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| Case Officer | Nikki White |
| Site | The Queens Arms Wraxall Road Wraxall Shepton Mallet Somerset |
| Application Number | 2020/0960/FUL |
| Date Validated | 26 May 2020 |
| Applicant/ Organisation | Royanne Limited |
| Application Type | Full Application |
| Proposal | Demolition of existing buildings and erection of 7no. dwellinghouses with associated vehicular access and parking (revised scheme). |
| Division | Mendip South Division |
| Parish | Ditcheat Parish Council |
| Recommendation | Approval |
| Divisional Cllrs. | Cllr Claire Sully Cllr Alex Wiltshire |

Departure Notification and Scheme of Delegation:

This application is recommended for approval. The application has been advertised as a departure from the Local Plan.

Through the course of the application, the Parish Council made no objections, and the Ward Member did not submit a comment.

In accordance with the scheme of delegation, as this application represents a departure from the Local Plan and is therefore referred to committee for consideration.

Description of Site, Proposal and Constraints:

The application relates to the former Queens Arms in Wraxall. The site was previously used as a public house but has remained vacant for a number of years.

The site is located outside the development limits of any identified primary or secondary settlement, however planning permission has been granted previously to redevelop the site for residential.

The current application seeks full planning permission for the demolition of the existing buildings and erection of 7 dwellings with associated vehicular access and parking.

Relevant History:

025897/007 – Change of use of land from agricultural use to provide additional car parking and an outdoor area to be used in association with the public house, as amended by revised drawing received on

02/12/03, approved with conditions 17.05.2004.

2015/1561 – Change of use of a redundant public house to 4 no residential dwellings and erection of 2 no detached dwellings in the car park, withdrawn following error re ownership certification.

2015/2852/FUL – Change of use of a redundant public house to 4 no residential dwellings and erection of 2 no detached dwellings in the car park - refused – 22.03.2016. Officers recommended refusal for the following reasons:

(1) The site lies in the countryside, outside of established Settlement Limits, where the erection of new-build dwellings (in this case plots 5 and 6) is strictly controlled in the interests of the overall character and appearance of the countryside and to ensure a sustainable pattern of development. It has not been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed new-build units are essential for successful delivery of the affordable housing elements of the proposal, or that there is a clearly identified need for the proposed affordable housing in the settlement. Therefore the provision of affordable units does not justify the proposed new-built dwellings. The proposal is therefore contrary to policies CP1, CP2 and DP12 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework.

(2) The proposed dwellings on plots 5 and 6, by reason of their size, height, position and the location of windows serving habitable rooms, would harm the living conditions of Radcliffe Cottage, in respect of loss of light, outlook and privacy. The proposals would be contrary to policy DP7 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework and Planning Practice Guidance.

(3) The proposed development is proposed on the basis of the provision of two units of affordable housing, but this provision has not been secured through a planning obligation under s106 of the Town and Country Planning Act 1990. The proposal is therefore contrary to policy DP12 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework.

At the Planning Board meeting on the 16th March 2016, however, members resolved to refuse permission for only the second and third reasons for refusal set out above. It was concluded that the principle of residential development was acceptable.

2016/1434/FUL - Change of use of a redundant public house to 4no residential dwellings and erection of 2no detached dwellings in car park – approved under delegated powers on 12th December 2016.

2018/0828/OTS - Application for outline planning permission with some matters reserved for partial demolition of buildings, conversion of the retained building as a pair of semi-detached houses and erection of 5 detached houses with associated vehicular access and parking with details of access/appearance/layout/scale – approved with conditions on 18th October 2018, under delegated powers.

Summary of Ward Councillor Comments, Parish Council Comments, Representations and

consultee comments:

Ward Councillor: No comments received.

Ditcheat Parish Council: Recommends approval.

- Improvement to local character than existing situation
- Access on to the A37 at the crossroads itself is difficult at times and any opportunity to minimise /remove problems with access on to the very busy A37 should be taken.

