with offices and a retail outlet. Storage facilities are currently provided at a separate site in Frome, while packaging is undertaken in Wincanton.

Wyke Farms have recently secured planning permission to renew its dairy processing and production facilities in Bruton with a state of the art, energy efficient cheese dairy.

This full planning application seeks consent to provide an equally modern storage facility at Wyke Farms Lamyatt site, located near to the main production headquarters at Bruton, through the demolition of the existing pig fattening units (agricultural use) and the erection of 8 storage units (B8 storage and distribution use) for the storage of cheese products, together with new staff welfare facilities, parking and landscaping works.

The existing site is currently vacant but has a lawful use for agriculture, relating to a pig fattening unit, with an extensive range of buildings of various scales that cover the majority of the site. To the north of the site are existing bio-gas units (anaerobic digesters) also belonging to Wyke Farms, where green energy is produced/ generated.

The proposed storage buildings will create 9050m² of commercial floorspace within a B8 storage and distribution use class. The storage buildings will measure a maximum of 10.1m in height (to ridge) and have a maximum width of 25m and length of 45m. The buildings to be removed have a total floor area of 11,480m² (previously used for agriculture), resulting in a net reduction of 2,430m² in floor area/ buildings.

The welfare facilities include a single storey building, measuring 12m in length and 4.8m in width with a maximum height of 5m to ridge, accommodating a staff breakout area and toilets and showers/ changing facilities. In addition an open-sided cycle store is proposed, housing up-to 16 bicycles. 20 on-site parking spaces are proposed and alterations to the main access and wider landscaping are also included.

A period of public consultation expired on the 16th June 2020.

Planning History

2016/0823/CNT - The extension of existing combined heat and power biogas installation with 2 additional digesters (County Matter Application) – No objections raised 20.04.2016.

2014/1405/FUL - Installation of bio methane gas to natural gas grid plant – Approved with conditions 28.10.2014.

2012/1980 - Proposed localised diversion of underground service line in connection with proposed installation of anaerobic digestion plant (biogas plant) cross reference with application 2012/1085 (County Matter Application) – No objections raised 08.11.2012.

2012/1085 - Anaerobic Digestion Plant, including 3 no Digestive Tanks, Generator Set, Fencing, Hardstanding and other Ancillary Development; plus a 1.7km Underground Pipeline (to White House Farm, Wyke Champflower) (County Matter Application) - No objections raised 19.06.2012.

Consultations and Representations

Ward Member(s) - Asks that the application be called into the Planning Board, raising the following issues:

- Noise, light, visual impact, hours of operation: affecting the amenity of residents;
- Landscaping to north requires consideration;
- Highways impact and travel assessment;
- Drainage and flooding;
- Contamination watching brief.

Parish Council - Support the application, subject to the following issues being taken into account:

- Operation hours;
- Lighting;
- Noise;
- Vehicle movements and highway safety;
- Landscaping and screening.

Highways (SCC) - No objections, subject to conditions.

Drainage Officer - No objections, subject to foul and surface water drainage conditions.

Local Lead Flooding Authority (SCC) - No objections, subject to a surface water drainage condition.

Environment Agency - No objections.

Wessex Water - No objections received.

County Ecologist (SCC) - No objections, subject to the attachment of relevant conditions.

Environmental Protection Officer (MDC) - No objections, subject to conditions.

Contaminated Land Officer (MDC) - No objections, subject to a watching brief informative.

Tree Officer (MDC) - No objections received.

Somerset Building Control Partnership - No objections received.

Representations - 9 letters of objection and 8 letters of support have been received, raising the following issues (summarised):

Objections:

- B8 storage and distribution use is not appropriate
- Harm to residential amenities
- Noise and disturbance
- Smells and air pollution
- Highway safety concerns
- Light pollution
- Visual harm
- Impact to adjoining tourism businesses
- Impact to ecology and bio-diversity
- Contrary to local plan and national policies

Support:

- Improvement to existing situation/ use
- Cheese storage is an appropriate use for the site
- Reduction of food miles
- Applicant has taken on board concerns raised
- Colour scheme should help the units blend into landscape
- Highways impact is acceptable
- Bicycle store is welcomed
- Leaders in reducing carbon footprint
- Supports economic growth

- Support the views of the Parish Council
- Environmental benefits
- Visual impact acceptable

Non-material Planning Issues:

- Impact of construction process
- Property values
- Fire safety

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

Planning Analysis

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 (Spatial Strategy)
- CP3 (Supporting Business Growth and Development)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other Material Considerations:

- National Planning Policy Framework (NPPF), 2019
- Planning Practice Guidance (PPG), 2012
- Somerset County Council Parking Strategy, 2013
- Somerset County Council Standing Advice, 2015

Key Issues

Principle of Development

The site lies outside any defined development limits in a location where development is strictly restricted in accordance with the provisions of Policy CP1 of the Mendip District Local Plan (MDLP). The site was previously used for agriculture in relation to a pig fattening enterprise and there are a number of old and redundant buildings remaining, which take up the majority of the application site.

The site has a lawful commercial use in association with agriculture and ultimately could revert back to the existing use as an intensive pig fattening unit (or another agricultural use). It should also be noted that an existing weigh-bridge (for lorries carrying hay, straw, grain(s) etc..) will also be removed from the site to facilitate the development, which will further reduce movements of large vehicles to and from the site.

The proposal looks to demolish the existing buildings and structures and erect eight new storage buildings and a staff welfare building, to be used ancillary to the overall operation of Wyke Farms.

The proposal offers wider economic benefits supported by the provisions of Policy CP3 of the Mendip District Local Plan, which offers general support for development where it supports business development and growth. The development will create 2 new full time jobs.

Policy CP4 also supports proposals for development of the rural economy (as set out in Policy CP3), which enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it. In this respect the proposed storage facilities will replace existing commercial (agricultural) buildings and are well related to the existing facilities located at Wyke Farms, allowing the rural enterprise to expand in a manner and scale that is appropriate to its location and the constraints placed upon it. The development will also create storage facilities within closer proximity of the main production facilities in Bruton (located 1.1 miles away).

Bearing in mind the above assessment, it is considered that the proposal accords with the provisions of Policies CP3 and CP4. As such the general principle of the development is supported.

Impact on the Character and Appearance of the Site and Surrounding Area

Policy DP1 of the Local Plan states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 states that proposals should be of a scale, mass, form, and layout appropriate to their local context. Policy DP4 recognises the quality of Mendip's landscapes and suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features.

The existing site has a number of redundant buildings and structures that cover the majority of the site area, the remainder of which is hard-surfaced. Several of these buildings are taller than the new storage buildings proposed and these buildings have a minimal visual impact on the locality having regard to the degree of existing natural screening present. The existing bio-gas structures are also significantly taller (4.1m taller) than the buildings proposed and these are well screened.

The proposed storage buildings occupy a similar overall built footprint to the existing redundant buildings and will also be well screened by natural vegetation that surrounds the site. The storage buildings will be suitably covered in metal cladding to match the green of the existing bio-gas units

(anaerobic digester units on adjacent site), to reduce their visual prominence. The welfare building has a modest scale and has been suitably designed and positioned within the site.

Additional boundary planting is proposed along the north/ north-eastern boundary to improve levels of natural screening of the proposed buildings, which would be secured under a landscaping scheme condition. As such it is considered that the new buildings will not have a significantly harmful visual impact on the character of the area or the wider landscape setting.

It should also be noted that the site is not located within a special landscape designation and there are no existing heritage assets that would be affected by the development.

Tree protection measures will be put in place to ensure that the natural tree screening is retained/ protected from the development and new planting will be secured by a relevant hard and soft landscaping scheme.

Bearing in mind the above assessment, it is considered that the development, with the attachment of relevant conditions, will comply with the provisions of Policies DP1, DP4 and DP7 of the Mendip District Local Plan and the guidance set out within the NPPF. As such the visual impact of the development is considered to be acceptable and will not create adverse harm to the character of the area or wider landscape setting.

Impact on Residential Amenity

Policy DP7 of the MDLP states that new development should protect the amenities of neighbouring occupiers and users, and provide an adequate standard of amenity for the benefit of the proposal's future occupiers. Policy DP8 states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

The application proposes the creation of extensive storage buildings and new parking and turning areas, as such there will be potential for noise from the comings and goings and movements of vehicles within the site that needs to be considered having regard to the proximity of adjoining residential properties, several of which have raised objections.

The Environmental Protection Officer has raised no objections to the development proposed, subject to the attachment of relevant conditions, which include restrictions relating to delivery and collection hours, vehicle movements, delivery vehicles being parked at the premises using engine powered refrigeration overnight and the inclusion of a construction management plan condition.

Concerns raised by local residents are noted and given the proximity of neighbouring properties and the potential disturbance that would be created through allowing an unfettered B8 storage and distribution use for the 8 new buildings, the LPA are recommending a condition tying the storage buildings to the ancillary operation of Wyke Farms, which the applicant confirms they will accept.

With the attachment of the above conditions and given the design, scale, layout and siting of the proposed development, the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 and DP8 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Contaminated land

The Contaminated Land Officer raises no objections to the proposal, subject to the attachment of a watching brief informative for mitigating against any potential unknown contamination that may be discovered/ uncovered. Overall it is considered that any contamination on the site will be

satisfactorily managed to comply with the requirements of Policy DP8 of the adopted Local Plan Part 1 (2014).

Access and Parking

Policy DP9 and DP10 sets out a range of criteria to ensure that new development provides safe access arrangements that avoid causing traffic or environmental issues on the transport network; avoid direct access onto National Primary or County Routes outside Development Limits; and, where appropriate, demonstrate how sustainable modes of transport would be promoted.

Alterations are proposed to the main access into the site, which involves dividing the access track so there is a single point of access to Lambrook Cottages (workers cottages belonging to Wyke Farms) and a single access point to serve the application site and wider Wyke Farms complex. Previously the access to the application site ran past Lambrook Cottages.

A new parking area, providing 20 parking spaces, and a new freestanding bicycle store (housing up to 16 bikes) are also proposed. These will serve the employees of Wyke Farm.

The County Highways Officer raises no objections to the proposed parking, access and turning arrangements, subject to the attachment of relevant conditions, including a condition tying the storage buildings to be ancillary to the overall operation of the wider Wyke Farms site, due to concerns raised regarding the potential use of these buildings for unfettered B8 storage and distribution use and the impact this would cause to the wider highway network/ highway safety.

It should be noted that an existing weigh-bridge (for lorries carrying hay, straw, grain(s) etc..) will also be removed from the site to facilitate the development, which will further reduce movements of large vehicles to and from the site.

With the attachment of conditions the means of access and parking arrangements are considered to be acceptable and will maintain highway safety standards. The proposal therefore accords with the provisions of Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Ecology

An ecological report has been submitted with the application that confirms that due to potential adverse effects of lighting on the boundary features which could be used by commuting and foraging bats, the external lighting design has been designed to minimise light ingress onto boundary habitats. The initial plan was reviewed and lighting positions were amended in order to reduce light spill on the boundary hedgerows.

The County Ecologist has raised no objections to the proposal subject to the attachment of relevant conditions. Subject to the attachment of these conditions, the development will not create adverse harm to protected species, having regard to the provisions of Policy DP5 and DP6 of the Mendip District Local Plan.

Trees

The Tree Officer has raised no objections to the development and it is considered that existing trees and vegetation screening can be protected/ safeguarded during the construction process by protective tree fencing, secured via a planning condition. New planting will also be secured under a soft landscaping scheme, to be secured by condition, to increase the level of natural screening.

With the attachment of a relevant conditions the impact to trees is considered to be acceptable and in accordance with Policy DP1 and DP4 of the Mendip District Local Plan.

Flooding and Drainage

The application site falls entirely within flood zone 1. The site is therefore considered to have a low probability of flooding i.e. land assessed as having a less than 1 in 1,000 annual probability of flooding (<0.1%). In this respect the Technical Guidance to the National Planning Policy Framework advises that this zone is appropriate for development in principle drainage terms.

Given the nature of the development proposed it will result in an increase in hard surfaces within the site and a subsequent increase in surface water run-off. However it should be noted that the existing site is hard-surfaced and covered with a similar extent/ coverage of buildings.

The Local Lead Flood Authority (LLFA) has raised no objections to the proposed drainage arrangements, subject to the attachment of a condition, which would also secure its long term management arrangements. Furthermore no technical objections have been received from the Environment Agency, Wessex Water or the Drainage Officer, who considers that foul and surface water drainage arrangements can be adequately secured by condition.

Given the above assessment and the absence of any technical objections, it is concluded that an acceptable drainage strategy (surface and foul) can be achieved on site thereby ensuring that the development would not cause an increase in flooding in the area or add an unacceptable burden to the existing local sewerage infrastructure. As such the application is considered to accord with the requirements of Policy DP23 of the adopted Local Plan Part 1 (2014) and chapter 14 of the NPPF.

Refuse and recycling

The scheme provides adequate outdoor space for the storage of refuse and recycling bins.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Other Issues

Issues have been raised relating to fire safety. It should be noted that such issues are covered under Building Control legislation.

Issues raised in relation to the impact of the construction process are not a material planning consideration and therefore cannot be taken into regard.

Conclusion

The development proposes the demolition and removal of an extensive range of vacant agricultural buildings and replacement with new storage buildings (within a B8 use) and new welfare facilities that will allow for the expansion of an existing rural enterprise, Wyke Farms, allowing the creation of ancillary facilities and new job creation.

The new storage facilities will be tied to remain ancillary to the overall operation of Wyke Farms to address concerns raised relating to the impact to residential amenities and highway safety.

The business is one of a very small number to have seen increased demand recently especially in the wake of the global coronavirus pandemic. Given the significant detrimental impact of the pandemic on the local through to international economy, the benefit of supporting a local rural business like this is significant.

In addition to this significant benefit, no harm has been identified. The proposal would be provided in an appropriate manner and scale for its location and there are no technical concerns.

On the basis of the above assessment it is recommended that planning permission be approved with conditions, as no harm has been identified that would significantly and demonstrably outweigh the benefits of the development.

Recommendation:

Approve

Reason/s for Recommendation

1. The proposal accords with the Council's settlement strategy for the location of new development as the new storage buildings and associated facilities will be used ancillary to the overall operation of Wyke Farms.
The proposal supports business development and growth.
The proposal, by reason of its design, scale and layout would be in keeping with its surroundings.
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 makes adequate arrangements for the protection of trees.
The proposal makes adequate drainage arrangements.
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 (Spatial Strategy), CP3 (Business Development and Growth), CP4 (Sustaining Rural Communities), DP1 (Local Identity and Distinctiveness), DP4 (Mendip's Landscapes), DP5 (Bio-Diversity and Ecological Networks), DP6 (Bat Protection), DP7 (Design and Amenity), DP8 (Environmental Protection), DP9 (Transport Impact of New Development), DP10 (Parking Standards) and 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 approved drawings:

- 511/02/001 rev B
- 511/02/101 rev E
- 511/02/102 rev A
- 511/02/104 rev -
- 511/02/103 rev -
- ASD-DN-14389-DWG-SHEET 1 of 1 Rev R01
- Ecological Assessment by Ethos Environmental Planning, dated March 2020

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

3. Removal of Permitted Development Rights - Use Restriction (Compliance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the storage buildings (Use Class B8) and associated welfare facilities hereby approved shall only be used ancillary to Wyke Farms, Lambrook Pig Unit, Wyke Farm to Snagg Farm, Lamyatt, Shepton Mallet, Somerset, BA4 6NX, and for no other purpose.

Reason: The approved use only has been found to be acceptable in this location and other uses require further detailed consideration by the Local Planning Authority to preserve the residential amenities of the locality and in the interests of highway safety, having regard to the provisions of Policies DP7, DP8, DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. 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. The scheme shall include a programme of phasing, 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 Policy DP23 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.

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

6. Hard and Soft Landscaping (Pre-occupation)

No commencement of use 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).

7. 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).

8. Construction Management Plan (Pre-commencement)

No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall or include the following:

- Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
- Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included.
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- Delivery and construction working hours.

And shall confirm:

That, until 01/04/2021 or any further date set by the Temporary Fast Track Deemed Consent Route Under Section 74B of the Town and Country Planning Act 1990, noise generating activities shall not occur outside of the following hours:

- Mon - Sat 08.00 - 21.00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

After that date the hours will revert to:

- Mon - Sat 08:00-18:00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

9. Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 - identifying measures (fencing and/or ground protection measures) to protect the trees and vegetation screens to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

10. Provision of Cycle Parking (Compliance)

No occupation of the development shall commence until the cycle store has been provided in accordance with the approved plans. The works shall be permanently retained and maintained in accordance with the approved details thereafter.

Reason: In the interests of promoting sustainable travel alternatives having regards to Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. Parking (Compliance)

The areas allocated for parking and turning on the submitted plan 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 Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. Visibility Splays (Pre-occupation)
No occupation of the development shall commence until the visibility splays shown on drawing number 511/02/101 rev E have been provided. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays. The visibility splays shall be retained permanently thereafter.
Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
13. Environmental Protection - Commercial Vehicle Movements (Compliance)
No on-site commercial vehicle (including fork lift trucks) movements, vehicle loading or unloading operations shall be carried out, except within the following times:
- Mon - Fri 0800 hours till 1800 hours
 - Sat - 0800 hours till 1300 hours
 - No such movements or operations shall take place on a Sunday or during any Public or Bank Holiday.
- Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular chapter 15.
14. Environmental Protection - Deliveries and collections (Compliance)
No deliveries and collections by commercial vehicles shall take place, except within the following times:
- Mon - Fri 0800 hours till 1800 hours
 - Sat - 0800 hours till 1300 hours
 - No such movements or operations shall take place on a Sunday or during any public or Bank Holiday.
- Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular chapter 15.
15. Environmental Protection -Refrigeration (Compliance)
Delivery vehicles parked at the premises shall not use engine powered refrigeration overnight, between 1800 hours and 0800 hours on any day.
Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular chapter 15
16. Drainage - Foul (Pre-commencement)
No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwelling(s).
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.

17. Ecological Enhancement Measures (Pre-Occupation)

No occupation of the development hereby approved shall commence until all ecological enhancement measures have been carried out in strict accordance with the approved details contained in sections 8.0.2, Table 8 and Figure 7 of the Ecological Assessment [Ethos Environmental Planning, dated March 2020]. The works shall be permanently maintained and retained in accordance with the approved details thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

18. Nesting Bird Protection (Bespoke Trigger)

No removal of trees hedges or shrubs shall take place between 1st March and 31st August 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 tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. 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.

2. **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.

3. 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.
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 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.
6. 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/>
7. The applicant is requested to give the Local Planning Authority at least 7 working days notice of an intention to commence the operations authorised by this consent to enable effective monitoring of tree works within the District.
8. Informative: DRAINAGE:
Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.
Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.
For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

The details required to satisfy CONDITION NUMBER 4 shall include:

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system;
- Discharge rate investigated further, which should include full justification for the rate used, exploration of additional storage opportunities including beneath car parking areas, any further betterment, and investigation of any significant flood risk receptors downstream which may need the rate needs to be restricted further;

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant). Further details should also be provided on the surface water flow path along the western boundary of the site, including the extent of this route and how this may impact the development. Any changes to this should be addressed and ensure that flood risk is not increased elsewhere due to the proposals;
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties;
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for any watercourses under riparian ownership, adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

9. Environment Agency Informative Notes:

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

Part of the planning area sits within an area that is covered by an installation regulated by the Environment Agency under an Environmental Permit. A slurry tank and slurry pit are part of the installation currently. We would require the operator to have a decommissioning and clean-up plan for this part of the site before new development. This would be to ensure that all waste and residues are carefully managed and appropriately disposed of to ensure that it is left in a satisfactory state. Any spills should be prevented from entering the watercourse including checking drainage and associated pipework.

The operator should consider surrender of the proposed development of the site that falls into the permitted installation by contacting the Environment Agency. If the storage barns are to involve the storage of any feedstocks to the anaerobic digestion site then this also needs to be considered as a potential activity to be covered by the environmental permit and any secondary containment in this regard would need to meet CIRIA 736 or equivalent.'

10. Contamination Watching Brief:

If any unforeseen contamination is found during excavations, Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.179: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Agenda Item No.	DM02
Case Officer	Anna Clark
Site	Commerce Park Imperial Way Frome Somerset
Application Number	2020/1009/FUL
Date Received	29th May 2020
Applicant/ Organisation	Mr Simon Watson Watson Gym
Application Type	Full Application
Proposal	Proposed new industrial building (B2 and B8), connected to the existing building via a first-floor covered walkway, along with parking and access.
Ward	Beckington And Selwood
Parish	Berkley Parish Council
Recommendation	Delegate to Approve subject to a S106 legal agreement
Ward Cllrs.	Councillor Shannon Brooke

What three words: ///twigs.unwanted.rear

This application is referred to the Planning Board in accordance with the Planning Board resolution of October 2009 that those planning applications for development within Areas D, E and J of the adopted Masterplan for Commerce Park should be referred to the Planning Board.

The officer recommendation is not in conflict with the Parish Council or ward member.

Description of Site, Proposal and Constraints:

The application site is located in Commerce Park, a business park to the west of the A361 in Frome. The site falls within the development limits of Frome (but outside of the Neighbourhood Plan area) and Commerce Park is outlined as committed employment land under policy CP6 in the Local Plan. The site also falls within a SSSI Impact risk zone and a Band C of the Bat Consultation Zone for the Mells Valley Special Area of Conservation.

The application specifically relates to plot J1A to the north-western corner of Commerce Park at the northern end of Imperial Way.

The application seeks full planning permission for the erection of a new industrial building (falling within Use Classes B2 and B8), connected to the existing Watsons Gym Equipment building (on plot J6A) via a first-floor covered walkway, along with parking and access. The building would create a new production and storage facility for the company. The building would be approximately 66m x 25m and 9m to the ridge and clad in light grey profiled metal.

Relevant History:

- 108277/005 - Mixed use development incorporating Class B1; Class B2; Class D1 uses and Restaurant (Class A3), Petrol filling station, Public House (Class A3), Car Showroom, Auction & Storage uses – Approved with Conditions January 2005.
- 2015/1545/FUL – Extension to Imperial Way including adoptable turning head, new bell mouth to provide access to area J1 and new private access road into area J6. – Approved with Conditions August 2015.
- 2019/3025/FUL - Construction of private access spur. – Approved with Conditions April 2020.

Watson's gym existing site:

- 2015/1604/FUL - Erection of new factory (Class B2) and associated access and landscaping works. Approved with Conditions October 2015

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No response

Berkley Parish Council: No objection

Local Highway Authority (SCC Highways): No objection, subject to conditions

- The proposed access points appear to be off a new access road (which has planning permission, ref: 2019/3025/FUL) off the end of Imperial Way as shown on the submitted Proposed Site and Block Plan Dwg No: P19-123 – 02-02 -001E.
- Imperial Way is not adopted highway (as shown on provided plan) but its junction with Cornbrash is. Cornbrash is an unclassified road that is subject to 30mph speed restriction.
- Following revisions, the submission now includes an additional plan Vehicle Tracking Dwg No: 001 which demonstrates that HGV's can access and egress the site in forward gear, albeit the movement appears to be quite tight.
- Parking provision is for 13no parking spaces (incl. 2no. disabled spaces) which is acceptable and in accordance with SCC parking strategy.
- Conditions sought to ensure access provided and retained in accordance with plans to include visibility splays; and to ensure the parking area is retained in accordance with approved plans.

