

Application Number	2021/2280/FUL
Case Officer	Carlton Langford
Site	Billingsley Bath Road Oakhill Radstock Somerset
Date Validated	12 January 2022
Applicant/ Organisation	S Spence
Application Type	Full Application
Proposal	Erection of a detached holiday let.
Division	Mendip Hills Division
Parish	Stratton On The Fosse Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What3Words: pegs.makeup.snores

Referral to Ward Member/Chair and Vice Chair:

This application has been referred to the Chair and Vice Chair of the Planning Committee as the Case Officer's recommendation to refuse differs from that of the Parish Council.

Description of Site, Proposal and Constraints:

This application relates to Billingsley, Bath Road, Oakhill, Somerset, BA3 5AB.

The application proposes the erection of a detached holiday let.

The site currently comprises part of a steep wooded bank leading down to a stream located to the west of Nettlebridge House. The site was formally part of the Nettlebridge Inn which has since been converted to two residential dwellings. These dwellings are also served by the proposed access to serve the proposed holiday let.

Relevant History:

2020/0688/FUL - Erection of a 1no. dwellinghouse – Refused Jan 2021.

2018/0700/FUL - Proposed detached holiday let – Approved Nov 2018.

2016/0554/FUL - Change of use of a redundant public house to 2 no residential dwellings – Approved with conditions 13th July 2016.

2015/2267/PREAPP – Favourable pre-application advice given on the basis of the current scheme, but subject to a rigorous marketing exercise to test future re-use as public house, community facility, commercial etc.

076126/005 - Erection of dwelling – Refused October 2000.

076126/003 - Revised application for the extension of the public house forming larger restaurant and the provision of a double garage and beer cellar, new landscaping and formation of revised access and parking layout.

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

Ward Member: No response

Parish Council: No objections

Highways Development Officer:

Environmental Protection: No objections

Ecologist: No objections subject to the imposition of conditions.

Drainage: No objections

Tree Officer: Object – Insufficient information to safeguard the wellbeing of existing trees

Local Representations: 7 letters of objection received raising the following issues –

- Loss of trees
- Loss of privacy – overlooking
- Impact on wildlife
- Highway safety
- Noise and disturbance
- Flooding
- Foul and surface water drainage concerns
- Subsidence
- Incongruous design
- Unsustainable location

- Unpleasant living environment for end users

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
- DP3 - Heritage Conservation

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

Assessment of relevant issues:

A similar scheme for a single holiday let (dwelling with restricted occupation) was previously allowed in 2018 and therefore, a material consideration in the determination of this application.

However, since 2018 National Policy, the National Planning Policy Framework (The Framework) has been amended to include, amongst other changes, the following –

Paragraph 11 stipulates that all plans should “promote a sustainable pattern of development that seeks to...align growth and infrastructure; improve the environment;

mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.’

Paragraph 7 refers to the purpose of the planning system making a ‘contribution to the achievement of sustainable development’. The revised version makes additional reference to the 17 Global Goals of Sustainable Development (agreed by the UN in “Transforming our World: the 2030 Agenda for Sustainable Development”). Those goals address social progress, economic well-being and environmental protection.

Paragraph 131 refers to existing trees are retained wherever possible.

Paragraph 134 has been amended to say that development should be refused if it is not well designed, especially where the development fails to reflect local design policies and government guidance on design. It also now highlights that significant weight should be given to development which reflects local design policies and outstanding designs which promote sustainability.

The ‘new’ Framework has ‘rebalanced’ environmental and social objectives with the emphasises on the need to protect and enhance the environment and the need to create places that will be a lot safer and more attractive for people to enjoy. The term ‘beautiful’ has also been integrated which should be seen as a high level of ambition, rather than policy.

In this regard, a full reassessment of the scheme is necessary having regard for evolving National Policy since the Council first assessed the scheme in 2018.

Principle of the Use:

The site lies outside of any settlement limits and in open countryside, in a location where development is strictly controlled in accordance with the provisions of policies CP1, CP3 and CP4 of the Mendip District Local Plan (MDLP), adopted in December 2014.

The development does however offer knock-on economic benefits as it will offer modest holiday accommodation.

Policy CP3 supports proposals for economic development in rural areas where they –

- accord with the Spatial Strategy defined in Core Policy 1 and, in rural areas, the principles set out in Core Policy 4.
- encourage a diverse, robust, thriving and resilient local economy;
- enhance the image of the area as a business location;

- limit the growth in demand for private transport and are accessible by sustainable transport modes;
- offer higher quality job opportunities to local people or improve the skills of the resident work force;
- consider options for the use of local contractors and supply chains in the construction and subsequent running of the enterprise.

