

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 6 June 2023 at 2.00 pm

**Council Chamber, Council Offices, Cannards
Grave Road, Shepton Mallet BA4 5BT**

To: The members of the Planning Committee - East

Chair: Councillor Nick Cottle
Vice-chair: Councillor Edric Hobbs

Councillor Adam Boyden
Councillor Dawn Denton
Councillor Susannah Hart
Councillor Helen Kay
Councillor Tony Robbins
Councillor Alex Wiltshire

Councillor Barry Clarke
Councillor Martin Dimery
Councillor Bente Height
Councillor Martin Lovell
Councillor Claire Sully

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticserviceseast@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12noon on Friday, 2 June 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by David Clark on Friday, 26 May 2023

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 6 June 2023

Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)

Click here to join the online meeting (Pages 7 - 8)

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes from the Previous Meeting (Pages 9 - 20)

To approve the minutes from the previous meeting.

3 Declarations of Interest (Pages 21 - 22)

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors of Somerset Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

- 5 Schedule of Applications (Pages 23 - 26)**
- 6 Planning Application 2021/2387/FUL - Land At 373638 144529, Burts Hill To Nunney Catch Roundabout (Pages 27 - 58)**
- 7 Planning Application 2023/0380/OUT Paddocks End Vinney Lane Tytherington (Pages 59 - 74)**
- 8 Planning Application 2023/0231/FUL Holly Cottage Pound Lane Oakhill (Pages 75 - 86)**
- 9 Planning Application 2023/0528/HSE 10 Lewmond Avenue Wells (Pages 87 - 94)**
- 10 Planning Application 2022/2407/FUL Plot at Hornblotton Farm Mill House to Fosse Way**
- 11 Planning Application 2021/0644/FUL Laurel Farm Laurel Farm Lane Sticklynch (Pages 95 - 106)**
- 12 Planning Application 2022/2441/FUL Lower Stoke Farm Barrow Wood Lane Rodney Stoke (Pages 107 - 124)**
- 13 Planning Application 2022/1991/FUL Brookover Farm Frome to Radstock Road Buckland Dinham**

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Somerset Council - AC0000861332 - 2023

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 12noon providing 1 clear working day before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 12noon on the Monday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the

meeting, a representative should be nominated to present the views of a group.

For details for speaking at Planning Committee, please visit our website: [Speaking at Planning Committee \(somerset.gov.uk\)](https://www.somerset.gov.uk/planning-committee)

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

For those wishing to join online the following is the link to the Teams meeting.

Microsoft Teams meeting

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Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 2 May 2023 at 2.00 pm.

Present:

Cllr Nick Cottle (Chair)
Cllr Edric Hobbs (Vice-Chair)

Cllr Alex Wiltshire	Cllr Theo Butt Philip
Cllr Barry Clarke	Cllr Dawn Denton
Cllr Martin Dimery	Cllr Susannah Hart
Cllr Bente Height	Cllr Helen Kay
Cllr Martin Lovell	Cllr Tony Robbins
Cllr Claire Sully	

In attendance:

Cllr Philip Ham	Cllr Heather Shearer
Cllr Ros Wyke	

1 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Adam Boyden.

2 Minutes from the Previous Meeting - Agenda Item 2

The Chair advised that the Minutes of the previous Planning Meetings held in March 2023 would be approved by the AGM of the Full Council in May 2023.

3 Declarations of Interest - Agenda Item 3

Councillor Martin Lovell made a general declaration that he would no longer be sitting on the Shepton Mallet Town Council Planning Committee so there would not be any conflict of interest.

4 Public Question Time - Agenda Item 4

Mr Damon Hooton as a former Mendip District Councillor addressed the Committee to request that the late former Councillor Nigel Woollcombe-Adams be recognised in some way for his many years for service at Mendip District Council, particularly as a member of the Planning Board. He suggested that a building or street could be named after him in recognition of his work and service to the people of Mendip and the County of Somerset. The Chair said he would pass on his request to the appropriate department within the Council.

5 Schedule of Applications - Agenda Item 5

The schedule of applications was noted.

6 Planning Application 2020/0960/FUL - The Queens Arms, Wraxall - Agenda Item 6

Full application for the demolition of existing buildings and erection of 7no. dwelling houses with associated vehicular access and parking (revised scheme).

The Officer's Report stated that this application had been referred to the Planning Board as it was a departure from the Local Plan. The Recommendation was for approval.

Ditcheat Parish Council had recommended approval as the scheme would be an improvement to the local character but access onto the A37 should be improved.

Other consultees such as the Highways, Drainage and Environmental Protection Officer's had no objections, subject to various conditions. There had been 1 letter of objection, 1 of support and 2 neutral from local residents. Objections included that it would be wrong to demolish historic buildings, it represented overdevelopment and there were poor local facilities and infrastructure. Letters in support said that it would provide an improvement to the current street scene.

The Officer Report continued that as the Council could not demonstrate a 5-year housing land supply, the tilted balance as set out in Para 11(d) of the NPPF was engaged. The tilted balance said that 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. The delivery of 7 new homes was a recognised benefit and given significant weight. Economic benefits would also be delivered both through the construction period and

through the lifetime of the development. There would also be some environmental benefits through the biodiversity net gain.

In conclusion, the Officer's Report said that given the history of the site, the principle of development was considered acceptable in this case as the harms did not significantly and demonstrably outweigh the benefits to the scheme.

Also, following the submission of further information on the proposed package treatment works, the application was concluded to be nutrient neutral, which was accepted by SC Ecology and Natural England. Subject to the inclusion of conditions as recommended, the application was considered to be acceptable in all other regards including ecology and impact on bats, highway safety, drainage, design and layout, amenity, archaeology and contaminated land and was therefore recommended for approval subject to conditions.

The Planning Officer explained the application to the Committee with the assistance of a PowerPoint presentation.

The Committee was then addressed by the agent speaking on behalf of the applicant. His comments included:

- The principle of development for new residential dwellings had previously been accepted by the Council.
- The submitted Habitats Regulation Assessment had been accepted by the Council's Ecologist and Natural England.
- The Planning Case Officer had accepted the proposed layout, design and density of the development.
- The Planning Case Officer had confirmed that the proposal would not have any harmful impact on the character and appearance of the area or the amenity of future occupants and nearby properties.

In the discussion which followed, Members made comments regarding the materials from the demolished buildings. They were keen to ensure that the materials would not be wasted and should be re-used. The Planning Officer confirmed that a Waste Management Plan could be included in the conditions. A soft landscaping condition was also requested to be included in the conditions.

Another Member was concerned about the size of the gardens and commented that they were not large enough to enable occupants to grow their own food or for children to play. The Planning Officer responded that there was no policy on garden size and it was down to the discretion of the Local Planning Authority.

Other points made by Members included:

- Not keen on tandem parking. The Planning Officer advised there was nothing in the planning guidance to restrict its use in planning applications and in this case was considered acceptable.
- Could permitted development rights be removed to ensure the small gardens were retained and not built over. The Planning Officer advised that there were options to remove permitted development rights but they would have to meet the relevant tests and there would need to be a robust justification to do this.
- Could cycle route signage be included including warning signs for cycle crossing points. The Planning Officer advised that for a development of 7 dwellings it would not pass the test to include these.
- Could we ensure that the hardstanding materials used were permeable? The Planning Officer advised that there was a surface water drainage condition and a hard landscaping condition which could include consideration of a permeable surface treatment.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins that the application be approved in accordance with the Officer's Recommendation outlined in the Report, with the addition of planning conditions regarding soft landscaping and a site waste management plan. On being put to the vote the proposal was carried by 9 votes in favour, 1 vote against and 2 abstentions.

RESOLVED

That planning application 2020/0960/FUL be approved in accordance with the Officer's Recommendation subject to the addition of planning conditions regarding soft landscaping and the site-waste management plan.

That delegated authority be granted to Officers to agree the wording of the additional conditions regarding soft landscaping and the site-waste management plan.

7 Planning Application 2022/0053/OTS - Corner Cottage, Leigh on Mendip - Agenda Item 7

Outline Planning Permission with some matters reserved for the erection of 3 no. dwellings with details of access.

The Officer's Report stated that this application had been referred back to the

Planning Committee East following its deferral at the meeting of the Mendip Planning Board on 29 March 2023. The Recommendation remained for approval.

The reasons for deferral at the previous meeting were:

1. Highway safety issues. There was concern and some confusion about the speed limit on the section of highway adjacent to the application site, and whether the visibility splays could be achieved.
2. Impact of the development on the significance of the setting of the Grade 1 listed village church.

The Officer's Report stated that in response to Members concerns, the applicant had amended the visibility splays at the proposed access point.

In respect of the setting of the Grade I listed church the Officer concluded that there were existing developments between the application site and the heritage assets and it was not considered that their setting would be adversely harmed by the proposal. The Council's Conservation Officer had since reviewed the proposal and agreed with the Planning Case Officer's assessment and concluded that he had no objection to the principle of the erection of 3 no. dwellings on the application site and, as an outline application, the development would not result in any harm to the significance of the Grade I listed Church of St Giles. The usual considerations over design, scale and materials etc. would be key in determining the reserved matters and should likely reflect the traditional, rural village location in order to maintain this position.

The remainder of the Report replicated that provided at the previous Mendip Planning Board in March 2023 in which it stated that Leigh on Mendip Parish Council had objected to the application on principle, saying it was isolated and removed from the limited services in the village. Also, they had concerns with minerals safeguarding, access, highways safety and traffic generation given the proximity to the school.

There had been 2 letters of objection from local residents. Concerns included highway safety, visual amenity and overlooking, loss of hedgerow and noise disturbance from the quarry blasts.

The Officer's Report continued that the current application had successfully addressed 3 previous reasons for refusal for the development of the site and that, whilst it was acknowledged that the development would be beyond the edge of the village and therefore would represent a departure from local plan policies, it could not be described as being in isolated open countryside.

It continued that, as the Council did not have a five-year housing land supply, the 'tilted balance' of the NPPF would apply. The additional 3 dwellings would make a modest contribution to housing in the district, which would be of some weight. There would also be limited economic benefits through the construction period.

The assessment of the application had not identified any harm in terms of landscape and visual impact. The impact on heritage assets and highway safety concerns raised at the previous meeting had been addressed. Overall, any harms arising from the application scheme were not considered to be significant and would not demonstrably outweigh the benefits delivered. On balance, the Officer Report recommended that planning permission be granted as a departure from the Development Plan.

The Planning Officer explained the application to the Committee with the assistance of a PowerPoint presentation.

The Committee was then addressed by the speaker representing Leigh on Mendip Parish Council. Her comments included:

- The development would restrict the clear view of the listed church. There would only be glimpsing views possible.
- The road remained dangerous for both pedestrians and road users, especially at school times.
- Concerned about the impact of quarry blasting.
- Leigh on Mendip is not a sustainable village.

The Committee was addressed by the Division Member for the application. His comments included:

- The reasons for deferral had not been fully addressed by the Officer's Report.
- The views of St Giles Church would be impacted and the visual gateway to the village would be harmed.
- Unsafe parking, particularly at school times due to the speed limit and bend in the road.
- The site falls within a mineral safeguarding area.

The Legal Advisor then advised Members that in January 2021 a similar application had been refused for 3 reasons, those being minerals, impact on protected species and surface water drainage. In the opinion of the Planning Officers, those objections had been overcome in the current application. On the issue of highways and heritage the technical consultees had not raised any objections and were content.

He advised that due to the lack of a 5-year housing supply, the 'tilted balance' was in force and that Members should grant planning permission unless they were satisfied that the harms of the development significantly and demonstrably outweighed the benefits.

During discussion, the following points were made by Members:

- The road did appear to be dangerous and the 30mph sign did not seem to make much difference.
- There could be complaints in the future by residents of the dwellings to the noise from the quarry.
- It would be sad to see the hedgerows removed to achieve the extra visibility splays. The Planning Officer advised this would be determined at reserved matters.
- Could the 30mph sign be moved and a traffic calming hump be conditioned? The Highways Officer responded that moving the sign would need to be part of a Traffic Regulation Order (TRO) submission which could not be conditioned as part of a planning application. Road humps would not work on roads where the speed limit was over 20mph and they would actually be dangerous.
- Members agreed to progress the request for a TRO as a Committee. They would also request that the 30mph sign be moved and a 20mph sign erected.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Alex Wiltshire that the application be approved in accordance with the Officer's Recommendation outlined in the Report. On being put to the vote the proposal was carried by 8 votes in favour and 5 votes against.

RESOLVED

That planning application 2022/0053/OTS be approved in accordance with the Officer's Recommendation.

To request the Highway Authority that a TRO be initiated to move the 30mph sign.

8 Planning Application 2019/1577/FUL - Land at Upper Wellesley Lane, Dulcote - Agenda Item 8

Full application for a proposed new dwelling, new access and associated development.

The Officer's Report stated that this application had been referred back to the Planning Board following its deferral at the meeting of the Planning Board on 22 April 2020. The Recommendation remained for refusal.

The Report continued that the reason for deferral had been because Members of the Planning Board had been unclear as to whether the applicant had a case for being a rural worker and thus demonstrating an essential need to live in the countryside. The deferral was to allow the applicant to come back with more information about the exact nature of the business and their reasons for having to live on site.

Since then, the applicant had provided a statement which said that a person would be required to live permanently on site for research purposes together with the day-to-day management of livestock, observing and caring for 30 to 40 cattle/sheep, rising to over 100 units of livestock in the future. However, the Officer's Report concluded that no clear evidence had been submitted regarding research methodology, with a specific explanation as to why a person might need to live permanently on site rather than merely carry out the research during normal working hours from the existing site which was only a 20 min journey away.

In conclusion, the Report said that, with respect to the additional information requested by the Mendip Planning Board, there remained no clear justification for the proposed development and the recommendation that the application be refused for the reasons set out in the original Case Officer's report remained valid.

The Planning Officer explained the application to the Committee with the assistance of a PowerPoint presentation.

The Committee was then addressed by 5 speakers in support of the application. Their comments included:

- The application would provide a unique resource nationally, in Somerset, close to many of the current QMMS (Quality Milk Management Services) collaborating farms and had the potential to be of significant value from a research and financial perspective to Somerset.
- There have been many delays in determining the application, namely Phosphates and Covid.
- The benefits of the application would outweigh any harm caused.
- The proposed site, whilst on the edge of a SSSI, had a history of habitation (a well, a septic tank, old footings, various outbuildings and structures) and was significantly degraded.
- Natural England had commented that they considered that securing beneficial management proposals through the application would have a net

positive effect on the SSSI and outweigh any loss of a small portion of the site which did not contain interest features. They were not opposed to the application subject to conditions and a S106 agreement.

- The site has been described as remote, but is adjacent to a national cycleway, within easy cycling and walking distance of Wells and within 300 metres of the substantial development of Wellesley Park.
- Although the land was an SSSI it had not been managed sympathetically and with conservation in mind.
- The development site was nationally important and had the potential to safeguard and preserve the SSSI to a very high standard in perpetuity.

The Committee was then addressed by the Division Member for the application. She said that she supported the application. Despite it being an SSSI, there were mitigating factors which led her to recommend that Members approve the application, contrary to the Officer's Recommendation. Although there were good reasons for refusal, she was conscious that the farming community had seen this company as being a significant employer looking not only at milk production but also how the land would be sustainably used.

Finally, the Committee was addressed by the applicant. His comments included:

- The development would be behind an existing hedge and no more intrusive than other nearby developments.
- There could be up to 350 livestock on the site which necessitated living on site for observation and assisting with births.
- He estimated 6000 miles of travel from home to this site last year. This time would be better spent stewarding the land.
- Natural England had said the proposed development site contained no special features and the proposal would have a net positive effect.

During the discussion which followed, Members made a number of points, including the following:

- We should not be building in the SSSI. The way the land is managed should not be used as a 'bargaining chip'.
- Would the bat roost be harmed or moved? The Team Leader – Development Management confirmed that it would remain unharmed.
- The proposed building would be visible in the landscape from the road.
- Policy DP13 is clear on new developments only being permitted where there was a functional need. If this was approved, there could be a legal challenge. The Legal Advisor said that if permission was granted the Council would have to demonstrate the rationale for doing so in light of the 3 strong refusal

reasons recommended by the Planning Officer.

Members sought clarification regarding the applicant's claim of essential need to live on site to support the business. The Legal Advisor explained that the judgement made by the Planning Officer based upon the evidence provided by the applicant was that no essential need had been proven.

The Team Leader – Development Management clarified for Members that the decision must be made in the context of Policy DP13 as to whether the benefits were desirable or essential.

At the conclusion of the debate, it was proposed by Councillor Helen Kay and seconded by Councillor Bente Height that the application be refused in accordance with the Officer's Recommendation outlined in the Report. On being put to the vote the proposal was carried by 7 votes in favour and 6 votes against.