MDC Environmental Protection: No objection, subject to conditions

- The proposal is an extension which encroaches on the former allocation of B1 plots within the outline master plan, however it does not appear to straddle the 75m buffer zone.
- There have been no known complaints of noise, brought to the attention of the Council's Environmental Protection team, relating to the existing current operation of Watsons Gym which does have a number of vents and flues on the north east façade, granted under consent 2015/1604/FUL on Plot J6a
- The acoustic report provided with the application treats the noise levels from the outline consent as if they are maximum noise levels for the application in question. This is an interpretation which is not accepted.

- The application is strongly recommended to be subject to the S106 agreement which provides for a noise control regime and the cumulative impacts of conditions 21-23 of outline consent 108277/005.
- Seeks conditions restricting times for use of commercial vehicles on site and for commercial vehicles deliveries; and to restrict open air activities.
- Recommends advice notes to remind the applicant of other obligations.

SCC Ecologist: No objection, subject to conditions

- As no bat activity surveys have been undertaken has to assume the presence of light averse species on the north and west boundaries, seeks a lighting condition accordingly.
- As the NPPF (para 170d) requires biodiversity enhancement to be provided within development, seeks a condition to require a Schwegler 28 Kestrel nest box mounted under the eaves on the northwest elevation between 6 and 8m above ground level.

Lead Local Flood Authority (SCC) No objection, subject to conditions

- Expect to see further details on the locality and functionality of the pollution control measures at detailed design. However, as the applicant has confirmed that pollution control measures will be in place onsite, happy for this to be left to condition along with the detailed surface water drainage scheme that needs to be dealt with by pre-commencement condition.

MDC Drainage Engineer: Defer to LLFA as this is a major development.

Designing out Crime Officer, Avon & Somerset Constabulary: Comments

- Request consideration for a 2.4m high welded mesh boundary treatment to prevent casual approaches to the buiding elevations. In absence of a site visit, it looks like there is a pedestrian/cycle way running to the rear of the site with a desire line linking to Imperial Way makes it difficult to challenge anyone unknown on site or between these buildings.

Local Representations:

An objection from the Coalway Lane Residents Association and 28 further objections have been received as a result of public consultation. They raise the following summarised points:

- Noise impact
- Errors in noise report
- Object to change of use from B1 to B2/B8 in contravention with condition 30 of the outline planning permission for the site
- Once B2/B8 planning use has been approved, any future use of this building/area could easily lead to greater impact from dust, odour or noise.
- With the addition of some minor planning conditions this application can proceed under B1 use classification
 - a. The level of vehicle movements clearly show this is a long way from being a warehouse, no more vehicles than you would expect from many other B1 activities.
 - b. The noise report submitted with the application shows minimal noise levels at the residential properties.
- Conditions required to provide control for matters covered in noise report to include:
 - a. No vehicle movements between the hours of 2300 (latest, ideally 1900) and 0700
 - b. The roller shutter doors must be closed between the hours of 2300 (latest, ideally 1900) and 0700.

- c. All extractor fan outlets and external exhaust and fan system chimneys must be fitted with acoustic vents/hoods/enclosures/silencers as appropriate to the application
- Lack of public consultation
[Officer note: the consultation undertaken meets statutory requirements]

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Housing
- CP6 - Frome Town Strategy

- DP1 - Local Identity and Distinctiveness
- DP5 - Biodiversity and Ecological Networks
- DP6 – Bats Protection
- DP7 - Design and Amenity
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP20 - Reuse of Employment Sites
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The proposed extension would support the expansion of an existing well-established and successful business in Commerce Park which is an established business park recognised as a committed employment site in the Local Plan. The site is one of the last remaining plots of the business park to be built out.

The plot was also covered by the original outline permission (108277/005) for the development of Commerce Park. However, the layout of Commerce Park has evolved significantly over that time with lot numbers changing and much of the park has come forward through stand-alone full applications rather than just relying on the outline permission.

The outline planning permission, which has been part implemented, was subject to 2 conditions (30 and 32) that prevented uses in Use Classes B2 and B8 from occupying a band of land closest to Coalway Lane. The site is outside of the area covered by condition 32 which is effectively a 75m buffer. However the south-western part of the current application site just clips the area previously identified as plot S on the original masterplan quoted in condition 30:

Condition 30:

The buildings on Plots N,O,P,Q,R and S shown on the Masterplan drawings No.

JWP.0676:23/3A and JWP.0676:40/1 shall not be used other than for uses falling within Use Class B1 of the Town and County Planning (Use Classes) Order 1987.

Reason: In the interests of the amenity of adjacent residents.

Concerns have been raised about the precedent of allowing this development with elements of B2 and B8 use in the zone which the outline planning permission for Commerce Park restricted from these uses.

The current application is a standalone full application which is not restricted by the conditions of the outline planning permission.

Whilst the outline application provides a useful context, the current application must be treated on its own merits as would any further proposals for B2 and B8 in this area.

Conditions 30 (and indeed 32) were imposed in the interest of the amenities of the adjacent residential properties and not due to a concern with the principle of B2 or B8.

Accordingly, as the plot falls within a committed employment site within the development limits of Frome the principle of development is in accordance with policies CP1, CP3 and CP6 of the adopted Mendip Local Plan Part 1 (2014).

At a national level, paragraph 80 in the NPPF states that planning policies and decisions should help create the condition in which businesses can invest, expand and adapt to build a strong, competitive, economy. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The building would be approximately 66m x 25m and 9m to the ridge, which is a similar scale to the existing Watsons Gym building and commensurate with the scale and massing of other buildings in Commerce Park.

The materials would comprise light grey (Goosewing Grey) profiled metal cladding to the walls and roof with mid grey fascia's, verge and door flashing and integrated roof light sheeting. Dark grey aluminium would be used for the windows and grey metal for the doors. These materials would match the existing Watsons Gym building and be in keeping with the other materials and colouring in the rest of Commerce Park.

The walkway between the two buildings would be clad in vertical timber boarding with the Watsons gym logo imprinted in powder coated steel. It is noted that there are no other overhead walkways nor use of timber cladding in Commerce Park. However, the use of cladding would help break up the link between the 2 buildings, adding interest in a softer manner than a continuation of the metal profiling would. In the context of a business park the walkway, together with logo, is considered an acceptable feature.

Although the Designing out Crime Officer, Avon & Somerset Constabulary request consideration for a 2.4m high welded mesh boundary treatment to prevent casual approaches to the building elevations, this is not considered desirable in visual terms, nor wholly necessary in security terms given natural surveillance afforded by the site's position. Most similar types of business, including the existing Watsons Gym site on Commerce Park operate without such fencing.

In summary, the proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policy DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity and Environmental Protection:

The existing Watsons Gym equipment business operates from the site (plot J6a) adjoining the application site under a B2 class planning permission (ref: 2015/1604/FUL). The Council's Environmental Protection Team have confirmed that they have not received any noise complaints as a result of the existing operation.

It is noted that the proposal would bring the Watsons Gym business closer to the nearby residential area of Coalway Lane. However, the nearest residential properties are separated from the site by approximately 120m and the existing acoustic bund (approximately 4 metres tall) with an acoustic fence on top (a further 3 metres). Together these factors would help screen the nearby residential area of Coalway Lane from noise generated at the site.

The original outline planning permission for Commerce Park was subject to a section 106 agreement and set of noise conditions, which among other matters, secured a noise control regime to help control cumulative noise across Commerce Park as occupying businesses change over time. The applicants have agreed to enter into a deed of variation to ensure they are tied to the original section 106 agreement in terms of the noise control regime.

An acoustic report has been submitted with the application and has been reviewed by the Council's Environmental Protection Team. This report demonstrates that it is unlikely that a daytime operation would contribute to a breach of the cumulative noise limits set out in outline consent 108277/005 on the basis that previous noise model and monitoring information for the site has shown that the cumulative impact of existing occupations has not generated a noise environment close to the limits.

The application documents indicate that the business is to operate during night time hours, however this does not appear to be the intention. Whether it can operate between 23.00 hours and 07.00 without breaching site limits is not adequately demonstrated in the submitted acoustic report. However, through further work, explained below, involving liaison with the Management Company's appointed acoustic consultant and jointly attended site visits, the Environmental Protection Team are satisfied that the current site operations (including this application proposal) are very unlikely to exceed the cumulative noise limits set out in condition 21-23 of the outline consent.

Outside of the confines of this application and having regard to the principles set out in the S106 agreement, there is consensus to reassess the existing uses across Commerce Park to establish a current more accurate model of the relative contributions of businesses to the soundscape as experienced at the monitoring points identified in conditions 21-23 of the original outline application. This will inform a revised model and will include data from the existing Watsons gym premises by consideration of the unit's noise emissions and would identify any opportunities for any additional recommended sound attenuation.

Through the S106 agreement, the appointed acoustic consultant will be expected to advise (through the management company) any attenuation required to noise emission sources associated with the current proposal.

As mentioned in the principle section, the proposed extension (which falls within use class B2 and B8) would just clip the area intended on the original masterplan to be plot S, which was restricted to development falling within class B1, but is outside of the 75m buffer restricted to use class B1 in the original outline consent for Commerce Park. The latter is arguable a more scientific and therefore reasonable basis than the plot areas quoted in condition 30.

Furthermore, the majority of the building outline proposed for Watson's gym is further from the bund than those in the plots on the outline masterplan, as it is linked to the existing built unit. Accordingly it is not within the 75m buffer zone line, unlike the indicative plot S, which straddled the buffer zone.

Regardless, this fresh application is not automatically bound by the outline application other than through a requirement via the management company to harmonise site wide controls (hence the deed of variation for S106).

The section 106 agreement has a clause 18.2 in schedule 2 which identifies the management company responsibility to ensure that any new occupier is made aware of the noise control regime and through this mechanism the appointed acoustic consultant is able to advise on noise mitigation requirements. In this way if Watson's gym use vacated and a new B2 / B8 use were intended to occupy the unit, a reassessment of the noise impacts would be expected.

To enable easier enforcement of the stated intentions set out in the acoustic report, conditions are sought, as per the Environmental Protection Teams request, to restrict times for use of commercial vehicles on site, times for commercial vehicles deliveries and to restrict open air activities.

The Environmental Protection Team are satisfied that the current application siting is acceptable for the use intended and subject to the S106 agreement and requested conditions consider the set of controls sufficiently limits any potential detriment to amenity.

Although the local representations have questioned whether the applicant could undertake its operation under a B1 – light industrial use, instead of B2/ B8, that is not what is being applied for. Furthermore from the description of the activities undertaken by the business in the supporting application documents and application form, to include cutting of steel, it is considered to be a clear B2 – general industrial operation, with the associated storage and distribution falling within B8. Indeed the Land Use Gazetteer makes it clear that the cutting of steel falls within use class B2.

In summary, subject to the recommended conditions and the applicant entering into a suitable section 106 agreement to ensure the noise monitoring regime and associated obligations of the section 106 agreement for the outline application are tied to this development to ensure the cumulative noise levels across the Commerce Park are not exceeded, the proposal would have no adverse noise impact.

The proposal would otherwise have no adverse impact on residential amenity due to the separation and screening for the nearest residential area. Accordingly, the proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Assessment of Highway Issues:

The proposed access points are off a new access road off the end of Imperial Way, which has planning permission, ref: 2019/3025/FUL. Imperial Way is not adopted highway, but its junction with Cornbrash is. Cornbrash is an unclassified road that is subject to 30mph speed restriction.

Following the revised site plan and submitted Vehicle Tracking plan, the Local Highway Authority (LHA) are satisfied that HGV's can access and egress the site in forward gear. The proposed access is therefore considered acceptable.

The proposed parking provision of 13 parking spaces, including 2 disabled spaces is acceptable and in accordance with SCC parking strategy.

Conditions are recommended, in accordance with the advice of the LHA to ensure access provided and retained in accordance with plans to include visibility splays; and to ensure the parking area is retained in accordance with approved plans.

In summary, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and part 9 of the National Planning Policy Framework.