County Highways Officer (SCC): No objections, subject to conditions.

- Revised plan Proposed Site Plan MDS 1344/103 rev G demonstrates manoeuvring area associated with the proposed parking space will facilitate vehicle movements to allow for vehicles to enter and leave the site in forward gear. To ensure this manoeuvring area is kept clear and not itself parked on, a condition is recommended. It is noted that the scheme also provides parking for this dwelling to the rear with access off Wraxall Road.
- The site lies just east of Wraxall crossroads with frontage both along Wraxall Road a classified un-numbered road and Wraxall Hill a classified road (A37) which is subject to a 40mph speed limit at this point. Wraxall crossroads has a number of recorded accidents over the last five years, although there are no recorded accidents at the point of the existing accesses into the site.
- It would appear that this proposed scheme is very similar to that submitted in 2018, to which the Highway Authority raised no objections. Whilst this planning application doesn't provide any highway / transport related supporting documentation, given the similarity to the 2018 PA the Highway Authority consider that the proposal is unlikely to generate an unacceptable volume of traffic in peak periods and therefore, it will not have a severe traffic impact on the local highway network.
- The proposed development as shown on submitted plan Proposed Site Plan Dwg No: MDS 1344/103 rev G provides a revised access onto Wraxall Road with a width of 5m thus allowing for two-way traffic into and out of the site. This scheme will also provide a 2m footway along the site's frontage with the adopted highway, this is acceptable as it will be utilising developers land and will not give rise to the narrowing of the carriageway. Appropriate levels of visibility in either direction is also achievable.
- Parking provision for the development is appropriate and in line with the SCC Parking Strategy in terms of both quantity and sizes together with manoeuvring areas. It should be noted that the 3no tandem parking arrangement as shown is not ideal as it will give rise to excessive vehicular manoeuvring within the site, however, the internal layout will remain private therefore such manoeuvring should not affect the adopted highway.
- Recommended conditions: consolidated access; footway works; construction of accesses; highway drainage; Advance Payment Code (APC) information; estates road; visibility splays; and parking and turning areas to be kept clear.

Housing Enabling Officer (MDC): No objections.

- The revised scheme seeks minor changes to an approved scheme (Ref; 2018/0828/OTS) for 7 units for which a viability assessment was provided by the applicant. The review conducted by an independent viability consultant concluded that it would not be financially viable to provide any

affordable housing units on site or provide any payments in lieu of on-site provision.

- It is considered that there has been no significant change that would now necessitate the requirement to revisit viability of the scheme in terms of affordable provision and therefore the results of the viability assessment remain accepted.

Drainage Officer (MDC): No objections, subject to conditions.

- The site is in Flood Zone 1 and is not shown to be at risk of surface water flooding on the current Environment Agency's Long Term Flood Risk Map.
- The previous use of the site means the majority of the area is currently hardstanding. The proposals reduce flow to impermeable areas of the site through the introduction of permeable paving and soft landscaping. This would mean a reduction in surface water runoff from the site. On brownfield sites we are looking for a minimum 30% reduction in surface water runoff, it is likely that has already been achieved on this site, but the figures should be quantified.
- The proposal to use soakaways is acceptable and the existing soakaway in the adjoining field suggests that this is a feasible option for the site. The applicant will need to confirm the infiltration rates with appropriate testing of the ground and determine the capacity of the existing soakaway in relation to the proposals for the site. Further detail with regards to the rights and ownership of this soakaway will need to be established to ensure that the responsibilities for maintenance of such are agreed and that continued discharge into this system is appropriate. Particularly as it lies outside of the boundary of the site.
- The applicant may also wish to consider other forms of sustainable drainage techniques such as swales and filter drains which could further enhance the landscape and add a layer of treatment to the runoff from the roads. The applicant will need to ensure that any runoff proposed to discharge to a soakaway does not pose a pollution risk to groundwater. I am thinking specifically of the access roads and parking areas. Some source control measures will aid in providing that first level of treatment prior to discharge to ground.
- With regards to foul drainage the proposal is for a package treatment plant this will need to discharge to a drainage field rather than a soakaway to be in accordance with the general binding rules for small sewage discharges to the ground. As with the surface water.

