

**Committee date 10/10/2023**

**Application No:** 01/22/00037

**Application Type:** Full Planning Permission

**Case Officer:** Dean Titchener

**Registered Date:** 06/12/2022

**Expiry Date:** 30/01/2023

**Parish:** Ashcott

**Division:** East Polden

**Proposal:** Erection of a steel portal framed warehouse with solar PV panels, alterations to existing access and parking including HGV turning and loading.

**Site Location:** 20 Bath Road, Ashcott, Bridgwater, Somerset, TA7 9QT

**Applicant:** Ashcott Appliances



**Committee decision required because**

This application is referred to the area committee at the request of the Chair and/or Vice Chair to enable the issues raised by the Parish Council.

**Background**

The application site is located on the south side of the A39 at the western end of the village of Ashcott. The proposal site comprises a dwelling and outbuildings which are used as retail

premises for the sale of 'white goods'. A mixture of brand-new and 'graded' goods are sold, for either on-site or internet purchase. The site benefits from an access on to the A39; to the east of the access is a small rectangular field. To the east of the site is a funeral parlour, to the south west is a dwelling separated from the site by a field. The business was originally permitted upon appeal in 2000 and is subject to the following conditions:

1. *The premises shall be used for the storage, repair and sale of electrical goods only and no other purpose whatsoever*
2. *The retail activity associated with this business shall be restricted to the former domestic garage*
3. *The warehouse building shall be restricted in use to the storage and repair of electrical goods. This use includes any other purpose set down in Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.*

Permission was granted in 2019 for the erection of a steel portal framed building on land to the south of the existing cluster of buildings. The building was to be used as a warehouse for the business, whilst retail and showroom functions will be retained in the existing units on site. Horizontal timber cladding was proposed for the elevations, with an M-plan stepped roof covered with double roman concrete tiles. Windows were to be double glazed PVC units in graphite grey. Alterations to the access were proposed to provide for HGV turning and loading/unloading.

That permission recently lapsed. It has now been resubmitted with a view to obtaining permission for a further 3 years. The application is otherwise the same as previously approved with some minor changes such as including solar PV panels on the roof. Also, since the time of the previous application two self build dwellings in the applicant's ownership have been constructed at the frontage of the site.

The application was subject to a second round of consultation with updated plans showing swept path for lorries and updating the base map to include two recently consented dwellings in the applicant's ownership. The scheme was otherwise the same in both rounds of consultation.

### **Relevant History**

<b>Reference</b>	<b>Case Officer</b>	<b>Decision</b>	<b>Proposal</b>
01/20/00026	DT	GTD	Erection of 2no. self-build dwellings, 2no. double garages with hobby room above with associated external works and landscaping. (P)

01/18/00013	DT	GTD	Erection of a steel portal framed warehouse, alterations to existing access and parking including HGV turning and loading (revised application). (Amended plans and description - 14/01/2019)
01/00/00007	HEP	REF	Continued use of buildings for the storage, repair and sales of electrical goods and alteration to vehicular access, turning area and parking

### **Supporting information supplied by the applicant**

Noise Report

Design, Access, Flood Risk and Planning Statement

Archaeological Response to Proposed Development

Construction Management Plan

Infiltration Test Drainage Design Statement

Highways Technical Note

### **Consultation Responses**

Ashcott Parish Council (when initially consulted) – Objects:

*'The Parish Council unanimously raised objection to the application for the following reason:*

*1) traffic generation and access concerns - This road is already busy and the lorries would need to use both carriageways to enter and exit the site. The plans are incorrect and show the vehicle turning space for lorries which is over the top of the two 'self-build' houses which have been built on the site. The vehicle swept path information was completely out of date and misleading.*

*2) mixed use - the mix of residential use for the houses and industrial use in such a tight area was thought to be extremely dangerous and inadequately thought out.*

*3) The Parish Council picked up several inaccuracies on the plans such as the one noted above re the lorry turning area and felt that the plans were therefore misleading as to the reality of how it would look and fit on site.*

*4) The building indicated is large and out of keeping. It is a substantial 'industrial' building which not only amounts to cumulative overdevelopment of the site but leads to extreme adverse environmental and visual impact on the entire area which will show for a long way in several directions.*

*5) The plans do not show the two selfbuilds which are in the application area and therefore are inaccurate and misleading as to the amount of space on the site.'*

Ashcott Parish Council (when reconsulted with further information) – Objects:

*'The application was fully discussed at the Parish Council meeting last night. The council were unanimous in raising objection to it and would ask that should your view be different that it goes to*

committee.