Ecology

The application site lies within Band C of the Bat Consultation Zone for the Mells Valley Special Area of Conservation (SAC) which is designated for its greater horseshoe bat feature. As no bat activity surveys have been undertaken the County Ecologist has to assume the presence of light averse species on the north and west boundaries and hence seeks a lighting condition. The proposed development is otherwise unlikely to have an effect on horseshoe bats and therefore it is not considered necessary to undertake a Habitat Regulations Assessment of the application. The proposed lighting condition is therefore considered reasonable.

The County Ecologist also seeks a condition to require a Schwegler 28 Kestrel nest box mounted under the eaves on the northwest elevation between 6 and 8m above ground level to provide biodiversity enhancement within development. This is considered a reasonable request in accordance with the NPPF paragraph 170d.

Following confirmation that there is no grass on site the County Ecologist agreed to remove his original request for a condition to protect reptiles, since their presence is now deemed unlikely.

The proposal is considered to adequately safeguard for ecology in accordance with DP5 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework, subject to the proposed conditions.

Flood Risk and Drainage

The site lies within flood zone 1 low risk and is not shown to be at risk of surface water flooding. The extension would increase the impermeable area and therefore surface water runoff, however this plot was always envisaged to be developed out through the outline and subsequent reserved matters.

The submitted revised drainage strategy and associated drainage plan (drawing BC00268-902 Rev.E) that explains how the plot would be connected to the approved estate wide drainage strategy for Commerce Park that dates back to 2005. These details are acceptable.

Although the LLFA would expect to see further details on the locality and functionality of the pollution control measures at detailed design, however, the applicant has confirmed that pollution control measures would be in place onsite with broad details. They are happy for the detail to be left to the proposed condition that secures more detailed surface water drainage details prior to commencement.

The proposal is therefore considered acceptable, subject to conditions, in flood risk and drainage terms, in accordance with policies DP7, DP8 and DP23 of the adopted Local Plan Part 1 (2014).

Sustainability and Renewable Energy:

The design and access statement demonstrates that all practical measures for the conservation of energy have been included in the design, layout and siting of the proposal.

Refuse Collection:

A suitable refuse storage area has been shown and the internal road layout would allow for refuse vehicles.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion:

The proposal would enable the expansion of an existing well-established and successful business in Commerce Park, a committed employment site, for the benefit of the local economy. The principle would therefore be in accordance with the local plan and NPPF. There are no technical issues subject to the proposed conditions and the recommended section 106 agreement to control cumulative noise impact across Commerce Park.

Recommendation:

DELEGATE TO PERMIT SUBJECT TO S.106 AGREEMENT:-

Seek delegated authority for Officers to agree a S106 agreement to secure the following:

- *Compliance with the noise control regime obligations of the original section 106 agreement for Commerce Park*

Reason/s for Recommendation

1. The proposal accords with the Council's settlement strategy for the location of new development.
The proposal, by reason of its design, scale and layout would be in keeping with its surroundings.
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 and surface water drainage.

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:-

Policies CP1 (Spatial Strategy), CP3 (Business Development and Growth), CP6 (Frome Town Strategy), DP1 (Local Identity and Distinctiveness), DP5 (Biodiversity), DP6 (Bat Protection), DP7 (Design and Amenity), DP8 (Environmental Protection) DP9 (Transport Impact of New Development), DP10 (Parking Standards) DP20 (Reuse of Employment Sites) and DP23 (Managing Flood Risk).

National Planning Policy Framework

Planning Practice Guidance

Somerset County Council Highways Development Control Standing Advice (June 2017)

The Countywide Parking Strategy (2017)

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:

P19-123 02-02-001 Rev.E	PROPOSED SITE PLAN AND BLOCK PLAN
P19-123 02-02-002 Rev.C	LANDSCAPING PLAN
P19-123 02-02-003 Rev.C	REVISED LOCATION AND BLOCK PLANS
P19-123 02-02-004	EXISTING SITE PLAN
P19-123 02-03-001 Rev.C	PROPOSED FLOOR PLANS
P19-123 02-05-001 Rev.D	PROPOSED EXTERNAL ELEVATIONS
902 Rev.E	DRAINAGE PLAN
001	VEHICLE TRACKING PLAN

Reason: To define the terms and extent of the permission.
3. Materials (Compliance)
The development hereby approved shall be carried out using external facing materials as specified on the application plans and form.
Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Vehicular Access (Compliance)**
The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with details shown on Proposed Site and Block Plan Dwg No: P19-123 02-02-001 Rev.E. The vehicular access shall thereafter be permanently retained in accordance with the approved plans.
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. **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 600 millimetres above adjoining road level forward of a line drawn 2.0 metres back and parallel to the nearside carriageway edge over the entire site frontage. 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 Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
6. **Parking (Compliance)**
The areas allocated for parking and turning on the submitted plan Proposed Site and Block Plan Dwg No: P19-123 02-02-001 Rev.E shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure that suitable parking and turning areas are 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).
7. **External Lighting (Bespoke Trigger)**
No external lighting shall be erected or provided on the site until a "lighting design for bats" has been 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 or having access to their resting places. All external lighting shall thereafter 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.
Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
8. **Ecology - Kestrel Nest boxes (Pre-occupation)**
No occupation of the development hereby approved shall commence until a Schwegler 28 Kestrel nest box has been mounted under the eaves on the northwest elevation between 6 and 8m above ground level. Authority. A Schwegler 28 Kestrel nest box or similar shall thereafter be retained in perpetuity.
Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Hard and Soft Landscaping (Compliance)**
All hard and/or soft landscape works shall be carried out in accordance with the approved plan P19-123 02-02-002 Rev.C. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with 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. All hard landscape works shall be permanently retained in accordance with the approved details.
Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
10. **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. The scheme shall include a programme of phasing, 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 Policy DP23 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.
11. **Commercial vehicle delivery hours (Compliance)**
Deliveries by commercial vehicles shall be taken at or despatched from the site only between 07:00 hours and 20:00 hours on weekdays and shall not be taken or despatched at any time on Saturdays, Sundays, Bank holidays or Public Holidays.
Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity / other specify and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular chapter 15.
12. **Commercial vehicle on site operation hours (Compliance)**
The operation of commercial vehicles including fork lift trucks shall be started up, manoeuvred, operated, loaded or unloaded only between 07:00 hours and 20:00 hours on weekdays and shall not be taken or despatched at any time on Saturdays, Sundays, Bank holidays or Public Holidays. This condition shall not restrict vehicles employed for the sole purpose of passenger, staff, or public movements on and off site.
Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity / other specify and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular chapter 15.
13. **Outdoor activities restriction (Compliance)**
No activities involving the external manufacturing, storage or processing of materials shall take place in the open air anywhere on the site (with the exception of operations confined to site preparation, construction and the collection and delivery of materials).
Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity / other specify and sustainable development,

in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular chapter 15.

Informatives

1. 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.
2. **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.

3. The applicant is advised that in seeking approval of the surface water drainage conditions the LLFA expects the details to include the following:
 - Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
 - Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
 - Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant)

- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
 - Details on the wider site confirming that there is sufficient capacity within the existing system to accommodate this parcel, which should demonstrate how this parcel fits into the wider site including any plot based requirements. This should also confirm the attenuation arrangements, condition and capacity of these features, and that discharge rates have been restricted to agreed rates.
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development
4. 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/>
 5. The applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia ; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990, and the provisions of the Anti-social Behaviour, Crime and Policing Act 2014.
 6. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

The s106 legal agreement attached to this planning permission enforces a noise control regime which places a requirement to limit the cumulative noise impact of the business park on nearby noise sensitive receptors. This requirement is spelt out in conditions 21-23 inclusive in the outline planning consent 108277/005. The operator of this planning permission is advised to inform the management company of any intention to make any changes to the operation which might affect the noise emissions, irrespective of whether or not such a proposal is subject to restrictions of this planning permission.

Agenda Item No.	DM03
Case Officer	Mr James U'Dell
Site	The Queens Arms Wraxall Road Wraxall Shepton Mallet BA4 6RQ
Application Number	2020/0960/FUL
Date Received	19th May 2020
Applicant/ Organisation	Royanne Limited Royanne Limited
Application Type	Full Application
Proposal	Demolition of existing buildings and erection of 7no. dwellinghouses with associated vehicular access and parking (revised scheme)
Ward	The Pennards And Ditchheat
Parish	Ditchheat Parish Council
Recommendation	Approve
Ward Cllrs.	Councillor John Greenhalgh

What 3 Words: <https://w3w.co/reds.dockers.canine>

Referral to Planning Board

This application is referred to the Planning Board as it is an application for development that would be a departure from the existing adopted Development Plan.

Site Description and Proposal

The application relates to the former Queens Arms in Wraxall. The site was previously used as a public house but has remained vacant for a number of years.

The site is located outside the development limits of any identified primary or secondary settlement, however the site has an extant permission for residential development, which is a significant material planning consideration.

The current application seeks full planning permission for the demolition of the existing buildings and erection of 7 dwellings with associated vehicular access and parking (revised scheme).

A previous outline scheme, reference 2018/0828/OTS, approved the creation of 7 dwellings on this site, with the existing redundant public house buildings being part demolished and converted into 2 semi-detached dwellings and 5 new build detached market dwellings were located to the rear of the site. This permission remains extant and represents a realistic fallback position for the applicant. Works have not yet commenced on site.

Details of access, appearance, layout and scale were approved under outline permission 2018/0828/OTS, with landscaping being a reserved matter.

The key difference with the current scheme is that the former public house and the associated buildings are to be fully demolished and will no longer be converted to provide residential units. The revised Plots 1 and 2 (fronting the A37) now propose 2 new build semi-detached dwellings and a new parking space is located alongside Plot 1, with access onto the A37. The remaining 5 dwellings in the rear of the site are essentially the same as those previously approved.

A period of public consultation expired on the 14/07/2020 and the comments received are summarised below.

Planning History

2018/0828/OTS - Application for Outline Planning Permission with some matters reserved for partial demolition of buildings, conversion of the retained building as a pair of semi-detached houses and erection of 5 detached houses with associated vehicular access and parking with details of access/appearance/layout/scale – Approved with conditions on 18th October 2018, under delegated powers.

2016/1434/OTS - Change of use of a redundant public house to 4no residential dwellings and erection of 2no detached dwellings in car park – Approved under delegated powers on the 12th December 2016.

2015/2852/FUL - Change of use of a redundant public house to 4 no residential dwellings and erection of 2 no detached dwellings in the car park, recommended for refusal by planning officers for the following reasons:

(1) The site lies in the countryside, outside of established Settlement Limits, where the erection of new-build dwellings (in this case plots 5 and 6) is strictly controlled in the interests of the overall character and appearance of the countryside and to ensure a sustainable pattern of development. It has not been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed new-build units are essential for successful delivery of the affordable housing elements of the proposal, or that there is a clearly identified need for the proposed affordable housing in the settlement. Therefore the provision of affordable units does not justify the proposed new-built dwellings. The proposal is therefore contrary to policies CP1, CP2 and DP12 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework.

(2) The proposed dwellings on plots 5 and 6, by reason of their size, height, position and the location of windows serving habitable rooms, would harm the living conditions of Radcliffe Cottage, in respect of loss of light, outlook and privacy. The proposals would be contrary to policy DP7 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework and Planning Practice Guidance.

(3) The proposed development is proposed on the basis of the provision of two units of affordable housing, but this provision has not been secured through a planning obligation under s106 of the Town and Country Planning Act 1990. The proposal is therefore contrary to policy DP12 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework.

At the Planning Board meeting on the 16th March 2016, however, members resolved to refuse permission for only the second and third reasons for refusal set out above. It was considered that the principle of residential development was acceptable.

2015/1561 – Change of use of a redundant public house to 4 no residential dwellings and erection of 2 no detached dwellings in the car park, withdrawn following error re ownership certification.

025897/007 – Change of use of land from agricultural use to provide additional car parking and an outdoor area to be used in association with the public house, as amended by revised drawing received on 02/12/03, Approved with Conditions 17.05.2004.

Consultations and Representations

Ward Councillor - No comments received.