Environmental Protection Officer (MDC): No objections subject to conditions

- Recommended conditions: construction hours; noise management plan; internal noise levels; glazing specification.

Contaminated Land Officer (MDC): Recommend watching brief informative.

- Due to the redundant petrol filling station on the land opposite the application site and the location of a historic blacksmith on the land to the south, a watching brief is recommended.

Historic Environment Officer (SCC): No objections on archaeological grounds.

County Ecologist (SCC): No objections, subject to conditions (summary of final comments following submission of additional information).

- Following submission of additional information on the package treatment plant and nutrient neutrality assessment, an HRA has been prepared and agreed with Natural England. The conditions as set out in the HRA should be attached to any planning permission.

Natural England: No objection subject to conditions (summary of final comments following submission of additional information)

- Following review of updated information and HRA, there are no objections subject to the inclusion of conditions as set out in the HRA.

Representations - The Local Planning Authority has received 1 letter of objection, 2 neutral and 1 of support, raising the following issues (summarised):

Objection:

- Wrong to demolish historic buildings
- Overdevelopment
- Poor local facilities and infrastructure
- Slow broadband speed

Support:

- Improvement to the current eye-sore

Neutral:

- Support recommendations of bat survey
- Highways safety concerns
- Parking concerns
- Road surface on shared access should be upgraded as part of this proposal

Full details of all consultation responses can be found on the Council's website: www.mendip.gov.uk

Policies/ legislation:

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 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 (2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (2021)
- Somerset Waste Core Strategy
- 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 - Supporting the Provision of New Housing
- CP3 - Supporting Business Development and Growth
- CP4 - Sustaining Rural Communities
- DP1 - Local Identity and Distinctiveness
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP14 - Housing Mix and Type
- DP16 - Open Space and Green Infrastructure
- DP20 - Reuse of Employment Sites
- DP22 - Reuse and Conversion of Rural Buildings
- DP23 - Managing Flood Risk

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

- DP25: Employment Land

Other possible Relevant Considerations (without limitation):

National Planning Policy Framework (NPPF), 2019

Planning Practice Guidance (PPG), 2012

Somerset County Council Parking Strategy, 2013

Somerset County Council Standing Advice, 2015

Mendip District Council SPD - Marketing and business evidence to support planning applications

Natural England standing advice 'Bats: advice for making planning decisions' (2022)

Assessment of relevant issues:

Principle of the Use:

The application site is located outside the development limits of any settlement and as such is within a location where development is strictly restricted, having regard to the provisions of Policy CP1, CP2 and CP4 of the Local Plan, Part 1 (adopted 2014).

The Local Planning Authority cannot currently demonstrate a five-year rolling supply of deliverable housing sites. The National Planning Policy Framework (NPPF) therefore advises that where the Council cannot demonstrate a five-year supply, the presumption in favour of sustainable development as set out in paragraph 11(d) must be considered.

Members of the Planning Board resolved that the principle of development here was acceptable under a

previous application (2015/2852/FUL) and specifically did not refuse the application on matters relating to the principle of residential on this site.

The permitted application in 2016 (2016/1434/FUL) included a 'Trading and Financial History' report which was deemed acceptable to meet the policy requirements of DP17.

Outline planning permission 2018/0828/OTS (see above) allowed 7 dwellings on this site, with 2 dwellings provided in converted buildings belonging to the former Queen's Arms and the erection of 5 detached dwellings to the rear. The current scheme proposes the erection of 7 new build dwellings, to include the demolition of the existing buildings.