*In summary the objections are based on overdevelopment and highways and access concern. It was strongly felt that the site was too small and narrow to accommodate the proposed large building shown on the plan. The turning area does not take into account customer parking, van deliveries and the shared domestic access for the two properties. It is felt that there will be too much traffic using the shared domestic and commercial access for it to be a safe access and additionally that the road (A39) is very busy, with high volumes of traffic and the lorries will have to swing across on to the wrong side of the highway to access. An application for a much smaller industrial development with a mix access was set to go to committee (but withdrawn) - the officer's recommendation was refusal and I highlight that from the write up for committee here - Access and Movement Core Strategy Policy D9 - Sustainable Transport and Movement states that proposals should enhance road and personal safety, facilities for pedestrians, cyclists and those with reduced mobility and other users. This policy also seeks to encourage efficient, safe and sustainable freight transport. No information has been submitted to support this policy or clarify what is proposed regarding pedestrians or cyclist who may work at or visit the site. The road to the site is a country lane with no street lighting or approved cycle lane. No details have been provided relating to shared delivery of goods to site. Also, the inclusion of live/work units would further strengthen the unsustainable location issue, as the Highway Authority have already stated that dwellings typically generate more vehicle movements than just work related trips.*

*Although not a 'country lane'. This access is not safe for the volume of traffic that is likely to be created by the development. I have embolden the part that the Parish Council felt most concerned with. This road as already mentioned is very busy and it is not appropriate or safe to have the amount of traffic generated using one small shared access.*

*We view this as very important as the site seems overdeveloped and not enough space left on the grounds of the application for the vehicles which will need to access the site. Whilst it may look OK on paper with no other vehicles shown on it, this does not seem the case when considering a real-life situation. The building is too large for the site and I would draw your attention to application 01/15/00006 - which was refused for being too large and industrial for the site and the character of the rural landscape. This application is no different in that concept.'*

Environmental Health (when initially consulted) – Accompanying noise report concludes noise levels should not adversely impact local noise sensitive receptors. No further comments.

Environmental Health (upon review of revised noise report) – Satisfied with identification of Noise Sensitive Receptors (NSRs). Report whilst showing 18 Bath Road is closer, highlights it is not in line of sight of the loading bay. Clarification of updated British Standard 4142 tightens up the report.

Lead Local Flood Authority – No comments as falls below statutory requirements for consultation.

Wessex Water – Provides advice for application given proposals potentially over or within 3m of a public sewer.

County Highways (when originally consulted) – Cannot currently recommend approval. Since previous application 2 self build dwellings have been constructed which has narrowed the existing entrance on both sides of access and affected the swept vehicle paths. Highway authority requests that a revised Transport Assessment, visibility splays and swept vehicle analysis is provided taking into account the changes at the access. Until such time Highway Authority recommend that the application be refused as inadequate information has been provided to confirm the development is acceptable.

County Highways (when reconsulted with further information) – No objection. Following review of additional supporting information now recommends approval. Vehicle swept path analysis has been submitted, there is some carriageway incursion into opposing traffic when making the left turn out of the site and a left turn, but it is an improvement on the existing arrangement of a HGV unloading on the A39. The access width and alignment will remain as the existing access.

County Ecologist (when originally consulted) – Placed a holding objection pending submission of ecology surveys.

County Ecologist (when reconsulted) – Following submission of a preliminary ecological assessment, confirms no objection subject to conditions regarding submission of a Reasonable Avoidance Measures Method Statement, habitat enhancement and mitigation area to be provided, external lighting controls, and provision of biodiversity enhancements.

