

Application Number: 2017/1821/CNT
Date Registered: 6th July 2017
Parish: Shepton Mallet Town
District: Mendip
Member Division: Shepton Mallet
Local Member: Cllr John Parham
Case Officer: Frances Gully
Contact Details: fcgully@somerset.gov.uk
(01823) 359168

Description of Application: **ALTERATIONS TO REAR EXTENSION OF HIGHFIELD HOUSE. CHANGE OF USE FROM B1 (BUSINESS) TO D1(NON-RESIDENTIAL INSTITUTIONS)**
Grid Reference: 361844 143234
Applicant: Somerset County Council – Operations
Location: Highfield House, Cannards Grave Road, Shepton Mallet, BA4 5BT

1. Summary of Key Issues and Recommendation

1.1 The key issues for Members to consider are:

- Conformity with the Development Plan and other material considerations
- Residential and Business Amenity;
- Impact on setting of a Listed Building

1.2

It is recommended that planning permission be GRANTED subject to the imposition of the conditions in section 9 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.

2. Description of Site

2.1 The site comprises of an extension to the rear of the Grade 2 Listed Building named Highfield House which is part of the Mendip District Council Offices, and the outside yard to the rear of the building.

3. Site History

3.1 The extension on the back of Highfield House has been used for several years as an office with 3 rooms by the social services team with seven full time equivalent (FTE) staff. The yard at the back can be accessed through a small kitchen, directly within

Highfield House, by other office users. However, it is apparent that the yard has hardly ever been used in the last few years.

4. Details of Proposal

- 4.1 The relevant part of the building is leased to and currently occupied by Somerset County Council's Social Services Department, part of the SHAPE Mendip Hub. The application proposes to alter the rear extension of Highfield House with a change of use from 3 rooms and a corridor (B1) to a 'Getset' Facility (D1), which will have 1 kitchen, 1 room and an open plan area with a new door to the outside yard, where there is currently a window.
- 4.2 There are no additional parking spaces proposed as part of this scheme, as the current FTE staff use the parking in the Mendip Hub car park, it is viewed as a reallocation of spaces within the existing site for the proposed development, and the new staff and visitors will be able to use parking in the Mendip Hub car park.
- 4.3 The element of the proposal that requires planning permission is:
- Change of use from B1 **Business - Offices** to D1 **Non-residential institutions - day centres, schools, and education and training centres.**
- 4.4 The elements that do not require planning permission are:
- Development affecting the setting of a listed building. This requires a Listed Building Consent which Mendip District Council are required to consider. The application was approved subject to conditions on the 6th October 2017 application no. 2017/1822/LBC. See Appendix 1 for full decision notice.
 - Removal of existing partitions.
 - Creation of a new kitchen.
 - Creation of storage for IT and fold up furniture.
 - Widening an existing window opening to receive an accessible door to a play surfaced area in the rear yard.
 - The yard is to be enclosed with a 1.8 m high close boarded fence and an existing 1.2m stone wall with new close boarded fence 2.1 m high inside the wall.
 - Elevation changes solely to extract grilles and new glazed door.
- 4.5 Getset have set out their intentions for Highfield House. The numbers of clients are estimated but they will tailor the sessions accordingly if the proposal is granted permission and they begin to use the building. The activities would be supervised at all times.

Highfield House extension and yard are proposed to be used for the following services:

- **Targeted PEEP (Peers Early Education Partnership) group** – delivered by Getset, Peep groups are for parents/carers and their children together, and aim to support families with their children's early learning in an enjoyable way. Groups can be for babies, toddlers, pre-schoolers or mixed age;
- **Targeted Antenatal and Post-natal Young Parents Group** – this will be delivered on Tuesdays by Health, Leaving Care and Getset; with use of the kitchen for cooking purposes;
- **Targeted Speech and Language sessions** - delivered in partnership with Somerset Skills and Learning/ External agency and Getset;

- **Targeted Cooking courses / Messy play** - delivered in partnership with Somerset Skills and Learning/ External agency and Getset;
- **Health** – developmental checks – delivered by Health;
- **Health** – Post natal groups – delivered by Health;
- **Childminders** - childminders only;
- **Breast Feeding Support** – delivered by Health and Getset and peers supporters.

