

Application Number	2023/0490/FUL
Case Officer	Jennifer Alvis
Site	Land At 374566 143893 Main Frome Road To Foghamshire Lane Trudoxhill Frome Somerset
Date Validated	15 May 2023
Applicant/	Mr Nicholas Clinch
Organisation	
Application Type	Full Application
Proposal	Demolish outbuilding and erection of 1no 3 bed dwellinghouse. (Re-submission of 2022/2254/FUL).
Division	Mendip Central And East Division
Parish	Trudoxhill Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

8. **What 3 Words:**

Access to Site - syndicate.autumn.safest

Location of Dwelling - testers.dished.costumed

Referral to Ward Member/Chair and Vice Chair/Planning Board

This application is referred to Planning Board due to the application proposing a new property outside development limits which is a departure from the Local Plan.

Description of Site, Proposal and Constraints:

This application relates to land to the west of Main Frome Road to Foghamshire Lane, Trudoxhill. The application site is located in the open countryside, outside the development limits of any settlement but within the curtilage of a property known as Gaerleat and is currently occupied by an indoor swimming pool. The site also falls within an Air Limit Civilian Zone, Band C of the Bat Consultation Zone for Mells Valley Special Area of Conservation, and a SSSI Impact Risk Zone

This application seeks full planning permission for the demolition of the existing swimming pool building and the erection of a single storey dwelling. The access will utilise the existing access track to Gaerleat

Relevant History:

2022/2254/FUL - Demolish outbuilding and erection of 1no 3 bed dwellinghouse. –
Withdrawn

071285/009 - Demolition of existing outbuilding and erection of indoor pool – Approved –
Oct 2000

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

Ward Member: No response

Town/Parish Council: Decision to be left to the planning officer

Highways Development Officer: Standing Advice

Environmental Protection: No objection subject to a condition which restricts construction hours

Local Representations: One letter of local representation have been received objecting to the proposal and raising the following concerns:

- Drawings are inconsistent
- Loss of privacy
- Noise impact
- Lighting impact on amenity and ecology
- Encroachment into the countryside
- Drainage issues

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)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- 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
- CP4 - Sustaining Rural Communities
- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip’s Landscapes
- DP5 - Biodiversity and 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 possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The settlement of Trudoxhill is not included within the spatial strategy as set out in the adopted local plan where there would be policy support for new residential development, and therefore the site is classified as open countryside location. Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined Development Limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions (Development Policies 12, 13, and 22), which do not apply in this case.

The council cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to

prevent new housing outside the development limits of settlements (CP1, CP2 and CP4) currently have limited weight. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

Under the circumstances, it is necessary to consider the details of the site's accessibility and proximity to services in order to determine whether it would be sufficiently sustainable in terms of its location. Trudoxhill has a pub/restaurant along with a village hall and church which are within walking distance of the site. Given the short walking distance to some services and that the proposal is of a very modest scale adjacent to a named settlement; it is considered, on balance, that there are enough alternatives to travel by car to suggest that the location is sufficiently sustainable in this case.

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

The proposal seeks to demolish the indoor swimming pool, infill the pool and build the proposed dwelling on the same site. The proposed dwelling is single storey and largely retains the footprint of the existing pool building in terms of scale with a minor addition to the west elevation. There is sufficient space within the site to accommodate a small scale dwelling without the development resulting in a cramped appearance or over development.

The site is tucked away behind existing properties and as such will largely be screened from the nearest public highway to the east.

It is considered that the proposed dwelling could be accommodated within the application site without causing unacceptable harm to the street scene or surrounding area, subject to details of the design being agreed on a reserved matters application. The proposal accords with Policies DP1 and DP7 of the Local Plan.