Parish Council - Ditchheat Parish Council recommend approval with the following comments: Approval is recommended subject to the matter of the provision for vehicular access and egress from and to the A37 being reconsidered as in the opinion of the Parish Council this would allow a dangerous situation to be continued. Access on to the A37 at the crossroads itself is difficult at times and any opportunity to minimise /remove problems with access on to the very busy A37 should be taken.

County Highways Officer (SCC) - No objections, subject to conditions.

Housing Enabling Officer (MDC) – No objections.

Drainage Officer (MDC) - No objections, subject to conditions.

Environmental Protection Officer (MDC) - No objections subject to conditions.

Contaminated Land Officer (MDC) – Recommends a watching brief informative is attached.

County Ecologist (SCC) - No objections, subject to conditions.

Historic Environment Officer (SCC) - No objections on archaeological grounds.

Representations - The Local Planning Authority has received 1 letter of objection and 2 letters of support, raising the following issues (summarised):

Objections:

- Wrong to demolish historic buildings
- Overdevelopment
- Poor local facilities and infrastructure
- Slow broadband speed

Support:

- Improvement to the current eye-sore
- Support recommendations of bat survey

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

Planning Analysis

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material

considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1: Spatial Strategy
- CP2: Housing
- CP4: Sustaining Rural Communities
- DP1: Local Identity and Distinctiveness
- DP5: Biodiversity and Ecological Networks
- DP6: Bat Protection
- DP7: Design and Amenity of New Development
- DP8: Environmental Protection
- DP9: Transport Impact of New Development
- DP10: Parking Standards
- DP12: Rural Exception Sites
- DP14: Housing Mix
- DP17: Safeguarding of community facilities
- DP19: Development Contributions
- DP23: Managing Flood Risk

Other Material Considerations:

- National Planning Policy Framework (NPPF), 2019
- Planning Practice Guidance (PPG), 2012
- Somerset County Council Parking Strategy, 2013
- Somerset County Council Standing Advice, 2015

Key Issues

Principle of the Development

The application site is located outside the development limits of any settlement and as such is within a location where development is strictly restricted, having regard to the provisions of Policy CP1, CP2 and CP4 of the Local Plan, Part 1 (adopted 2014).

The Local Planning Authority cannot currently demonstrate a five-year rolling supply of deliverable housing sites. The National Planning Policy Framework (NPPF) therefore advises that where the Council cannot demonstrate a five year supply, the presumption in favour of sustainable development as set out in paragraph 11(d) applies.

Paragraph 11(d) of the NPPF, sets out a decision-taking framework that states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, read together with its footnote 6; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

The provisions as set out at Paragraph 11(d) of the National Planning Policy Framework (NPPF) will therefore be taken into account in completing the overall planning balance.

A significant material consideration to this application relates to recent planning history for this site. Outline planning permission 2018/0828/OTS (see above) allowed the provision of 7 dwellings on this site, with 2 dwellings provided in converted buildings belonging to the former Queens Arms and the erection of 5 detached dwellings to the rear. The current scheme proposes the erection of 7 new build dwellings, to include the demolition of the existing buildings.

The principle of the development proposed has therefore already been established on this site as there is an extant permission in place (2018/0828/OTS), which represents a realistic fall-back position for the applicant, which includes the provision of unfettered residential dwellings, including 5 new build dwellings.

The former public house is not a listed building and has no special designation that would warrant its future retention, as such the principle of its demolition and replacement with suitable new build dwellings is supported and given that the overall number of dwellings proposed is the same as the extant permission, the principle of the development is considered to be acceptable.

Members of the Planning Board also resolved that the principle of development here was acceptable under a previous application (2015/2852/FUL) and specifically did not refuse the application on matters of principle relating to developing housing on this site.

It should also be noted that the Parish Council offer their support to the principle of the development (see comments above).

Bearing in mind the above, the development is considered acceptable in principle.

Loss of the pub as a community facility

Policy DP17 makes clear that the loss of premises last used for local services and facilities (including commercial facilities such as pubs) will only be permitted where there is suitable alternative provision; maintenance of the existing use would perpetuate environmental problems or (for commercial uses) there is 'no likelihood of a viable community use'.

The previous outline planning permission accepted the loss of the public house as it had been demonstrated that there was no prospects of the site being re-used for any commercial purposes. As such there is no objection to the proposed loss of the former public house in this application, given the fall-back position and the conclusions of prior marketing reports.

Housing mix and type

The development proposes an acceptable mix of dwellings sizes (1 x 2 bed and 6 x 3 bed dwellings), which are aimed at the local and District wide need for smaller sized family dwellings. The scheme includes an extra 3 bed unit in comparison to the previous approval.

It is considered that the scheme accords with the requirements of Policy DP14 of the Local Plan.

Character and appearance

Policy DP1 of the Local Plan states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 states that proposals should be of a scale, mass, form, and layout appropriate to their local context. Policy DP4 recognises the quality of Mendip's landscapes and suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features.

The previous planning permission approved the erection of detached dwellings on this site with the same design, scale, massing and appearance in regards to Plots 3-7. However the dwellings at Plots 1 and 2 are now proposed as new build dwellings, rather than being created through the conversion of existing buildings.

The design, scale, massing and appearance of the dwellings proposed at Plots 1 and 2 respond well to the existing development and the local context of dwellings found within this locality. As such it is considered that the development will preserve the character and appearance of the area and the wider landscape.

It is considered that the proposed layout provides appropriately sized gardens and acceptable parking, turning and access areas and the development as a whole will not appear adversely cramped or contrived in appearance or layout. The proposed density of the development (7 dwellings) has already been established and it is not considered to represent an overdevelopment of the site.

With the attachment of relevant conditions (external materials, joinery, attachments, landscaping, boundary treatments.), the proposal, by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policy DP1, DP4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity

Policy DP7 of the MDLP states that new development should protect the amenities of neighbouring occupiers and users, and provide an adequate standard of amenity for the benefit of the proposal's future occupiers. Policy DP8 states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

It is considered that the proposal would provide an adequate amount of amenity space for the enjoyment of future occupiers. Within the development itself, it is considered that the proposed dwellings would relate to one another in a way that would not result in significant harm to the amenities of the development's future occupiers.

The Environmental Protection Officer has raised no objections subject to the attachment of relevant conditions, including a condition relating to internal noise levels, given the proximity of the site to the busy A37, to secure acceptable living conditions for future occupiers of the development.

Given the nature of the proposal, including its layout, scale, and design, and the stand-off distances between the proposed units and existing curtilages and buildings, and the site levels between given units and their nearest neighbouring properties, it is considered that the proposal would not result in significant adverse effects in relation to neighbouring occupiers, in terms of their outlook, privacy, or access to light.

Neighbouring occupiers have raised no objections regarding the impact the proposal would have on their amenities.

Subject to the use of the aforementioned conditions, given its siting, scale, and design, it is considered that the proposal would not result in significant harm to the amenities of neighbouring occupiers in terms of their outlook, privacy, access to light, or the general enjoyment of their home environments. In these respects, the proposal is considered to be in accordance with Policies DP7 and DP8 of the adopted Local Plan Part 1 (2014).

Contaminated land

The Contaminated Land Officer raises no objections to the proposal, subject to the attachment of a watching brief informative note, for mitigating against any potential unknown contamination that may be discovered/ uncovered.

Access and Parking

Policy DP9 and DP10 of the MDLP sets out a range of criteria to ensure that new development provides safe access arrangements that avoid causing traffic or environmental issues on the transport network; avoid direct access onto National Primary or County Routes outside Development Limits; and, where appropriate, demonstrate how sustainable modes of transport would be promoted.

The site lies adjacent to the A37, which is a fast, busy road and appears to have inadequate visibility splays at the crossroads with Wraxall Road. That said, the former public house would have generated traffic movements that have to be balanced against movements generated by the proposed development.

The development proposed includes the provision of a pedestrian footpath along Wraxall Road and improvements to visibility at the access to the site through the removal of part of the former public house buildings. These alterations represent highway and pedestrian safety benefits, which were also part of the previous permission.

A revision to the previous layout is proposed, which includes the creation of a parking space next to Plot 1, accessed direct from the A37. The Parish Council object to this element and suggest that access directly onto the A37 should be avoided. However the County Highway Authority has considered the merits of the revised scheme and raise no objections on highway or pedestrian safety grounds, subject to the attachment of relevant conditions.

It should also be noted that Plot 1 has parking spaces allocated within the main parking forecourt, which are likely to be used in preference to the new parking space.

Given the above assessment, it is considered that the proposal would not result in significant harm to highway or pedestrian safety or amenity, subject to the use of relevant conditions. The proposal is therefore considered to be in accordance with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014), in addition to the guidance in part 9 of the NPPF.

Energy Conservation and Efficiency

Policy DP7 of the Local Plan, Part 1, requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for the use of sustainable construction techniques; the use of sustainable drainage systems; renewable energy generation on site; the use of water efficiency

measures, recycling and conservation; new residents to minimise, re-use and recycle waste, in addition to using locally sourced or recycled materials wherever practically possible.

The applicant has provided a lack of detail in regards to energy conservation and efficiency measures (see design and access statement), other than stating that the applicant is considering the installation of solar panels and that habitable rooms will make the most of solar gain.

Given the requirements of Policy DP7 of the Mendip District Local Plan and the Council's Green Pledge, it is considered reasonable to attach a condition requiring the submission of a sustainability statement demonstrating how this issue would be addressed through the construction of the development.

With the attachment of the above condition it is considered that the development can be designed and constructed to address the requirements of Policy DP7 of the adopted Local Plan Part 1 (2014).

Ecology

An ecological survey has been provided with the application which identifies that the site is currently supporting various bat species and other crevice dwelling species. As the bat roosts within the property will be lost to accommodate the proposed development, a European Protected Species licence or Bat Low impact Class Licence from Natural England will be required following planning approval and prior to any works commencing on site.

The County Ecologist raises no objections to the proposal, subject to conditions. It is recommended that these conditions be imposed should planning permission be granted. Given the County's advice, and subject to the use of conditions, it is considered that the proposal would have an acceptable ecological impact and would be in accordance with Policy DP5 and DP6 of the adopted Local Plan Part 1 (2014).

Flooding and Drainage

The application site falls entirely within flood zone 1. The site is therefore considered to have a low probability of flooding i.e. land assessed as having a less than 1 in 1,000 annual probability of flooding (<0.1%). In this respect the Technical Guidance to the National Planning Policy Framework advises that this zone is appropriate for development in principle drainage terms.

The Drainage Officer has raised no objections to the development, subject to the attachment of relevant conditions relating to securing further details of the surface water drainage and foul drainage arrangements. With the attachment of these conditions the proposal is considered to be in accordance with Policy DP23 and DP8 of the adopted Local Plan Part 1 (2014).

Archaeology

The Historic Environment Officer at Somerset County Council has raised no objections to the proposal in relation to impacts to archaeology.

Refuse and recycling

Each dwelling unit has adequate outdoor amenity space to provide refuse and recycling bins/containers, which would be brought out to the highway on collection day. These arrangements are considered to be acceptable.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion

In light of the reduced weight afforded to policies CP1 and CP2 as a result of the Council's current lack of a 5 year housing land supply and given the benefits of the proposed 7 dwellings to the Council's housing supply and the fall-back position of the extant planning permission, there are considered to be material planning considerations that outweigh the sites location outside of Local Plan development boundaries. The principle of the development is therefore considered to be acceptable under these circumstances.

The proposed development in its physical form and layout is virtually the same as the extant permission 2018/0828/OTS, which represents a legitimate fall-back position, with no net increase in the number of dwellings.

Given that no technical objections are raised and no significant harm has been identified in terms of delivering the quantum of development as proposed, either actual or in policy terms, taking into account the benefits as set out above, it is concluded that the benefits of the development substantially and demonstrably outweigh the very limited harms identified, having regard to paragraph 11d of the NPPF.

On the basis of the above assessment it is recommended that planning permission be approved with conditions.

