

Application Number	2023/2188/HSE
Case Officer	Anna Blackburn
Site	Oriel Cottage 51 Church Lane Doultling Shepton Mallet Somerset
Date Validated	22 November 2023
Applicant/	Mr & Mrs S & L Howell
Organisation	
Application Type	Householder Application
Proposal	Conversion of Barn to Ancillary Accommodation.
Division	Mendip Central And East Division
Parish	Doultling Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

What.3.Words: commented.sweat.clinking

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

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-

Chair of the Planning Committee as the case officer recommendation is to approve with Conditions which differs from that of the Divisional Member. The Vice-Chair has referred it to the Planning Committee.

Description of Site, Proposal and Constraints:

Oriel Cottage is located at 51 Church Lane, Doultling. It forms part of a row of seven former estate cottages dating from 1881 and is built of local Doultling stone with a slate roof. It is situated on the northern side of Church Road where it joins the A361.

The proposal seeks permission for the conversion of the barn to ancillary accommodation. Following the advice of the Conservation Officer the scheme has been amended to remove the previously proposed alterations to the existing kitchen roof.

Oriel Cottage is a Grade II listed building lying within the development limits of Doultling and within the village's Conservation Area. It also falls within the Somerset Levels & Moors SPA Ramsar Catchment Area and within an Area of High Archaeological Potential.

Relevant History:

2023/2189/LBC – This Listed Building Application runs concurrently to this application.

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

Divisional Member:

Wishes to refer application. Concerns over development exacerbating parking issues.

Parish Council: Support application

Ecology: No objection providing conditions are applied to protect bats.

Local Representations:

3 letters have been received objecting to the proposed development raising the following summarised points:

- Concern over formation of link between barn and existing house as will impede access to neighbouring property
- Concern over rainwater management of kitchen roof
- Preliminary Bat Roost Assessment findings out of date
- Entrance close to the main road – concern over access in and out of Church Lane.

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)
- 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
- DP1: Local Identity & Distinctiveness
- DP3: Heritage Conservation
- DP6: Bat Protection
- DP7: Design & Amenity of New Development
- DP9: Transport Impact of New Development
- DP10: Parking Standards

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)
- The Countywide Parking Strategy (2013)

Assessment of relevant issues:

Principle of the Use:

The principle of development inside development limits is considered acceptable, subject to the consideration of the design of the proposal, and its impact on the character and appearance of the area, highway safety, and neighbour amenity.

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

In light of the Conservation Officers comments on the accompanying Listed Building Consent Application the design has been amended to only include the conversion of the barn to ancillary accommodation.

The proposal will utilise the barn's current external materials along with wooden windows and doors. The proposed windows and doors will be located in the positions of the existing openings to the building.

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 Policy DP1 and DP7 of the adopted Local Plan Part 1 (2014), plus the Design and Amenity of New Development, Policy DP7 SPD (March 2022) along with Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

A comment has been made in relation to the proposed link building and the impact it would have on potential access to a neighbouring property. Whilst this is not a planning issue the removal of the proposed link building in the updated plans negates this concern.

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.

Conservation Area

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. In this case it is considered that, by virtue of the design, scale, massing, position and the external materials, and having regards to the Conservation Area Assessment of Doultong it is considered that no harm to the significance of the heritage asset or its setting would occur and that the proposed development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Impact on Ecology:

The Council's ecologist is content with the Preliminary Bat Roost Assessment submitted with the application (dated October 2022 with survey results of August 2022) and does feel it necessary to require a more up to date survey. There are however a number of conditions recommended to be attached to the decision to ensure the protection of bats and bat roosts.

Assessment of Highway Issues:

Concern has been raised in relation to parking and the exacerbation of parking issues on Church Road. The application site includes provision of off-street parking which is accessed through the archway below Number 51 Church Lane. The proposal is therefore self sufficient in terms of off-street parking and the proposal is unlikely to exacerbate any existing issues.

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.

Other Issues

A comment has been submitted in relation to the management of rainwater of the host property's kitchen roof. The amended plans no longer include any alterations to the kitchen roof and as such this issue falls outside of this application.

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: 0058-22-02A; 0058-22-04; 000000-01; 0058-22-01

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

3. Ancillary Use (Compliance)

The development hereby permitted shall not be occupied at any time other than for

purposes ancillary to the residential use of the dwelling known as Oriel Cottage 51 Church Lane 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 Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation shall commence until a standard woodcrete bird box has been installed on to a building or a mature tree on site, facing east or north, at a height above 3m.

The bird box shall be retained 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 186(d) of the National Planning Policy Framework.

5. **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.

6. **Provision of Bat Box (Bespoke)**

If any bat(s) are discovered during construction works, works shall cease until an improved cavity 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).

7. **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).

8. **Provision of Wooden Log Store (Pre-commencement)**

No development shall commence until a wooden log store with a pitched roof for lesser horseshoe bat has been provided adjacent to the north western aspect of the new building, in accordance with details that have first been agreed in writing by the Local Planning Authority. The location of roosts entrances and internal details shall be set out in the design. 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 log store shall be implemented in accordance with the agreed scheme and maintained thereafter.

Reason: A pre-commencement condition 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 Local Plan

9. **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

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. This decision is for planning permission only and no work shall be commenced until Listed Building Consent has been granted.
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. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
6. 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/>
7. **Legal Protection Afforded to Badgers**

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.