South West Heritage Trust – Site lies on line of Roman Road from Ilchester to Combwich. Recommends imposition of archaeological investigation to be secured by condition.

## **Representations**

Six objections received from a neighbour (though via several separation submissions).

- Loss of agricultural land
- No justification for proposal
- Principle of development unacceptable in rural location
- Impact on character and appearance of the area
- Impact on living condition through noise
- Lack of air quality assessment
- Noise impacts on neighbours through hours of operation
- Shadow of building will inhibit grass growth for fodder
- Inaccuracies within supporting documents
- Visual impact / landscape impact
- Loss of agricultural land
- Impact on safe operation of highway – concern that lorries need to cross into far carriageway when emerging from site
- Biodiversity impacts
- Drainage impacts
- Changes made to scheme have not overcome concern.

## **Most Relevant Policies**

### National Planning Policies

National Planning Policy Framework

### Sedgemoor Proposed Submission Local Plan (emerging policies)

S2 Spatial Strategy for Sedgemoor

CO1 Countryside

D1 Flood risk and surface water management

D2 Promoting high quality and inclusive design

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D15 Economic Prosperity

D18 Retail Hierarchy

D19 Landscape

D20 Biodiversity and geodiversity

D25 Protecting residential amenity

### Ashcott Neighbourhood Plan

Policy 1: Influencing design

Policy 9: Improving business premises

## **Main Issues**

### Economic development / principle of development

Policy D15 of the Local Plan states proposals for the retention, remodelling or expansion of existing businesses will be supported where it remains of an appropriate scale and character and dependent upon the nature of the activities involved. Policy 9 of the Ashcott Neighbourhood Plan states larger units for the expansion of existing local businesses will be supported. It also states that existing premises alongside the A39 and A361 are considered to be particularly suitable for business use due to their accessibility by road.

The planning policy context for the proposal remains the same as that when the previous application was approved in 2019. The following commentary and conclusion from the 2019 therefore remains relevant to this application:

*'The proposal seeks to allow the expansion of the existing business 'Ashcott Appliances'. This business trades in 'white goods' and has operated from the site since successfully winning an appeal in 2000. The appeal established the principle of the development at the site. It however, limited the use of the existing buildings to be used only for the storage, repair and retail of electrical goods.*

*Local and neighbourhood plan policy is supportive of the expansion of existing businesses subject to their impacts. Such impacts are discussed below in this report.*

*The Council has raised concern about the expansion of retail facilities at the site, given the out of centre location. The proposal would therefore not involve any retail operation, this being retained in the existing buildings. This building would be used solely for the warehousing of stock. It allows the business owner to consolidate their operation, as stock is partially held off site at present due to capacity issues. A condition would be imposed limiting the use of the building to warehousing only. Such a condition would ensure there is no expansion in the retail aspects of the scheme (and that no other operator could take on the use of the building in future on a retail basis without having first submitted an application.)'*

As with the previous scheme, the principle of development remains acceptable.

### Design

Policy D2 states that proposals should be of high quality design that positively responds to the character and identity of the area.

The proposal remains of the same design approved in 2019. The following commentary and conclusion from the 2019 remains relevant to this application:

*'The proposal is a steel portal framed warehouse building. It was originally proposed to be sited immediately adjoining the highway, a location which was considered unacceptable, due to impact on the street scene. The revised location positions the building to the south of the main complex, on land which is at a lower level. The building would now only have a limited impact on the street scene, being viewed from further afield.*

*A traditional materials palette is proposed, with timber cladding for the elevations, profiled tiled roof but with dark PVC-u framed windows and doors. This palette will minimise the impact on the character of the countryside, given the size of the unit. The design is considered acceptable within its context.'*

As such the proposal is considered acceptable in terms of its design and visual impact.

### Highways

Policy D13 of the Local Plan states that proposals should enhance road and personal safety and be compatible with existing transport infrastructure. Policy D14 states proposal should provide safe access to roads of adequate standard and that the expected nature and/or volume of traffic and parked vehicles generated by the development should not compromise the safety and/or function of the local or strategic road network.

The highways authority has commented in detail upon the proposal. They originally raised an objection as the plans submitted were out of date and did not reflect the more recent development of two dwellings near to the access off the A39.

