

Case Officer	Anna Clark
Site	Land At 373638 144529 Burts Hill To Nunney Catch Roundabout Trudoxhill Frome Somerset
Application Number	2021/2387/FUL
Date Validated	4 November 2021
Applicant/	Mr P Charlton
Organisation	Paul L Charlton Haulage Ltd
Application Type	Full Application
Proposal	Change of use of agricultural land to a haulage depot (sui generis) and the construction of an HGV workshop, associated yards, depot infrastructure and access.
Division	Mendip Central And East Division
Parish	Trudoxhill Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

**What three words:** [///insolvent.brick.claw](http://insolvent.brick.claw)

### **Referral to Planning Committee:**

The application has been referred to the Area East Planning Committee as the officer recommendation is contrary to the parish council.

### **Description of Site, Proposal and Constraints:**

The site is an agricultural field with a site area of approximately 1 hectare. The site lies approximately 100m to the south-west of the Nunney Catch roundabout on the south-eastern side of the A359.

There are residential properties to the north-east of the site along with some commercial timber yard activity and roadside business uses beyond that extend around the roundabout. On the opposite side of the A359 is a farm with a carp fishing lake and residential properties and a site allocated in the Mendip Local Plan Part II: Sites and Policies (LPP2) for Future Employment Growth (specifically for Distribution uses). Otherwise, the site is bounded by agricultural fields.

The site lies outside of development limits. It is also within Band C of the Bat Consultation Zone for the Mells Valley SAC and a SSSI impact risk zone.

The application seeks full planning permission for the change of use of this agricultural land to a business use, comprising of a haulage depot (sui generis). It would involve the construction of an HGV workshop, associated yards, depot infrastructure and access. The HGV workshop would be approximately 28m by 26m with an internal gross floor area of 928sqm (728sqm workshop, 200sqm office). It would have a gabled roof approximately 6.9m to the eaves and 8m to the pitch.

The application is submitted by a local haulage company.

**Relevant History:** None

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

Postlebury Ward Member: No comments

Trudoxhill Parish Council: Recommend refusal

- The council heard compelling arguments both for and against this application.
- Acknowledged that although Trudoxhill is a rural parish that values the agricultural community and greenfield setting and is wary of setting precedent in converting productive agricultural land to other use; its residents are employed and supported by the quarrying and haulage industry and there are planning policies in place to support the locating of small, in keeping businesses locally.
- This local haulage business had put a lot of time and effort into seeking suitable alternative premises and have invested heavily in responsibly minimising the impact of the site wherever possible on the neighbours and the environment in the building fabric, design, siting and equipment purchased.
- All representations from parish residents, however, were in objection, notwithstanding the supportive comments from further afield; and the council was not satisfied that due consideration had been given to neighbours' welfare, especially since they had made multiple attempts to contact the applicants to be involved in the process, an action which may have uncovered further mitigating concessions such as screening bunds and further ecological barriers.
- Should the officer decide to approve this application, the council would strongly advocate for conditions to be attached to the consent in order to minimise the impact on the local residents - suggestions would include a high planted bund and acoustic fence, maximum sound insulation protection for the workshops and no floodlights for overnight security.

*Following re-consultation:*

- The council understands the problem the haulage company faces, but still finds this

site inappropriate for conversion.

- The council finds nothing in the newly updated information that would change their previous recommendation, which remains a recommendation of refusal.

Local Highway Authority (SCC Highways): No objection, subject to conditions

MDC Environmental Protection: No objection, subject to conditions

- Conditions and advisories required as a set of controls to sufficiently limit any potential detriment to amenity.

MDC Tree Officer: No objection, subject to conditions

Natural England: No objection

- Concurs with the Habitats Regulations Assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

SCC Ecologist: No objection, subject to conditions

- Completed a Habitats Regulations Assessment that confirms the proposed development is unlikely to have an adverse effect on the integrity of the Mells Valley SAC alone or in combination, provided the mitigation measures outlined are subject to condition.

MDC Drainage Engineer: No Objection, subject to conditions

Local Representations:

27 letters of objection have been received raising the following summarised issues:

1. Development should not take place on "Green Belt" land.
2. Loss of agricultural land for food production and countryside preservation
3. There are more suitable sites for this use
4. The principle of an HGV workshop and transport depot adjacent to residential properties is unacceptable within this rural area
5. Block light and views to the nearby bungalow "Cherry Blossom"
6. Noise and disturbance, vibration, poor air and light pollution to the detriment of residential amenity, particularly the mobile home at Braeside Farm and the Cherry Blossom.
7. Fumes and noise from the vehicles will have a negative impact on the environment and on the health of neighbouring residents.
8. Adverse impact on the character and appearance of the area
9. Highway safety concerns given poor visibility, proximity of access to the roundabout, speed of traffic using the A359, its use by HGV's
10. Exacerbate existing concerns re: lack of safe crossing for pedestrians given no lighting

and footpaths

11. Traffic generation
12. Impact on biodiversity and habitats including trees, hedgrows and lake.
13. Impact on climate change
14. Precedent for other companies wanting similar premises.
15. Would undermine the potential delivery of a sequentially preferable site- the one opposite identified in policy DP25 of the LPP2 and be contrary to CP3 and CP4 of the LPP1
16. Suggest they put solar panels on the buildings.