At the time the current planning application was validated (26.05.2020), the previous application (2018/0828/OTS) had not expired (expiry date 18.10.2021) and was considered extant. Due to the delay determining this application associated with overcoming the phosphates issue, 2018/0828/OTS has now expired. It is understood that works have not started in planning terms therefore this permission is not extant. Nevertheless, planning permission has been granted at this site in 2016 and 2018.

Policy DP17 makes clear that the loss of premises last used for local services and facilities (including commercial facilities such as pubs) will only be permitted where there is suitable alternative provision; maintenance of the existing use would perpetuate environmental problems or (for commercial uses) there is 'no likelihood of a viable community use'.

The previous outline planning permission accepted the loss of the public house as it had been demonstrated that there was no prospect of the site being re-used for any commercial purposes. As the site has been long term vacant and considering the planning history of the site, there is no objection to the proposed loss of the former public house in this application.

The former public house is not a listed building and has no special designation that would warrant its future retention.

It should also be noted that the Parish Council offers their support to the principle of the development (see comments above).

Ecology:

A phase 1 and 2 bat survey has been submitted with this application which confirms the site has been supporting bat roosts. Surveys also revealed other bat activity including "one common pipistrelle, one soprano pipistrelle and one brown long-eared bat were recorded entering the building." As the bat roosts within the property will be lost to accommodate the proposed development, a European Protected Species licence or Bat Low impact Class Licence from Natural England will be required following planning approval and prior to any works commencing on site.

Natural England standing advice 'Bats: advice for making planning decisions' is a material consideration to planning applications. This states that where retention of bat habitat is unavoidable, the following must be followed:

“If the destruction of a bat roost is unavoidable, you must make sure:

- *there is no net loss of roost sites*
- *roost types are replaced on a like-for-like basis*
- *the affected bat population can continue to function as before”*

The submitted bat survey sets out the mitigation strategy including supervision of construction works, a toolbox talk to construction workers, temporary roost replacement and permanent replacement roosting features within the new properties.

An ecological enhancement plan has also been included, which includes “installation of three RSPB bird boxes, one Habitat bat box and over sowing the lawns with a wildflower seed mix.”

The recommendations set out in the application are concluded to be acceptable, and in accordance with Natural England’s Standing Advice. Conditions are recommended to ensure the recommendations of the bat survey are followed; biodiversity net gain features are delivered as per commitments in the application; works are supervised by a licenced ecologist; installation of bat boxes during construction; a bat licence is secured; and lighting is controlled. Subject to the conditions as recommended, the application is considered acceptable in relation to impact on ecology and biodiversity net gain.

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There is a major issue with nutrients entering watercourses which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavorable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

The applicant has submitted additional information to demonstrate how the issue of phosphates and foul drainage will be dealt with, to mitigate the impact of the development to the Somerset Levels and Moors Ramsar. This includes an onsite package treatment plant with no chemical dosing. This is supported by a nutrient neutrality assessment. This is considered acceptable to the SCC Ecologist, who has prepared an HRA which has been agreed with Natural England. The HRA concludes the proposal is acceptable subject to the inclusion of three conditions, which are recommended accordingly.

It is therefore concluded the proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.

Flooding and Drainage:

The application site falls entirely within flood zone 1. The site is therefore considered to have a low probability of flooding i.e. land assessed as having a less than 1 in 1,000 annual probability of flooding (<0.1%). In this respect the Technical Guidance to the National Planning Policy Framework advises that this zone is appropriate for development in principle drainage terms.

The Drainage Officer has raised no objections to the development, in regards to the impact of surface water drainage and flooding, subject to the attachment of relevant conditions relating to securing further details of the surface water drainage arrangements. With the attachment of these conditions the

proposal is considered to be in accordance with Policy DP23 of the adopted Local Plan Part 1 (2014).

Housing Mix and Type:

The development proposes an acceptable mix of dwellings sizes (1 x 2 bed and 6 x 3 bed dwellings), which are aimed at the local and district wide need for smaller sized family dwellings. The scheme includes an extra 3 bed unit in comparison to the previous approval.