RESOLVED

That planning application 2019/1577/FUL be refused in accordance Officer's Recommendation.

9 Planning Application 2022/1138/FUL - Myrtle Farm, Wookey Hole - Agenda Item 9

Full application for the erection of 1no. three-bedroom detached dwelling.

The Officer's Report stated that the application had been referred to the Planning Board as the proposal represented a departure to the development plan because the proposed dwellings were outside the development limits as defined in the Mendip District Local Plan Part 1.

St Cuthbert Out Parish Council had recommended approval and there had also been three letters of objection from local residents who had made the following points:

- Loss of views for existing properties in the area.
- Concerns in regard to overlooking of existing and the other new residential properties.
- Increased light pollution and concerns for the 'dark skies' of the AONB.
- The proposed alterations were not consistent with an accessible needs dwelling.

The Report continued that the application sought to amend a previously approved

permission. The proposed amendment included the dwelling becoming a two-storey property on one side and proposed materials and overall architectural style of the previously approved application would be maintained. The Officer's Recommendation was for approval.

The Committee was addressed by the Division Member for the application. Her comments included:

- Concerned about the impact of light spillage from the proposed roof lights.
- Suggested automatic blinds be conditioned to avoid light pollution in open countryside.
- There was no good reason to have roof lights.

In response to questions from Members, the Team Leader – Development Management advised that the Planning Officer had considered the amount of light spillage to be acceptable. The roof lights would serve en-suites which would not have a great deal of continuous use. The Officer had not deemed it necessary to impose a condition regarding automated blinds.

The Vice-Chair, Councillor Edric Hobbs, stated that this was not retrospective Planning Permission but a variation on a previously approved application. He proposed approval in accordance with the Officer's Recommendation outlined in the report. This was seconded by Councillor Bente Height. On being put to the vote the proposal was carried by 12 votes in favour and 1 abstention.

RESOLVED

That planning application 2022/1138/FUL was approved in accordance with the Officer's recommendation.

(The meeting ended at 4.30 pm)

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CHAIR

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SOMERSET COUNCIL

**UNITARY COUNCILLORS WHO ARE ALSO TOWN AND/OR
PARISH COUNCILLORS**

**Somerset
Council**

UNITARY COUNCILLOR	TOWN AND/OR PARISH COUNCIL
Simon Carswell	Street Parish Council
Nick Cottle	Glastonbury Town Council / St Edmunds Parish Council
Philip Ham	Coleford Parish Council
Edric Hobbs	Shepton Mallet Town Council
Martin Lovell	Shepton Mallet Town Council
Tony Robbins	Wells City Council
Heather Shearer	Street Parish Council

Their memberships of Parish or Town Councils will be taken as being declared by these Councillors to be Disclosable Interests in the business of the Somerset Council meeting and need not be declared verbally.

Any Unitary Councillor who has a Prejudicial Interest by virtue of their Membership of a Parish or Town Council, or who has a special involvement by virtue of being a Parish or Town Councillor, in a matter to be discussed by the Somerset Council will be expected to declare that disclosable interest personally or bring to the attention of the Somerset Council meeting their special involvement.

H CLARKE, Unitary Solicitor, April 2023

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Planning Board

DATE: 6 June 2023

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 Divisional 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.

Schedule of Applications

Planning Board - 6 June 2023

Application Number	Site/Division/Member	Proposal	Recommendation	Case Officer
2021/2387/FUL	Land At 373638 144529 Burts Hill To Nunney Catch Roundabout Trudoxhill Frome Somerset Mendip Central And East Division	Change of use of agricultural land to a haulage depot (sui generis) and the construction of an HGV workshop, associated yards, depot infrastructure and access.	Approval	Anna Clark
2023/0380/OUT	Paddocks End Vinney Lane Tytherington Frome Somerset BA11 5BN Frome East	Application for Outline Planning Permission (All Matters Reserved, except Access) for the erection of a detached single storey Eco dwelling to replace Riding School and buildings (existing commercial equestrian use).	Approval	Jennifer Alvis
2023/0231/FUL	Holly Cottage Pound Lane Oakhill Shepton Mallet Somerset BA3 5BG Mendip Hills	Change of Use of Agricultural Land to Domestic Curtilage with associated access/parking.	Approval	Jennifer Alvis
2023/0528/HSE	10 Lewmond Avenue Wells Somerset BA5 2TS	Erection of single-storey rear extension and internal alterations.	Approval	Jane Thomas

	Wells			
2022/2407/FUL	Plot at Hornblotton Farm Mill House to Fosse Way Hornblotton Mendip South Division	Conversion of agricultural barn to dwelling	Approval	Kelly Pritchard
2021/0644/FUL	Laurel Farm Laurel Farm Lane Sticklynych Mendip South Division	Demolition of outbuilding, replacement with first floor holiday flat, ground floor storage and studio	Refusal	Kelly Pritchard
2022/2441/FUL	Lower Stoke Farm Barrow Wood Lane Rodney Stoke Mendip West Division	Change of use of agricultural building to ancillary accommodation. Part demolition and extension to existing dwelling. Erection of ancillary outbuilding and construction of wildlife swimming pool.	Approval	Kelly Pritchard
2022/1991/FUL	Brookover Farm Frome To Radstock Road Buckland Dinham Frome Frome West	Conversion of Barn & Garage to form a 2 Bedroom Dwelling. Small Lobby Extension.	Approval	Carlton Langford

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Agenda Item 6

Case Officer	Anna Clark
Site	Land At 373638 144529 Burts Hill To Nunney Catch Roundabout Trudoxhill Frome Somerset
Application Number	2021/2387/FUL
Date Validated	4 November 2021
Applicant/ Organisation	Mr P Charlton Paul L Charlton Haulage Ltd
Application Type	Full Application
Proposal	Change of use of agricultural land to a haulage depot (sui generis) and the construction of an HGV workshop, associated yards, depot infrastructure and access.
Division	Mendip Central And East Division
Parish	Trudoxhill Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

What three words: [///insolvent.brick.claw](http://insolvent.brick.claw)

Referral to Planning Committee:

The application has been referred to the Area East Planning Committee as the officer recommendation is contrary to the parish council.

Description of Site, Proposal and Constraints:

The site is an agricultural field with a site area of approximately 1 hectare. The site lies approximately 100m to the south-west of the Nunney Catch roundabout on the south-eastern side of the A359.

There are residential properties to the north-east of the site along with some commercial timber yard activity and roadside business uses beyond that extend around the roundabout. On the opposite side of the A359 is a farm with a carp fishing lake and residential properties and a site allocated in the Mendip Local Plan Part II: Sites and Policies (LPP2) for Future Employment Growth (specifically for Distribution uses). Otherwise, the site is bounded by agricultural fields.

The site lies outside of development limits. It is also within Band C of the Bat Consultation Zone for the Mells Valley SAC and a SSSI impact risk zone.

The application seeks full planning permission for the change of use of this agricultural land to a business use, comprising of a haulage depot (sui generis). It would involve the construction of an HGV workshop, associated yards, depot infrastructure and access. The HGV workshop would be approximately 28m by 26m with an internal gross floor area of 928sqm (728sqm workshop, 200sqm office). It would have a gabled roof approximately 6.9m to the eaves and 8m to the pitch.

The application is submitted by a local haulage company.

Relevant History: None

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

Postlebury Ward Member: No comments

Trudoxhill Parish Council: Recommend refusal

- The council heard compelling arguments both for and against this application.
- Acknowledged that although Trudoxhill is a rural parish that values the agricultural community and greenfield setting and is wary of setting precedent in converting productive agricultural land to other use; its residents are employed and supported by the quarrying and haulage industry and there are planning policies in place to support the locating of small, in keeping businesses locally.
- This local haulage business had put a lot of time and effort into seeking suitable alternative premises and have invested heavily in responsibly minimising the impact of the site wherever possible on the neighbours and the environment in the building fabric, design, siting and equipment purchased.
- All representations from parish residents, however, were in objection, notwithstanding the supportive comments from further afield; and the council was not satisfied that due consideration had been given to neighbours' welfare, especially since they had made multiple attempts to contact the applicants to be involved in the process, an action which may have uncovered further mitigating concessions such as screening bunds and further ecological barriers.
- Should the officer decide to approve this application, the council would strongly advocate for conditions to be attached to the consent in order to minimise the impact on the local residents - suggestions would include a high planted bund and acoustic fence, maximum sound insulation protection for the workshops and no floodlights for overnight security.

Following re-consultation:

- The council understands the problem the haulage company faces, but still finds this

site inappropriate for conversion.

- The council finds nothing in the newly updated information that would change their previous recommendation, which remains a recommendation of refusal.

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

MDC Environmental Protection: No objection, subject to conditions

- Conditions and advisories required as a set of controls to sufficiently limit any potential detriment to amenity.

MDC Tree Officer: No objection, subject to conditions

Natural England: No objection

- Concurs with the Habitats Regulations Assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

SCC Ecologist: No objection, subject to conditions

- Completed a Habitats Regulations Assessment that confirms the proposed development is unlikely to have an adverse effect on the integrity of the Mells Valley SAC alone or in combination, provided the mitigation measures outlined are subject to condition.

MDC Drainage Engineer: No Objection, subject to conditions

Local Representations:

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

1. Development should not take place on "Green Belt" land.
2. Loss of agricultural land for food production and countryside preservation
3. There are more suitable sites for this use
4. The principle of an HGV workshop and transport depot adjacent to residential properties is unacceptable within this rural area
5. Block light and views to the nearby bungalow "Cherry Blossom"
6. Noise and disturbance, vibration, poor air and light pollution to the detriment of residential amenity, particularly the mobile home at Braeside Farm and the Cherry Blossom.
7. Fumes and noise from the vehicles will have a negative impact on the environment and on the health of neighbouring residents.
8. Adverse impact on the character and appearance of the area
9. Highway safety concerns given poor visibility, proximity of access to the roundabout, speed of traffic using the A359, its use by HGV's
10. Exacerbate existing concerns re: lack of safe crossing for pedestrians given no lighting

and footpaths

11. Traffic generation
12. Impact on biodiversity and habitats including trees, hedgrows and lake.
13. Impact on climate change
14. Precedent for other companies wanting similar premises.
15. Would undermine the potential delivery of a sequential preferred site- the one opposite identified in policy DP25 of the LPP2 and be contrary to CP3 and CP4 of the LPP1
16. Suggest they put solar panels on the buildings.

20 letters of support have been received on the following summarised grounds:

1. Would provide a long term base for a well established local transport business which is very important to the long term future of this family grown business
2. Important investment and growth to support the local quarry and construction industry and wider economy.
3. Will secure local jobs and enable the business to expand and create further employment opportunities.
4. Would be closer to the business's customer which would reduce lorry miles, and be better for the environment.
5. Would take HGV use off less appropriate roads and junctions for the benefit of highway safety and noise disturbance.
6. Close to a trunk road and main HGV routes.
7. HGVs are cleaner and with lower emissions than many cars
8. Lack of alternative available industrial sites in the area
9. Compatible with similar uses around the roundabout
10. Would not be detrimental to neighbouring amenity based on relationship of neighbour to current site
11. Discrete site

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)

- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022
- 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
- CP3 – Business Development and Growth
- 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
- DP22 – Reuse and Conversion of Rural Buildings
- DP23 – Managing Flood Risk

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

- DP25 – Employment Land
- DP27 – Highway Infrastructure Measures for Frome, Beckington and Rode

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)
- Landscape Assessment of Mendip District (May 1997)
- Mendip Landscape Character Assessment 2020, consultation draft

Assessment of relevant issues:

Principle of the Use:

Whilst the site is outside of development limits, where development is strictly controlled, in accordance with policy CP1 – Mendip Spatial Strategy, development may be permitted in line with the provisions set out in CP4 – Sustaining Rural Communities, to meet specifically identified local needs within those communities.

Policy CP4 (among other matters) supports proposals for development of the rural economy 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. (CP4.4.b.).

The National Planning Policy Framework NPPF at paragraphs 84 and 85 is even more supportive of the rural economy. Paragraph 84 requires decisions to enable the sustainable growth and expansion of all types of business in rural areas through, among other means, the development and diversification of agricultural and other land-based rural businesses.

Paragraph 83 recognises the need for planning decisions to address the specific locational needs of different sectors, to include (along other things) making provision for storage and distribution operations at a variety of scales and in suitable accessible locations.

The application makes it clear that the proposed building is intended for the applicant, Paul L Charlton Haulage Limited.

As explained in the Planning Statement and Alternative Site Search Report the business is a well-established business with long standing links to the local area. It is currently located at Hapsford, close to Frome, on a rented site which does not provide sufficient yard or workshop space for the existing fleet. The location of the current site is also a barrier to the business being competitive as it requires unproductive travel time each day for the HGVs to circumnavigate Frome before accessing the Mendip quarries to haul stone back to delivery sites, all mainly east of Frome.

The business is also struggling with security of tenure issues on its current site and despite looking for a number of years has been unable to find any suitable alternative sites.

The applicants have conducted their own search for premises over the last 3 years as evidenced in the submission, but it is claimed the other sites considered were found to be either not available for sale, unsuitable by way of location or not large enough.

Having reviewed the site search and the operational restrictions on the business as reflected by paragraph 83 of the NPPF, it is considered that the identified search area is justified.

Of the most feasible sites found and considered, the site on the opposite side of the A359 identified in LPP2 as a Future Employment Growth Area (specifically for Distribution uses) and named “Nunney Catch” has been ruled out as it is not available for third parties. However, the fact this site has been allocated with distribution uses in mind highlights an

acknowledged need for such sites in local plan making.

Selwood Garden Village has also been ruled out as it would not be available in time and in an HGV depot use would not be aligned with the current proposed masterplan for site.

Sites at Evercreech, Pylle, and Haydon have been ruled out as they would impact negatively on the viability of the business being too far west of the defined target zone (as explained further in the site search document). Given both the transport and construction sector requirements and the challenge to business viability, offering these locations as a realistic alternative for this Frome-based business would not fit with the acknowledgement of paragraph 83 of the NPPF.

The conclusion that there are no suitable alternative sites that better meet the Council's Spatial Strategy, within an identified and justified search area is therefore accepted.

The proposed site is ideal for the business, being in the centre of the area which its business supplies; closer to the majority of the workers than the current site in respect to drive to work time and distance; and in a good location from a strategic highway perspective.

By the very nature of the business, serving the local quarrying community, the customer base is depicted by the location of Mendip's quarries which are rural in nature, and rural and so a town centre location would not be any more accessible to these quarries.

The proposal would enable the expansion of the business to support the local quarrying businesses and would provide an additional 15 jobs in addition to securing the relocation of the existing jobs.

Whilst the development is not typical of a rural area given measures to minimise its impact and the context set against the LPP2 site allocation for distribution uses opposite and road side uses around the roundabout, the proposal is considered to be provided in a manner and a scale that is appropriately sensitive to the location and surroundings, especially given the operational requirements of its use, its benefits to the rural economy and the lack of a suitable alternative sites in the district.

The visual impact and residential amenity are assessed further in the sections below.

Core Policy 3, which supports business development and growth where in accordance with policies CP1 and CP4, is also relevant. It also supports proposals that encourage a diverse robust, thriving and resilient local economy; enhance the image of the area and a business location; offer higher quality job opportunities to local people or improve the skills of the resident workforce and consider options for the use of local contractors and supply chains in the construction and subsequent running of the enterprise. These are all intended to be

fulfilled, albeit not all enforceable. Policy CP3 additionally supports proposals where they limit the growth in demand for private transport and are accessible by sustainable transport modes.

Whilst opportunities for this are limited with this proposal due to its nature, the fact that the business would be closer to existing employees and within the centre of the company's area of search, which is based on proximity to its customers and supply chain, is beneficial in sustainability terms. Notably, the NPPF (paragraph 85) makes it clear that to meet local business and community needs in rural areas, sites may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport.

It goes on to advise that in such 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.

The highway section below confirms the impact on local roads would be acceptable and makes provision for cycle and electric vehicle charging to maximise opportunities for sustainable transport. Paragraph 84 also encourages the use of previously developed land and sites that are physically well-related to existing settlements where suitable opportunities exist, but that is not to preclude those that are not.

The land is classed as Grade 3 Agricultural Land, at the lower end of Best and Most Versatile land and at a site area of 1 hectare is well below a level where Natural England is required to be consulted or where alternative development should be precluded.

In summary, the business meets specifically identified local needs within this agricultural area; it would benefit the local rural economy; there are no suitable alternative sites within development limits within the catchment area; and the proposal would generate additional employment opportunities at a time when employment opportunities have been shattered in the wake of the coronavirus pandemic.

