

<b>Application Details</b>	
Application Reference Numbers:	2022/0669/FUL
Application Types:	Full application
Extension of Time:	Demolition of outbuildings to be replaced by erection of single outbuilding, erection of a gate to existing access and associated works
Description:	
Site Address:	The Lodge Little Pennard Lane East Pennard
Parish:	East Pennard
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Lorna Elstob
Agent:	Plots and Plans LTD
Applicant:	M Pike
Reason for reporting application to Members:	As requested by Chair for reasons of transparency.

## **1. Recommendation**

- 1.1 That planning permission be REFUSED for the reasons set out in the officer report.

## **2. Executive Summary of key reasons for recommendation**

- 2.1 It is recommended that that application is refused as the proposed development would result in a substandard access onto the A37 with poor visibility. As such the proposed access does not incorporate the necessary visibility splays which are essential in the interests of highway safety. On this basis the application scheme is considered contrary to Policy DP9 of the Mendip District Local Plan 2006-2029, Part 1 Strategy and Policies (adopted December 2014) and Somerset County Council's standing advice and the advice in the National Planning Policy Framework particularly section 9.

## **3. Planning Obligations, conditions and informatives**

- 3.1 Obligations

- 3.2 Not applicable.

- 3.3 Conditions
- 3.3 Not applicable

#### 3.4 Informative

- 1) Drawings and reports considered in making the decision
- 2) Refusal

### **4. Proposed development, Site and Surroundings**

#### Details of proposal

- 4.1 Demolition of outbuildings to be replaced by erection of single outbuilding, erection of a gate to existing access and associated works.
- 4.2 Although the description of development refers to works to the existing access it should be noted (as explained in the officer report) that the drawings show the access being moved.

#### Site and surroundings

- 4.3 The application relates to a parcel of land immediately adjacent to the A37. The parcel of land is associated with the property known as The Lodge which is located on the opposite side of the road. The land is occupied by a series of poor quality storage buildings and some works appear to have been started on the storage building which is considered as part of this application.
- 4.4 There is an existing access to the site, located directly from the A37. The access is located over 50m from the cross roads, which is at the brow of the hill. The boundary of the site is currently defined by a low hedgerow and a fence although there are many gaps along the boundary line.

### **5. Relevant Planning History**

- 5.1 There is no recent or relevant planning history on the site.

### **6. Habitat Regulations Assessment**

- 6.1 Not applicable

### **7. Consultation and Representations**

Statutory consultees (the submitted comments are available in full on the Council's website).

#### 7.1 Consultees

Consultees	Consultee Comments (and Officer Comment)
<b>East Pennard Parish Council</b>	The shed is a great improvement on what is there. There is some concern about the effect of planting hedge in the visibility splay at the access from the Ditchheat Road onto the A37.
<b>Divisional Members</b>	No comments received.
<b>Highways</b>	Case was discussed at Highway Surgery: significant concerns about the proposed new access. Application quotes amended access but drawings clearly show it in a different position to the existing one. Proposal would not provide adequate or safe visibility in either direction due to the position of the access and the gradient of the road. Position of proposed gates unacceptable as vehicles unable to fully leave the highway before reaching gate. Proposed planting at junction unacceptable due to impact on visibility in particular due to gradient of the roads and surrounding area. Proposal would have an unacceptable impact on highway safety and would be contrary to DP9 of the local plan.

## 7.2 Local consultation and representation

7.3 In accordance with the Council's Adopted Statement of Community Involvement application 2022/0669/FUL was advertised via site notice.

## 8. Relevant planning policies and Guidance

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 Relevant policies of the development plan in the assessment of this application are listed below.

- Policies of the Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- CP1: Spatial Strategy
- DP1: Local Identity and Distinctiveness
- DP7: Design and Amenity
- DP9: Transport Impact of New Development

- DP10: Parking Standards

#### Other Relevant Documents

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- The Countywide Parking Strategy (2013)

#### The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
4. Decision-Making
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making efficient use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

## **9.0 Material Planning Considerations**

**9.1** The main planning issues relevant in the assessment of this application are as follows:

- Principle of Development
- Design of the Development and Impact on the Street Scene and Surrounding Area
- Impact on Neighbouring Amenity
- Assessment of Highway Issues

### **9.2 Principle of Development**

9.3 There is no proposed change of use of the site. The site is part of the domestic property known as The Lodge, Little Pennard Lane. The property is located on the opposite side of the road to the site. There is no proposed change of use of the site.

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

9.5 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.

- 9.6 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.
- 9.7 The site has been poorly maintained for many years and is visually very chaotic. There are some existing poor condition buildings on the site. The proposed single storey garage building will facilitate the tidying up of the site and improve the overall visual appearance of the area. The site is in a very prominent location, adjacent to the A37 and on the approach to the brow of a hill. Some building works, which appear to be related to the proposal, have already been undertaken on the site. The proposed single storey outbuilding will comply with DP7 of the local plan.
- 9.8 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.

#### **10.0 Impact on Neighbouring and Residential Amenity:**

- 10.1 There are no nearby residential properties that would be adversely impacted by the proposal.
- 10.2 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.

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

- 11.1 The description of development makes reference to the erection of gates to existing access. The drawings submitted show the access in a different position to currently. The existing access is located approximately 57.3m from the junction whereas the proposed access (as per the drawings) is located 36.5m from the junction.
- 11.2 The proposed changes to the access would be unacceptable due to the impact on highway safety. The position and angle of the proposed gates would mean that it would not be possible for any vehicle to leave the public highway fully before reaching the gate. This would cause part of the vehicle to remain on the highway which would pose a risk to other road users. The proposed gates are only set 3.5m back from the public highway and are positioned at an angle which would make manoeuvring into the site from the South very difficult and dangerous.
- 11.3 The proposal also includes planting around the end of the site that borders the road into Ditchat. It is felt that any planting in this location would have a

significant adverse impact on the visibility at the junction and would therefore be unacceptable. There is no approved point of access on to the site at this point and a new access would not be acceptable at this point.

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

## **12 Planning Balance and Conclusion**

12.1 **Whilst the proposed building works would result in an overall improvement of the visual appearance of the site, the proposed new access** would not provide adequate or safe visibility in either direction due to the position of the access and the gradient of the road.

12.2 **It should be noted that** A considerable amount of work has already been undertaken on the site although it is unclear if this relates to proposal or not.

## **RECOMMENDATIONS**

### **Recommendation:**

Refuse application for the following reason: