

Application Number	2023/1184/FUL
Case Officer	Lorna Elstob
Site	Bridge Farm West Lane To Millford Lane Alhampton Shepton Mallet Somerset
Date Validated	23 June 2023
Applicant/ Organisation	R Hutton
Application Type	Full Application
Proposal	Existing agricultural barns on site to be demolished and replaced with 4 no. dwellinghouses.
Division	Mendip South Division
Parish	Ditcheat Parish Council
Recommendation	Approval with Conditions
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

What3words: wool.frown.phantom

Scheme of Delegation:

As this application is a departure from the development plan, the scheme of delegation requires that it is referred to Planning Committee.

Description of Site, Proposal, and Constraints:

The existing Barns and B are two disused barns with 4 other barns also disused on the site. The site is accessed via a track from the Alhampton-Ditcheat road, which also gives access to the adjacent house and office building fronting the main road.

Building A is a steel frame construction with blockwork walls and profiled siding to the gable ends. The building features a pitched roof of corrugated metal with timber purlin structure. The barn has openings to either side of its south elevation.

Building B is a steel frame construction with blockwork walls and profiled metal siding. The building features an asymmetrical pitched roof of fibre board with timber purlin structure. The barn is open fronted along its north elevation and has a doorway opening in its East elevation.

The proposal is for the demolition of the barns and the erection of 4 dwellings with associated amenity space and parking for each dwelling. The site is located outside of the development limits. in a rea of High Archaeological Potential and within a RAMSAR Site

Relevant History:

2022/1251/PAA - The application seeks the change of use of the existing agricultural building into 2 smaller dwellinghouses (Class C3) under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q and for associated operational development. Prior approval given.

2022/1252/PAA - Prior Approval for a proposed change of use of agricultural building into two "larger" dwellinghouses (Class C3) under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q and for associated operational development. Prior approval given.

2022/2021/FUL - Conversion of 2no. Agricultural Barns to 4no. residential dwellings. Approved 24.02.2023.

Summary of Division Member comments, Parish Council comments, representations, and consultee comments:

Division Member: No comments received.

Ditcheat Parish Council: The Parish Council supports the granting of permission with the comment that the proposed scheme for four dwellings is a better design than the original design for four dwellings.

Highways Development Officer: No objection subject to inclusion of conditions.

Contaminated Land: Watching brief.

Environment Agency: No comments were received in response to the consultation.

Local Representations:

2 letters of objection have been received raising the following planning issues:

- Highways
- Flood risk
- Amenity

3 letters of making neutral comments were received.

It is noted that multiple comments were received from some individuals – these are counted as a single comment.

Additionally, the following issues not relevant to planning were raised:

- Assumed future development
- Loss of view

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 strongly 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)

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

- CP1: Spatial Strategy
- CP2: Housing
- CP4: Sustaining Rural Communities

- DP1: Local Identity and Distinctiveness
- DP6: Bat Protection
- 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 (NPPF)

- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022)
- Environment Agency Standing Advice
- National Character Area Profile: 141. Mendip Hills (NE416), published by Natural England on 20 March 2013 (<http://publications.naturalengland.org.uk/publication/5370593?category=587130>).

Assessment of relevant issues:

Principle of the Use:

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

The application site is situated within the open countryside where under core policy CP1, development is strictly controlled. It seeks to focus development in the towns and villages. Policy CP2 sets out where new housing should be located. As the proposed conversion is within the open countryside, it would conflict with the Council's overall spatial strategy.

Policy CP4 sets out some exceptions where new residential development in rural locations may be acceptable. This includes rural affordable housing where there is evidence of local need and accommodation for occupational dwellings to support rural based enterprises. The application does not meet these criteria and therefore conflicts with Policy CP4.

The Local Planning Authority (LPA) is not currently able to demonstrate a five-year supply of housing land. This means that policies in the Local Plan that are related to the delivery of housing, Core Policy 1 (CP1) and Core Policy 2 (CP2), are given reduced weight. As a consequence of not being able to demonstrate a five-year supply, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the National Planning Policy Framework (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 policies taken as a whole or where its specific policies indicate that development should be restricted.

