

Committee date 13/08/2024

Application No: 17/23/00064

Application Type: Full Planning Permission

Case Officer: Amelia Elvé

Registered Date: 24/10/2023

Expiry Date: 18/12/2023

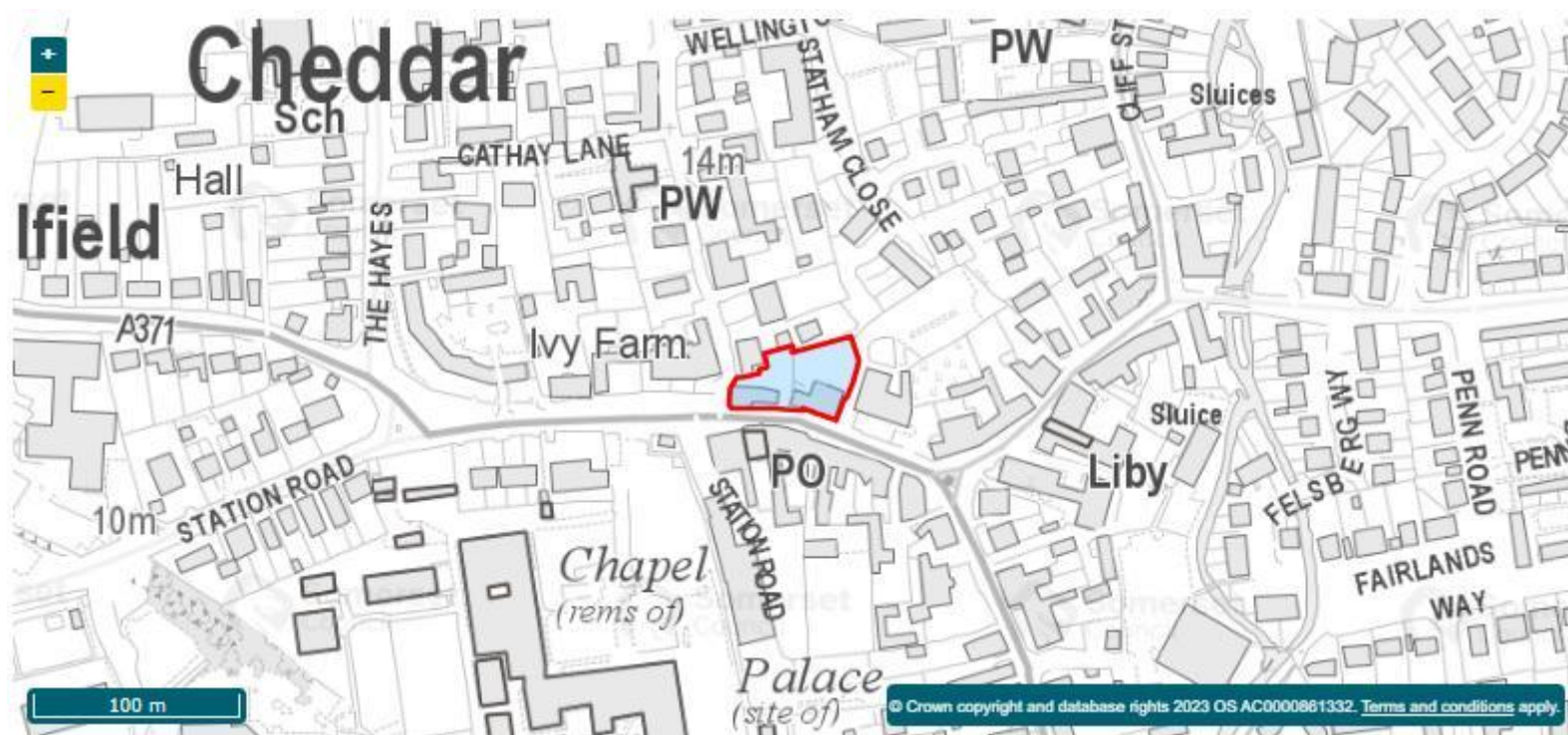
Parish: Cheddar

Division: Cheddar

Proposal: Formation of 20no. new parking spaces and partial demolition of existing wall providing access to whole site.

Site Location: Lloyds Bank Plc, Bath Street, Cheddar, Somerset, BS27 3AB

Applicant: Mr A Perloff



Committee decision required because

The officer's recommendation is contrary to the view of the Parish Council.