20 letters of support have been received on the following summarised grounds:

1. Would provide a long term base for a well established local transport business which is very important to the long term future of this family grown business
2. Important investment and growth to support the local quarry and construction industry and wider economy.
3. Will secure local jobs and enable the business to expand and create further employment opportunities.
4. Would be closer to the business's customer which would reduce lorry miles, and be better for the environment.
5. Would take HGV use off less appropriate roads and junctions for the benefit of highway safety and noise disturbance.
6. Close to a trunk road and main HGV routes.
7. HGVs are cleaner and with lower emissions than many cars
8. Lack of alternative available industrial sites in the area
9. Compatible with similar uses around the roundabout
10. Would not be detrimental to neighbouring amenity based on relationship of neighbour to current site
11. Discrete site

Full details of all consultation responses can be found on the Council's website [www.mendip.gov.uk](http://www.mendip.gov.uk)

### **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 Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022
- 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
- CP3 – Business Development and Growth
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip’s Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bats Protection
- DP7 – Design and Amenity
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- 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
- DP27 – Highway Infrastructure Measures for Frome, Beckington and Rode

**Other possible Relevant Considerations (without limitation):**

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Landscape Assessment of Mendip District (May 1997)
- Mendip Landscape Character Assessment 2020, consultation draft

**Assessment of relevant issues:**

**Principle of the Use:**

Whilst the site is outside of development limits, where development is strictly controlled, in accordance with policy CP1 – Mendip Spatial Strategy, development may be permitted in line with the provisions set out in CP4 – Sustaining Rural Communities, to meet specifically identified local needs within those communities.

Policy CP4 (among other matters) supports proposals for development of the rural economy which: enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it. (CP4.4.b.).

The National Planning Policy Framework NPPF at paragraphs 84 and 85 is even more supportive of the rural economy. Paragraph 84 requires decisions to enable the sustainable growth and expansion of all types of business in rural areas through, among other means, the development and diversification of agricultural and other land-based rural businesses.

Paragraph 83 recognises the need for planning decisions to address the specific locational needs of different sectors, to include (along other things) making provision for storage and distribution operations at a variety of scales and in suitable accessible locations.

The application makes it clear that the proposed building is intended for the applicant, Paul L Charlton Haulage Limited.

As explained in the Planning Statement and Alternative Site Search Report the business is a well-established business with long standing links to the local area. It is currently located at Hapsford, close to Frome, on a rented site which does not provide sufficient yard or workshop space for the existing fleet. The location of the current site is also a barrier to the business being competitive as it requires unproductive travel time each day for the HGVs to circumnavigate Frome before accessing the Mendip quarries to haul stone back to delivery sites, all mainly east of Frome.

The business is also struggling with security of tenure issues on its current site and despite looking for a number of years has been unable to find any suitable alternative sites.

The applicants have conducted their own search for premises over the last 3 years as evidenced in the submission, but it is claimed the other sites considered were found to be either not available for sale, unsuitable by way of location or not large enough.

Having reviewed the site search and the operational restrictions on the business as reflected by paragraph 83 of the NPPF, it is considered that the identified search area is justified.

Of the most feasible sites found and considered, the site on the opposite side of the A359 identified in LPP2 as a Future Employment Growth Area (specifically for Distribution uses) and named “Nunney Catch” has been ruled out as it is not available for third parties. However, the fact this site has been allocated with distribution uses in mind highlights an

acknowledged need for such sites in local plan making.

Selwood Garden Village has also been ruled out as it would not be available in time and in an HGV depot use would not be aligned with the current proposed masterplan for site.

Sites at Evercreech, Pylle, and Haydon have been ruled out as they would impact negatively on the viability of the business being too far west of the defined target zone (as explained further in the site search document). Given both the transport and construction sector requirements and the challenge to business viability, offering these locations as a realistic alternative for this Frome-based business would not fit with the acknowledgement of paragraph 83 of the NPPF.

The conclusion that there are no suitable alternative sites that better meet the Council's Spatial Strategy, within an identified and justified search area is therefore accepted.