Revised plans were subsequently submitted showing amended swept paths for HGVs entering and exiting the site. The highway authority has now commented that whilst there is some carriageway incursion into opposing traffic when making the left turn out of the site and a left turn in, they consider the arrangement an improvement vis-à-vis the current situation where unloading takes place on the A39. It is noted that representations have been received from a neighbour that HGVs emerging from the site cross into the far side of the carriageway. However, highways have acknowledged this in their response but do not consider it a matter on which to raise an objection.

Highways are now satisfied with the arrangement, have removed their objection subject to the imposition of conditions. Conditions about a construction management plan, visibility splays, parking and turning areas and provision of a construction management plan are to be attached.

Subject to these conditions the proposal is considered to be acceptable in terms of highway safety and in compliance with policies D13 and D14.

### Landscaping

The submitted plans show new and reinforced landscaping along the site boundaries. This indicatively includes native tree planting and additional hedgerows. A condition is to be attached securing details of the planting types and securing their implementation.

### Amenity

Policy D25 states that proposals which unacceptably impact on the residential amenity of existing residents will not be supported.

The nearest third party properties are 18 Bath Road, which is located about 90 to the north west of the proposed building (some proposed car parking is however closer). To the east 22 Bath Road is over 100m from the proposal, whilst to the west another dwelling is about 90m distance.

The occupants of 18 Bath Road have made representations concerning the potential impact on their living conditions as a result of noise arising from the development. They also reference the absence of an air quality assessment. Environmental Health has reviewed the submitted Noise Report which accompanies the application. They note that its conclusions state that the proposal should not adversely impact on local noise sensitive receptors (i.e. third party dwellings). They raise no concerns with the proposal. This mirrors their commentary on the previous permission where again they did not object. With regard to the neighbour's comments about an air quality assessment, again Environmental Health have not raised any concerns that the proposal would lead to any concerns regarding air quality.

Nonetheless, the applicant was requested to update the noise report to ensure it more clearly sets out the assessment with regard to the neighbouring property and takes account of the latest standards for such reports (British Standard 4142 which was recently updated). Upon review of the revised report, they state that the identification of the neighbour at 18 Bath Road is clearer. However, they also note that it is not in line of sight of the loading bay (a potential noise source).



They state that the clarification regarding BS4142 tightens up the report. They raise no further concerns.

Given the absence of any objection from Environmental Health, and the separation distance to adjoining third party properties, and taking into account the previous approval, it is not considered that there is a basis to refuse the application on amenity grounds.

### Ecology

The proposal site involves works in part of an agricultural field. There is an existing hedgerow alongside which could provide commuting or foraging habitat for bats. A Preliminary Ecological Appraisal was requested by the county ecologist. It notes the potential habitat value for reptiles, badgers, birds and bats. It recommends no further surveys but stated precautionary measures are needed to reduce harm during the construction phase. Other controls are proposed during operational phases such as on external lighting. Enhancements are also proposed in the form of bird boxes for swallows and log pile refugia for reptile species. Subject to these conditions, the proposal is considered acceptable on ecological grounds.

### Drainage

A surface water drainage condition requiring submission of a detailed drainage scheme was imposed on the original permission. That condition is proposed to be replicated on the current scheme to ensure an appropriate scheme of surface water drainage and maintenance is provided at the site.

### Summary

As was the case previously, the scheme remains acceptable and it is recommended that planning permission is granted.

## **RECOMMENDATION**

### **GRANT PERMISSION**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development hereby approved shall be carried out in accordance with the submitted and approved 'Archaeological Response to Proposed Development on Land to the South of 20, Bath Road, Ashcott, Somerset, James L. Brigers, January 2022).

Reason: To ensure a programme of archaeological investigation and recording is undertaken given the proposal is located directly upon the line of a Roman Road from Ilchester to Combwich in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D26.