Highfield House hours of use:

Monday to Friday 08:00 – 12:30 and Tuesdays 08.30 – 16:00

The outdoor area will be used for small groups of supervised children. The number of parents/carers will be approximately 6-10, with their children.

- 4.6 The following documents have been submitted with the application submitted with the application.

SOM002 – PE- XX – GF – DR – A – 1000_Plan-Extg – L0 (Ground)

SOM002 – PE- XX – GF – DR – A – 1100_Plan-Demo-L0 – SCC Edit (Ground)

SOM002 – PE- XX – GF – DR – A – 1200_Proposed Plan

SOM002 – PE- XX – GF – DR – A – 9000_Site Plan

5 Consultation Responses Received

The application was publicised by way of site notice, press notice and neighbour notification.

- 5.1 **Mendip District Council** – No objection.
- 5.2 **Shepton Mallet Parish Council** – Unanimously support the application.
- 5.3 **Councillor J Parham** – No response received.
- 5.4 **Somerset Access & Inclusion Network Mendip** – No response received.
- 5.5 **Historic England** – No objection on heritage grounds.

Internal consultees: Somerset County Council

- 5.6 **Transport development group** – No response received.
- 5.7 **Community Protection (Noise)** - The view of the acoustics advisor is that the revised development incorporates reasonable noise mitigation measures, such as the rubber crumb surface to reduce the risk of noise disturbance. Therefore, there are no objections to the development subject to a condition to maintain a record of any instances of noise disturbance that have been reported to the users (Getset staff); to provide a measure of the effectiveness of any noise control policy they wish to carry out.
- 5.8 **South West Heritage Trust** - Following some discussion regarding the fencing and the setting of the Listed Building, the SW heritage group are satisfied that the listed building consent conditions cover all impacts on the setting of the listed building and do not advise any conditions or informatives for this permission.

Public Representations

5.9 The application has been publicised by erecting a site notice and neighbour notifications have been carried out. As a result one objection has been received covering the following:

5.10 **Objection** to the use of the courtyard due to the disruption to the charity facility regarding:

- i. Noise levels; which would be greatly increased if the yard is accessed by the clients using Highfield House Getset centre,
- ii. Mental wellbeing of clients and discomfort; due to noise levels, and
- iii. Their rights (as a charity and clients) to peaceful enjoyment of the property.

6. Comments of the Service Manager - Planning Control, Enforcement & Compliance

6.1 The Key issues for members to consider when determining this application are:

- Conformity with the Development Plan and other material considerations.
- Impact on residential and business amenity.
- Impact on setting of a Listed Building.

6.2 Regard is to be had to the Development Plan for the purpose of the determination of this planning application, which must be made in accordance with the Plan unless material considerations indicate otherwise. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 this decision has been taken with due regard to the Development Plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:

6.2.1 The Development Plan for the area. Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies adopted December 2014

6.2.2 As discussed below, the proposed development accords with all relevant planning policies within the Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies. As such, it is considered that the proposal is in accordance with the Development Plan.

6.2.3 The application is in accordance with policy DP1; Local Identity and Distinctiveness. The Policy requires that 'the application has an appreciation of the built and natural context of their locality recognising that distinctive ... boundary walls ... and other features collectively generate a distinct sense of place and local identity (partial text from point 2 of policy). The policy also requires that there have been appropriate efforts made by the applicant to mitigate impacts associated with the new use (noise) and they have made a clear indication of the need for the proposal to take place in this location' (partial text from point 3 of policy), due to the current premises being inappropriate.

6.2.4 The application is in accordance with DP3: Heritage Conservation. This Policy requires proposals which affect a heritage asset or its setting (in this case the Grade 2 listed Highfield house) to demonstrate an understanding of the significance of the asset or setting. This has been established by the

approval of the listed building application (application no. 2017/1822/LBC) which indicates that the proposal has been supported in terms of its affect on the heritage asset of Highfield House as a listed building and its setting.

6.2.5 The application is in accordance with DP7: Design and Amenity of New Development; the Local Authority will support high-quality design which results in usable, durable, adaptable, sustainable and attractive places. The proposal is particularly in accordance with points a)-c) and g)-h) of part 1 of the Policy; as follows: 'Proposals for new development should demonstrate that they:

- a) Are of a scale, mass, form and layout appropriate to the local context;
- b) Protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants;
- c) Optimise the potential of the site in a manner consistent with other requirements of this policy;

- g) Meet the access needs of a wide range of users;
- h) Incorporate appropriate crime prevention measures;
- i) Undertake construction in a manner that makes efficient use of materials and minimises waste.'