The proposed site is ideal for the business, being in the centre of the area which its business supplies; closer to the majority of the workers than the current site in respect to drive to work time and distance; and in a good location from a strategic highway perspective.

By the very nature of the business, serving the local quarrying community, the customer base is depicted by the location of Mendip's quarries which are rural in nature, and rural and so a town centre location would not be any more accessible to these quarries.

The proposal would enable the expansion of the business to support the local quarrying businesses and would provide an additional 15 jobs in addition to securing the relocation of the existing jobs.

Whilst the development is not typical of a rural area given measures to minimise its impact and the context set against the LPP2 site allocation for distribution uses opposite and road side uses around the roundabout, the proposal is considered to be provided in a manner and a scale that is appropriately sensitive to the location and surroundings, especially given the operational requirements of its use, its benefits to the rural economy and the lack of a suitable alternative sites in the district.

The visual impact and residential amenity are assessed further in the sections below.

Core Policy 3, which supports business development and growth where in accordance with policies CP1 and CP4, is also relevant. It also supports proposals that encourage a diverse robust, thriving and resilient local economy; enhance the image of the area and a business location; offer higher quality job opportunities to local people or improve the skills of the resident workforce and consider options for the use of local contractors and supply chains in the construction and subsequent running of the enterprise. These are all intended to be

fulfilled, albeit not all enforceable. Policy CP3 additionally supports proposals where they limit the growth in demand for private transport and are accessible by sustainable transport modes.

Whilst opportunities for this are limited with this proposal due to its nature, the fact that the business would be closer to existing employees and within the centre of the company's area of search, which is based on proximity to its customers and supply chain, is beneficial in sustainability terms. Notably, the NPPF (paragraph 85) makes it clear that to meet local business and community needs in rural areas, sites may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport.

It goes on to advise that in such circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

The highway section below confirms the impact on local roads would be acceptable and makes provision for cycle and electric vehicle charging to maximise opportunities for sustainable transport. Paragraph 84 also encourages the use of previously developed land and sites that are physically well-related to existing settlements where suitable opportunities exist, but that is not to preclude those that are not.

The land is classed as Grade 3 Agricultural Land, at the lower end of Best and Most Versatile land and at a site area of 1 hectare is well below a level where Natural England is required to be consulted or where alternative development should be precluded.

In summary, the business meets specifically identified local needs within this agricultural area; it would benefit the local rural economy; there are no suitable alternative sites within development limits within the catchment area; and the proposal would generate additional employment opportunities at a time when employment opportunities have been shattered in the wake of the coronavirus pandemic.

It is therefore considered on balance that the proposed building would be acceptable in principle. Although it should be noted that an increase in the scale of the business or change of use to another industrial use that does not have a specific need for this strategic highway location in the future would require further detailed consideration given its location outside of development limits.

## **Landscape Impact**

Policy DP4 of the LPP1 states:

*"Mendip district is defined by its landscapes. Proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape*



*will not be supported. Any decision making will take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.”*

At criterion 3 policy DP4 states:

*“Outside of designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas, including cultural and historical associations, as detailed in the “Landscape Assessment of Mendip District.”*

A Landscape and Visual Impact Assessment (LVIA) has been submitted that concludes that the effect of this development on the landscape character would be ‘Minor’ and the effect on visual amenity for majority of receptors would be ‘Slight’. The overall impact of the proposed workshop and yards would therefore be classed as ‘Minimal’ and the cumulative impact judged as ‘not significant.’

The scheme although not wholly in accordance with the pattern of natural and man-made features of the locality, has been shown by the LVIA to have a ‘minimal’ impact and hence is not so significant as to warrant refusal on this issue alone.

The applicant has made efforts to mitigate any potential impacts on the landscape through boundary treatment, landscape planting and maintenance proposals, and restrictions on lighting.

Accordingly, on balance the development is considered to comply with DP4: Mendip’s Landscapes of the adopted Local Plan Part 1 (2014) and Part 11 of the National Planning Policy Framework.

Regardless, as demonstrated by the ‘principle’ section above, the applicant has sought and failed to find an alternative location within the district; has clear justification for a rural location; and the economic benefits are considered to outweigh any harm to the local landscape.

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

The main depot building has been designed to be of a simple industrial style with metal cladding. It would have a footprint approximately 28m by 26m with an 8m ridge height. Solar panels are proposed on the roof.

Given the building and lorry wash would be tucked in behind an existing mature treelined hedge (which would be better managed through the landscape proposals) along the A359, and the building is set back from the site boundary, the visual impact of these structures

from the street scene would be minimal. Although the site access would be visible the proposed landscape planting would help soften its appearance and screen the expanse of parking and turning areas.