- 4 To avoid harming hazel dormice, reptiles, and nesting birds, a Reasonable Avoidance Measures Method Statement (RAMMS) will be submitted to submitted to and approved in writing by the Local Planning Authority prior to the commencement of any groundworks. The RAMMS will provide details on sensitive and precautionary working practices which shall safeguard these species during works including all works within 10m of hedgerows, all works in areas of long grass, scrub or other densely vegetated areas. This shall describe all potential direct and indirect impacts, measures to reduce these impacts, procedures in place in the event that any of these species or their signs are encountered during works. All works impacting potential habitat used by hazel dormice, reptiles, and nesting birds will be undertaken under the supervision of competent ecologist and carried out in accordance with the submitted and approved RAMMS.

Reason: This is a pre commencement condition in the interests of UK protected and priority species and in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity.

- 5 Surface water drainage (land drainage) details are required, these to include the method of dealing with the surface water from the proposed development (this includes roofs, road and impermeable driveways). Various methods can be used; soakaways, perforated pipe trench, SUDs. Design calculation details, cross section details, sizes, location of the soakaway/perforated pipe trench/units, soil infiltration rates from percolation testing (soil infiltration rate testing and design of soakaway, calculation, in accordance with BRE Digest 365, CIRIA 156 / C697), photos of the percolation testing, evidence to support the check of the water table depth with the water table depth, shall be submitted to and approved by the local planning authority before development is commenced. The surface water drainage scheme shall be installed in accordance with the details so approved, unless prior agreement is undertaken with the local planning authority.

Reason: This is a pre-commencement condition to ensure that the development is served by an adequate system of surface water drainage (land drainage) without detriment to itself, adjoining properties or highway in accordance with Adopted Sedgemoor Local Plan 2011-2032 Policy D1.

6 No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: This is a pre-commencement condition in the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

7 There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 160m either side of the access. Such visibility shall be fully provided before the building hereby permitted is first brought into use and shall thereafter be maintained in perpetuity.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 8 Prior to first use of the building hereby permitted the proposed access over at least the first 21 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition in perpetuity.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 9 Habitat enhancement and mitigation as shown on the submitted and approved Proposed Landscape Plan Drg No. B1/230622 and Soft Landscaping Specification (Lyndon Brett Partnership, June 2023) shall be planted no later than the end of the first planting season following first use of the building hereby approved. All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species in accordance with Sedgemoor District Council Local Plan: Policy D20 Biodiversity and Geodiversity, and to provide net gain in accordance with paragraph 174(d) of the National Planning Policy Framework.

- 10 The areas allocated for parking (including electric vehicle charging and a disabled space), loading and unloading, and turning on the submitted plan, drawing number A11/230323, shall be kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

- 11 The following biodiversity enhancements shall be installed at the site prior to the first use of the building hereby approved

a) Installation/construction of a deadwood log refugia pile as a shelter for reptiles, invertebrates, amphibians, and small mammals. Advice can be found here: [Log Piles for Wildlife | Garden Advice The RSPB](#). This should be constructed within the boundary of the site and maintained thereafter.

b) Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within and at a height of above 3m. The ideal position for bird boxes is north facing (followed by north east, and then east if no other aspects are possible. Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart. Once installed, the provision shall thereafter be retained.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 12 If external lighting is to be installed, 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, prior to construction. 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. Lux levels should be below 0.5 Lux on potential bat commuting routes (hedgerows). 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 Sedgemoor District Council Local Plan: Policy D20 -- Biodiversity and Geodiversity.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modifications), the building hereby approved shall only be used for the storage and repair of electrical goods and no other purpose within the use class B8. No retail activity shall take place within the building.

Reason: This proposal is only acceptable in this rural location as an expansion of the warehousing element of the existing business in accordance with

Adopted Sedgemoor Local Plan Policies D15 and D18.

**Schedule A**

Existing Site Location Plan Drg No. A9/23032

Proposed Location Plan Drg No. A13/23032

Proposed Block Plan Drg No. B12/23032

Proposed Elevations and Floor Plan Drg No. C5/30406

Swept Path Analysis Drg No. A7/23032

Swept Path Analysis Drg No. B6/23032

Proposed Finished Floor Level Drg No. H6666/100

Proposed Landscaping Plan Drg No. B1/230622

**DECISION**

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