6.2.6 Other material considerations for the area comprise: National Planning Policy Framework March 2012 (NPPF) and the Planning Practice Guidance. The application is in accordance with the NPPF and the Guidance in terms of ensuring the vitality of town centres and particularly in regard to protecting the historic environment due to this site being attached to Highfield House, a Grade 2 listed building.

6.3 Impact on residential and business amenity.

The change of use is located in an extension to Highfield House which is part of the Mendip District Council Offices. There are no objections to the internal changes to the buildings; it is the use of the outside space which is of a major concern to a neighbouring charity business. It is considered that there could be disturbance at times from people using the outside area. These may be staff, parents or carers and children from 0-18-years old depending on the sessions which are taking place in the centre.

Taking account of the above, it is considered that the proposal could compromise the occupiers of the neighbouring charity from the existing situation.

However, in planning terms with regard to what the outside area could currently be used for (general use of outside space by office workers), and taking account of the mitigating measure of placing a fence across the yard preventing people walking in front of the neighbouring property's windows, and the soft surface to be installed, the change of use would not create a significant change in noise and disturbance from the potential levels expected from the existing permitted use of the outside area.

There are no other objections to the proposal from other residents or businesses.

6.4 Impact on setting of a Listed Building.

The impact of this proposal has been discussed with English Heritage who had no concerns with the proposal, and stated that they consider the application meets the requirements of the NPPF. More detail was discussed with the South West Heritage Trust who had concerns regarding the fencing in the yard. All concerns have been overcome and the SW Heritage Trust are satisfied that the appropriate colour of fencing will be addressed through the Listed Building Consent in compliance with Mendip District Council consent 2017/1822/LBC, and therefore no further advice or conditions are required with this application in that respect.

7. Conclusion

It is considered that this report demonstrates that the effects associated with the proposal would be acceptable from a planning perspective, by virtue of the proposal's appropriate design and the use of conditions that would ensure that the effects are appropriately mitigated where needed. It is noted that a proportion of the proposal can be undertaken using permitted development rights and so is beyond the control of Somerset County Council; however, in terms of the matters requiring planning permission (the change of use) this assessment demonstrates that impacts in planning terms are negligible, as any adverse impacts of this decision would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is concluded that the proposed development accords with the Development Plan (Mendip Local Plan) for the area and represents sustainable development.

8. Recommendation

Taking into account the issues noted above and all other relevant material considerations it is concluded that the proposal is in accordance with the development plan.

It is recommended that planning permission be GRANTED subject to the imposition of the conditions in section 9 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.

9. Conditions

1. The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: Pursuant to Section 91 of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans:

SOM002 – PE- XX – GF – DR – A – 1000_Plan-Extg – L0 (Ground)
SOM002 – PE- XX – GF – DR – A – 1100_Plan-Demo-L0 – SCC Edit (Ground)
SOM002 – PE- XX – GF – DR – A – 1200_Proposed Plan
SOM002 – PE- XX – GF – DR – A – 9000_Site Plan

and with any scheme, working programme or other details submitted to and approved by the Waste Planning Authority in pursuance of any condition attached to this permission.

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

Informative

1. It is advised that the managers of the new facility/centre adopt a policy designed to limit the occurrence of excessive noise from children by active intervention. The managers of the development hereby permitted shall maintain a record of any instances of noise disturbance that have been reported to the users (managers) by neighbouring residents or businesses.

Reason: To monitor the impact on noise amenity for neighbouring residents and businesses. Therefore providing a measure of the effectiveness of the active intervention policy.

10 Policy Analysis

10.1 The following is a summary of the reasons for the County Council's decision to grant planning permission.

10.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 this decision has been taken with due regard to the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:

Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies adopted December 2014

- DP1: Local Identity and Distinctiveness
- DP3: Heritage Conservation
- DP7: Design and Amenity of New Development

The proposal is in accordance with the Development Plan and in particular the following policies:

Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies adopted December 2014

Policy DP1	Local Identity and Distinctiveness	In accordance as the proposal will not adversely affect the local identity or distinctiveness of the Town of Shepton Mallet or the wider area.
Policy DP3	Heritage Conservation	In accordance due to the approved listed building consent no. 2017/1822/LBC
Policy DP7	Design and Amenity of New Development	In accordance as the proposal is of appropriate design in this sensitive area and will not result in significant adverse effects on the amenities of the occupiers of nearby premises.