It is therefore considered on balance that the proposed building would be acceptable in principle. Although it should be noted that an increase in the scale of the business or change of use to another industrial use that does not have a specific need for this strategic highway location in the future would require further detailed consideration given its location outside of development limits.

Landscape Impact

Policy DP4 of the LPP1 states:

"Mendip district is defined by its landscapes. Proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape

will not be supported. Any decision making will take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.”

At criterion 3 policy DP4 states:

“Outside of designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas, including cultural and historical associations, as detailed in the “Landscape Assessment of Mendip District.”

A Landscape and Visual Impact Assessment (LVIA) has been submitted that concludes that the effect of this development on the landscape character would be ‘Minor’ and the effect on visual amenity for majority of receptors would be ‘Slight’. The overall impact of the proposed workshop and yards would therefore be classed as ‘Minimal’ and the cumulative impact judged as ‘not significant.’

The scheme although not wholly in accordance with the pattern of natural and man-made features of the locality, has been shown by the LVIA to have a ‘minimal’ impact and hence is not so significant as to warrant refusal on this issue alone.

The applicant has made efforts to mitigate any potential impacts on the landscape through boundary treatment, landscape planting and maintenance proposals, and restrictions on lighting.

Accordingly, on balance the development is considered to comply with DP4: Mendip’s Landscapes of the adopted Local Plan Part 1 (2014) and Part 11 of the National Planning Policy Framework.

Regardless, as demonstrated by the ‘principle’ section above, the applicant has sought and failed to find an alternative location within the district; has clear justification for a rural location; and the economic benefits are considered to outweigh any harm to the local landscape.

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

The main depot building has been designed to be of a simple industrial style with metal cladding. It would have a footprint approximately 28m by 26m with an 8m ridge height. Solar panels are proposed on the roof.

Given the building and lorry wash would be tucked in behind an existing mature treelined hedge (which would be better managed through the landscape proposals) along the A359, and the building is set back from the site boundary, the visual impact of these structures

from the street scene would be minimal. Although the site access would be visible the proposed landscape planting would help soften its appearance and screen the expanse of parking and turning areas.

The Landscape section identifies further measures to mitigate the visual impact of the proposal and confirms its minimal impact in broader landscape terms.

Whilst the development is not typical of a rural area given the context of the nearby roadside uses and the proposed screening, plus the opportunity to ensure it is finished in matt natural colours to blend in with the backdrop it is considered that it would maintain 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.

Trees:

There are many trees within and adjoining the site that make a significant contribution towards to the character and appearance of the area over short and long-range views, and hence are important landscape features.

Following re-consultation on revisions and additional information the Council's Tree Officer raises no objection. Those trees worthy of retention would be adequately protected where practically possible and that for those that are not, sufficient compensatory planting would be provided, subject to the recommended conditions.

The proposal should comply with Policy DP1 and DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the NPPF.

Impact on Residential Amenity:

The proposal should comply with Policies DP7 and DP8 of the adopted Local Plan Part 1 (2014) and Part 12 of the NPPF. The considerations in relation to these policies include the design, scale, massing and siting of the proposed development, and that 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, odour, dust, traffic or other disturbance.

The application is supported by a noise impact assessment that has been reviewed by the Council's Environmental Protection Team.

The mitigation mentioned in the report has been included in the design of the scheme and the recommended extensive conditions to protect residential amenity, in particular the key sensitive receptor, Braeside Farm and the mobile home adjoining the site.

The key physical mitigation to minimise the impacts of the development on this neighbour comprise a 3m high acoustic fence that has been sited to minimise any potential noise impact and create a barrier for any potential spray, dust or fumes, whilst not being set so close to this property as to create any unreasonable overbearing impact. The acoustic fence would be approximately 5m off the boundary with this neighbour. In assessing the potential overbearing impact of this fence, consideration should be had to the fallback position that the owner of the application site could erect 2m high boundary treatment along the site boundary with this neighbour without the need for planning permission and it should be borne in mind that the right to a private view / outlook is not a material planning consideration. In addition to the fence the existing treelined hedgerow along this boundary would soften the impact for the neighbours to the north-east.

The positioning of the building and lorry wash, which would be separated from the site boundary by approximately 15m to include a green buffer margin and the acoustic barrier, would create a further barrier between the HGV movements on site and the neighbours to the north-east. The acoustic barrier and attenuation pond would separate the car movements from these neighbours.

The external lighting has been designed to ensure it does not exceed 0.5 Lux along the boundaries to avoid harm to light sensitive bats and as a result would not result in any light spill that would adversely affect adjoining neighbours. A lighting design plan has been submitted that clearly shows the anticipated light spill and levels.

Due to the distances and screening involved, no other residential properties would be unacceptably affected by the development.

The Council's Environmental Protection Team have reviewed the scheme thoroughly and subject to the proposed conditions raise no objection.

In summary, 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 proposal should comply with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the NPPF. The considerations in relation to these policies include traffic generation, highway safety, the means of access, and parking and turning arrangements.

Following amended plans and additional supporting information from the transport consultant, the Local Highway Authority (LHA) are satisfied that the local highway network can cope with the additional traffic generated including HGV's. As the vehicles from the site do not intend to use the A36, which is accepted given the distance, customer and supply base and the routes of Charlton's existing operations, site do not use the A36 trunk toad no contribution in relation to policy DP27 is reasonable or necessary.

The LHA is also satisfied the proposed new access and visibility splays would meet highway safety requirements. Adequate parking and servicing arrangements are also included in the design, subject to conditions to secure covered bicycle, motorcycle parking and electric vehicle charging points.

Conditions are also recommended, as per the LHA consultation response to ensure the new access is constructed in accordance with the approved drawings, to secure visibility splays, parking and turning areas to be maintained in accordance with approved plans, to provide to ensure any gates are hung inwards and set back from the carriageway and to ensure the development is carried out in accordance with an approved Construction Environmental Management Plan.

Although the LHA seeks the approval of details of disposal of surface water so as to prevent its discharge onto the highway, site wide drainage is covered separately and the issue of drainage onto the highway is covered by separate highway legislation. The LHA also seeks a condition to require a survey of the condition of the adopted highway to be before development commences and for any damages made to be repaired prior to occupation. However, this proposed condition is not considered to meet the tests of conditions (as set out at para 55 of the NPPF) because it would not be possible to prove if this development or another road user had caused any damage that may occur in this timeframe.

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 site lies within Band C of the Mells Valley Special Area of Conservation (SAC) (and is not far away from Band B, which starts around 350m to the north of the application site), which is designated for its greater horseshoe bat features. It is also in a SSSI impact risk zone.

The Council's Ecology Service has undertaken a Habitat Regulations Assessment (HRA) of the proposal given the potential for significant effect on the nearby European designated ecology sites. Natural England confirmed they agree with the conclusion of the Habitat

Regulations Assessment that there is no likely significant effect on European designated sites as a result of the development proposals, subject to the conditions. Natural England have endorsed the conclusions and conditions of the HRA. The conditions in the HRA would ensure adequate bat replacement habitat would be provided, the approval and implementation of a suitable construction Ecological Environmental Management Plan, and that external lighting shall only be installed if in accordance with the submitted details, to ensure no likely significant effect on the Mells Valley SAC and are therefore considered reasonable.

Additionally, following a review of the submitted Ecological information and revised plans, the County Ecologist seeks conditions to restrict vegetation removal, protect vegetation proposed for retention, ensure reasonable avoidance measures and informatives to protect badgers, bats, birds, and other fauna, which are all considered reasonable to safeguard ecology.

Conditions are also proposed to provide bird boxes, a hedgehog house and an insect hotel, which together with the other ecological enhancements controlled by landscaping and replacement bat habitat conditions are reasonable to enable the development to achieve biodiversity net gain in accordance with paragraph 174(d) of the National Planning Policy Framework.

Flood Risk and Drainage:

The proposal should comply with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the NPPF. The considerations in relation to these policies include the impact on flood risk, or danger to water quality.

The site is located in Flood Zone 1 and is shown to be at very low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map.

The proposals will increase the impermeable areas of the site and therefore the volume of surface water runoff. A surface water drainage strategy is provided with the application. Ground investigations have concluded that the site is unsuitable for infiltration, therefore a sustainable drainage system is proposed for the management of surface water.

Discharge from the sustainable drainage system is proposed to a new drainage ditch connecting the site with an existing ditch to the south which drains to the Marston Brook. The land on which this is proposed is outside the red line boundary for this application, but third-party agreement for the works outside of the site boundary has been obtained.

The proposed drainage system would utilise an attenuation basin and swale, water from the yard area will be directed to the drainage system via a full retention separator. Analysis of

the water quality in accordance with the CIRIA SuDS Manual has been undertaken as part of the drainage strategy.

Non-mains foul drainage is proposed to a package treatment plant as indicated on the supplied plan. Whilst details of the proposed management of treated effluent are not provided, it is assumed that it will be discharged to the watercourse via the same route at the surface water drainage, which is acceptable. The effluent produced by the lorry wash should be managed in accordance with the appropriate pollution prevention guidelines and a condition is sought to obtain more details.

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:

All practical measures for the conservation of energy have been included in the design, layout and siting of the proposal. To include solar panels on the roof. Additionally, conditions to secure the provision for cycle parking and electric vehicle charging has been included.

Refuse Collection:

Although no specific storage location has been identified, there is sufficient space within the layout to provide refuse storage and the internal road layout would allow for refuse vehicles. It is therefore considered a condition could adequately ensure sufficient provision for refuse storage and 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, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion:

The proposal is considered to be provided in a manner and a scale that is appropriately sensitive to the location and surroundings, especially given the specific locational needs of haulage business related to the local quarries, its benefits to the rural economy and the lack of a suitable alternative sites in the district. All technical matters have been adequately addressed, including highways, environmental protection and drainage, and there are no objections from statutory consultees. The residential amenity concerns have been mitigated by the provision of an acoustic fence, landscaping, the site layout and conditions that have been shaped by the noise impact assessment and Council's Environmental Protection team.

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:

PCH01.02 B -SITE PLAN - EXISTING

PCH01.02 REV C - LOCATION PLAN

PCH01.03.REVD - REVISED PROPOSED SITE PLAN

PCH01.04 REV.D - FLOORPLANS

PCH01.05 REV.D - ROOF PLANS

PCH01.06 REV.D - ELEVATIONS

PCH01.07 REV.C - SITE SECTIONS

PCH01.08.B - VISIBILITY SPLAYS

PCH01.08.C REV.C - ACCESS DETAIL

PCH01.12.REV.B - REVISED DRAINAGE PLAN

PCH01.13.1 - PLANTING PLAN

PCH01.14.1 - LIGHTING DESIGN

PCH01.16 - ACOUSTIC AND BOUNDARY FENCE DETAIL

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

3. Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, 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 DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Surface Water Drainage Strategy (Compliance)**

The development shall only be carried out in accordance with the approved Surface Water Drainage Strategy (Drainage Strategy Land South of the A369, Jubb Consulting Engineers, January 2022).

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Drainage - Lorry Wash (Pre-commencement)**

No development shall commence until a detailed scheme for the disposal of lorry wash 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 site.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in accordance with Policy DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details to include the Acoustic Fence and boundary fence detail plans ref: PCH01.16; the detailed soft landscaping scheme and on-going maintenance as detailed at section 7.1 and 7.2 of the Arboricultural Method Statement titled Arboricultural Report - Detailed Method Statement (PCH01.15.2 / DAMS.Nunney Catch.Depot,v2) dated August 2022; and the Planting Plan.PCH01.13.1. 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).

7. **Acoustic fence (Pre-commencement)**

No development, other than that required by this condition, shall commence until a 3m high acoustic timber fence (Jacksons Jakoustic Commercial and Highway Barrier or equivalent -superficial mass 25kg/m²) has been implemented in full along the boundary of the site with Braeside Farm in the position shown on the approved drawing PCH01.03 RevD Site Plan and detailed on the Acoustic Fence detail plans ref:

PCH01.16. The acoustic fence shall be maintained in accordance with the approved details thereafter.

Reason: To minimise the effect of noise, odour or dust 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 & Polices 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15. This is a condition precedent to protect residential amenity from the earliest stages of the development.

8. **Arboriculture - Compliance with Arb Method Statement (Compliance)**

The development hereby approved shall be carried out in full accordance with the approved Arboricultural Method Statement and Tree Protection Plan in the document titled Arboricultural Report - Detailed Method Statement (PCHO1.15.2 / DAMS.Nunney Catch.Depot,v2) dated August 2022.

Reason: To ensure that trees which contribute to the character and appearance of the area, and are to be retained, are not adversely affected by the development proposals in accordance with Development Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Biodiversity Enhancement (Net Gain) (Pre-occupation)**

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

- a) Two Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees.
- b) Two Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar

mounted between 1.5m and 3m high on the northerly facing aspect of trees.

c) At least one hedgehog houses will be provided in the BEP. The house should be placed where it will not be disturbed, against a wall, bank or fence if possible and under or near plant cover. Face the entrance away from north or north-east.

d) Installation of one insect hotel (National Trust Apex insect House or similar), to be installed appropriately and positioned at the correct orientation e.g. within one of the hedgerows.

The above features shall be retained as detailed thereafter in perpetuity.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

10. **Bat Replacement Habitat (Pre-commencement)**

No development shall commence until an ecological scheme has been submitted to include the following:

- Bat habitat of the equivalent minimum of 0.47 hectares of optimal habitat which is accessible to greater horseshoe bats. This shall comprise of Planting of standard trees on either side of the new entrance to minimise the gap in vegetation cover along this boundary; maintaining 6m wide buffer areas of existing semi-improved grassland along the northwestern and north-eastern boundary hedgerows; Planting of 80m length of species rich hedgerow with standard trees at least 3m wide along the south-eastern boundary; creation of a 6.2m wide and 75m long buffer area of species-rich grassland alongside the south-eastern boundary hedgerow; and creation of a 6 m wide and 80 m long buffer area of species-rich grassland alongside the south-western boundary hedgerow
- Biodiversity Enhancement (Biodiversity Net Gain).
- Landscape and Ecological Management Plan (LEMP).
- A Programme of implementation.
- Long-term maintenance and management scheme for the bat habitat, buffer and landscaped areas of the site, to include legal and financial mechanisms.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

11. **Construction Environmental Management Plan (Biodiversity) (Pre-commencement)**

No development shall take place (including ground works or vegetation clearance) until a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including for retained habitats, reptiles, nesting birds and roosting bats (buildings and trees).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
 - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
- The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Policies DP5 and DP6 and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

12. **Reasonable Avoidance Measures Statement (Compliance)**

The development shall be carried out in accordance with the Reasonable Avoidance Measures Statement (RAMS) within Appendix 3 of the Preliminary Ecological Appraisal (Smart Ecology - December 2021).

Reason: To ensure the strict protection of European protected species and in accordance with policy DP5 of the Mendip District Local Plan Part 1: Strategy and Policies 2006- 2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework

13. **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).

14. **External Lighting (Compliance)**

No external lighting shall be erected or provided on the site unless in accordance with the specifications and locations set out in the approved details (Charltons Haulage Nunny Catch Frome PCH01.14.1 Lighting Design) by Kingfisher Lighting and shall be maintained thereafter in accordance with these details.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, residential amenity and preserving the rural character of the surroundings in accordance with DP1, DP5, DP6, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation shall commence until the access, parking and turning areas have been constructed in accordance with details shown on the approved plans: PCH01.03.REVD - REVISED PROPOSED SITE PLAN; PCH01.08.C REV.C - ACCESS DETAIL. The vehicular access, parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **Cycle and Motorcycle Parking (Pre-occupation)**

No occupation of the development shall commence until covered spaces for not less than 4 staff and visitors' bicycles and parking for 2 motorcycles have been laid out, constructed and drained in accordance with a detailed scheme that shall be first submitted to and approved in writing by the Local Planning Authority. The covered spaces shall be retained permanently in accordance with the approved details thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

17. **Electric Vehicle Charging provision (Bespoke trigger)**

Prior to the construction of any part of the development above damp-proof course level a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development, along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These details should be in accordance with the Somerset Parking Strategy and the Somerset County Council Electric Vehicle Charging Strategy. Thereafter the development shall be carried out in accordance with the approved details and timetable.

Reason: To support sustainable transport objectives in accordance with the Somerset County Council Parking Strategy and Electric Vehicle Charging Strategy and Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

18. **Visibility Splay (Pre-occupation)**

No occupation of the development shall commence until the visibility splay shown on drawing number PCH01.08.B - VISIBILITY SPLAYS has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay 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).

19. **Erection of Gates (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from

the public highway and set back a minimum of 20m from the adjoining carriageway edge to allow for all vehicles required to open the gates to stand clear of the highway.

Reason: To ensure that vehicles do not cause an obstruction 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).

20. **Construction Environmental Management Plan (Compliance)**

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

The CEMP shall include, but not limited to, the following:

- a. Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
- b. 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 confirming that no burning of site generated waste is permitted.
- c. The parking of vehicles of site operatives and visitors;
- d. Loading and unloading of plant and materials;
Construction vehicle movements;
- e. Construction vehicular routes to and from site;
- f. Expected number of construction vehicles per day;
- g. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- h. A scheme to encourage the use of Public Transport amongst contractors; and
- i. Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- j. Storage of plant and materials used in constructing the development;
- k. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities
- l. Prevention of nuisance caused by radios, alarms, PA systems or raised voices
- m. Delivery and construction working hours.

And shall confirm:

That noise generating activities 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.

The CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To minimise the effect of noise, odour and dust and traffic movements

from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development and in the interests of highway safety, in accordance with Policies DP7, DP8, DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

21. **Restriction to workshop operations (Compliance)**

The workshop operations hereby approved shall only take place within the confines of the workshop hereby approved with all external openings closed; or within the following times:

Mon - Fri 07:00 to 18:00 hours; and

Sat - 07:00 hours to 13:00 hours.

Reason: To minimise the effect of noise, odour or dust 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.

22. **Noise scheme for mobile plant or vehicles (Pre-occupation)**

The use hereby permitted shall not commence until a scheme for protecting nearby noise sensitive receptors from noise associated with mobile plant or vehicles linked to the intrinsic use of the development scheme, in particular reversing alarms arising from manoeuvring Heavy goods vehicles (HGV) and/or tractor trailer units, 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 scheme and shall be permanently maintained in that form.

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.

23. **Commercial vehicle movements on site (Compliance)**

The only vehicle movements (including deliveries and collections) that shall be permitted within the site on a Saturday shall be those by the operators own fleet or any other associated vehicle that is intrinsic to the use as a vehicle depot. Any such vehicle movements on a Saturday shall only be permitted to take place before 13.00hrs.

There shall be no such vehicle movements on site at any time on Sundays or any Public or Bank Holiday.

For the avoidance of doubt this condition does not affect vehicle movements Monday to Friday.

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.

24. **Deliveries and collections (Compliance)**

Deliveries and collections by commercial vehicles, other than vehicle movements by the operators own fleet of vehicles that are intrinsic to the use as a vehicle depot, shall be taken at or despatched from the site only between the following times:

Mon - Fri 07:00 hours till 18:00 hours

Sat - 07:00 hours till 13:00 hours; and

No such movements or operations shall take place at any time on Sundays or 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.

25. **Restriction of window and door openings (Compliance)**

All openings on workshop building facades shall be kept closed and not be used for vehicular access or egress between 18:00 hours and 07:00 hours on any day, except in the case of an emergency.

Reason: To minimise the effect of noise, odour or dust 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.

26. **Restriction of vehicle spraying or refinishing operations (Compliance)**

There shall be no vehicle spraying or refinishing operations anywhere within the application site (including within the confines of the building) involving any volatile organic compounds.

Reason: To minimise the effect of noise, odour or dust 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.

27. Noise limit of plant (Compliance)

All plant, machinery and equipment installed or operated in connection with the workshop hereby approved shall be attenuated so that noise attributed does not at any time exceed 37dB LAeq,15 minutes at the boundary with Braeside Farm. All assessments shall be taken in accordance with British Standards BS4142:2014 and BS7445: 2003 (including any future amendments to the standards).

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.

28. No Amplified Sound (Compliance)

No amplified sound shall be generated at any time within the site.

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.

29. Provision and Storage of Recycling and Waste Containers (Pre-occupation)

The development hereby approved shall not be occupied provision for the storage of recycling and waste containers has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Policies DP3, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

30. Use clarification (Compliance)

For the avoidance of doubt the premises shall be used only as a haulage depot and for no other purpose.

Reason: To clarify that the approved use is sui generis and does not benefit from permitted development rights.

31. **Solar panels (Pre-occupation)**

The solar panels shown on the approved plans shall be installed and brought into use prior to first use of the development hereby approved.

Reason: To maximise opportunities for renewable energy generation on site in accordance with 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 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.

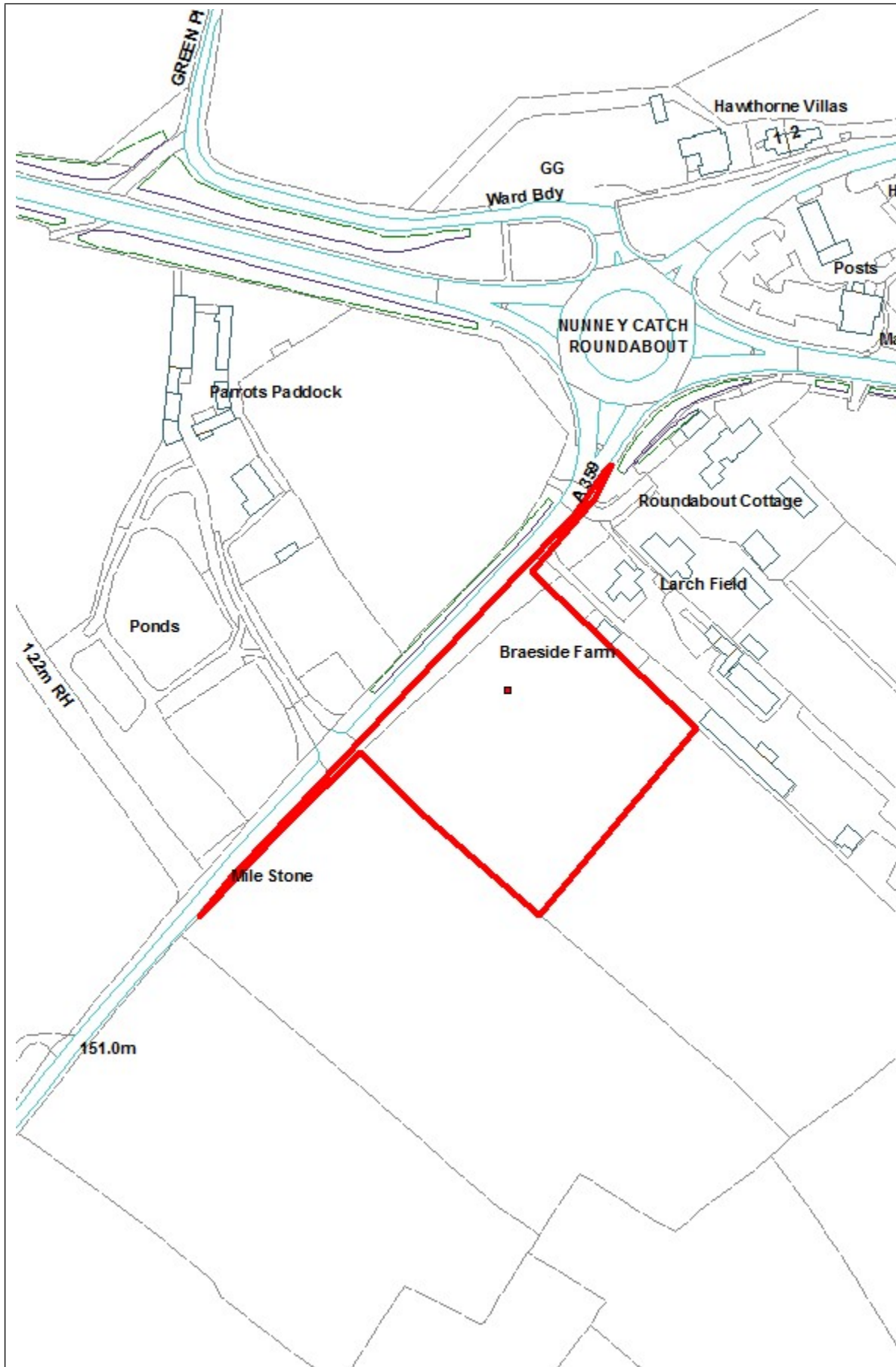
3. The applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990 and the provisions of the Anti-social Behaviour, Crime and Policing Act 2014.

Consequently the applicant is advised to produce a vehicle noise management plan to ensure that noise associated with vehicle egress and access, manoeuvring, loading and unloading, the playing of radios etc. is controlled so as to avoid unnecessary impact on nearby amenity.

4. This permission relates to a HGV repair and servicing place without facilities for car body repair or paint spraying, the occupier of the premises is advised that the carrying out of body repairs and the introduction of equipment for paint spraying is likely to require separate planning approval and/or a permit to operate under the Pollution Prevention and Control Regulations 2000. Further information can be obtained from the Council's Environmental Protection Team.
5. The applicant may be required to enter into a suitable legal agreement or license with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement or license well in advance of commencement of development.
6. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (more than 200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
7. 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/>

8. In order to seek approval for details reserved by 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 provide photographs of the materials in the context of the site, and state precisely where on site any samples have been made available for viewing.



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Case Officer	Jennifer Alvis
Site	Paddocks End Vinney Lane Tytherington Frome Somerset
Application Number	2023/0380/OUT
Date Validated	1 March 2023
Applicant/ Organisation	L Derbyshire & N Hudson
Application Type	Outline Application
Proposal	Application for Outline Planning Permission (All Matters Reserved, except Access) for the erection of a detached single storey Eco dwelling to replace Riding School and buildings (existing commercial equestrian use).
Division	Frome East Division
Parish	Selwood Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Shane Collins Cllr Helen Kay

Departure Notification and Scheme of Delegation:

This application is recommended for approval. The application has been advertised as a departure from the Local Plan.

Through the course of the application both the Parish Council and the Divisional member have supported the application.

In accordance with the scheme of delegation, as this application represents a departure from the Local Plan it is therefore referred to committee for consideration.

Description of Site, Proposal and Constraints:

This site is situated at Paddock's End, Vinney Lane, Tytherington and is currently in use as a riding school and commercial equestrian use with a manège, stables and other associated infrastructure. The plot is surrounded by existing residential dwellings on two boundaries, a B8 commercial use to the west and open field to the north.

The site is within an Air Limit Civilian Zone, Bat Consultation Zone, Mells Special Area of Conservation and SSSI Risk Area.

This application seeks outline planning permission with all matters reserved except access, for the demolition of the existing equestrian buildings and erection of a single

storey contemporary eco-dwelling on the western edge of the site. Whilst not submitted for approval the applicant's agent has clarified the scope and profile of the type of dwelling that the application is seeking to develop as indicated in the design, access statement submitted to support the application.

The proposal seeks to utilise the existing access to the south.

Relevant History:

No relevant history

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

Ward Member: In favour of the sustainable design. If recommended for refusal I request that the application is referred to Planning Board.

Parish Council: Approval - Sustainable development, with a strong environmental design focus, on essentially a 'brownfield site' (currently a yard and stables), without extending the footprint of the current built form (i.e. stable block)

Highways Development Officer: Standing advice.

Land Drainage: No objection subject to conditions regarding surface water and foul waste drainage

Environmental Protection: No objection subject to a condition restricting construction hours

Contaminated Land: Advise keeping a watching brief due to the former use of the land

Ecology: No objection subject to conditions

Local Representations: Three letters of support have been received.

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 – 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
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards

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:

Policies CP1 and CP2 of MDLP 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. Policy CP1 directs that new housing should be located in sustainable locations in the 5 market towns and villages near to services and facilities.

The Local Planning Authority (LPA) 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) can not be given full weight in the decision-making process. 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.

The application site is within the named settlement of Tytherington which doesn't benefit from development limits however the site lies to the rear of existing residential properties and is bounded to the west by a camping and holiday site and to the east by storage units (Class B8), so is not in an isolated location. The plot of land proposed for development is currently in commercial equestrian use with a manège, stabling and associated infrastructure, and as such would be considered previously developed.

Whilst the Council makes all its planning decisions in accordance with the Development Plan in this instance it is considered that there are material considerations that would weigh in favour of the development in terms of the principle of a dwelling in this location. These include that the development site is not considered isolated and lies on previously developed land.

In addition the applicants agent argues that the site also lies close to the south east boundary of Frome with a supermarket and other retail facilities within walking distance via a footpath to the rear of the site.

Finally, the applicants are proposing a low impact eco dwelling. The Parish Council have argued that this should be given weight in the balance of issues, and could be considered as an off set to the location of the application site beyond a recognised settlement boundary (refer to Conclusion and Planning Balance Section).

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

The current application is seeking outline permission only with appearance and layout being a reserved matter.

As such a full assessment on the impact of the proposal on the street scene and wider landscape cannot be undertaken at this stage however the proposal is for a single storey dwelling to the rear of existing properties.

The details will be finalised as part of the reserved matters approval process, with a condition recommended at this stage to restrict the height accordingly so that the visual impact remains acceptable. The high tree line bounded edges of the site would further minimise the impact given the screening that it would provide.

With the built form restricted accordingly it is not considered that the application would result in any harm in terms of visual and/or landscape character impacts

Impact on Residential Amenity:

The current application is seeking outline permission only with appearance and layout being a reserved matter. As such, a full assessment on the impact on residential amenity cannot be taken at this time.

However, in relation to the surrounding land uses, it's not considered that the B8 storage use to the east would create noise, dust or other impact significant enough to have a detrimental impact on future occupiers. In addition, the applicants are proposing to build this property for their own occupation and are aware of the adjacent uses.

Sustainability and Renewable Energy:

The submitted Sustainability Statement confirms the concept of the proposed dwelling has been designed with sustainability and renewable energy at it's core. The agent confirms that this will include PV solar panels to the roof, ground source heat pump, low energy lighting, sustainable materials (including the reuse of existing materials on site), EV charging points, rainwater harvesting and significant biodiversity net gains.

Whilst the applicant's commitment to delivering a new dwelling based the eco build philosophy as outlined above which is to be applauded the application does not propose the level of detail that is needed to conclude that the application scheme will deliver a design which is of exceptional quality as enshrined by paragraph 80 of the Framework (NPPF).

Impact on Ecology:

The site lies in a bat consultation zone associated with the Mells Valley Special Area of Conservation. One of the qualifying features leading to the designation of this site is its greater horseshoe bat population. The application is supported by an ecology report

including the results of Bat Emergence Survey as undertaken. The surveys concluded that the structures have low suitability in terms of bat roosts and the emergence survey concluded no bats were observed emerging from the building. Bird nests were observed in some of the structures. The County Ecologist accepts the findings of the surveys and raised no objection to the proposal subject to conditions. The Ecologist did note that there was an established hedgerow on the south east boundary of the site which they requested be retained to allow flight paths for bats from nearby Marston Park, and a lighting design for bats be submitted which includes details of specialised glazing as to mitigate against light spill towards this hedge. Additional recommended conditions which seek to prevent bird strike on any potential large areas of glazing, time restriction on the removal of buildings and vegetation to prevent disturbing nesting birds and the provision of swallow nest cups have also been suggested and are considered reasonable.

Given the above suggested conditions, and an additional condition which secures biodiversity net gain as required by para 8 of the NPPF, the proposal is considered acceptable in terms of ecological impact and complies with DP5 and DP6 of the Local Plan Part 1.

Assessment of Highway Issues:

The proposal seeks to utilise the existing access which also serves the neighbouring B8 use and existing equestrian use, which would cease if this permission was implemented. As such, the proposed dwelling would be unlikely to generate additional vehicle movements above the existing use and therefore would not have an impact on highway safety. There is adequate space for parking provision within the site.

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

Drainage:

Subject to relevant conditions the proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

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 overall thrust of Government Policy as set out in the updated NPPF is to encourage the delivery of sustainable development and requires Local Authorities to boost significantly the supply of housing. As the Council cannot demonstrate a 5 year housing land supply, this application is considered in the tilted balance as set out in para 11d of the NPPF is engaged, confirming that 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 no material harm has been identified regards the application proposal - refer to assessment above. The fact that the site is previously developed land is recognised and taken into account in arriving at this conclusion, and should be given significant weight.

At this outline stage there are no details as to how the dwelling would be constructed and although the applicant has confirmed that it is their intent that the dwelling will be constructed on the basis that the space heating and energy generation arrangements will be provided without needing to rely on fossil fuels it is not considered that significant weight should be given to this consideration.

Although it is recognised that there is a public footpath that would enable future occupiers to travel to the services and facilities in Frome without requiring vehicular travel it is considered that this is more likely to be a travel option for leisure and recreational trips as opposed to visiting shops and services. For this reason it is not considered that significant weight should be given to this consideration.

In summary given that the application will provide an additional dwelling on land that is previously developed and therefore positively contribute toward housing supply, and no material harm has been identified, the application is recommended for approval as a departure from the Development Plan.

