

Application Number	2023/1850/FUL
Case Officer	Carlton Langford
Site	Land At 364102 150298 Stockhill Road Chilcompton Radstock Somerset
Date Validated	27 September 2023
Applicant/ Organisation	D Fowler
Application Type	Full Application
Proposal	Erection of 1no. dwelling.
Division	Mendip Hills Division
Parish	Chilcompton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

#### 10. **Referral to Planning Committee:**

The officer recommendation is for approval , and therefore in accordance with the scheme of delegation this application is referred to Planning Board as a departure from the local plan.

#### **Description of Site, Proposal and Constraints:**

This application relates to domestic curtilage at The Old School (131) Stockhill Road Chilcompton. The application site is situated outside the development limits of Chilcompton, some 260m to the south of this Primary Village and is within a bat consultation zone.

This application seeks Full Planning Permission for the erection of a single dwelling units within the curtilage of the Old School.

#### **Relevant History:**

077098/005 – Conversion of school to dwelling – Approved 2000.

077098/006 – Erection of Dwelling – Refused 2002 -

The proposed development by virtue of its proximity to the adjacent farm unit, to the south, would be adversely affected by noise and smell emissions emanating from that unit which

would create an unsatisfactory environment for future occupiers/users of the proposed development, contrary to Policy Q1/2 - Design Quality and Protection of Amenity, Q15 - Noise Sensitive Development of the Mendip District Local Plan Deposit Draft as amended by suggested Pre-Inquiry changes Feb 2000 and further suggested changes before the close of the Public Local Inquiry Dec 2000.

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

Ward Member: No response

Parish Council: No objections

Ecologist: No response

Highways Development Officer: Standing Advice

Environmental Protection: We have no objections to this proposal except hours of construction operations due to proximity of other residential:

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

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

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

Local Representations: None 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 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 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
- CP2 - Housing
- CP4 – Sustainable rural communities.
- DP1 – Local Identity and distinctiveness
- DP5 - Ecology
- DP6 – Bats
- DP7 – Design and Amenity
- DP8 – Environmental Protection
- DP9 – Transport
- DP10 – Parking

**Other possible Relevant Considerations (without limitation):**

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

**Assessment of relevant issues:**

**Principle of the Use:**

The village of Chilcompton is a designated Primary Village under Policy CP1 of the Local Plan but the application site is situated outside the village development limit and therefore classed as countryside.

As the site is located in the countryside, the proposal does not accord with the strategy for the delivery of new housing, as set out in the Local Plan. Policies CP1 and CP2 which 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 DP12, 13, and 22), which do not apply in this case.

The Council cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1 and CP2) do not carry 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.

Although the site is within a countryside location in policy terms, it is not considered to be an isolated site, located, along with at least 2 dozen other dwellings only 260m south of the village and therefore not considered to be in a wholly unsustainable location remote from services or facilities of which Chilcompton boasts numerous including access to public transport.

Therefore, with the site not being isolated nor wholly unsustainable, the 'tilted balance' is applied, and planning permission should only be refused where there a clear relevant development plan policies which would significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted. This aspect of the proposal will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

It is proposed to erect a new 1.5 storey 3-bedroom dwelling with an associated carport on existing residential land at no. 131 The Old School.

The proposed dwelling is designed aligned with the existing dwelling as seen on the submitted plans. This enables the proposed dwelling to connect well with the immediate context whilst also providing sufficient space to utilise the existing vehicle access.

The proposed dwelling has been designed to be 1.5 storey in height, so the ridge line matches that of the adjacent barn at Downside Farm. The contemporary form of the dwelling takes a simple yet well considered gabled shape with an extended catslide roof to the north, so the scale of the proposed dwelling complements the existing dwelling form (the Old School).

The proposed carport will be a simple open oak framed design with a hipped slate roof to match the existing adjacent roadside outbuilding at Downside Farm.

3no. main materials are proposed for the new dwelling being, zinc standing seam for the roof and walls, vertical western red cedar boarding (composite panels for durability/improved maintenance) for the walls and a section of natural stone near the main entrance. The proposed design takes on a modern 'barn like' appearance to respond to the immediate setting whilst distinctly resembling a contemporary dwelling design and at the same time respecting the materials palette synonymous to the area. The use of full height dark grey PPC aluminium windows and doors completes the overall external appearance.