Recommendation:

Approve

Reason/s for Recommendation

1. A departure from the adopted Mendip District Local Plan is justified having regard to the extant permission for residential development under 2018/0828/OTS, which consented a development of 7 dwellings. This current application is similar in terms of the proposed scheme but includes 2 new build dwellings to replace 2 units which would have been created by converting the former public house building.

The proposal, by reason of its design, scale and layout would be in keeping with its surroundings and would not harm 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.

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: Spatial Strategy, CP2: Housing, CP4: Sustaining Rural Communities, DP1: Local Identity and Distinctiveness, DP5: Biodiversity and Ecological Networks, DP6: Bat Protection, DP7: Design and Amenity of New Development, DP8: Environmental Protection, DP9: Transport Impact of New Development, DP10: Parking Standards, DP12: Rural Exception Sites, DP14: Housing Mix, DP17: Safeguarding of community facilities, DP19: Development Contributions and 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)

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

- MDS 1344/100 F
- MDS 1344/101 F
- MDS 1344/102 F
- MDS 1344/103 G
- MDS 1344/104 F
- MDS 1344/105 F
- MDS 1344/106 F
- J17-007-001 A
- J17-007-002 A
- PHASE 1 & 2 BAT SURVEY REPORT, 7th June 2018 updated 12th May 2020

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

3. Energy Conservation and Efficiency Measures (Pre-commencement)

No development shall commence until a low emissions/renewable energy strategy confirming mechanisms and provision that will reduce emission levels arising from the development during the construction process and when it is occupied have been submitted to and approved in writing by the Local Planning Authority. The development will thereafter be carried out and retained in strict accordance with the approved details.

Reason: To ensure the development meets the Council's climate change objectives in accordance with policy DP7 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 scheme in detail prior to any initial construction works.

4. **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 and DP7 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 walls of the development shall commence until a sample panel of all external 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 Policy DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
6. **Noise Mitigation Measures (Pre-Occupation)**
No dwelling shall be occupied until acoustic details of double glazing and background ventilation provision serving habitable rooms has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to occupation and the measures shall be permanently maintained thereafter.
Reason: In the interests of protecting the amenities of the occupiers of the dwellings from noise pollution, having regard to the provisions of Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
7. **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. The scheme shall include a programme of phasing, 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 Policy DP23 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.
8. **Drainage - Foul (Pre-commencement)**
No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwellings.
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.
9. **Visibility Splay - Wraxall Road (Compliance)**

At the proposed access along Wraxall Road, there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.0 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: To secure appropriate visibility splays onto the highway in the interests of highways safety, in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. Visibility Splay - Wraxall Hill/ A37 (Compliance)

At the proposed access along Wraxall Hill (A37) there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan 'Proposed Site Plan Dwg No : MDS 1344/103 rev G'. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: To secure appropriate visibility splays onto the highway in the interests of highways safety, in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. Parking (Compliance)

The areas allocated for parking and turning on the submitted plan 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 Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. Bound/Compacted Vehicle Access (Pre-occupation)

No occupation shall commence until the approved vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for the first 6 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. Vehicular Access (Compliance)

The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with details shown on the approved drawings. The vehicular access shall thereafter be permanently retained in accordance with the approved plans.

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).

14. Footpath Provision (Pre-Occupation)

No occupation of each individual dwelling shall commence until a 2m wide footpath, as shown on the approved drawings, has been constructed in accordance with a design and specification which has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained and maintained as such thereafter.

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

15. Estate Roads (Bespoke Trigger)

The proposed estate roads, footways, footpaths, 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).

16. Construction Management Plan (Pre-commencement)

No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall or include the following:

- Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
- Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included.
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- Delivery and construction working hours.

And shall confirm:

That, until 01/04/2021 or any further date set by the Temporary Fast Track Deemed Consent Route Under Section 74B of the Town and Country Planning Act 1990, noise generating activities shall not occur outside of the following hours:

- Mon - Sat 08.00 - 21.00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

After that date the hours will revert to:

- Mon - Sat 08:00-18:00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

17. **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).
18. **European Protected Species Mitigation Licence (Pre-commencement)**
No development 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 statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.
- Reason: In the interests of the strict protection of European protected species and in accordance with Policy DP5 and DP6 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.
19. **Supervision of Works - Protected Species (Compliance)**
All works potentially affecting bats shall 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 Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
20. **Ecological Mitigation Measures (Pre-Occupation)**
All ecological measures and/or works shall be carried out in accordance with the details contained in Section 4 'Mitigation strategy and roost compensation' and Appendix 7 in the Phase 1 & 2 bat Survey (ABR Ecology Ltd, June 2018 updated May 2020). All works shall be carried out in full accordance with these approved details prior to the occupation of the development and be retained and maintained as such thereafter.
- Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan, Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

21. Ecological Enhancement Measures (Pre-Occupation)

The following biodiversity enhancements will be carried out within the development:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the east facing elevation of Plot 7;
- b) A bee brick built into the wall about 1 metre above ground level on the east facing elevation of Plot 7.

All works shall be carried out in full accordance with these approved details prior to the occupation of the development and be retained and maintained as such thereafter.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan, Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

22. External Lighting (Bespoke Trigger)

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been 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 or having access to their resting places. All external lighting shall thereafter 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.

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.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. 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.

2. 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.

3. 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.
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 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.
6. 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/>
7. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.
8. Please note the provision of the proposed public footpath will require a 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.
9. A watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors,

additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.179: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Agenda Item No.	DM04
Case Officer	Mr Callam Pearce
Site	Four Hands Village Lane West Horrington Wells BA5 3ED
Application Number	2020/1195/FUL
Date Received	26th June 2020
Applicant/ Organisation	Mr Tom Beasley
Application Type	Full Application
Proposal	Demolition of existing dwelling and garage, erection of 2, dwellings with garages and off road parking, and improvements to existing highway access
Ward	St Cuthbert Out North
Parish	St Cuthbert Out Parish Council
Recommendation	Approve
Ward Cllrs.	Councillor Mike Pullin

What Three Words: splashes.steepest.coach

Referral to Planning Board:

This application is referred to the Planning Board because the application is a departure from the local plan as it proposes new residential properties outside of settlement limits.

Description of Site, Proposal and Constraints:

The application relates to a residential property located at Four Hands, Village Lane, West Horrington, Wells, BA5 3ED.

The application site falls outside of designated development limits. The site also falls within the Mendip Hills Area of Outstanding Natural Beauty (AONB), Band B of the Bat Consultation Zone for North Somerset, a SSSI Impact Risk Zone and a Source Protection Zone.

West Horrington is a small rural village located to the North East of Wells, there is one main road, Village Lane, which leads off of the main public highway (Bath Road). Topographically the land is steep as you move along village lane with dwelling-houses located on either side. The application site is a street facing property, with a large and steep rear garden.

The application seeks the demolition of an existing dwelling and garage and erection of 2 new dwellings with garages and off road parking.

Relevant History:

No Relevant History

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No Response received

Parish Council: Recommend Approval

Local Highway Authority (SCC Highways): – Standing advice applies

AONB Partnership: No Objection

MDC Environmental Protection: No Objection Subject to Conditions

- For each phase of development no development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

SCC Ecologist: No Objection Subject to Conditions

- The proposed development is unlikely to have an effect on horseshoe bats and therefore I do not propose to carry out a Habitats Regulations Assessment for the application.
- As no bat activity surveys have been undertaken I have to assume the presence of light averse species; therefore a 'lighting design for Bats' is suggested.
- Additional landscaping requirements specifically relating the removal of hedges should be monitored and conditioned.

MDC Drainage Engineer: No Objection Subject to Conditions

- The site is located in Flood Zone 1 and is not shown to be at risk of surface water flooding
- No details are provided regarding the surface water drainage system for the existing dwelling, or what is proposed for the new dwelling.
- Infiltration testing results in accordance with BRE Digest 365 will be required to demonstrate whether soils on the site are suitable for infiltration.

Local Representations: No comments have been received as a result of public consultation.

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy (adopted February 2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Housing
- CP4 - Sustaining Rural Communities

- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip's Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP6 – Bats Protection
- DP7 - Design and Amenity
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)

Assessment of relevant issues:

Principle of the Use:

The application site is situated within the open countryside where under core policies CP1 and CP2 of the Local Plan development is strictly controlled, but may exceptionally be permitted in line with the provisions of Core Policy CP4.

Policy CP4 seeks to support rural areas through: market housing, where it is within primary and secondary villages and complies with core policies CP1 and CP2; providing rural affordable housing where there is evidence of local need in line with DP11 and DP12; or occupational dwellings where they comply with DP13. None of these apply in this case.

Policies CP1 and CP2 state that any proposed housing development is expected to be directed towards principal settlements and primary and secondary villages, defined by development limits.

However, Mendip District Council is currently unable to demonstrate a five year housing supply. Therefore the policies within the Local Plan which seek to direct new residential development towards the principal settlements and defined Development Limits (CP1, CP2 and CP4), in so far as they relate to housing development, can only be given limited weight and are considered out of date.

The proposal is therefore assessed under paragraph 11d of the NPPF which states that where there are no relevant development plan policies or the policies of importance for determination are out of date that permission may be granted under certain circumstances; 11(d)(ii) states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

As borne out in Core Policy CP4, the spatial strategy of the Local Plan, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions within which, again, the development is not considered to fall. Similar to the Local Plan,

the policies within the NPPF also seek to direct new residential development towards sustainable locations and similar to CP4 a number of exceptions are provided for within paragraph 79 where a dwelling in the countryside might be acceptable.

However paragraph 79 reads:

'Planning policies and decision should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply...'

The key consideration here is therefore whether the dwellings here would be isolated homes. Whilst outside of development limits, it is acknowledged that they would be within the village of West Horrington. West Horrington is privy to both local services, such as a community shop, a restaurant and a local school. Additionally the village is located 1.5km from the urban centre of Wells. There are public transport services along Bath Road. Therefore the site is accessible through both vehicular and pedestrian modes of travel. The development is not therefore considered to be isolated and hence complies with the paragraph 79 of the NPPF.

Furthermore in terms of benefits, the proposal would add two residential units to the Council's five year housing land supply.

In light of the reduced weight afforded to Policies CP1 and CP2 as a result of the Council's current lack of a 5 year housing land supply, the compliance with paragraph 79 of the NPPF, and the, albeit limited, benefits of the proposed dwellings to the Council's housing supply, which are all material planning considerations weighing against the Local Plan development boundaries, the principle of development is considered acceptable. Furthermore paragraph 11 of the NPPF outlines where the policies which are most important for determining an application (i.e. CP1 and CP2) are out of date (i.e. by virtue of the lack of a 5 year housing land supply) permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The proposed dwellings are located on the eastern side of Village Lane, which is located on the northern edge of the built area of West Horrington. Along Village Lane there are residential dwellings to the north which are located in an elevated position and to the south of the public highway the dwellings are lower. There are a number of varying designs located along this section of Village Lane.

The proposed works would include the removal of an existing dwelling and associated garage and introduction of two, two storey dwellings. The footprint of the overall site would reduce from 435m² to 295m². The proposed dwellings are of a more contemporary design than some of the dwellings located along Village Lane though they are not necessarily out of place within the rural setting.

The proposed building materials are proposed as render and reconstituted stone for the walls and concrete tiles for the roof with a grey finish. The proposed building is of a scale and design that is appropriate to both the application site and surrounding area.

The proposed landscaping works would include the introduction of two patio gardens on the northern elevation, whilst this would replace existing green space within the AONB considering the steep topography of the rear garden, the impacts upon this designation are minimal.

Additionally an area to the south of the property, adjacent to the public highway would be widened to add two parking spaces and a garage for each dwelling; these would replace the existing site access. Village Lane at this point is narrow and the existing access road to the property is steep

and unsuitable for vehicular movements. Dwellings to the west have adopted a similar parking layout and it is considered that it can be delivered here without adversely impacting the street scene.

Finally there are associated boundary treatments proposed, to include a wall between the two properties and a fence around the garden.