Recommendation

Approval

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: 22167-1, 22167-2, 22167-3, 22167-4, 22167-5B and 22167-6C

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

5. **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 results of infiltration testing, along with details of groundwater levels and soakaway design, in accordance with Building regulations Part H, to verify whether or not soakaways will be suitable for the development. Where soakaways are found to be suitable, details of the soakaways to be installed should be provided. If the infiltration test results or ground water levels demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be detailed and justified instead. The scheme shall also include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details and retained for the life 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.

6. 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.

7. External Lighting (Bespoke Trigger)

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design,

and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

8. **Glazing (Bespoke Trigger)**

All glazed areas of the dwelling will be of glazing that limits light spillage so that light levels do not adversely disturb bats and other species using their territory or having access to resting places. In addition, any large areas of glazing shall incorporate measures to prevent against bird strike. Details of the glazing to limit light spillage and bird strike will be submitted and agreed in writing by the Local Planning Authority prior to the installation. The glazing will be installed as agreed. No other type of glazing shall be used to replace faulty glazing unless it achieves the same or better results in terms of light spill than the agreed specification.

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).

9. **Retention of Hedgerow (Pre-commencement)**

The hedgerow along the south east boundary of the site shall be retained for bat flight paths. The retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

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).

10. **Provision for Swallows (Bespoke Trigger)**

Within 3 months of the commencement of development a scheme for provision for nesting swallows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full details of the provision, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, along with the erection of three artificial nest

cups within. The approved scheme will be implemented in full and retained thereafter.

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) and in accordance with Government policy for the maintenance of biodiversity as set out in the National Planning Policy Framework (170d).

11. Biodiversity Net Gain (pre-occupation)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- 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 west or south facing elevation or on a suitable tree on site;
- b. One Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter;
- c. One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter;
- d. A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling.½Please note bee bricks attract solitary bees which do not sting.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

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).

12. Height of dwelling (Compliance)

The dwelling hereby approved shall be a single storey unit as indicated in the supporting design, access and planning statement (dated February 2023) as submitted.

Reason: In accordance with the application proposals and given the site location in order to safeguard the character and appearance of the surrounding area in accordance with Policies DP1 and DP7 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.

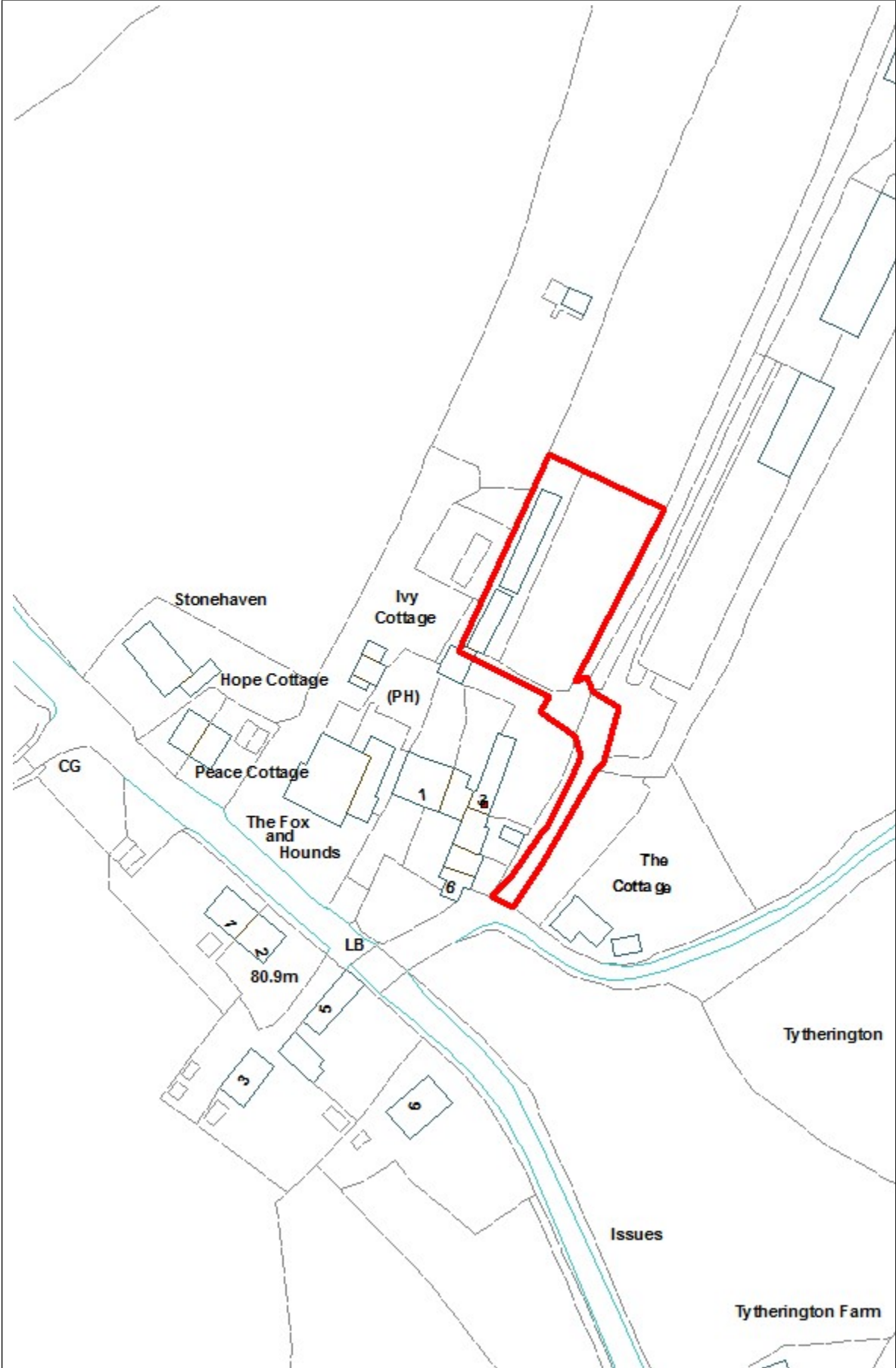
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the 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 <http://buildingcontrol.somerset.gov.uk>
5. Due to the former use of the site 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.
6. Before commencing any works to trees, 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 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 works should immediately cease until specialist advice has been obtained from Natural England.

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Case Officer	Jennifer Alvis
Site	Holly Cottage Pound Lane Oakhill Shepton Mallet Somerset
Application Number	2023/0231/FUL
Date Validated	7 February 2023
Applicant/ Organisation	Mr & Mrs Howe
Application Type	Full Application
Proposal	Change of Use of Agricultural Land to Domestic Curtilage with associated access/parking.
Division	Mendip Hills Division
Parish	Ashwick Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What3Words - lunching.conspire.retail (existing access)

Ward Member/ Chair and Vice Chair Referral

Referred to the Planning Committee (East) due to the application being a departure from the Local Plan, and the officer recommending approval.

Description of Site, Proposal and Constraints:

The application site relates to a property known as Holly Cottage, Pound Lane, Oakhill. The host property is an existing detached dwellinghouse with an area of open agricultural land to the west and north which also makes up part of the application site. The site lies outside of any development limits but has no other relevant planning constraints.

The proposal seeks to create a new access and parking area on a section of land to the west of the main property which would involve the change of use of this area of land, and additional garden space, from agricultural to residential.

Relevant History:

106810/001 - Removal of existing garage and erection of double garage - Approval - August 2000

106810/002 - Change of use of land to domestic curtilage and resiting of previously

approved double garage - April 2001

106810/003 - Erection of conservatory to side - Approved - Dec 2002

2012/0202 - Single storey rear extension with dormer window. - Approved - March 2012

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

Ward Member: No response

Parish Council: Recommended approval subject to Highways advice for the associated access/parking. Would also like to bring attention to the garage currently being used as accommodation. There will no entrance to the garage from the new access point.

Highways: Standing Advice

Local Representations: No letters of local representation 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

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

- CP1 – Mendip Spatial Strategy
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendips Landscapes
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Developments

- DP10 – Parking Standards
- DP23 - Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- House Extension Design Guide

Assessment of relevant issues:

Principle of the Use:

The application relates to a small parcel of land that is directly adjacent to the existing residential curtilage of the host property and although the site is outside development limits, the parcel of land in question is closely associated with the main house. While the site is outside developments, the proposal is for a parking area which would be ancillary to an existing dwelling and not for an independent use. As such the development would not be considered to result in an increase in vehicle movements or other impact that would make this an unsustainable development.

Given the siting and size of the plot it is not considered that the change of use to residential curtilage for the purpose of parking, will affect the agricultural use of the remaining field area.

Therefore, although the proposal for the change of use would not have policy support and therefore be considered a departure from the Local Plan, the overall scheme is considered acceptable in terms of potential harm and the manner in which the new use will function associated with the existing on plot dwelling.

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

While the change of use of a section of the adjacent field to provide additional parking for the main house would affect the character of this section of land, no structures are proposed and as such the development would largely only consist of ground works. The proposed access would result in the loss of some hedgerow however accesses are a common feature along with section of highway and as such would not look out of character. The existing access is proposed to be blocked up with natural stone to match the existing. It's considered reasonable to impose a materials condition to ensure that natural stone used in the blocking up of the existing access is suitable.

There is already residential development along this section of road with several properties located opposite and to the east of the application site, with domestic features facing onto the highway, so it's not considered an isolated rural location.

Given the above, it's considered that the proposal won't result in a significant detrimental impact on the character of the area and therefore complies with DP1, DP4 and DP7 of the Mendip Local Plan Part 1.

Impact on Residential Amenity:

Given the limited building works proposed within the application, it's not considered the proposal would have a detrimental impact on neighbouring residential amenity.

Therefore, it's considered the siting of the proposed development 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.

Highway Safety:

No objections were raised by Highways regarding the new access for this proposal and instead Highways referred the application to Standing Advice. Pound Lane is a single lane carriageway which carries a national speed limit however given the nature of the highway, it's unlikely traffic will be travelling at this speed when approaching the application site. The proposal seeks to create a new access further to the west than the existing but still within close proximity. This access will act as the new primary access for the cottage with the existing access being blocked up.

Given the number of existing accesses along this stretch of road, including to the east and west of the application site, it's not considered that the new access would impact on highway safety.. In addition, this small cluster of properties along Pound Lane lie in a rural location so the amount of traffic along this stretch of carriageway is minimal. Relevant conditions in regards the access and parking can be applied to any decision to ensure the development complies with Standing Advice.

There would be ample space within the site for the parking and turning of vehicles which

would allow for vehicles to exit the site in a forward gear.

Given the above it's unlikely to result in an impact on highway safety and therefore complies to policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

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.

Planning Balance & Conclusion:

In terms of the proposed access and new parking area on part of an existing agricultural field, whilst it is acknowledged that the development will be outside development limits, it will abut an existing residential property (and will be restricted in terms of it's future use). From an assessment point of view given the scope of the proposals, the extent to which the proposed use of the land is to be controlled the proposed use is not considered to have a detrimental impact on the adjoining land uses.

On this basis the application scheme is considered on balance to represent a sustainable form of development, and it is therefore recommended that planning permission be granted as a departure from the development plan.

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: 0016-RH_23-PL.01 and 0016-RH_23-PL.01

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

3. **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 0016-RH_23-PL.02. 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).

4. **Bound/Compacted Vehicle Access (Bespoke)**

No use of the access hereby approved 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 5 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).

5. **Erection of Gates (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 6 metres from the adjoining carriageway edge.

Reason: To ensure that vehicles do not cause an obstruction 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. **Ancillary Use Only (Compliance)**

The car parking area and new access hereby approved shall not be used other than in connection with the residential dwelling referred to as Holly Cottage and as shown on the location plan hereby submitted and approved.

Reason: In accordance with the proposals as submitted and given that there would be no policy support for a separate residential use or occupation on the site, and in accordance with policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the boundary wall, to block up the existing access, shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the boundary wall, 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 DP3 and DP7 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.

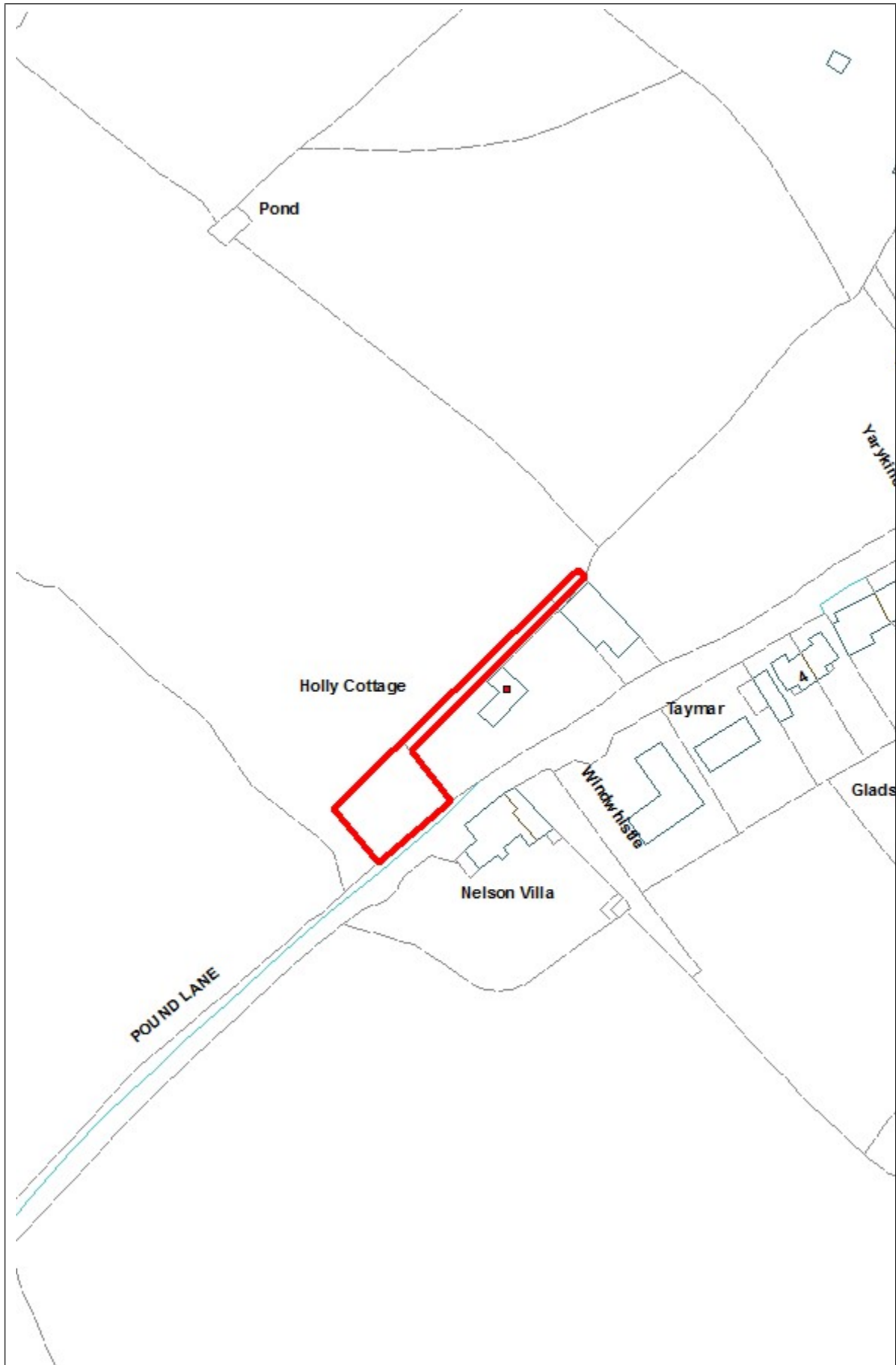
Please note all conditions should be read fully as these headings are intended as a guide only.

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

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Case Officer	Jane Thomas
Site	10 Lewmond Avenue Wells Somerset BA5 2TS
Application Number	2023/0528/HSE
Date Validated	24 March 2023
Applicant/ Organisation	Mr Butt-Philip & Ms Baron
Application Type	Householder Application
Proposal	Erection of single-storey rear extension and internal alterations.
Division	Wells Division
Parish	Wells City Council
Recommendation	Approval
Divisional Cllrs.	Cllr Theo Butt Philip Cllr Tessa Munt

What.3.Words: retaliate.overheat.penny

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

For probity reasons given that the applicants are a direct relation of a member of the Council the application is referred to Planning Board (East) in accordance with the published Scheme of Delegation.

Description of Site, Proposal and Constraints

This application concerns 10 Lewmond Avenue, Wells. Lewmond Avenue is a cul-de-sac located in a residential area to the north-west of Wells city centre. The proposal site lies outside the boundaries of both the Wells Conservation Area and the area of high archeological potential associated with the city's heritage. There are no listed heritage assets in the vicinity.

10 Lewmond Avenue is a cream rendered semi detached (with number 8) dwelling, with a detached garage accessed via a driveway that separates the house from 12 Lewmond Avenue. 10 Lewmond Avenue has a front garden and smaller back garden that backs onto Woodside, with 5 Woodside lying directly behind.