Appendix 1



Customer Services
Cannards Grave Road, Shepton Mallet, Somerset BA4 5BT
Telephone: 0300 303 8588 Fax: 01749 344050
Email: customerservices@mendip.gov.uk
www.mendip.gov.uk

Shane Jolly
Somerset County Council
County Hall - PP B2S 4
TA1 4DY

Application Number: 2017/1822/LBC
Date of Application: 3rd July 2017
Application Type: Listed Building Consent

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990 (AS AMENDED)
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
REGULATIONS 1990 (AS AMENDED)

THE MENDIP DISTRICT COUNCIL, being the LOCAL PLANNING AUTHORITY for the said District, hereby **GRANT LISTED BUILDING CONSENT** for the works described in the application validated on 3rd July 2017 subject to conditions hereunder stated.

Proposal: Alterations to rear extension of Highfield House, change of use from B1 to D1
Location: Highfield House Mendip District Council Offices Cannards Grave Road
Shepton Mallet Somerset
Parish: Shepton Mallet Town Council

DECISION: Approval with Conditions

REASON FOR APPROVAL

1. The proposals would preserve the significance of the designated heritage asset. 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:-

DP3 (Heritage Conservation) of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) National Planning Policy Framework Planning Practice Guidance

CONDITIONS

1. The works hereby approved shall be begun before the expiration of three years from the date of this consent.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The works hereby approved shall be carried out in accordance with drawing numbers 1000, 1100, 1200, 3300 and 9000 validated 03 July 2017 only.
Reason: For the avoidance of doubt and in the interest of proper planning.
3. Notwithstanding the details provided on the approved plans and supporting documents, no finish shall be applied to any of the external fencing within the site until a sample panel has first been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in accordance with the approved details.
Reason: This condition must be a pre-commencement condition to safeguard the setting of the listed building.
4. No external walling shall be constructed or installed in respect of the works hereby approved until a sample panel of all external walling materials has been erected on site and approved in writing by the Local Planning Authority. It shall thereafter be kept on site for reference until the work is completed.
Reason: In the interests of the preservation of the significance of the designated heritage asset.
5. No external walling shall be demolished as shown within drawing 1100 hereby approved until a specification of works for the demolition of the walling has been submitted to and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of the preservation of the significance of the designated heritage asset.

NOTES

1. 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.
2. Your attention is drawn to the condition/s in the above permission, some of which require(s) the submission and approval of certain information PRIOR to the commencement of certain activities (e.g. development, use or occupation). Failure to comply with these conditions may render the development unauthorised and liable to enforcement action. Please note that there is a fee for the council's consideration of details submitted pursuant to a condition on a planning permission. The fee is £97 per request (or £28 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. You should allow up to eight weeks for these condition/s to be discharged, following the submission of details to the Local Planning Authority. If the Local Planning Authority fails to give a decision within this time or should it refuse approval of the submitted details then the applicant is entitled to lodge an appeal to the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, tel. 0117 372 6372, www.planninginspectorate.gov.uk

3. 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.
4. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of listed building consent.
5. Where a Planning Permission, Listed Building Consent, Certificate of Lawful Development or Prior Approval has been issued, approval may also be required under the Building Regulation Legislation before any work is commenced, and throughout the building process. Somerset Building Control Partnership works in tandem with our Development Management team to offer a number of helpful and efficient services that can be accessed via their website www.somersetBCP@sedgemoor.gov.uk by email at somersetBCP@sedgemoor.gov.uk, or by telephoning 0300 303 7790. Our Building Control team includes chartered surveyors, fire and building engineers and support staff that are available for free pre-application discussions and/or site meetings, to plan and facilitate a streamlined pathway to the completion and final sign-off of all projects.

I.Bowen BA(Hons) BTP(Dist) MRTPI
Group Manager for Planning and Growth Services

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

Dated 6th October 2017

DM No. - ETE-#829942-v1-Highfield_House_Shepton_Mallet_2017_1821_CNT