The plans demonstrate that two dwellings could be accommodated within the application site without causing adverse harm to the street scene or surrounding area. When comparing the design to other dwellings along Village Lane, the proposal is considered to be acceptable.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policy DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Area of Outstanding Natural Beauty

The site falls within Mendip Hills Area of Outstanding Natural Beauty. The topography of the area is steep, elevating to the north.

The site itself is set back within an existing cluster of residential dwellings which reduces the impact upon the AONB. The building is of typical rural design and materials. The building would be afforded some degree of screening by virtue of the topography and its setting within a built landscape.

Following consultation with the AONB Officer for the Mendip Hills, no objections or additional comments were received.

In summary, the proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 11 of the National Planning Policy Framework.

Impact on Residential Amenity:

The existing dwelling and outbuilding is located to the east of Village Lane, it is the end dwelling and there are no neighbours beyond this point.

The plans demonstrate that the dwelling could be accommodated within the application site without causing adverse harm to the amenities of neighbours. The proposal is located 20 metres away from the dwellings to the south, which are on lower ground across the road to the south. The nearest of the proposed dwellings would be 10 metres from the closest neighbour, Garden House, to the west. A boundary fence is proposed to separate the dwelling from the existing neighbours to the west.

Due to the varying heights and elevations of the surrounding dwellings; window locations; and the proposed boundary treatment, there would be no adverse issues regarding overlooking.

The separation between the two proposed dwellings is to include a stone wall to separate the parking with a fence between the two properties, the proposed gap between the properties is 4 metres.

Fenestrations are orientated in such a manner wherein privacy will be maintained. Minimal windows on the ground floor of the western and eastern elevations of the proposed dwellings, with small windows on the first floor elevations. The proposed window layout with associated boundary treatment will protect both neighbouring and future occupant's amenity.

Considering the size of the plot and general topography of the area, the proposal could adequately provide both future occupiers of the dwelling and neighbours with privacy and amenity space.

Considering the close proximity of neighbours, relatively narrow public highway and access track and the topography of the site, it is considered that the construction process should be managed to protect the amenity of neighbours. Following consultation with Environmental Protection a Construction Management Plan is to be conditioned due to the site constraints and to protect residential amenity.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Assessment of Highway Issues:

The arrangement of parking on Village Lane is relatively informal, there are some dwellings which utilise on street parking and others which have formal parking spaces. Village Lane is narrow and does not allow space for cars to pass easily.

The introduction of potentially four new vehicles in this area, with further capacity for vehicular storage in the garages, would need to be managed in a manner which does not impact highways safety standards.

The proposal outlines that the two spaces per dwelling will be set back from the public highway, with a barrier wall between the two dwellings and new boundary wall separating the parking from the public highway. There is a designated area in front of each proposed dwelling of 6m x 6m which allows for two 2.5m x 5.0m parking spaces in front of each dwelling, this well within highways standing advice. The garage space is proposed as 6m x 2.5m, slightly under the standing advice for garages but acceptable due to the increase in off street parking in the area.

The proposed parking spaces are acceptable for the proposed two bedroom dwellings.

Village Lane is an unclassified road so there is no requirement for a turning area within the site, although there must be a clear 6 m around the parking spaces to allow for manoeuvring. The public highway is 7 m in width. There is clear visibility both along Village Lane to the West and around the bend to the South East.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and part 4 of the National Planning Policy Framework.

Ecology

The site and its surroundings fall within the Bat Consultation Zone for the North Somerset and Mendip Bats SAC and has the potential to support ecological habitats.

The proposal would introduce two dwelling-houses to the area, therefore it is likely that the redevelopment of the site has the potential to impact upon the integrity of the habitat.

Following consultation with the SCC Ecologist it has been determined that the proposal would not be likely to adversely impact bat habitats subject to a condition to secure sensitive lightning design. Additionally further conditions are suggested in relation to design principles, with the integration of Bee Bricks and a Nesting Box. These are considered reasonable given the LPA's duty to ensure that an effort is made for the preservation of biodiversity.

Accordingly, the proposal is considered to adequately safeguard for ecology, in accordance with DP5 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework., subject to a condition.

Flood Risk and Drainage

The site lies within flood zone 1 – with a low risk of flooding. The proposal would see a significant decrease in impermeable surface areas on the site, from 435m² to 295m². The application states that infiltration will be the primary discharge of surface water, though no further information has been provided to prove this is viable. Considering the reduction in surface area is over the required 30% for brownfield developments, it is considered that soakaway testing can be conditioned.

The foul water discharge would connect to an existing main sewer point and is therefore considered to be acceptable.

The proposal is therefore considered acceptable, subject to conditions, in flood risk and drainage terms, in accordance with policies DP7, DP8 and DP23 of the adopted Local Plan Part 1 (2014).

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion:

The proposal, whilst outside of designated development limits, is not in an isolated location at a time when the Council cannot demonstrate a 5 year housing land supply. Accordingly it would help maintain a supply of housing for the district and complies with the NPPF. It is therefore acceptable in principle. With regards for design, amenity and highways safety, no adverse issues have been determined and therefore the recommendation is for approval.

Recommendation:

Approve With Conditions

Reason/s for Recommendation

1. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings.
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), CP4 (Sustaining Rural Communities), DP1 (Local Identity), DP34 (Mendips Landscapes), DP5 (Biodiversity), DP6 (Bats), DP7 (Design and amenity), DP9 (transport), DP10 (parking), 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:

1396 - 01 LOCATION & BLOCK PLAN

1396 - 02 EXISTING SITE PLAN & SECTION

1396 - 08A ELEVATION DRAWING

1396 - 09A ELEVATION DRAWING

1396 - 10A ELEVATION DRAWING

1396 - 11 PROPOSED SECTION

1396 - 12A PROPOSED BLOCK PLAN DRAWING

1396 - 13A ENTRANCE PARKING/ GARAGE PLAN

1396 - 14A MAIN GROUND FLOOR PLAN

1396 - 15A MAIN FIRST FLOOR PLAN

1396 - 16 EXISTING HARDSTANDING AREA PLAN

1396 - 17 PROPOSED HARDSTANDING AREA PLAN

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

3. Materials (Compliance)

The development hereby approved shall be carried out using external facing and roofing materials as specified on the application plans/form.

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. External Lighting (Bespoke Trigger)

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been 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 or having access to their resting places. All external lighting shall thereafter 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.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. Nesting Bird Protection (Bespoke Trigger)

No removal of trees hedges or shrubs shall take place between 1st March and 31st August 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 tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. Implementation of Wildlife Scheme (Pre-occupation)

No vegetation removal shall take place until a method statement to ensure great crested newts would be adequately protected from the development, as a non-licensed reasonable avoidance measure, has first been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved method statement.

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

7. Bee Brick Provision (Compliance)

Two bee bricks shall be built into the wall about 1 metre above ground level on the east elevation of the dwelling (Plot 2).

Reason: To provide biodiversity gain in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and in accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

8. Surface Water Drainage System (Pre-commencement)

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

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). 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.

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. Parking (Compliance)

The areas allocated for parking and turning on the submitted plan 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 Policies DP9 and DP10 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: 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, residents and the AONB in accordance with Policies DP1, DP4 and DP7 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, residents and the AONB in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. 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 on the western elevation of the eastern dwelling, and the eastern elevation of the western dwelling; 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).

Informatives

1. 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.
2. **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.

3. 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.
4. 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.
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 of the need to consult the Highways Department, Somerset County Council (Tel:- 01458 837100) prior to commencing works adjacent to the public highway.
7. 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.
8. A watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.
If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

Agenda Item No.	DM05
Case Officer	Charlotte Rogers
Site	30 Wells Road Wookey Hole Wells Somerset BA5 1DN
Application Number	2020/0775/FUL
Date Received	16th April 2020
Applicant/ Organisation	Mr & Mrs Robert & Linda Weare
Application Type	Full Application
Proposal	Erection of single storey dwelling with wheelchair access
Ward	St Cuthbert Out North
Parish	St Cuthbert Out Parish Council
Recommendation	Refuse
Ward Cllrs.	Councillor Mike Pullin

What.Three.Words: lotteries.beaten.supporter

Referral to Planning Board

The application has been referred to planning board at the request of the Chair and Vice Chair as the officer recommendation of refusal is contrary to the Parish's recommendation.

Description of Site, Proposal and Constraints:

This application relates to a plot of land north of 30 Wells Road. The site is in a semi-rural location. 30 Wells Road is a detached property however there are a mix of houses and bungalows of various styles and materials in the surrounding area. There is an existing vehicular access to the site situated at an angle adjoining the boundary of number 30. The site previously had a mobile home located on it but this has since been removed. There is now an area of hardstanding in where the mobile home has since been removed. From the edge of the hard standing the site slopes considerably in a westerly direction.

The site is located outside of the development limits as defined by the Mendip District Local Plan Part 1 (December 2014) and is within a bat protection zone.

The application seeks permission for the erection of a single storey dwelling with wheelchair access. The dwelling is proposed to be constructed of render and horizontal boarding with concrete roof tiles. This application follows on from case ref: 2019/0734/OTS as set out below.

Relevant History:

112683/000 – Demolition of single storey side extension and erection of two storey side extension
– Approval – 14.05.1997

110516/000 – Outline application for four detached dwellings – Refusal – 01.10.1998

2011/2491 – Erection of extension on west elevation with decked area, alterations to roof of house to provide a new higher eaves level with windows at first floor level – Approval – 29.11.2011

2018/0198/CLE – Application for an existing lawful development certificate for the permanent siting of a mobile home – Development is not lawful – 30.07.2018 (Enforcement case – mobile home removed from the site)

2019/0734/OTS – Application for outline planning permission with some matters reserved for erection of a bungalow with details of access and scale to be considered – Withdrawn – 14.10.2019

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No comments received during the application consideration.

Parish Council: Recommend approval

Highways Officer: Standing advice applies

Ecology: No objections subject to condition

Local Representations:

3 letters of objection have been received raising the following summarised issues:

- Highway safety issues
- Rural location and the occupants would rely on private transport (not suitable for a wheelchair accessible dwelling)
- Slopped garden is unsuitable as a disabled dwelling
- There is a stop tap on the site that cannot be accessed / maintained / repaired if the application is approved

2 letters of support have been received.

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip's Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impacts of New Development
- DP10 – Parking Standards
- DP14 – Housing Mix and Type

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Householder Design Guide

Assessment of relevant issues:

Principle of the Development:

The site is located in an area outside of the development limits where new residential development is strictly controlled and only exceptionally allowed where it would comply with CP4 Sustaining Rural Communities. The proposal is not for affordable housing or any other justified local need and therefore the principle is not considered to be acceptable. Whilst the application is for a wheelchair accessible bungalow the need for this specific type of housing does not outweigh the harm of the proposal being located outside of the settlement limits.

The National Planning Policy Framework (NPPF) supports the notion that development should be concentrated in and around existing locations where jobs and services are concentrated and seeks to ensure that residential development is located in the most sustainable locations. The NPPF also promotes residential development in locations that will not foster the use of private travel. The development proposed would foster the growth in the need to travel by private car as the site is located outside of the settlement limits. The occupier's day to day needs would inevitably be made by trips in private vehicles, for shopping, employment, leisure, health and education to name a few. The proposal is therefore contrary to the NPPF and the Mendip District Local Plan 2006-2029 as it is deemed to be unsustainable development.

The extent to which the application could be supported as an exception under policy DP14 is considered in the planning balance section of this report

Design of the Development and Impact on the Street Scene and Surrounding Area:

Policy DP1 of the Mendip District Local Plan 2006-2029 requires all development proposals to contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district. Furthermore, Policy DP7 states the Local Planning Authority will support high quality design which results in useable, durable, adaptable, sustainable and attractive places.

The overall effect of the scheme would be adding to the ribbon development of the area which would have a detrimental impact on the character of the surrounding area. The bungalow proposed would not look out of place in terms of the style and design of houses in the area however, it would add to the linear form of development along the road in an unsustainable location. On this basis it is not considered to accord with Policy DP1.

