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| Case Officer | Charlotte Rogers |
| Site | Myrtle Farm Milton Lane Wookey Hole Wells Somerset |
| Application Number | 2022/1138/FUL |
| Date Validated | 14 July 2022 |
| Applicant/ Organisation | Mr O Poole |
| Application Type | Full Application |
| Proposal | Erection of 1no. three bedroom detached dwelling |
| Division | Mendip West Division |
| Parish | St Cuthbert Out Parish Council |
| Recommendation | Approval |
| Divisional Cllrs. | Cllr Heather Shearer Cllr Ros Wyke |

3. **what.three.words: lavender.cotton.soonest**

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

This application has been referred to the Planning Board as the proposal represents a departure to the development plan as the proposed dwellings are outside the development limits as defined in the Mendip District Local Plan Part 1 (December 2014).

Description of Site, Proposal and Constraints:

The application relates to an area of Farmyard at Myrtle Farm, Milton Lane. The site benefits from previous planning permission under Local Planning Authority reference 2020/0689/FUL for the erection of 5no. dwellinghouses.

This application seeks to amend the previous permission by seeking amendments to the single storey L-shaped property located on the southeast side of the site. The proposed amendment includes the dwelling becoming a two-storey property on one side of the L-shape that runs adjacent to the highway. The proposal is to maintain the proposed materials and overall architectural style of the previously approved application.

Relevant History:

2020/0689/FUL – Proposed demolition of existing barns and the construction of five permanent dwellings including new access and parking. Approved 27.08.2020

2018/0114/FUL – Proposed demolition of existing barns and the construction of five holiday cottages including new access and parking. Approved 04.07.2018

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

Ward Member: No comments received

Parish Council: Recommend approval – The Planning Committee would like to ask Mendip District Council to note the 1.5m depth of excavations is acceptable in mitigating objections of the building height.

Local Representations: Three letters of objection have been received raising the following summarised points –

- Loss of views for existing properties in the area.
- Concerns in regard to overlooking of existing and the other new residential properties
- Increased light pollution and concerns for the ‘dark skies’ of the AONB.
- The proposed alterations are not consistent with an accessible needs dwelling

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 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)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip’s Landscapes
- DP7 – Design and 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)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Householder Design Guide

Assessment of relevant issues:

Principle of the Use:

The application site is outside, although adjacent to the development limits of Wookey Hole and therefore is considered a departure to the Development Plan. The application site benefits from a previous planning permission for the erection of five dwellings under Local Planning Authority reference 2020/0689/FUL.

The current application seeks to amend the design of one of the five dwellings previously approved in terms of its height, scale and massing to add an additional storey to one section of the previously approved dwellinghouse. The footprint of the property is to remain as previously approved with the proposed alterations purely being the amendment to the height. As such, the principle of a dwelling within the proposed location has previously been established.

The previously approved dwelling was proposed as a single storey accessible dwelling. The current proposal is to create a second storey and to amend the internal arrangements and as such would no longer be considered an accessible dwelling.

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

The previous application granted permission for a single storey L-shaped dwelling alongside a terrace of four dwellings. This application seeks to amend the permission for the L-shaped dwelling to add additional space at a first-floor level. The footprint of the proposed dwelling is unchanged from the extant permission with alterations to the overall scale and massing of the proposed dwelling. The addition of an extra storey on one element of the proposed dwelling will not result in an unacceptable level of harm to the character and appearance of the surrounding area.

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.

Given the sensitive nature of the surrounding area, should planning permission be granted, permitted development rights could be removed through the implementation of conditions. This would ensure that any further development at the site can be appropriately assessed by the Local Planning Authority to ensure the works are sensitive to the character and appearance of the surrounding area.

Impact on Residential Amenity:

It is recognised that the introduction of an additional storey will alter the relationship of the proposed dwelling with the surrounding residential properties. The proposal includes the introduction of a window at first floor level on the western elevation of the dwelling. This window is to be located approximately 20m from the boundary of the nearest residential property to the southwest of the application site.

Concerns were raised in regard to the loss of views that the additional storey would result in. This is not a material planning consideration however it is deemed that the additional height would not result in a significant change as the property is to be set down and therefore the proposal would not result in an overbearing impact on the nearby residential properties.

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.

Assessment of Highway Issues:

The proposed access has previously been approved under Local Planning Authority reference 2020/0689/FUL and the current application maintains the proposed access arrangements as previously approved. The proposed parking arrangements and courtyard area are acceptable and would enable vehicles to enter and exit the site in forward gear.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Area of Outstanding Natural Beauty:

The proposed alterations to the previously approved consent are minimal in terms of impact on the Area of Outstanding Natural Beauty. The materials proposed are sympathetic to the surrounding area. The proposed additional glazing is minimal in nature and within the surrounding context would not result in an unacceptable level of additional light spill.

The proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Impact on the Setting of a Listed Building:

The principle of the dwelling within this proximity to the nearby Grade II Listed Building has been established. The proposed amendments to the previous permission would not impact the relationship between the application site and the designated heritage asset.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance. The proposals would preserve the setting of the listed building, thereby resulting in no harm to the significance of the designated heritage asset. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

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.

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:

Location Plan

227 1/A

227 2/A

227 3/A

227 4/A

Validated 14.07.2022

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

3. **Removal of Permitted Development Rights - No extensions or alterations incl roof (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement (including additions or alterations to the roof/s) of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority in the interests of the character and appearance of the area, particularly the AONB, and the living conditions of neighbouring properties in accordance with Policies DP1, DP4, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)

4. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority in the interests of the character and appearance of the area, particularly the AONB, and the living conditions of neighbouring properties in accordance with Policies DP1, DP4, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Removal of Permitted Development Rights - Boundary treatment (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no boundary treatment to the dwellings hereby permitted shall be altered or installed within the curtilage of the dwelling(s) hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further boundary treatment requires detailed consideration by the Local Planning Authority in the interests of the character and appearance of the area, particularly the AONB, and the living conditions of neighbouring properties in accordance with Policies DP1, DP4, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. Parking and Turning Areas (Pre-occupation)

No occupation shall commence until the parking and turning areas have been constructed in accordance with details shown on the approved plan, Proposed Site Plan Dwg No: 227 3/A. The approved parking area shall be kept clear of obstruction at all times and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided 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).

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

8. Access (Pre-occupation)

No occupation shall commence until the proposed access has been constructed in accordance with details shown on the submitted plan for application 2020/0689/FUL, Proposed Site Plan Dwg No: 717 - 4/1/A as referenced on plan 227 3/A submitted within this application, but notwithstanding the details on that plan, the gradient of the proposed access shall not be steeper than 1 in 10 and it shall be properly consolidated and surfaced (not loose stone or gravel) for at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway. The access shall be made available for use before occupation and maintained thereafter in that condition at all times.

Reason: To ensure that suitable access is 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).

9. Cycle Parking (Pre-occupation)

No occupation of the development shall commence until an area for the storage of bicycles shall be laid out, constructed and drained in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate and safe parking is provided 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).

10. **Provision and Storage of Recycling and Waste Containers (Pre-occupation)**

No occupation shall commence until provision for the storage of recycling and waste containers has been made within the site in accordance with the Waste Recycling and Management Plan (dated 14/07/2022).

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Policies DP3, DP7 and DP9 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. 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.
3. 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.
4. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The applicant is also advised to review the consultation response from the Rights of Way Group.
5. 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.
6. 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.
7. 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/>