It is considered that the scheme accords with the requirements of Policy DP14 of the Local Plan.

As the site has less than 10 dwellings, there is no requirement for affordable dwellings. The Housing Enabling team has confirmed this is not required.

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

Policy DP1 of the Local Plan states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 states that proposals should be of a scale, mass, form, and layout appropriate to their local context. Policy DP4 recognizes the quality of Mendip's landscapes and suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features.

The previous planning permission approved the erection of detached dwellings on this site with the same design, scale, massing and appearance in regard to Plots 3-7. However, the dwellings at Plots 1 and 2 are now proposed as new build dwellings, rather than being created through the conversion of existing buildings.

The design, scale, massing and appearance of the dwellings proposed at Plots 1 and 2 respond well to the existing development and the local context of dwellings found within this locality. As such it is considered that the development will preserve the character and appearance of the area and the wider landscape.

It is considered that the proposed layout provides appropriately sized gardens and acceptable parking, turning and access areas and the development as a whole will not appear adversely cramped or contrived in appearance or layout. The proposed density of the development (7 dwellings) has already been established and it is not considered to represent an over development of the site. Considering the scale and form of development, and the comments from the Highway Authority, the triple parking bays are considered acceptable in this instance.

Following the submission of a schedule of materials, the proposed materials would complement the character of the locality.

With the attachment of relevant conditions (external materials and landscaping), 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, DP4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

Policy DP7 of the Local Plan states that new development should protect the amenities of neighbouring occupiers and users, and provide an adequate standard of amenity for the benefit of future occupiers. Policy DP8 states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

It is considered that the proposal would provide an adequate amount of amenity space for the enjoyment of future occupiers. Within the development itself, it is considered that the proposed dwellings would relate to one another in a way that would not result in significant harm to the amenities of future occupiers.

The Environmental Protection Officer has raised no objections subject to the attachment of conditions.

The glazing condition recommended by the Environmental Protection team would ensure appropriate glazing at plot 1 adjacent to the A37. This is reasonable and meets the tests for conditions. The condition recommending noise controls within dwellings and gardens is not reasonable for residential development, and this should be controlled via noise legislation as is common for residential development. Similarly, the requirement for a noise management plan to protect the amenity of neighbouring occupants is not necessary for 7 dwellings and would not meet the conditions test. The recommended condition limiting construction activity times is reasonable and necessary to safeguard neighbouring residential amenity during the construction period and this condition is therefore recommended.

Given the nature of the proposal, including its layout, scale, and design, and the stand-off distances between the proposed units and existing curtilages and buildings, and the site levels between given units and their nearest neighbouring properties, it is considered that the proposal would not result in significant adverse effects in relation to neighbouring occupiers, in terms of their outlook, privacy, or access to light.

Subject to the use of the aforementioned conditions, given its siting, scale, and design, it is considered that the proposal would not result in significant harm to the amenities of neighbouring occupiers in terms of their outlook, privacy, access to light, or the general enjoyment of their home environments. In these respects, the proposal is considered to be in accordance with Policies DP7 and DP8 of the adopted Local Plan Part 1 (2014).

Contaminated Land:

The Contaminated Land Officer raises no objections to the proposal, subject to the attachment of a watching brief informative, for mitigating against any potential unknown contamination that may be discovered/ uncovered. This is recommended accordingly.

Highway Safety, Access and Parking:

Policy DP9 and DP10 set out a range of criteria to ensure that new development provides safe access arrangements.

This Highway Authority (HA) has offered no objections to the scheme, subject to the inclusion of standard conditions. The Highways Engineer has not objected to the scheme in relation to highway safety, highway capacity or parking.