Impact on Residential Amenity:

An original scheme on the site proposed a two storey dwelling, this has now been reduced to single storey following comments from the neighbours to the east in regards the potential impact on privacy, light and overbearing. The proposed single storey dwelling, while higher than the original pool building, is still modest in scale and would not be considered to impact on the amenity of neighbouring occupiers given the high boundary hedge between the sites. Any fenestrations are either at ground floor level, and therefore screened by the hedge, or the roof lights will be at such an angle, and serving non-habitable rooms (en-suite and hallway), that it's not considered they would result in overlooking. It's considered reasonable

to impose conditions which remove permitted development rights for extensions in order to protect the ongoing relationship between the two properties.

The plans show sufficient amenity space for both Gaerleat and the proposed dwelling without compromising on scale or resulting in a cramped appearance.

Concerns were also raised regarding noise impacts however any noise from construction would be temporary and as such we can't take this into consideration when making a determination however an hours of construction condition will be applied to mitigate this in the short term. It's not considered that the noise created by the additional vehicle movements associated with the new dwelling would be significant enough to warrant a reason for refusal.

Subject to the use of the aforementioned conditions, and given the proposal's siting, scale, and design, it would not be considered to result in unacceptable harm to the amenities of neighbours. As such, the proposal accords with Policy DP7 of the Local Plan.

Assessment of Highway Issues:

The application would introduce a parking area to the front (north east) of the proposed dwelling for three vehicles with sufficient space for turning which accords with Somerset Parking Standards. Sufficient parking and turning space is also retained for the existing dwelling.

It is considered that permission should ensure the spaces are provided prior to any occupation of the dwelling and this is proposed to be secured through condition.

The access is existing and already serves Gaerleat with good visibility onto the highway.

The means of access and parking arrangements are acceptable and would adequately maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the Local Plan.

Impact on Ecology:

The site and its surroundings fall within the Bat Consultation Zone (Band C) for the Mells Valley SAC. The proposal would introduce a single dwelling-house to the area, though given the predominately built environment surrounding the site, and that the site comprises domestic curtilage, it is considered unlikely that the application would impact this designation.

An informative is considered sufficient to cover any potential bat roosting features and

nesting birds within the application site, and draw the applicant's attention to their legal obligations in relation to protected species. Accordingly, the proposal is considered to adequately safeguard ecology, in accordance with Policy DP5 and DP6 of the Local Plan .

Sustainability

Given the location of the proposal, which is only considered to be marginally sustainable, further environmental benefits should be sought, including the use of renewable energy sources and the installation of an electric vehicle charging point which can be secured through condition.

Refuse Collection:

There is ample space on site for an area to be allocated which is accessible from the highway for collection.

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, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance and Conclusion:

It is acknowledged that the development will be beyond the settlement limits and therefore would represent a departure from local plan policies regarding its spatial strategy for new residential development as set out at policy CP1 and CP2. However the application site is considered to be in walking distance of some key services and is not considered isolated.

Given that the Council does not have a five year housing land supply the tilted balance of Paragraph 11 (d) of the NPPF applies. The additional of a dwelling will make a modest contribution to housing in the district, which is of some weight.

Following the assessment of the application as set out above, any impacts arising from the application scheme are not considered significant and would not demonstrably outweigh the benefits delivered. On balance, it is recommended that planning permission be granted as a departure from the Development Plan with conditions.

Recommendation

Approval

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: HRDCSN/003, HRDCSN/004, HRDCSN/005, HRDSN-REV/001, HRDSN-REV/002

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

3. Parking Area (Pre-occupation)

The dwelling hereby approved shall not be occupied until the parking spaces shown on drawing HRDCSN/004 have been laid out in accordance with the approved plans and made available for the parking of vehicles. The parking spaces shall thereafter be retained for the parking of vehicles associated with the dwelling and for no other purpose.

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).

4. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenity of the neighbouring occupiers in accordance with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Hours of Construction (Compliance)**

Noise emissions from the site during the development, i.e. the demolition, clearance and redevelopment of the site, shall not occur outside of the following hours:

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. 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.
3. 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.
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 <https://buildingcontrol.somerset.gov.uk/>

5. Before commencing any works to trees or existing structures, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st March to 31st August, no works should be undertaken to trees or structures which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found to be present in the trees or structures works should immediately cease until specialist advice has been obtained from Natural England.