Policy CP4 suggests that rural settlements will be sustained by supporting proposals for development of the rural economy as set out in Core Policy 3 which –

- deliver modest clusters of flexible premises able to meet the needs of the rural economy in the Primary Villages identified in Core Policy 1, or
- 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, or
- involve the conversion of existing buildings for an economic use as considered under Development Policy 22.

Paragraph 85 of the NPPF suggests that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

It is, therefore, necessary to ensure that the economic benefits brought by the development are carefully weighed against the criteria for sustainable development as outlined within policies CP3 and CP4 of the Local Plan and paragraph 85 of the NPPF.

A full assessment of the proposal follows below but in summary, the proposal provides only very modest level of holiday accommodation, providing few job opportunities or benefits for the local economy being remote from services and facilities, inaccessible to sustainable transport modes and with no proposals to improving the scope for access on foot, by cycling or by public transport to local attractions, the accommodation will be wholly reliant on the use of private transport (Car).

Therefore, the site's distance and poor accessibility and connectivity to local services and facilities will foster growth in the need to travel by private vehicle, making for an unsustainable form development where, the limited economic benefits brought by this single holiday let are not outweighed by the harm identified. The proposal is therefore

unacceptable in principle contrary to the provisions of Policies CP1, CP3, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014) and Policies within the National Planning Policy Framework to include paragraph 85 and Planning Practice Guidance.

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

The design of the proposal is very similar to that previously approved and by reason of its design, siting, scale, massing, layout and materials continues to be acceptable within context.

The proposal accords with Policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on 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.

Impact on Ecology:

The County Ecologist raises no objections to the proposal, subject to the use of planning 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 the conditions recommended, it is considered that the proposal would have an acceptable ecological impact, and would be in accordance with Policy DP5 and DP6 of the Local Plan.

Assessment of Highway Issues:

As with the previous application for holiday accommodation, there are no highway issues arising as a result of the proposal. Whilst concerns have been raised regarding traffic safety, the existing access which serves 2 existing dwellings and the proposed holiday let is considered to be sufficient to ensure a safe means of access as it has previously under its historic use as a public house where traffic movements were much greater.

The level of parking provision meets with the County Parking Strategy.

As previously, the scheme complies with Policies DP9 and DP10 of the LP.

Drainage and Flood Risk:

Based on the information received including the Flood Risk Assessment, there are clearly feasible solutions for both the foul and surface water drainage. However, the proposal still lacks sufficient detail and therefore conditions will be necessary to ensure the implementation of feasible schemes.

Whilst concerns were raised regarding possible flood displacement by the development, the applicant has since provided amended plans which ensure a slight change to the regrading i.e. levelling out land to allow for the proper drainage of water, of the site.

All flood risk and drainage concerns have now been addressed and the scheme now accords with Policies DP7 and DP23 of the LP.

Refuse Collection:

Ample space on site for the storage of waste 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, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Loss of trees

It is appreciated that the applicant might have cleared some trees and scrub from the site but is a separate matter for planning enforcement at this stage. However, the trees and shrubs lost are in a location on site, where development which had previously been allowed would take place and where the loss was considered acceptable.

Therefore, insofar, of the layout of the scheme being almost identical to that previously allowed,

it would be unreasonable to refuse the application on the grounds of loss of trees. No further trees are to be felled.

Unpleasant living environment for end users

The previous similar application raised no adverse amenity issues and therefore, it would be unreasonable of the Council to raise this as a concern now. Whilst it is appreciated that the remaining trees on site will overshadow the accommodation and therefore impede on the amenity of the end users, this is a matter which cannot now be reconsidered.

Subsidence:

The concerns raised by local residents regarding subsidence and land stability are issues for Building Regulations and cannot be taken into account in the assessment of this application.

Conclusion and Planning Balance:

This amended scheme similar to that previously approved under ref: 2018/0700/FUL would again provide modest holiday accommodation. However, changes in National Policy which amongst other things, emphasises the need to promote a sustainable pattern of development, now means that the site's distance and poor accessibility and connectivity to local services and facilities will foster growth in the need to travel by private vehicle, making for an unsustainable form of development where, the limited economic benefits brought by this single holiday let use are not outweighed by the harm identified. For this reason, the application is now recommended for refusal.

Recommendation

Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The limited economic benefits brought by the development, in this case, do not outweigh the harm identified. The proposal is therefore contrary to the provisions of Policies CP1, CP3, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014) and Policies within the National Planning Policy Framework to include those within Chapters 6 and 9 and Planning Practice Guidance.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawings -
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H6425/100B
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