The Highway Engineer has confirmed that following the submission of additional information, the access off the A37 is now acceptable as it allows vehicles to enter and leave the site forwards and in first gear. The Parish Council has outlined concerns with this access and, although not objected to the proposal, has recommended this part of the proposal be amended. Following the submission of additional information and updated comments confirming the HA does not object to this on highway safety grounds, on balance this element is considered acceptable. The bound surface accesses condition as recommended by the Highways Engineer has been amended to fit with the Council's agreed condition wording, including reference to the proposed site plan which shows the accesses, and it does not include details to be agreed by the Local Planning Authority as this is not considered necessary. The HA has recommended two conditions on the accesses, these have been amalgamated into one condition within the recommendation.

The application includes widening of part of the footway to 2m adjacent to Wraxham Road. There is currently a very narrow footway adjacent to the former public house building and no footway adjacent to the existing car park. This 2m footway would enhance the scheme allowing occupants a more appealing pedestrian access the other parts of the local footway network. This element of the scheme is considered acceptable to the Highway Engineer. A condition is recommended which would require delivery of this footway prior to any occupation of the development. As this is adjacent to the highway and for public use, the details of the footway should be agreed with the LPA (and subject to consultation with the HA), to ensure it is delivered. This work is also subject to a legal agreement with the HA. Although the HA has recommended reference to the legal agreement is contained in a condition, this would not meet the conditions tests therefore this is recommended as an informative.

The condition as recommended by the HA relating to highway drainage is covered by Building Regulations therefore it is not necessary to recommend as a condition.

The HA has confirmed that given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption therefore the development will be liable for the Advance Payments Code (APC). As inclusion of this information would not meet the tests for conditions, this is recommended to be included as an informative.

An estates road condition is recommended. Regardless of whether the estates road will be adopted, this condition is required to ensure estates road condition is required to ensure the estates roads are delivered to an acceptable standard.

The HA has recommended two very similar conditions on visibility splays. This is assumed to be an error as only one condition is necessary, and one conditions is recommended accordingly. The trigger for this

condition is amended from pre-commencement to pre-occupation, which is considered more reasonable.

Although triple parking bays are not ideal, considering the scale and scope of development and that the HA has not objected to this, on balance this is considered acceptable in this case. The condition recommended by the HA for vehicular parking and turning areas to be installed and kept clear is recommended with slightly amended to reflect standard condition templates.

A neighbour has raised concerns that inappropriate parking practices could block their access. This would be a civil matter and cannot form part of the planning assessment. The parking as set out in the application is considered acceptable to allow the application to be approved.

A neighbour has also requested road surfacing upgrades. Footway widening with associated works is included as part of the application and would be controlled via conditions/legal agreement. The scope and scale of development and associated works is concluded to be acceptable.

There is a cycle route along Wraxall Road, which crosses the A37. An informal query has been raised as to the scope to require this application to facilitate cyclist signage at this crossing. This would not meet the national tests for conditions or planning obligations as this would not be necessary to make the development acceptable. As such, this is not recommended.

In conclusion on this matter, the proposal is considered to be in accordance with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014), in addition to the guidance in part 9 of the NPPF.

Energy Conservation and Efficiency:

Policy DP7 of the Local Plan requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for the use of sustainable construction techniques; the use of sustainable drainage systems; renewable energy generation on site; the use of water efficiency measures, recycling and conservation; and new residents to minimise, re-use and recycle waste, in addition to using locally sourced or recycled materials wherever practically possible.

The applicant has provided a lack of detail in regard to energy conservation and efficiency measures (see Design and Access Statement), other than stating that the applicant is considering the installation of solar panels and that habitable rooms will make the most of solar gain.

Given the requirements of Policy DP7 of the Mendip District Local Plan, it is considered reasonable to attach a condition requiring the submission of a sustainability statement demonstrating how this issue would be addressed through the construction of the development. A further condition for rainwater harvesting is also recommended which is reasonable in order make efficient use of water.

With the attachment of the above conditions, it is considered that the development can be designed and constructed to address the requirements of Policy DP7 of the adopted Local Plan Part 1 (2014).

Archaeology:

The Historic Environment Officer at Somerset County Council has raised no objections to the proposal in relation to impacts to archaeology.