This proposal is for a single-storey rear extension to the property. This will be a relatively modest extension that will square off the back elevation of the house. The small addition to the floor space will allow better scope for internal alterations to reconfigure the layout of the ground floor of the house.

There is no previous planning history for the property.

Summary of Consultation/Representations:

Glastonbury Town Council: Approve

Neighbours: No comments received

Divisional Member: The applicants are a relation of Cllr Theo Butt Philip.

Relevant Planning Policy

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 2026-2029).
- Mendip District Local Plan Part II: Sites and Policies (December 2021): Post JR Version 2006-2029

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

- DP1 Local Identity and Distinctiveness
- DP7 Design and Amenity of New Development

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (2021)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Household Extension Design Guide – Mendip District Council (1993)

Character, Appearance and Impact on the Street Scene

The position of 10 Lewmond Avenue, backing onto Woodside, gives the house a relatively

open aspect. However, the existing garage on the plot means that the proposed rear extension will be visible in only glimpsed views from the front of the house, and from above the 2m high garden fence to the rear.

The extension proposed is in keeping with the style and size of the house. Materials specified have been chosen to match those of the house.

Given the overall design, scale, and materials proposed the application is acceptable and responds to the local context in an acceptable manner maintaining the character and appearance of the surrounding area. The proposal is therefore considered to accord with the policies DP 1 and DP7 as referred above.

Residential Amenity

Although of modest size this proposal will create valuable additional space allowing some reconfiguration of the ground floor of the house to create a modern living space. This will be of amenity benefit for both current and future occupants.

The window opening proposed in the new extension faces the garden so there is no risk of overlooking to or from the houses to either side. Given the sitting and scale of the proposals in relation to the neighbouring residential plots there are no concerns regards overshadowing or loss of light as a result of the new build.

It is not considered that the proposed development would cause any harm to the amenities of any occupiers or adjacent occupiers through loss of privacy or other disturbance, and it therefore considered to accord with policies DP1 and DP7 in this regard.

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

This is a well-considered scheme to extend this dwelling.

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:
H6716/001 Floor Plans and Elevations as Existing
H6716/002 Site and Location Plans as Existing
H6716/100A Floor Plans and Elevations as Existing
H6716/101 Floor Plans and Elevations as Proposed

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

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.

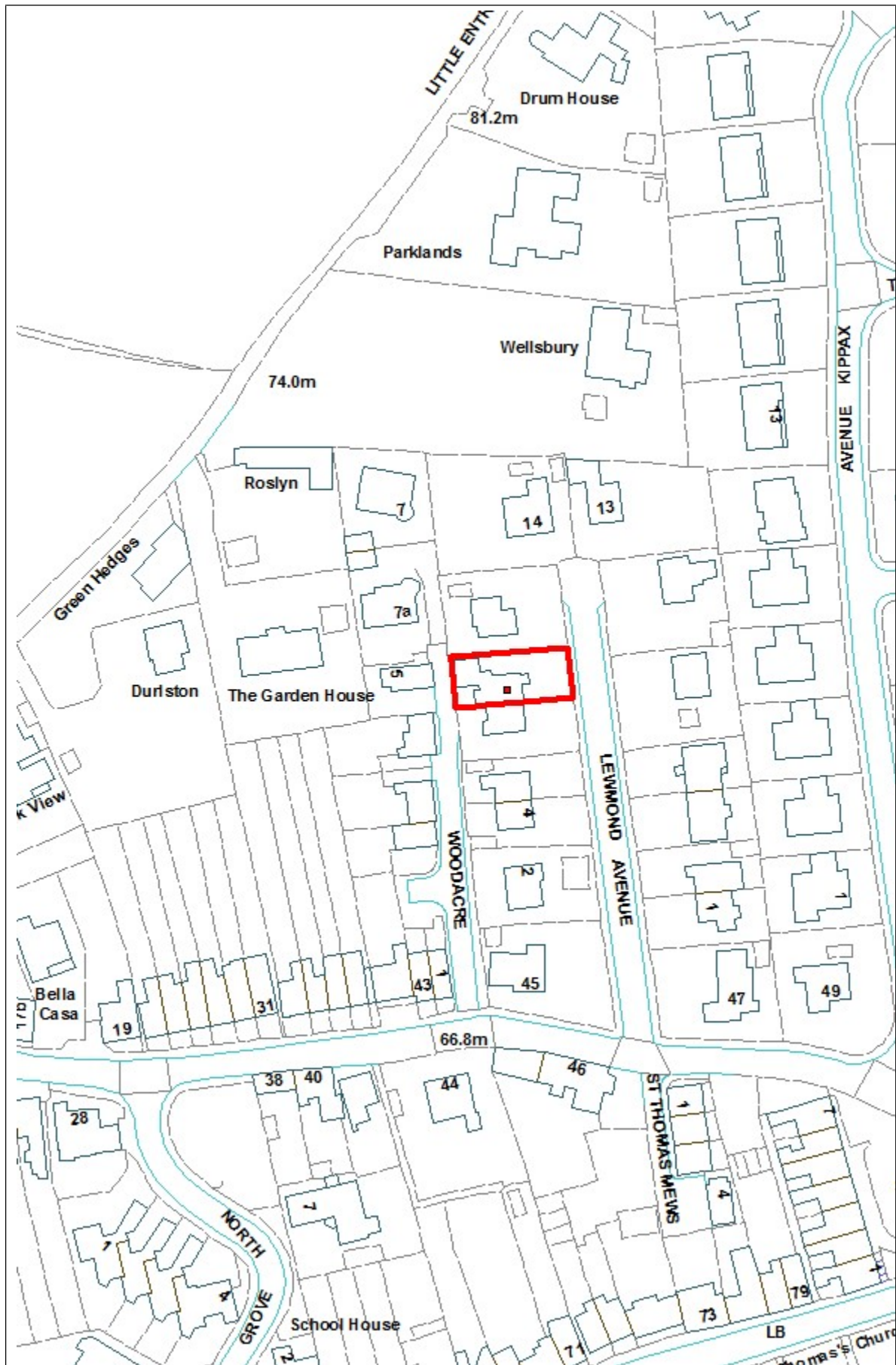
2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the 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. **Building Regulations Approval**

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://www.somerset.gov.uk/planning-buildings-and-land/building-control/>

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Case Officer	Kelly Pritchard
Site	Plot At Hornblotton Farm Mill House To Fosse Way Hornblotton Glastonbury
Application Number	2022/2407/FUL
Date Validated	8 December 2022
Applicant/ Organisation	F Litherland
Application Type	Full Application
Proposal	Conversion of agricultural barn to create a new dwelling.
Division	Mendip South Division
Parish	West Bradley And West Bradley Detached
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

Scheme of Delegation:

In accordance with the scheme of delegation for the Council as the application scheme represents a form of development that would represent a departure from the Development Plan and given the officer recommendation is for approval, the application is required to be presented to the Planning Committee (East Area) for consideration and determination.

Description of Site, Proposal and Constraints:

This application relates to a barn at Hornblotton Farm, Hornblotton.

The site is located outside the settlement limits, within a gas pipeline interest zone, SSSI Risk impact zone and within the Somerset Levels and Moors Ramsar Risk Area.

The barn to be converted has a steel frame with steel profiled roof and has three bays on the south east side, two of which are open the third has a metal roller shutter door. The remaining sides are concrete panels with Yorkshire boarding on the upper parts of the wall. The steel stanchions which form the structure are set on concrete bases cast in the ground. The internal floor area is covered with a concrete slab on one bay and concrete hardstanding in the others.

The site is set back from the road and is accessed along a gravel track from an existing field entrance off of the classified road.

The application seeks full planning permission for the conversion of a barn to a two bed

dwelling, which includes a workshop within the existing building at the south western end of the barn. Storage is proposed in the roof. The finishes include pre-cast concrete panels, profiled sheeting and wood cladding. The existing vehicular access is proposed to be utilised.

The planning history shows that there is an extant prior approval, reference 2019/2858/PAA, for the conversion of the whole barn to a dwelling. That approval allowed for part conversion of the barn to a dwelling which included a double garage to be formed in the barn at the south western end and this was given in August 2020.

Prior to that prior approval, another prior approval application was granted under reference 2019/2868/PAA in January 2020 for change of use of part of an agricultural building to a dwellinghouse and retaining the rest of the barn as a haybarn/carport.

Relevant History:

2011/0179 - Prior Approval Required - Creation of agricultural access. 24.02.11

2011/1030 - Approval - Proposed temporary siting of 'Omar' type twin unit mobile home for agricultural worker and siting of two ancillary portacabins 36 square metres each for poultry rearing and food preparation; proposed erection of three bay hay barn/implements store; formation of 4m wide driveway off existing access. 11.07.11

2015/0040/OTS - Refusal - Erection of agricultural worker's dwelling (180m² gross floor area including office). 18.03.15

2019/1961/PAA - Prior Approval Refused - Notification for Prior Approval for a proposed change of use of agricultural building (hay barn) to a 2 bed dwellinghouse. 16.09.19

2019/2868/PAA - Prior Approval Given - Prior Approval for change of use of part of an agricultural building to a dwellinghouse. 06.01.20

2019/2858/PAA - Prior Approval for change of use of agricultural building to a dwelling house. Prior Approval Refused. 06.01.20. Appeal allowed. 05.08.20

Summary of Ward Councillor comments, representations and consultee comments:

There is no Parish Council for West Bradley and West Bradley Detached.

Ward Member: No response received.

Contaminated Land: Due to the nature of farms, it would be advised to keep a watching

brief for potential hotspots of contamination.

Land Drainage: No objection.

- Site is within flood zone 1 and shown to be at low-risk of surface water flooding.
- No net change in impermeable areas as a result of the proposals and the volume of surface water runoff will not increase.
- A non-mains foul drainage assessment has been completed. Foul drainage is proposed to a PTP and drainage field. No percolation test results are submitted at this stage but there is sufficient land available that a suitable location for a drainage field is likely to be found given the underlying soil properties.

Health and Safety Executive: Need to contact the pipeline operator, Wales and West Utilities.

Wales and West Utilities: No comments received.

Ecology: No comments received.

Local Representations:

One letter of support has been received stating they have no objection.

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)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part I 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)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP22 (Reuse and Conversion of Rural Buildings)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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 application site is situated outside any defined settlement limits, within a location isolated from services and facilities, where development is strictly controlled. 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 (DP) 12, 13, and 22. Policies DP12 and DP13 are not considered to apply here.

The Local Planning Authority (LPA) 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. The provisions as set out at Paragraph 11(d) of the NPPF will be considered in completing the overall planning balance.

Paragraph 80 of the NPPF, is supportive of schemes for the conversion of rural buildings to residential uses where it will lead to the enhancement of the immediate setting.

Development Policy 22 (DP22) mentioned above as an exception policy, states that the reuse and conversion of a redundant or disused rural buildings in the countryside (outside of defined development limits) for residential use will be given favourable consideration where it would lead to an enhancement to the immediate setting, and:

- a) the proposed use would not prejudice the use of adjacent land and premises, particularly where such use entails agricultural or other land-based operations
- b) the design of the building, and associated development required to facilitate its reuse, respects its surroundings and does not harm the wider landscape character of the area, or have an adverse impact on the transport network
- c) in the case of a traditional building, the proposal is sensitive to its fabric and character
- d) the building is of permanent and substantially sound construction and is proposed for re-use and adaption in a manner which would not require major or complete reconstruction
- e) any bat roost present is incorporated or replaced, and external vegetative structure supporting is maintained or replaced within the scheme.

However, in this instance the barn is being used in association with the applicants small holding and as such the building is not redundant or disused. As such the proposal does not strictly accord with Policy DP22.

The planning history is material to the consideration of this application. Prior approval reference, 2019/2858/PAA, for the conversion of this building into a dwelling has been approved at appeal and is extant.

Development in the open countryside outside development limits is strictly controlled, but in this instance the planning history, which will be discussed later in this report, together with the five-year housing land supply position is considered to carry significant weight in

the determination of this application. For the reasons set out later in this report the development is considered acceptable in principle.

It should be noted that the residential mobile home on site appears to be unauthorised and as such to avoid unjustified proliferation of residential development in the open countryside it is considered that the existing mobile home should be removed from site and the land restored within 6 months of first occupation of the proposed development.

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

External flues and solar thermal panels, along with air-source heat pump and a larger area of domestic curtilage is now proposed in comparison to the prior approval. When considering the planning history, these additions to the scheme are not considered harmful, and the design and materials proposed reflect the buildings agricultural character.

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 Policies DP1, DP4, DP7 and DP22 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

There are no immediate neighbours to this site and no existing uses or activities that are considered to compromise the living conditions of the future occupiers of the development. A residential dwelling in this location is unlikely to prejudice adjacent land uses.

There is a workshop proposed adjacent to the proposed dwelling within the same building envelope. It is assumed that it would be used ancillary to the proposed dwelling and the existing farm uses on the land which the applicant owns. As such it will not be detrimental to the amenity of the occupiers of the dwelling.

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, odour, 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 application site is mapped by Natural England as falling within the water catchment

flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. However, given the applicant has a legitimate fall-back position as they have the benefit of an implementable permission as a result of the prior approval, it is considered that a Habitats Regulations Assessment in this instance is not required. The proposal would not pose a risk to the designated features of the SPA and Ramsar.

The proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

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

Land Drainage:

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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 & Planning Balance:

Whilst this site is located outside the settlement limits, this site has the benefit of an extant consent in the form of a prior approval for a residential use in the application building. The revisions now to the consented scheme raise no new design, amenity or highway issues over and above the scheme that can be implemented at the site. Having regard to paragraph 11 of the NPPF notwithstanding the location of the site and given that the application scheme would not result in any significant adverse impacts it is recommended that planning permission is granted as a departure from the development plan.

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: 1571/000 Rev B, 1571/001, 1571/002, 1571/003, 1571/004 received 07.12.22.

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

3. Removal of Mobile Home (Bespoke Trigger)

Within 6 months of the first occupation of the dwelling hereby approved, the existing residential mobile home shall be removed from the site and the land restored to its former condition.

Reason: To avoid unjustified proliferation of residential development in the open countryside in an unsustainable location and in the interests of the character of the area, having regard to Development Policies CP1, CP2, CP4, DP1, DP4, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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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 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 or alterations require detailed consideration by the Local Planning Authority in the interests of preserving the character of the development and the area in accordance with Development Policy 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **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 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 in accordance with Development Policies 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Materials (Compliance)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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.