Background

The application site relates to an existing private car park, located at the rear of the former Lloyds bank building. The car park is accessed via Lower North Street. The proposal seeks to extend the car park, by changing the use of a former garden. The extended area is to be accessed by the removal of a 3.0m section of wall.

Relevant History

None relevant

Supporting information supplied by the applicant

Existing Location & Site Plan Drg No. H6709/010A

Proposed Location & Site Plan Drg No. H6709/102

Concept Parking Layout Drg No. H6709/101A

Consultation Responses

Consultee Name:	Summary of Response:
Cheddar Parish Council	<p>Object</p> <p><i>(08/11/2023) - Application form to remove one wall does not reflect the plans which indicate that two walls will be removed to provide another access onto Bath Street. Maps also show 24 spaces and application is for 20.</i></p> <p><i>Visibility splays inadequate for Highways access onto both Bath Street and Lower North Street, the former presenting particularly dangerous access.</i></p> <p><i>No parking sweeps are indicated.</i></p> <p><i>Pedestrian safety compromised as the proposed access to Bath Street currently forms part of the footpath across the existing car park to the footpath access to Punnet Close.</i></p> <p><i>Forming this car park for the public will reduce parking provision for the existing building when it is re-let/sold.</i></p> <p><i>No turning area on the proposed map of spaces will lead to cars backing out of the car park.</i></p> <p><i>Existing drainage is not adequate as the area close to the Lower North Street access continually floods and these proposals do not indicate any further drainage mitigation.</i></p> <p><i>(24/01/2024) – Cheddar Parish Council continue to object to this application as before and in support of the Conservation Officer comments regarding the removal of the wall.</i></p>
Cheddar 1 – Ben Ferguson	No response
Cheddar 2 – Pauline Ham	No response
Internal Drainage Board	No response
National Highways	No objection
Somerset Council Conservation Officer	<p>Object</p> <p><i>(05/12/2023) – The proposal seeks consent to remove part of a historic wall within the Conservation Area of Cheddar. The wall in question appears upon the 1840 tithe map. The wall defines a historic separation of properties.</i></p> <p><i>The heritage statement supplied for this</i></p>

	<p><i>application has failed to identify significance in relation to this wall. The wall has significance due to the age of the wall, the historic purpose of the wall that appears to have been the party wall to one extant cottage and a removed cottage.</i></p> <p><i>The lack of assessment of the historic fabric and absence of heritage statement that defines the historic context of the wall within the conservation area does not offer enough information to enable an informed decision.</i></p> <p><i>This proposal cannot be supported on heritage grounds as the proposal seeks consent to impose substantial harm to an element within the conservation area of Cheddar.</i></p> <p><i>(12/02/2024) – The proposal has not submitted and further information to assist with the significance of the wall, therefore my previous comments are still relevant.</i></p>
Somerset Council Ecology	Comment recommending conditions to secure mitigation and biodiversity enhancement measures.
Somerset Council Highways	Standing Advice
South West Heritage	<p>No objection</p> <p><i>There are limited or no archaeological implications to this proposal.</i></p>

Representations

1 comment from 1 address, regarding a civil matter.

Most Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework December 2023

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment Sedgemoor Local Plan (2011-2032)

S2: Spatial Strategy for Sedgemoor

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D20: Biodiversity and Geodiversity

D23: Bat Consultation Zones

D25: Protecting Residential Amenity

D26: Historic Environment

Cheddar Neighbourhood Plan

BE4: Built Environment Policy 4, design

Main Issues

Principle of Development

The application site is within the Development Boundary for Cheddar and therefore, the principle of the development is considered to comply with policy S2 of the Local Plan.

Visual Amenity and Historic Environment

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the building.

Policy D26 sets out that development proposal should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting, in a manner consistent with their historical significance.

Policy BE4 of the Neighbourhood Plan sets out that new developments should achieve a high quality design that conserves and where possible, enhances the significant of an heritage asset and where if satisfactory in all other respects, will be encouraged. The Plan also sets out that restricting parking provision in Cheddar has not proved effective and provision of adequate vehicular parking in a manner compatible with an attractive, built environment is therefore important in new developments.

The application relates to the extension of an existing car park, into land that is a former garden area. The two parts of the site are currently separated by a 2.3m high wall. The proposal seeks to create the extension of the car park by removing a 3.0m section of the wall which is currently 13.5m long.

The application site is within the Cheddar Conservation Area, however the wall that is to be altered does not have a prominent siting within the street scene, with only fleeting views of the wall from Bath Street.