Refuse and recycling:

Each dwelling unit has adequate outdoor amenity space to provide refuse and recycling bins/ containers, which would be brought out to the highway on collection day. These arrangements are considered to be acceptable.

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, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion and Planning Balance:

The overall thrust of Government Policy as set out in the updated NPPF is to encourage the delivery of sustainable development and requires Local Authorities to boost significantly the supply of housing. As the Council cannot demonstrate a 5 year housing land supply, this application is considered in the tilted balance as set out in para 11d of the NPPF is engaged, confirming that 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. The delivery of 7 new homes is a recognised benefit and given significant weight. Economic benefits would also be delivered both through the construction period and through the lifetime of the development. There will be some environmental benefits through the biodiversity net gain.

Given the history of the site, the principle of development is considered acceptable in this case as the harms do not demonstrably outweigh the benefits to the scheme. Following the submission of further information on the proposed package treatment works, the application is concluded to be nutrient neutral, which is accepted via HRA by SCC Ecology and Natural England. Subject to the inclusion of conditions as recommended, the application is concluded to be acceptable in all other regards including ecology and impact on bats, highway safety, drainage, design and layout, amenity, archaeology and contaminated land.

The application is therefore recommended for approval subject to conditions.

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:

- MDS 1344/100 F - SITE LOCATION PLAN - received 10.05.2020
- MDS 1344/101 F - SURVEY INFORMATION 1 - received 10.05.2020
- MDS 1344/102 F - SURVEY INFORMATION 2 - received 10.05.2020
- MDS 1344/103 G - PROPOSED SITE PLAN & ILLUSTRATIVE STREET SCENE - received 13.07.2020
- MDS 1344/104 F - PROPOSED LAYOUTS PLOTS 3, 4 AND 5 - received 10.05.2020
- MDS 1344/105 F - PROPOSED LAYOUTS PLOTS 6 AND 7 - received 10.05.2020
- MDS 1344/106 F - PROPOSED UNITS 1 AND 2 - received 10.05.2020
- J17-007-001 A - EXISTING FOUL AND SURFACE WATER DRAINAGE LAYOUT - received 26.05.2020
- J17-007-002 A - PROPOSED FOUL AND SURFACE WATER DRAINAGE - received 26.05.2020

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 detailed 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. All materials will be consistent with the Schedule of Materials received 03.03.2023. 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 DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Construction Hours (Compliance)**

Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays-Fridays and between 08:00 and 13:00 on Saturdays, and shall not take place at any time on

Sundays or on Bank or Public Holidays.

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Plot 1 Glazing Specification (Pre-Occupation)**

Plot 1 shall not be occupied as a dwelling until acoustic details of double glazing and background ventilation provision serving habitable rooms in the west elevation (facing the main road) of this unit has been submitted to and approved, in writing, by the Local Planning Authority, and those measures installed. The development shall thereafter be carried out and occupied in accordance with the approved details and the measures shall be permanently maintained.

Reason: To protect the residential amenity of occupiers in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Surface Water Drainage System (Pre-commencement)**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

7. **Drainage - Foul (Pre-commencement)**

No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwelling(s).

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment.

8. **Nutrient Neutrality Statement (Compliance)**

The development hereby approved shall be carried out in full accordance with the approved 'PROPOSED ERECTION OF SEVEN HOUSES ON LAND AT THE QUEENS ARMS PUBLIC HOUSE, WRAXALL ROAD, SHEPTON MALLETT, BA4 6RQ - STATEMENT ON NUTRIENT NEUTRALITY' reference 'RMA-LC2218_7 - Queens Arms Wraxall NN' dated 01.02.2023. This shall include installation of a Package Treatment Plant that does not require any chemical dosing and achieves 0.80 mg/l concentration of phosphorous per litre of effluent discharged.