The overall design and appearance of the scheme, albeit contemporary in its approach, is considered to contribute positively to the maintenance and enhancement of local identity and distinctiveness and of a scale, mass, form and layout appropriate to the local context in accordance with Policies DP1 and DP7 of the LP.

### **Impact on Residential Amenity:**

The layout and orientation of the dwelling raises no adverse amenity issues of overlooking or overshadowing which might warrant refusal.

Whilst the Council previously refused an application on this site on amenity grounds being located adjacent to a working farm, the Council's Environmental Protection Officer has reviewed this current application and has raised no objections to the scheme. The small holding has been located within this established residential area for decades and has occupied this close relationship for generations, with no known history of complaints.

The proposal will protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants in accordance with Policies DP7 and DP8 of the LP.

### **Impact on Ecology:**

The site has negligible suitability to support wildlife at present save for surrounding vegetation which has suitability for nesting birds.

The applicant has suggested that nesting boxes are erected on existing trees, bat roost tiles fitted to the carport and sensitive external lighting be installed.

It is recommended that in the absence of any significant protected wildlife or wildlife habitats on site, a precautionary approach to development in relation to bats and nesting birds is ensured, provision is made for nesting birds and bats as recommended and all new external lighting be bat sensitive.

All the above recommendations can be secured through condition.

On this basis the application scheme accords with the provision of policies DP5 and DP6 of the Local Plan.

### **Assessment of Highway Issues:**

The existing vehicle access is proposed to be deepened so entrance gates are set back 5m from the highway. This still enables a turning area, open double carport and parking spaces to be allocated at the front of the property whilst not impacting the existing dwelling. The scheme will incorporate an electric vehicle charger as shown on the proposed plans.

The access is considered to be acceptable in terms of highway safety and sufficient off-street parking and tuning has been provided in accordance with the Countywide Parking Strategy.

The scheme accords with Policies DP9 and DP10 of the LP.

### **Sustainability and Renewable Energy:**

Sustainable building techniques are to be incorporated into the build along with other measures such as solar panels and the provision of EV charging point.

### **Refuse Collection:**

Ample space within the site to accommodate waste and recycling bins.

### **Environmental Impact Assessment**

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Equalities Act**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Conclusion and Planning Balance:**

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining applications for new housing and which are out of date, planning 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. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal, a single dwellinghouse, would make a very modest contribution to assisting the Council's shortage of housing land within the District as a whole. The proposal would have some economic benefits for the duration of the construction phase and thereafter for local services and facilities within the nearby primary settlement village of Chilcompton.

The amount of weight given to these benefits is however limited. However as set out in the technical assessment of the application scheme, no demonstrable harm has been identified in terms of the usual planning controls of design, amenity, highway safety etc. The proposal is within conceivable walking distance of a primary village with numerous services and facilities including public transport, the site itself is a logical infill site within a relatively built-up street scene and by no means can the site's location be considered isolated.

In the absence of any specific identified and demonstrable harm, and taking into account the limited benefits, a recommendation for approval is on balance considered justified.

## **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:

F1751/001A

F1751/101B

F1751/102B

F1751\_100C

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 DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **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 (F1751/102b). 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).

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

No occupation of the development shall commence until the visibility splay shown on drawing number F1751/102b have 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).

6. **Carport (Compliance)**



The carport hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Wildlife Protection and Enhancement (Pre-commencement)**

Notwithstanding the details submitted, 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 for the protection of bats and birds and necessary biodiversity enhancements. 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).

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

Notwithstanding the details submitted, no external lighting shall be erected or provided on the site until a "lighting design for bats" has been 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 or having access to their resting places. All external lighting shall thereafter 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.

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

The dwelling hereby approved shall not be occupied until it is served by an electric vehicle charging point. The 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).

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

All hard and/or soft landscape works shall be carried out in accordance with the approved details (Drawing F1751/102b). 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).

11. **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 building hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

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

12. **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 and residents in accordance with Policies DP1 and 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 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.

3. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
5. 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.
6. 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.
7. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.