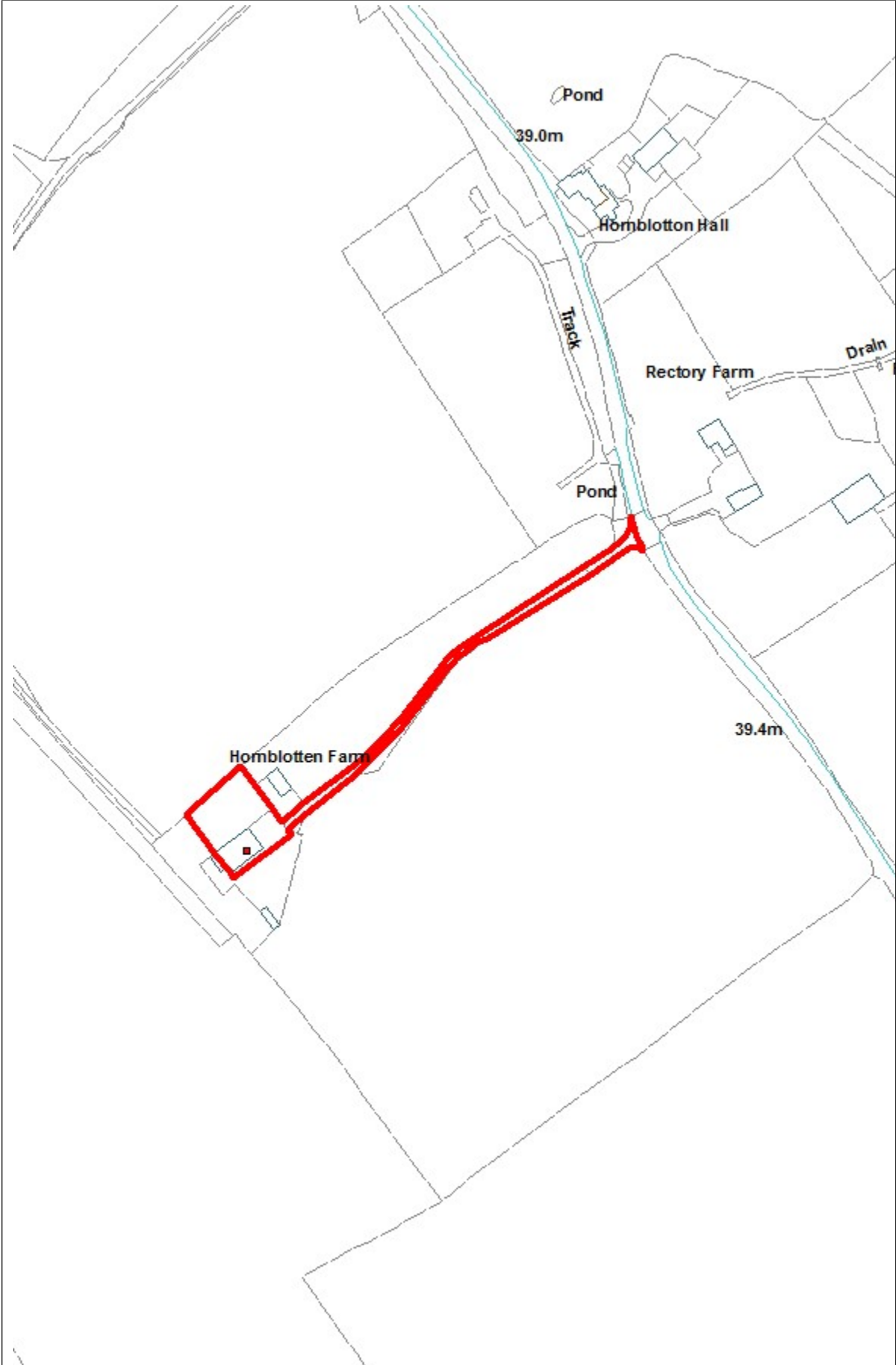
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the 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. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. 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. 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://buildingcontrol.somerset.gov.uk>

5. Due to the nature of farms 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.

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Case Officer	Kelly Pritchard
Site	Laurel Farm Laurel Farm Lane Sticklynch Glastonbury Somerset
Application Number	2021/0644/FUL
Date Validated	24 March 2021
Applicant/ Organisation	S Cellan Jones
Application Type	Full Application
Proposal	Demolition of outbuilding; replacement with first floor holiday flat, ground floor storage, and studio.
Division	Mendip South Division
Parish	West Pennard Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

Referral to Chair and Vice-Chair:

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-Chair of the Planning Board as the case officer recommendation is to refuse, and the Parish Council recommended approval.

Description of Site, Proposal and Constraints:

The application relates to an existing workshop/storage building in the garden of Laurel Farm, West Pennard.

The site is relatively isolated with open views to the north. The existing workshop/storage building is in a poor state of repair, finished in brick and block, with corrugated low-pitched roof, approximately 6 metres high. Connected to this on its east side is an older low stone building with tiled roof also used for storage. An ecologist has identified that this has been used as a bat roost.

Further to the east is a bank of undergrowth and hedging, and on the north boundary tree-planting, none of which will be affected by the proposal.

The existing and proposed buildings sit within a yard comprising a mix of hardstanding, grassed areas, concrete slabs and spoil heaps.

The ground rises up from north to south, so that Laurel Farm stands approximately 2 metres higher than the proposal site. Laurel Farm is finished with a plain tiled roof, stone walls and is 3 storeys (rooms in the roof).

The lane approaching the site is an unclassified narrow road and has a speed limit of 60mph although due to the topography traffic is travelling much slower. There is parking and turning available on site.

There are no immediate neighbours to be affected by the proposal.

The site is outside the settlement limits, within a SSSI risk impact zone, there is a public right of way to the north of the application site and to the east is a priority habitat area (Priority Habitat (TORCH 2.4), Priority Habitat (Traditional Orchard 3.4), Priority Habitat (Traditional Orchard 4.4)). The priority habitat and footpath are not within the red line for the application site.

The site was originally caught by the phosphate catchment area, but during the life of the application the mapping was amended and the site is no longer caught.

The application seeks full planning permission for the demolition of the building and the erection of a building for storage and studio ancillary to the use of Laurel Farm and a first-floor holiday let. Since the submission of the application, the plans have been amended as the single storey building to the east was to be retained and is now proposed to be removed. Also, now proposed is the erection of a stand a lone new building to accommodate a bat roost.

The taller building will have an eaves of 4.8m and ridge of 7.6m facing the courtyard. The Studio eaves is 2.3m and the ridge 4.5m. The size, of the bat roost is 3.4m x 4m x 3.5m high.

Relevant History:

- 100460/000 – Refused 03.06.75, appeal dismissed. Erection of bungalow.
- 117393/000 – Development is lawful - Application For a Certificate of Lawfulness For the Use as Haulage Premises, Storage, Maintenance and Repair of Commercial Vehicles, Storage of Hauled Goods and Admin Use. 20.02 04
- 2013/0808 – Approval - Demolition of derelict barn/store and lean to and erection of new single storey extension on west elevation. 20.06.13
- 2018/0733/PREAPP - Two-bedroom holiday let, studio / ancillary space for existing

house, outbuilding. 03.05.18

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

Ward Member: No comments received.

West Pennard Parish Council: Approve.

Highways Development Officer: Standing Advice.

Environmental Protection: No objection.

Contaminated Land: No objection subject to an informative concerning a watching brief.

Land Drainage: No objection subject to pre-commencement condition concerning surface water.

- Within flood zone 1 and shown to be at very low risk of surface water flooding.
- Several options for surface water management are indicated on the application form but no further details are provided. Soils mapping indicates slowly permeable seasonally wet slightly acid but base rich loamy and clayey soils suggesting discharge to the watercourse would be the most viable option. Betterment of existing discharge rates and source control features (rain gardens, permeable surfacing) should be provided.
- Foul drainage will discharge to a package treatment plant with discharge to the watercourse.

Ecology: No objection subject to conditions.

Local Representations:

No other representations have been made.

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)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP3 (Supporting Business Development and Growth)
- 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 of New Development)
- 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 (NPPF)
- National Planning Practice Guidance (NPPG)
- 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 application site is situated outside any defined settlement limits, within a location

isolated from services and facilities, where development is strictly controlled. The application proposes the demolition of a building and the erection of another to be used for storage and studio ancillary to the use of Laurel Farm and a first-floor holiday let. Whilst the application proposes partial use of the building as a holiday let, this is a C3 residential use albeit it would be a controlled residential use.

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 CP3 says economic development proposals will be supported where they accord with the spatial strategy CP1 and, in rural areas, the principles set out in CP4. CP3 also supports sustainable rural tourism and leisure developments which respect the character of the countryside. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions: Development Policies (DP) 12, 13, and 22, are not considered to apply here.

The Local Planning Authority (LPA) 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. The provisions as set out at Paragraph 11(d) of the NPPF will be considered in completing the overall planning balance.

The application site is located within an unsustainable location where new buildings should not be encouraged as there will be a reliance on the use of the private vehicle to access the development and to access services and facilities whilst holidaying here. In summary there is no policy support for the application proposals given its remote location.

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

DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of

the built and natural context. Further to this, decisions should take account of efforts made to minimise negative effects.

DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form and layout appropriate to the local context. It goes on to say that the proposal should demonstrate that it can meet the needs of a wide range of users.

The area of land where the existing barns are located was possibly part of an old farm yard, the house having a more intimate area of land as garden area closer to the property. Whilst the buildings are in a poor state of repair they are characteristic of rural agricultural/workshop type buildings. The building proposed is not a conversion, as these buildings are unlikely to be compliant with the restrictions of DP22, it is a new building which is tantamount to a dwelling albeit the request is for its use as holiday accommodation.

The replacement building is likely to be visible from the public footpath which lies to the north of the site and its design is more domestic in character which includes a balcony and domestic style openings. It will be approximately 2.7m higher than the highest building to be demolished, but on a similar footprint to the existing structures. Notwithstanding the unsustainable location it is considered that, on balance, the building would be seen in the context of the existing house and as such does not result in harm to the character and appearance of the area.

Impact on Residential Amenity:

There are no immediate neighbours, and it is considered that the proposal would be acceptable in amenity terms for existing surrounding occupiers. However, the nature and scale of the holiday accommodation proposed would be limited for guests.

Impact on Ecology:

The barn is a confirmed bat roost that supports lesser horseshoe bat (peak count of 14) and soprano pipistrelle. The presence of a breeding colony can be discounted but the barn is likely to be used as a day and transitional roost. Up to four soprano pipistrelles were also recorded roosting within the barn and the roost was assessed to be a day roost.

As lesser horseshoe and soprano pipistrelle bat roosts will be affected (disturbed/destroyed) by the demolition of the barn, and bats potentially harmed, then the Local Planning Authority has to fulfil its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998), by imposing planning conditions to protect them.

A bat survey report has been produced by Nash Ecology (2022) detailing an associated mitigation strategy (section 4) including pre-construction toolbox talk, a standalone compensatory bat roost within the garden, exclusion, lighting, and monitoring. All ecological measures and/or works shall be carried out in accordance with the details contained in section 4 of the Bat Survey Report.

Swallows were recorded nesting in the workshop in 2018 and as such as the building will be lost, further nesting provision should be provided and this can be dealt with via appropriately worded planning conditions.

Having regard to the ecological information submitted and our technical consultee response, it is considered that if appropriately worded conditions were imposed the proposed development would not have an adverse impact on bats or other ecology. As such the proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

Policy DP9 of the local plan, and the NPPF seek to promote sustainable transport options, such as walking, cycling or public transport. Policy CP3 supports sustainable rural tourism and leisure developments via conversion of existing building when the site is located outside the settlement limits. The site is remote from shops, services and facilities. Public transport options are limited and walking or cycling journeys to meet every day needs would generally be impractical. In the absence of realistic sustainable transport options, the proposal would unjustifiably foster the growth in the need to travel by private car. As such the proposal does not represent sustainable development.

The development does therefore not comply with policies DP9 or CP3.

Land Drainage:

Our technical consultee has no objection subject to the imposition of a pre-commencement condition concerning the management of surface water drainage. As it is likely that a strategy for the management of surface water will be found and the applicant owns enough land to facilitate it, it is considered that the proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and

recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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 principle of development is unacceptable as the site lies in the countryside outside the development limits where development is strictly controlled. The proposal does not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities.

Any limited economic benefits that could be attributed to the development given the proposed uses as Tourist accommodation (upper floor) associated with this development does not outweigh the harm identified.

For this reason it is recommended that planning permission is refused.

Recommendation

Refusal

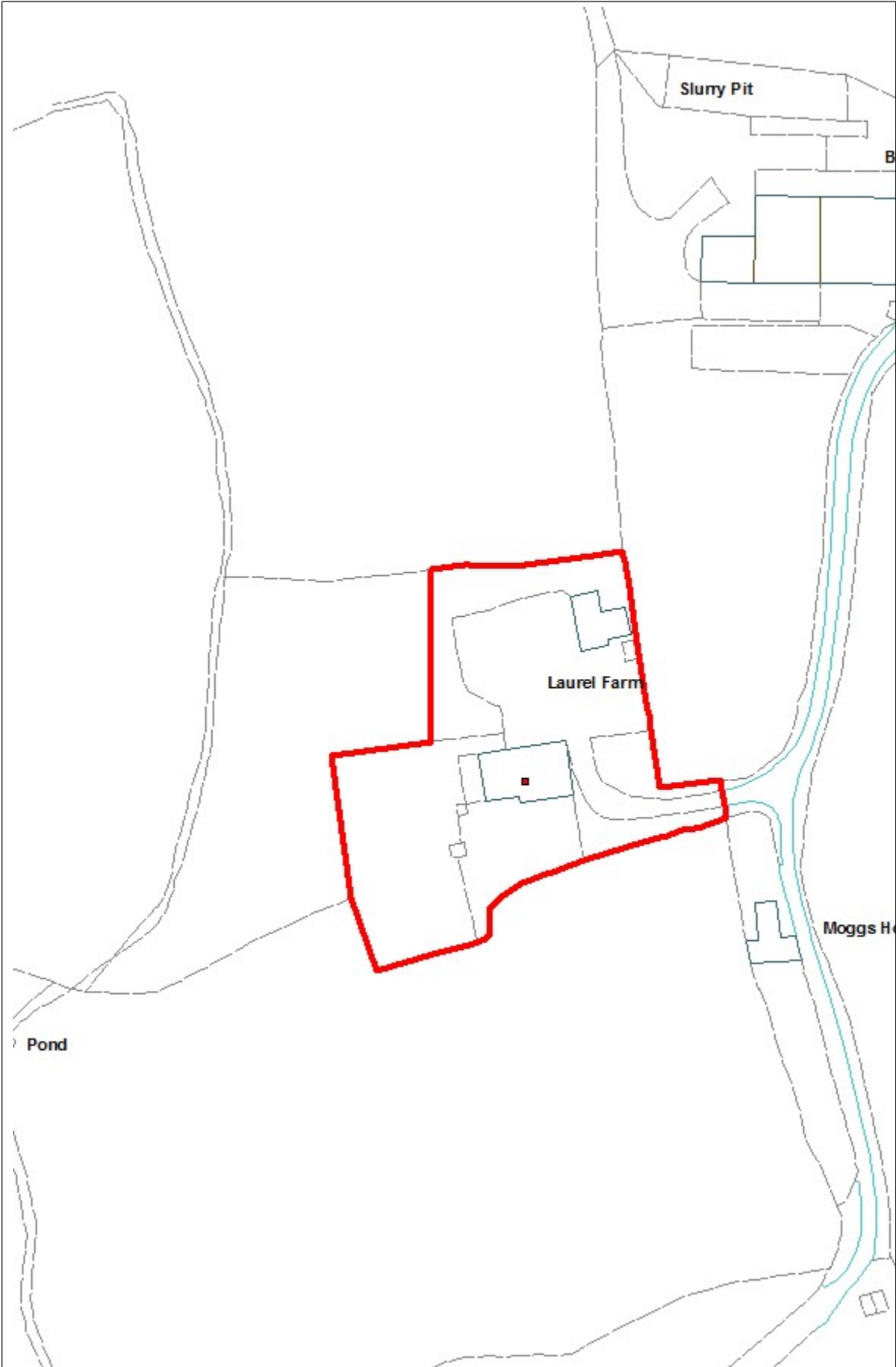
1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. Any limited economic benefits concerning the use of the development as tourism accommodation is not considered to outweigh the harm identified. The proposal is therefore contrary to the provisions of Policies CP1, CP2, CP3 and CP4 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th

December 2014), the National Planning Policy Framework 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. The submitted application has been found to be unacceptable for the stated reasons 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 1849/S03 validated 24.03.21 and 1849/01a and 1849/02b received 29.12.22.

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Case Officer	Kelly Pritchard
Site	Lower Stoke Farm Barrow Wood Lane Rodney Stoke Cheddar Somerset
Application Number	2022/2441/FUL
Date Validated	16 December 2022
Applicant/ Organisation	R Counsell
Application Type	Full Application
Proposal	Change of use of agricultural building to ancillary accommodation. Part demolition and extension to existing dwelling. Erection of ancillary outbuilding and construction of wildlife swimming pool.
Division	Mendip West Division
Parish	Rodney Stoke Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

Scheme of Delegation:

Prior to the existence of Somerset Council, in accordance with Mendip's scheme of delegation, this application was referred to the Chair and Vice Chair as a departure to the development plan. The case officer recommendation is to approve with conditions, the Parish Council made no objections, and the Ward Member did not submit a comment.

After consultation with the Chair and Vice Chair they agreed with officer recommendation. We then advertised the application as a departure and have not received any additional comments resulting from this publicity, however the decision notice has yet to be issued.

Under Somerset Council's scheme of delegation, all departure applications need to be considered by the Planning Committee, hence this application is now being considered.

Description of Site, Proposal and Constraints:

This site is known as Lower Stoke Farm, Barrow Wood Lane, which is surrounded by agricultural land and lies to the south of Rodney Stoke. It is accessed via a single lane road which has a wide entrance to turning circle in front of the property.

It is a large two storey detached house, finished in stone, tiled roof, wooden windows in a large plot. There is a large barn to the north of the house which is stone and wood clad, it is also two storey and contains stables on one side and ancillary accommodation/storage on the other.

The site is remote with no immediate neighbours.

The site is outside defined development limits, within a SSSI Impact Risk Zone, Bat Consultation Zone (North Somerset Mendip Bats Special Area of Conservation) Band C, a PROW runs up Barrow Wood Lane. The site is not within the Somerset Levels and Moors Ramsar Risk Area, the catchment area is just on the other side of Barrow Wood Lane. There is a priority habitat to the east of Barrow Wood Lane, but the site is outside of this.