If the Package Treatment Plant needs to be replaced in the future, the replacement Package Treatment Plan must include a biological treatment (with no chemical dosing) with 0.80 mg/l concentration of phosphorous per litre of effluent discharged or less.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Policy DP5 of the Mendip Local Plan and Chapter 15 of the National Planning Policy Framework 2021.

9. **Package Treatment Plant (PTP) Maintenance Plan (Pre-Occupation)**

No occupation shall commence until a detailed Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Maintenance Plan shall include:

- a. Details of management arrangements to ensure the package treatment plan adheres to the 'PROPOSED ERECTION OF SEVEN HOUSES ON LAND AT THE QUEENS ARMS PUBLIC HOUSE, WRAXALL ROAD, SHEPTON MALLETT, BA4 6RQ - STATEMENT ON NUTRIENT NEUTRALITY' reference 'RMA-LC2218_7 - Queens Arms Wraxall NN' dated 01.02.2023
- b. Formal confirmation of management arrangements of an OFWAT registered provider in perpetuity.
- c. Details of ongoing annual monitoring arrangements
- d. Confirmation of permit arrangements with the Environment Agency

The development shall accord with the approved Maintenance Plan in perpetuity.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Policy DP5 of the Mendip Local Plan and Chapter 15 of the National Planning Policy Framework 2021.

10. **Package Treatment Plant (PTP) Requirements in Phosphate Affected Area (Pre-Occupation)**

The dwelling hereby approved shall not be occupied until:

- i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
- ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

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

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 technical specifications, 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, 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.

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.

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).

12. **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 Authority:

- 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 Policy DP5 and DP6 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.

13. **Provision of Bat Boxes During Construction (Bespoke Trigger)**

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(es) 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(es) shall be retained thereafter in perpetuity.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **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 Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Bound/Compacted Vehicle Accesses (Pre-occupation)**
No occupation shall commence until the approved vehicular accesses have been constructed in accordance with drawing MDS 1344/103G 'Proposed Development' with a bound and compacted surfacing material (not loose stone or gravel) for the first 6 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.
- Reason: To prevent loose material spilling onto the highway 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).
16. **Footway Adjacent to Wrexham Road (Pre-occupation)**
No part of the development hereby permitted shall be occupied until a 2m wide footway as shown on submitted plan Proposed Site Plan Dwg No: MDS 1344/103 rev G has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details.
- Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
17. **Estate Roads (Bespoke Trigger)**
The proposed estate roads, footpaths, verges, junctions, street lighting, carriageway gradients and drive gradients shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.
- Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
18. **Visibility Splay (Pre-Occupation)**
Before the development hereby approved is occupied the appropriate visibility splays must be provided for both vehicular accesses as shown on Proposed Site Plan Dwg No: MDS 1344/103 rev G. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge. Such visibility shall thereafter be maintained at all times.
- Reason: To ensure sufficient visibility is provided in the interests of highway safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)
19. **Parking and Turning Areas (Pre-occupation)**
No occupation shall commence until the vehicular parking and turning areas have been constructed in accordance with details shown on the approved plan Proposed Site Plan Dwg No:

MDS 1344/103 rev G. The vehicular 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).

20. **Renewable Energy (Bespoke Trigger)**

Prior to any development above slab level a detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority . This shall demonstrate how the development has incorporated all practical measures through siting, layout and design, and maximised the opportunities 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 the development meets the Council's climate change objectives in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works.

21. **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).

22. **Hard Landscaping (Pre-occupation)**

No occupation shall commence until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Development Policies 1, 3, 4 and 7 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 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the 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. Contaminated Land Watching Brief

If any unforeseen contamination is found during excavations, Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

3. 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.

4. 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.

5. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 01458 837100) prior to commencing works adjacent to the public highway.

6. 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.

7. 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.

8. 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/>

9. Footway Works Legal Agreement:

The provision a 2m wide footway adjacent to Wrexham Road as shown on submitted plan Proposed Site Plan Dwg No: MDS 1344/103 rev G and required through planning condition will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

10. Advance Payments Code (APC):

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access,

it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.