Impact on Residential Amenity:

DP7 of the Mendip District Local Plan seeks to ensure developments protect the amenity of users of neighbouring buildings and land, providing a satisfactory environment for current and future occupiers. There is a collection of residential properties surrounding the site with one property bordering the site.

The previous application (reference 2019/0734/OTS) raised concerns for overlooking and loss of private amenity space for the proposed dwelling due to the location of the property on a slope. Whilst this application has addressed these concerns by altering the layout of the house in order to create private amenity space, the large majority of the garden would still be overlooked by the neighbouring property which would have an impact on how the occupiers would use to the site.

Assessment of Highway Issues:

The proposed access utilises the existing entrance layout with the neighbouring property, 30 Wells Road. The current access would give adequate visibility to the south, while improvement to the north across the site frontage would need to be sought. A condition to secure visibility splays here could be a condition should the application be approved.

The application shows provisions for 3 parking spaces on the property with the vehicles being able to enter and exit the site in forward gear.

Sustainability and Renewable Energy:

The application sets out the means of energy saving measures that are to be incorporated into the design of the property. However, as the site is outside the settlement limits where it is considered the occupants would be reliant on private cars to access services and therefore overall the scheme would not meet the requirements of the NPPF in this regard.

Refuse Collection:

There is sufficient space on the site for the storage of both domestic waste and recycling. The property is located on an existing domestic refuse collection route.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion and Planning Balance:

To conclude, the proposed development provides a single storey dwelling in an unsustainable location with poor access to services and facilities other than by means of private transport. Furthermore the application scheme would add to the ribbon development along the road.

The Council cannot currently demonstrate a 5-year supply of deliverable housing sites so, in these circumstances, Paragraph 11 of the NPPF applies in that there is a presumption in favour of sustainable development and that therefore planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In this case there would be some benefit from the proposals by adding a single dwelling house to the housing supply and in this case it is recognised that the dwellings has been designed as a life time home. There would also be some economic and social benefits arising from the construction of the dwelling as well as economic benefit derived from the future occupants for the wider area. However, overall it is considered these benefits should be given limited weight, as there is no clear evidence that this particular housing need could not be met in a more sustainable location.

In light of this there are no exceptional and/or special circumstances to justify what would amount to a new-build dwelling in the countryside in an area with limited services resulting in a dwelling in an unsustainable location. As such the proposal is considered unacceptable and contrary to Policies CP1, CP2, DP1, DP7 (in relation to the overlooking issue with the host property a concerns for future occupiers) and DP14 of the Local Plan and policies within the NPPF and the application is recommended for refusal.

Recommendation:

Refuse

Reason/s for Recommendation

1. The proposed dwelling, given its location on a slope and the close relationship with the neighbouring property, would create a form of development that would have an unacceptable relationship with the neighbouring occupiers (existing and future) in terms of loss of private amenity space given the degree of overlooking between the two sites. Overall it is considered that the proposal is contrary to Policy DP7 of the Mendip District Local Plan Part 1: Strategy and Policies (December 2014).
2. The proposed development by reason of its location would add to the ribbon development along a busy classified road outside of the development limits and where occupants would be largely reliant on the private car for services. It is therefore deemed that the proposal would be unsustainable in this location. The benefits of the proposed development of providing an accessible living environment are not considered to outweigh the unsustainability of the site to accommodate a dwelling. In summary no substantial case has been made for the provision of a new dwelling in an unsustainable rural location and on this basis it is considered that the proposal is therefore contrary to Policy CP1, CP2 and Policy DP14 of the Mendip District Local Plan 2006-2029 and the National Planning Policy Framework.

Informatives

1. This decision relates to drawings S6113/100C, S6113/110A and the details contained within the application form. Validated on 16.04.2020

Agenda Item No.	DM06
Case Officer	Sarah Tucker
Site	The Old Parsonage Parsonage Lane Chilcompton Wells BA3 4HD
Application Number	2020/0652/OTS
Date Received	24th March 2020
Applicant/ Organisation	Mr N Smith
Application Type	Outline - Some Matters Reserved
Proposal	Application for Outline Planning Permission with some matters reserved for the erection of a dwelling with details of access.
Ward	Ashwick, Chilcompton And Stratton
Parish	Chilcompton Parish Council
Recommendation	Approve
Ward Cllrs.	Councillor Joshua Burr Councillor Sam Phripp

What 3 words: fruitcake.pylons.stone

Referral to Planning Board

The application has been referred to Planning Board as it is a departure from the adopted development plan and is therefore required to do so by the Council's Constitution.

Description of Site, Proposal and Constraints:

The site is 0.13ha in size and consists of a large residential garden to the south-west of The Old Parsonage, that currently contains an existing timber garage with access onto Parsonage Lane, in the village of Chilcompton. The site is flat, surrounded by hedges and lies about 1m above Parsonage Lane, which is a narrow lane, flanked on either side by substantial banked hedges, which restrict views of the site itself. To the north of the site lies the garden of the Old Parsonage, to the west and south agricultural land and to the east by Parsonage Lane itself with residential properties set in large gardens beyond the lane.

The Old Parsonage lies within the development limits of the village of Chilcompton, however, the site itself does not. The site also lies within a Bat Consultation Zone for the Mells Valley Special Area of Conservation and an SSSI Impact Risk Zone. The site also lies within an area of high archaeological potential.

The proposal seeks outline planning permission for the erection of a dwelling with access only; all other matters are reserved. The proposed access has already been constructed and is in use for the existing timber garage on site.

Relevant History:

2013/1571/CLU Certificate of lawful use for lawned area south of the main house to be used as a residential garden. Approved. 02/12/2013

2014/1919/HSE Construction of oak framed combined garage and car port at site of vehicular access off Parsonage Lane. Approved with conditions 21/01/2015

2017/1524/HSE Erection of timber framed summer house in garden of Old Parsonage. Approved with conditions 19/07/2017

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No response

Chilcompton Parish Council: No objection

Highways Development Officer: Standing Advice applies.

County Ecologist: No response as yet

County Archaeologist: No objections

Land Drainage Engineer: no response yet

Local Representations: 14 representations to the proposals have been received, including 13 of support and 1 objection.

The reasons for objection are:

- Parsonage Lane is a narrow rural lane with no footpath and the proposal would increase traffic and parking in the area and exacerbate highway hazards.

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 - Supporting the Provision of New Housing

- DP1- Local Identity and Distinctiveness
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

Whilst the Old Parsonage itself lies within the settlement boundary of Chilcompton, the application site lies outside. As such, the proposed dwelling falls outside of the Mendip Spatial Strategy for housing set out in policies CP1 and CP2 of the adopted Local Plan. Chilcompton is a primary village as defined in policy CP1, a size of village that offers key community facilities and the best available public transport services.

The Council cannot currently demonstrate a 5 year housing land supply and as such, in accordance with paragraph 11(d) of the NPPF policies CP1 and CP2 with regard to housing have only limited weight, and therefore the application falls to be considered by paragraph 11(d) of the NPPF which states that where there are no up to date policies, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.

Given that the site lies adjacent to the village settlement boundary, the site itself has lawful consent for residential garden use, and residential development exists further south down Parsonage Lane on the opposite side of the road, along with the policy context, it is considered that the site is acceptable in principle for residential development.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The layout, design, materials and landscaping of the proposal are reserved and cannot be assessed as part of this application. However, the indicative layout shows that the proposed dwelling is set back from the boundaries of the site and given the topography of the lane, which is set down from the surrounding properties here, with substantial hedging, it is unlikely that the proposal would result in visual harm to the surrounding area. Views from surrounding agricultural land will also be somewhat obscured by existing, well established hedging.

Impact on Residential Amenity:

The nearest residential property to the proposal is the Old Parsonage itself, but both the existing dwelling and the proposed are set within substantial gardens and there will be little inter-visibility between the two dwellings. There will be no impact on residential properties on the other side of Parsonage Lane as a result of the proposal.

Assessment of Highway Issues:

Whilst an objection has raised the issue of increased traffic exacerbating highway problems in Parsonage Lane, the highway authority has not objected to the scheme, and the proposal uses an existing access currently used for a garage. Given this, the use of the access for a further one dwelling is not considered harmful to highway safety in this location.

Ecology

The proposal is within a Bat consultation area for the Mells Valley Special Area of Protection and an SSSI Impact Risk zone. The main risk is for the protection of bat species in the area. Subject to a formal response from the Ecologist, the erection of a dwelling is unlikely to result in harm to bat populations in the area provided conditions relating to the inclusion of bat boxes in the final scheme and the control of external lighting are proposed.

Archaeology

The site is within an area of high archaeological potential but the County Archaeologist has considered that the site will have little or no impact on existing archaeology in the area.

Drainage

No drainage detail has been submitted with the application. However, subject to comments of the land drainage engineer, conditions are recommended relating to both surface and foul water.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion and Planning Balance:

The proposal lies outside but adjacent to the Chilcompton settlement boundary. Chilcompton is a primary village as set out in policy CP1. However, since the Council does not have a 5 year housing land supply, policies CP1 and CP2 are considered out of date with regard to housing and are overridden by paragraph 11(d) of the NPPF which states that planning permission should be granted unless there are any adverse effects that would significantly and demonstrably outweigh the benefits of the proposal. In this case, subject to the addition of recommended conditions there are no adverse impacts of the proposal that would outweigh the benefits of providing a further dwelling in the district.

Recommendation:

Delegate to approve subject to the application being advertised as a departure to the Development Plan, and the expiry of said notice, and subject to no material issues not already discussed in the above report being raised by any representations received.

Reason/s for Recommendation

1. The proposal accords with paragraph 11d of the National Planning Policy Framework (NPPF) as the benefits of the development significantly and demonstrably outweigh any harm identified.
The location of the site is considered to be sustainable. The proposed access is acceptable. It is considered that the appearance, landscaping, scale and layout of the development could be designed to respect the character and appearance of the area and wider landscape setting; preserve the setting and appearance of heritage assets; safeguard ecology, trees, drainage, energy conservation and safeguard the amenities of neighbouring residents and adjoining land users under a reserved matters application.
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: Mendip Spatial Strategy, CP2: Supporting the Provision of New Housing, DP1: Local Identity and Distinctiveness, DP5: Biodiversity and Ecological Networks, DP6: Bat Protection, DP7: Design and Amenity of New Development, DP8: Environmental Protection, DP9: Transport Impact of New Development, of the Mendip District Local Plan 2006-2029, Part 1: Strategies and Policies, adopted 15th December 2014
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Somerset County Council Standing Advice, 2015
Somerset County Council Parking Strategy, 2013

Conditions

1. Outline Time Limit (Compliance)
The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).
2. Reserved Matters (Pre-commencement)
Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.
3. Reserved Matters Time Limit (Compliance)
Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4. Plans List (Compliance)
This decision relates to the following drawings:
Location Plan: PL4258/1
Existing site plan: PL4258/2
Proposed Block plan (position of house indicative): PL4258/3
Reason: To define the terms and extent of the permission.

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

6. Provision of Bat Box (Pre-commencement)
No development shall commence until an improved cavity bat box has been installed to accommodate bats during construction works has been 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. The bat box shall be retained thereafter in perpetuity.
Reason: In the interests of the strict protection of European protected species and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a bat box is in place to house any discovered bats at the commencement stage of development.

7. External Lighting (Bespoke Trigger)
No external lighting shall be erected or provided on the site until a "lighting design for bats" has been 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 or having access to their resting places. All external lighting shall thereafter 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.

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.
Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Bat Box Provision (Pre-occupation)
No occupation shall commence until a Beaumaris Woodstone maxi bat box or similar has been mounted under the eaves on the proposed dwelling and retained thereafter in perpetuity.
Reason: To provide biodiversity gain in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and in accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

9. **Drainage - Foul (Pre-commencement)**
No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwelling.
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.

10. **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. The scheme shall include a programme of phasing, 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 Policy DP23 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.

Informatives

1. 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.

2. **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.

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.