In *The Conservation Areas of Sedgemoor Appraisal and Audit (1993)* the character of the Cheddar Conservation Area does refer to *the use of local limestone in Cheddar's older buildings and boundary walls was widespread and contributes enormously to its built character* however there is no other mention of the walls in the appraisal, or any reference to the contribution of the aforementioned walls within the section specifically relating to the part of the Conservation Area that the proposed development is located.

It is therefore considered that the removal of a 3.0m section of the wall would not result in a significant or detrimental impact on the historic environment, or the visual amenity of the street scene, due to the back land location of the site and the scale of the wall section that is to be removed. To ensure that the proposed piers that form the opening are acceptable, a condition will be used to secure details of the materials to be

used.

In respect of other matters relating to the historic environment, the application site is within an area of high archaeological potential. SW Heritage have reviewed the application and have raised no objection.

It is therefore considered that in this respect, the application complies with policies D2 and D26 of the Local Plan and policy BE4 of the Neighbourhood Plan.

Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

The application site is in proximity to existing residential dwellings. It is considered that the extension of the car park would not have a detrimental impact on amenities as the proposed use is unlikely to generate a level of noise and disturbance that would be significant. It is therefore considered that in this respect, the application complies with policies D2 and D25 of the Local Plan.

Highways Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority consider *Standing Advice* to apply to this proposal. In respect of this development, this requires the proposed scheme to be adequately served by an appropriate access onto the highway network.

The proposal seeks to utilise the existing vehicular access that serves the existing car park. It is considered that this is acceptable for the proposed increase of users given that the low speeds associated with vehicles on the highway at the location of the access, due to the junction and the narrow road width. Whilst not fully compliant with *Standing Advice* the Case Officer has reviewed the proposal in detail with a Highways Officer and it is not considered that the proposal would have a detrimental impact on highways safety.

It is therefore considered that in this respect, the application complies with policy D14 of the Local Plan.

Ecology

Policy D20 of the Local Plan seeks for proposals to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity. The application site lies within a Bat Consultation Zone and policy D23 of the Local Plan seeks to secure relevant mitigation measures that could protect relevant species from the impacts of development.

The ecologist has reviewed the ecological information submitted and has recommended appropriate mitigation and biodiversity enhancement measures to be secured by condition. It is therefore considered that in this respect, the application complies with policies D20 and D23 of the Local Plan.

Other Issues

It should be noted that the proposal does not seek to create a vehicular access onto Bath Street.

Conclusion

It is considered that the proposal is of a size and scale that would not result in a detrimental impact on visual amenity, residential amenity, historic environment, highways safety and ecology. As such, the proposal complies with policies S2, D2, D14, D20, D23, D25 and D26 of the Sedgemoor Local Plan and policy BE4 of the Cheddar Neighbourhood Plan.

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 Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. The measures shall be maintained throughout the construction period.

Reason: In the interests of European and UK protected species and biodiversity generally and in accordance with policy Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity

- 4 Prior to the installation of any external lighting, a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key & supporting features or habitats. 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. Internal lighting should be recessed where installed in proximity to windows and blinds should be fitted to reduce glare and light spill (Institution of Lighting Professionals & the Bat Conservation Trust 2018).

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

- 5 No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before

works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given.

- 6 Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity

- 7 Prior to the first use of the development hereby approved, the following shall be installed:

-The installation of a minimum of two bird boxes around the site boundaries or on buildings will provide additional nesting habitat for birds e.g. Schwegler No 17 Swift Nest Box, Schwegler 1SP Sparrow Terrace, Schwegler 1B Nest Boxes, Schwegler 2H Robin Boxes, Woodstone Nest Box, Or a similar alternative brand. Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole. Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction.

- Installation of 2 X Schwegler bat box (or similar if unavailable), purchased or built, facing south or west, at a height above 3m.

Once installed, the features shall be maintained and retained thereafter in perpetuity.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 186 of the National Planning Policy Framework

- 8 No development above DPC shall be carried out unless details of the following have been submitted to and approved in writing by the Local Planning Authority:

- materials (including provision of samples where appropriate) of the piers

Once approved such details shall be implemented as part of the development unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the Conservation Area as in accordance with policies D2 and D26 of the Sedgemoor Local Plan 2011-2032 and policy BE4 of the Cheddar Neighbourhood Plan.

Schedule A

Existing Location & Site Plan Drg No. H6709/010E

Proposed Location & Site Plan Drg No. H6709/102

Concept Parking Layout Drg No. H6709/101E

DECISION