The site is already subject to several permissions as detailed above as well as an extant planning permission for the conversion of four dwellings. This would represent a fall back position. Consideration must be given as to whether this fall back position would justify departing from the Development Plan and in particular policies CP1, CP2 and CP4.

The development as proposed results in a betterment over the existing approvals, allowing for a more contextually designed scheme to be delivered and sustainable construction/renewable energy methods to be secured. Given the improvement over the fallback position, and the lack of 5 year land supply, a departure from the Local Plan is considered justified, and the development can be supported in principle.

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. 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.

DP4 states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. The determination of planning applications will consider efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.

The previously approved residential properties were from the conversion of the existing barns on the site. This provided very industrial looking dwellings which bare little relation to the design and scale of other properties within the area. This proposal creates 4 detached dwellings which are much more in keeping with the surrounding area. The proposed materials (grey local natural stone and blockwork) will be more reflective of material used in the locality.

The proposed dwellings will not appear out of keeping with other development in the area. The application includes a landscaping scheme, but it is considered that further details of matters such as planting and boundary treatment is needed, to ensure that the development intergrates sucessfully in the rural landscape. Close boarding fencing should be avoided at the boundary edge where possible. An updated landscape plan can be secured through a condition on any planning permission.

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 Development Policies

1 and 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Neighbouring Residential Amenity:

The proposed detached dwellings are designed and positioned within the site to ensure that there is no adverse impact on existing nearby properties and also on the other properties within the proposal. Their gardens and garages ensure that none of the dwellings have an overbearing or overlooking impact on the adjacent properties.

The nearest proposed dwelling is positioned approximately 35m away from “Ashburton”. Due to this distance there are no concerns with regards to loss of privacy or amenity as a result of the proposal.

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 Development Policy 7 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 application site has a realistic fallback position it would be a “like for like” with regards to phosphate output. It is therefore considered unlikely that the proposed development would pose a risk to the designated features of the SPA and Ramsar, and the LPA has taken the view that a Habitats Regulations Assessment in this instance is not required.

Subject to an acceptable lighting scheme, the proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Development Policies 5 and 6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

During the course of the application minor amendments were made to the details and layout to overcome the original concerns expressed by Highways.

Drawing 1464/062 Rev B shows the final proposed layout which does not raise any cause for concerns with Highways, subject to the inclusion of conditions with regards to EV charging and bicycle parking.

The proposal includes the provision of parking spaces, for each dwelling, that meet the standards required by Standing Advice. In addition, the proposal includes turning space, in accordance with Standing Advice, to allow vehicles to enter and leave the site in forward gear.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

The site lies within an area of high archaeological potential. The Officer did not consider the development would endanger any archaeological remains. Therefore, it is considered the proposal accords with Development Policy 3 of the adopted Local Plan Part 1 (2014), and Part 16 of the National Planning Policy Framework.

Land Drainage:

The NPPF, paragraph 167, states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere.

Development Policy 8 (DP8) states that *“all development proposals should minimise, and where possible reduce all emissions and other forms of pollution”*. Point 1 of DP8 states *“Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on [amongst other things]*

- *the quality of water resources, whether surface river or groundwater [and]*
- *public health and safety”*.

Development Policy 23 (DP23) states that *“all developments will [also] be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable urban drainage systems (SUDS)”*.

Foul drainage is proposed to be directed to the main sewer, which is considered the most appropriate solution in accordance with the foul drainage hierarchy.

The risk of flooding to the proposed development has been assessed in accordance with the NPPF. The site is located 60m to the south of the River Alham and a small portion of the site is shown to be at risk of fluvial flooding from this watercourse without taking local

flood defences into consideration. However, there are defences in place and mitigation measures have been proposed to ensure that the development is safe for the development lifetime. All other sources of flooding to the site were assessed to be low.