This application seeks part demolition and construction of extensions to the south and north of the existing house, considerably increasing the overall footprint. It also incorporates the conversion and alteration of the adjacent barn to continue accommodating three stables and a tack room, a three bed annex, an office and domestic storage. The alterations to the barn include its roof form being fundamentally altered to present an 'L' shaped, steeper pitched, gable-ended roof. It also proposes a wildlife swimming pond and a further workshop/hobby building.

The planning history would indicate that the existing barn which is physically separate from the house should be used for purposes ancillary to the residential use of the dwelling known as Lower Stoke Farmhouse as described by condition 2 of planning consent 2021/2046/VRC (see planning history below). However, the building is currently being used for equine, some storage in association with that use and some ancillary domestic use. The submission documents also mention office use for the applicant.

The predominant material will remain as local Draycott stone with some timber cladding and tiles to match existing.

Relevant History:

The site has had a varied planning history which is listed below. The history shows the repeated renewal of the application, which was originally allowed on appeal, which was then followed by two different applications of the approval of reserved matters, firstly for the barn and then for the agricultural workers dwelling. Application 109768/007 effectively gave consent for a revised design of the house. Condition 2 of planning consent 109768/007 read;

The agricultural dwelling hereby permitted shall not be occupied until the building to house 70 dairy cows, or some other number which shall be agreed in writing by the Local Planning Authority, together with their milking and fodder storage have been completed in their entirety and are available for immediate occupation by the livestock.

Reason: To ensure that there is a viable holding present on site which is the justification for this agricultural dwelling.

This condition was subsequently removed by application reference 2021/2046/VRC and instead the condition was replaced with the following condition.

The outbuilding permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lower Stoke Farmhouse; and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Following a lawful development certificate which was granted under reference 2020/1592/CLE, approval was given to remove the agricultural occupancy condition for the house under reference 2020/2325/VRC.

- 109768/000 – Erection of agricultural workers dwelling and dairy unit. Refused. 07.01.92. Appeal Upheld. 28.05.92
- 109768/001 – Siting of mobile home for agricultural worker and formation of new vehicular access. Approval. 28.01.92
- 109768/002 – Renewal of permission 109768/000 (erection of agricultural workers dwelling and dairy unit). Approval. 11.01.95
- 109768/003 – Approval of details for agricultural workers dwelling. Approved. 22.09.99
- 109768/004 – Approval of details for the erection of a general purpose barn. Refused. 07.05.98. Appeal upheld 03.02.99
- 109768/005 – Renewal of permission 109768/002. Refused. 21.02.01
- 109768/006 – Erection of a dairy cow unit. Withdrawn. 20.02.01
- 109768/007 - Erection of an agricultural workers dwelling. Approval. 27.07.05
- 109768/008AG – Erection of an agricultural storage building. Permission not required. 15.04.08
- 2020/1592/CLE - Dwelling house occupied in breach of occupancy restriction. Development is Lawful. 15.10.20
- 2020/2325/VRC - Application to remove condition 3 (agricultural restriction occupancy) of planning approval 109768/007 (Erection of an agricultural workers dwelling) to unrestricted residential occupancy. Approval. 30.03.21
- 2021/2046/VRC - Application to remove condition 2 (occupation of dairy housing) of planning approval 109768/007. Approval. 28.10.21
- 2022/1400/CLE - Mixed use of office and storage use ancillary to Lower Stoke Farm and agricultural use. Pending Consideration.

Summary of Ward Councillor comments, Parish Council comments, representations

and consultee comments:

Ward Member: No comments received.

Rodney Stoke Parish Council: Approval.

If approval is given, then condition as follows;

1 To condition that the main property and the development stay as a single family unit;
2 There is concern over light pollution in the open countryside due to the size of the development, and the Council request that the use of smart glass and/or automatic blinds are required to protect the dark skies.

Environmental Protection: No objection.

Contaminated Land: No objection.

- Due to the nature of farms, it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

Land Drainage: Object. 23.01.23

- Further information regarding foul and surface water drainage is required.

Ecology: No objection subject to conditions.

Mendip Gliding Club: No objection.

Local Representations:

No other representations have been made.

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)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- 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 of New Development)
- 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 (NPPF)
- National Planning Practice Guidance (NPPG)
- 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 original dwelling was modest in size due to the original agricultural need requirement of the holding. This application proposes extension and alteration of an existing now unfettered dwelling.

The barn immediately adjacent was granted to serve the holding, but during the passage of time and as a result of the planning history, has been altered and used for uses other than agriculture. When considering Policy DP22 this building is not redundant. The planning history also shows that the barn has been consented to be used for purposes ancillary to the residential use of the dwelling.

The proposed use of the barn is for a mixed use of stables, storage in association with the stables, office use and an independent self-contained annex which will be linked via a covered walkway to the main house. The applicant wishes to use the proposed annex for staying guests and family members. This accommodation is self-contained and could therefore be considered as an unjustified dwelling in the open countryside, as such it does not sit neatly with policies CP1, CP2 and CP4. The amount of development proposed overall is extensive, but the proposal has similarities to application 2022/0263/FUL, Brook Farm, Southwood Lane, Baltonsborough which included a self-contained annex and significant alteration which was approved by members last year.

Although the proposed annexe has all the facilities that you would expect of an independent property, due to its close relationship to the existing dwelling and the stables that are housed in the same building it would not be acceptable as a separate open market dwelling for reasons of amenity and its unsustainable location having regard to policies CP1, CP2, CP4, and DP9. At the same time the use of this accommodation as holiday would equally be unacceptable due to its remote location. As such whilst the alterations proposed by this application are extensive, providing there is no resulting harm, which will be discussed later in this report, the alterations are considered acceptable in principle providing the annexe building is controlled as ancillary to the main house and that the application is considered as a departure to the development plan.

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

The barn adjacent to the dwelling is of a considerable scale and currently dominates the existing dwelling. The proposals are far from subservient to the host dwelling, but it is considered that the size of the plot can accommodate it. The site will have a greater prominence when viewed from Barrow Wood Lane, but the combination of the alterations to the barn, the extensions to the house and by physically connecting the two, the development will appear more coherent.

The Area of Outstanding Natural Beauty lies just over 1km to the northeast, so the site may be visible from within the AONB as it is on lower land, but it is not considered to harm the setting of the designated site as it will be seen as a group of buildings taking the form of a farmstead.

It is recognised that given the amount of development proposed the scheme may not sit comfortably with some of the principle policies as stated above in this report. However, the controls of the site have been relaxed since the first approval for an agricultural workers dwelling was approved to be constructed on the site.

Given the current level of control as to the formal use for the site and given the lack of any significant harm resulting from the proposed development in visual and/or landscape terms, it is considered that the proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and on balance responds to the local context in an acceptable manner without resulting in any landscape harm and/or creating a detrimental visual impact and as such can be considered acceptable.

On balance when considered against Policies DP1, DP4 and DP7 no objections are raised to the application scheme.

Impact on Residential Amenity:

There are no immediate neighbours to this site. However, due to the proximity of the self-contained accommodation to the host dwelling and that the self-contained accommodation is in the same building as the stables it is considered necessary to impose a condition which restricts the occupation of the annex. As such there will be no amenity conflict.

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, odour, 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:

An ecological assessment and Bat Emergence Surveys have been provided.

The application site lies within Band C of the Bat Consultation Zone for the North Somerset and Mendip Bats SAC which is designated for its horseshoe bat features. However, the proposed development is highly unlikely to have an effect on horseshoe bats and therefore Somerset Ecology Service do not propose to carry out a Habitats Regulations Assessment for the application. They also confirm no objection to the proposed development subject to conditions which will be imposed on any permission granted.

The proposed development will not have an adverse impact on bats or other ecology. The

proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

There are no proposed changes to the access for the site. Given the existing residential use, it is considered that the proposal would not result in a significant increase in traffic movements that would be prejudicial to highway safety.

The proposed access for the site is therefore considered to be in accordance with DP9.

There is adequate parking provision within the site.

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

Land Drainage:

The site is located in Flood Zone 1 and is shown to be at very low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map.

The proposals will increase the impermeable areas of the site and therefore the volume of surface water runoff. The application form indicates that a soakaway will be used for the management of surface water but no further details are provided.

Soils mapping indicates slightly acid loamy and clayey soils with impeded drainage. Infiltration testing results in accordance with BRE Digest 365 and details of ground water levels will be required to demonstrate whether soils on the site are suitable for infiltration. No alternative receptor for the surface water discharge has been identified.

Non-mains foul drainage to a package treatment plant is proposed.

Our drainage engineer requires percolation tests to ensure the soakaway will perform. In addition, the completion of the Environment Agency's FDA1 form or a document containing the same information which provides capacity information of the existing system and how this relates to the proposed loading from the converted buildings in accordance with British Water Flows and Loads Guidance.

The applicant's agent has confirmed that there is no public sewer in Barrow Wood Lane and to some degree the foul drainage this is covered by other legislation.

In this instance given the area of the site and the amount of land adjacent which the applicant owns, there is a likely solution for surface water management should the infiltration testing prove unsatisfactory. As such a pre-commencement condition will be imposed to secure this detail.

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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 & Planning Balance:

The site is located outside the settlement limits, where development is strictly controlled (policy, CP1, CP2, CP4 refers), but on the basis that the annexe remains ancillary to the main house as proposed it is considered acceptable.

Notwithstanding the controls imposed by the terms of condition 3 as recommended, and although the development proposed is extensive given that no recognisable harm has been identified it is considered therefore acceptable as a departure to the development

plan policy as referred.

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:

1587/041 Rev A, 1587/040 Rev B, 1587/033, 1587/032 Rev B, 1587/031 Rev C, 1587/030 Rev C, 1587/022, 1587/021, 1587/020, 1587/014, 1587/013, 1587/012, 1587/011 Rev A, 1587/010 Rev A, 1587/003 Rev D, 1587/002 Rev A, 1587/001, 128/1A received 16.12.22

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

3. Ancillary Use annexe/stable/storage building (Compliance)

The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lower Stoke Farm and shall not be occupied as an independent dwelling unit.

Reason: The annexe accommodation hereby approved is not capable of independent occupation or use without adverse impact on the amenities of existing or future residential occupiers and it is in a location where isolated new dwellings would not otherwise be permitted having regard to Policies CP1, CP2, CP4, DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. Private use (Compliance)

The proposed stables shall be used for private use of the applicant and not for any livery or commercial use. The remaining storage area within the same building shall be used for ancillary uses associated with the stable and purposes ancillary to the

residential use of the dwelling known as Lower Stoke Farm only.

Reason: In the interests of amenity and highway safety having regards to Policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing and roofing materials as specified on the application form and submitted Design and Access Statement.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to completion of the extensions to house 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 Development Policy 1, 4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Flooding - Surface water drainage incl. Infiltration Testing (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 results of infiltration testing, along with details of groundwater levels and soakaway design, in accordance with Building regulations Part H, to verify whether or not soakaways will be suitable for the development. Where soakaways are found to be suitable, details of the soakaways to be installed should be provided. If the

infiltration test results or ground water levels demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be detailed and justified instead. The scheme shall also include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details and retained for the life of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Development Policies 7, 8 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 14 of the National Planning Policy Framework. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

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

9. 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 Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. Provision of Bat Box (Pre-commencement)

Prior to commencement of development a Beaumaris Woodstone bat box has been

installed to accommodate any discovered bat(s) during construction works. The bat box shall be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. 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 Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a suitable alternative roosting location is available for bats, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be provided on site before work commences.

11. **Replacement of Bat Roosts (pre-commencement)**

No development shall commence until a compensatory bat roost feature suitable for day roosting common pipistrelles has been provided in accordance with details that are first approved in writing by the Local Planning Authority. The detailed design shall show the location of roost entrances and internal details. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals (see <https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them>). The roosts will be implemented in strict accordance with the agreed scheme and maintained thereafter.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a replacement bat roost is provided to house any bats from the commencement stage of development.

12. **Nesting Bird Protection (Bespoke Trigger)**

No development to the roof, including rooflights, soffits, fascias, bargeboards, and guttering, shall take place between 1st March and 30th September inclusive, unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No development to the roof, including rooflights, soffits, fascias, bargeboards, and guttering, shall take place between 1st March and 30th September inclusive other than in accordance with the approved bird nesting protection scheme.

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

13. **External Lighting (Bespoke Trigger)**

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018) shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the agreed details and maintained as such thereafter. No other external lighting shall be installed.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and protecting the character and appearance of the countryside in accordance with Development Policies 1, 4, 5, 6, 7, 8 and 22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **Mitigation and Enhancement (compliance)**

All ecological measures and/or works shall be carried out in accordance with the details contained within the submitted Bat Emergence Survey report dated 22 September 2022 by Brookside Ecology, Section Ecological Mitigation and Enhancement Proposal, pages 13 and 14. All mitigation and enhancements recommended shall be implemented in strict accordance with the details hereby approved and maintained as such thereafter.

Reason: In the interests of the Favourable Conservation Status of populations 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).

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.

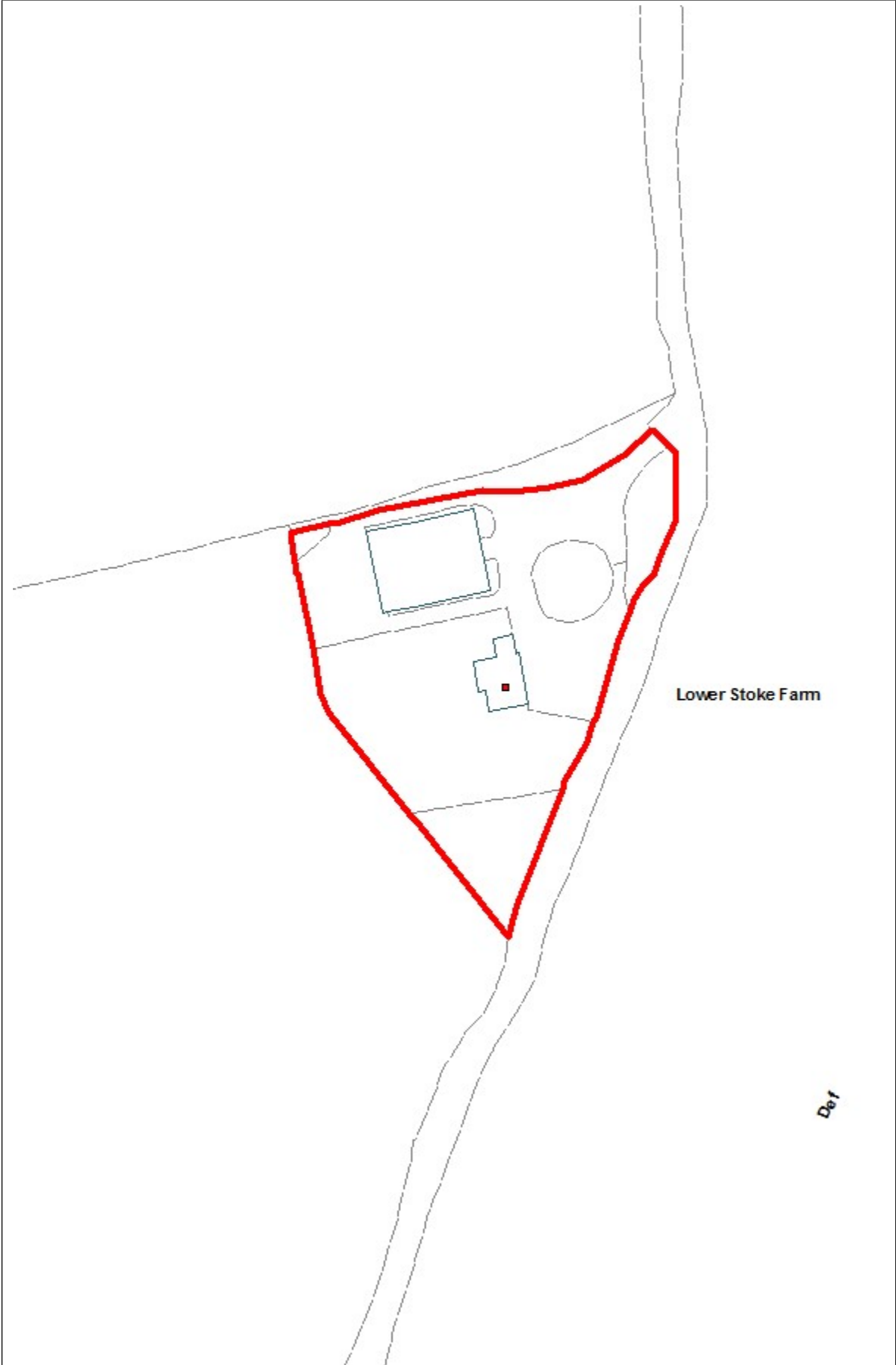
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the 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. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. 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. 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://buildingcontrol.somerset.gov.uk>

5. Due to the nature of farms 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.

6. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.



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