There is a reduction in impermeable area as part of the proposals, nevertheless, Sustainable Drainage Systems (SuDS) have been proposed to offer a significant betterment over the existing drainage regime through reducing runoff rates and offering water quality benefits, amenity and biodiversity benefits.

Due to the location of the access to the site being within flood zone 2 it would be standard for a sequential test to be required. Due to the flood defence work that has previously been undertaken within the locality and the actual development being outside of the flood zone, alongside the fallback position, a pragmatic approach has been taken with this proposal and a sequential test has not been required.

It is also noted that the development is sited near to a main river and as such the Environment Agency were consulted on the application. They did not provide any comments.

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Development Policies 8 and 23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Land Contamination:

The site is within agricultural land which has the potential for hotspots of contamination. However, the Contaminated Land Officer did not object to the proposal. An informative note was suggested to be added to the decision notice. If approved, the advice would be included as described.

Subject to the conditions requested by the Land Contamination Officer, the proposed development would not have an adverse impact on site workers or future occupants and users of the site. The proposal accords with Development Policy 8 of the adopted Local Plan Part 1 (2014) and Parts 11 and 15 of the National Planning Policy Framework.

Sustainability and Renewable Energy:

The submission explains that the proposed dwellings will be built to a high level of construction and environmental performance in order to minimise energy losses through the fabric. Limited information has been submitted to ensure that the development is fully compliant with the relevant part of DP7 which requires that development will maximise opportunities for sustainable construction techniques, sustainable drainage systems,

renewable energy generation on site, the use of ware efficiency measures, and recycling opportunities. These matters can be secured via a condition on any permission.

Refuse Collection:

The site is considered capable of providing adequate refuse and recycling storage for the proposed dwellings.

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.

Other Matters:

Concerns were expressed by local residents with regards to future development on the site. Consideration can only be given to the proposal as set out in the application form and drawings that have been submitted. Any future development would require a further application which would then be considered on its own merits.

Recommendation

Approval with Conditions

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: 002, 003, 005, 1464/060, 1464/061, 1464/062/B, 1464/063/B, 1464/070, 1464/071, 1464/072, 1464/073, 1464/074, 1464/075, 1464/076, 1464/077, 1464/078, 1464/085, 1464/086, 1464/087, 1464/088, 1464/089, 1464/090, 1464/091, 1464/092, 1464/093, 1464/094.

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

3. **Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least F1450/300D bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of cycling in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **EV Charging Points (Bespoke Trigger)**

Each dwelling shall not be occupied until it is served by an electric vehicle charging point. Each charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary

Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

6. **Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014)

7. **Sustainable construction (Bespoke trigger)**

Prior to the commencement of development above ground level on the dwellings hereby approved, a Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how the development has incorporated reasonable and practical measures for the use of sustainable construction techniques, renewable energy on site and water efficiency measures. The development will thereafter be carried out in full accordance with the approved details.

Reason: To ensure that sustainable construction and renewable energy opportunities are maximised in accordance with DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

- a. Five Habitat 001 bat boxes or similar will be built into the dwellings at least four metres above ground level and away from windows of the west or south facing elevation (one on each dwelling)
- b. Five Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations (one on each dwelling)
- c. Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night flying moths which are a key food source for bats. The Royal Horticultural Society guide, RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators provides a list of suitable plants both native and non-native. All new trees planted on site should ideally be from local native

stock, such as field maple, ash, hornbeam, dogwood, spindle and beech.

d. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

e. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. The hedgerow will be ancient coppiced and laid on reaching maturity and cut on a 3-year rotation thereafter.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

f. Five bee bricks built into the wall about 1 metre above ground level on the south or southeast elevation of the dwellings (one on each dwelling). Please note bee bricks attract solitary bees which do not sting.

9. **Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

(a) size, species and positions for new trees and plants,

(b) boundary treatments,

(c) surfacing materials (including roadways, drives, patios and paths) and

(d) any retained planting.

(e) a detailed programme of implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle

of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated, and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with Development Policies 5 and 6 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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see 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. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
4. 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.
5. 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/>