The Landscape section identifies further measures to mitigate the visual impact of the proposal and confirms its minimal impact in broader landscape terms.

Whilst the development is not typical of a rural area given the context of the nearby roadside uses and the proposed screening, plus the opportunity to ensure it is finished in matt natural colours to blend in with the backdrop it is considered that it would maintain the character and appearance of the surrounding area. The proposal accords with Policy DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

### **Trees:**

There are many trees within and adjoining the site that make a significant contribution towards the character and appearance of the area over short and long-range views, and hence are important landscape features.

Following re-consultation on revisions and additional information the Council's Tree Officer raises no objection. Those trees worthy of retention would be adequately protected where practically possible and that for those that are not, sufficient compensatory planting would be provided, subject to the recommended conditions.

The proposal should comply with Policy DP1 and DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the NPPF.

### **Impact on Residential Amenity:**

The proposal should comply with Policies DP7 and DP8 of the adopted Local Plan Part 1 (2014) and Part 12 of the NPPF. The considerations in relation to these policies include the design, scale, massing and siting of the proposed development, and that 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, dust, traffic or other disturbance.

The application is supported by a noise impact assessment that has been reviewed by the Council's Environmental Protection Team.

The mitigation mentioned in the report has been included in the design of the scheme and the recommended extensive conditions to protect residential amenity, in particular the key sensitive receptor, Braeside Farm and the mobile home adjoining the site.

The key physical mitigation to minimise the impacts of the development on this neighbour comprise a 3m high acoustic fence that has been sited to minimise any potential noise impact and create a barrier for any potential spray, dust or fumes, whilst not being set so close to this property as to create any unreasonable overbearing impact. The acoustic fence would be approximately 5m off the boundary with this neighbour. In assessing the potential overbearing impact of this fence, consideration should be had to the fallback position that the owner of the application site could erect 2m high boundary treatment along the site boundary with this neighbour without the need for planning permission and it should be borne in mind that the right to a private view / outlook is not a material planning consideration. In addition to the fence the existing treelined hedgerow along this boundary would soften the impact for the neighbours to the north-east.

The positioning of the building and lorry wash, which would be separated from the site boundary by approximately 15m to include a green buffer margin and the acoustic barrier, would create a further barrier between the HGV movements on site and the neighbours to the north-east. The acoustic barrier and attenuation pond would separate the car movements from these neighbours.

The external lighting has been designed to ensure it does not exceed 0.5 Lux along the boundaries to avoid harm to light sensitive bats and as a result would not result in any light spill that would adversely affect adjoining neighbours. A lighting design plan has been submitted that clearly shows the anticipated light spill and levels.

Due to the distances and screening involved, no other residential properties would be unacceptably affected by the development.

The Council's Environmental Protection Team have reviewed the scheme thoroughly and subject to the proposed conditions raise no objection.

In summary, 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 proposal should comply with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the NPPF. The considerations in relation to these policies include traffic generation, highway safety, the means of access, and parking and turning arrangements.

Following amended plans and additional supporting information from the transport consultant, the Local Highway Authority (LHA) are satisfied that the local highway network can cope with the additional traffic generated including HGV's. As the vehicles from the site do not intend to use the A36, which is accepted given the distance, customer and supply base and the routes of Charlton's existing operations, site do not use the A36 trunk toad no contribution in relation to policy DP27 is reasonable or necessary.

The LHA is also satisfied the proposed new access and visibility splays would meet highway safety requirements. Adequate parking and servicing arrangements are also included in the design, subject to conditions to secure covered bicycle, motorcycle parking and electric vehicle charging points.

Conditions are also recommended, as per the LHA consultation response to ensure the new access is constructed in accordance with the approved drawings, to secure visibility splays, parking and turning areas to be maintained in accordance with approved plans, to provide to ensure any gates are hung inwards and set back from the carriageway and to ensure the development is carried out in accordance with an approved Construction Environmental Management Plan.

Although the LHA seeks the approval of details of disposal of surface water so as to prevent its discharge onto the highway, site wide drainage is covered separately and the issue of drainage onto the highway is covered by separate highway legislation. The LHA also seeks a condition to require a survey of the condition of the adopted highway to be before development commences and for any damages made to be repaired prior to occupation. However, this proposed condition is not considered to meet the tests of conditions (as set out at para 55 of the NPPF) because it would not be possible to prove if this development or another road user had caused any damage that may occur in this timeframe.

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.

### **Ecology:**

The site lies within Band C of the Mells Valley Special Area of Conservation (SAC) (and is not far away from Band B, which starts around 350m to the north of the application site), which is designated for its greater horseshoe bat features. It is also in a SSSI impact risk zone.

The Council's Ecology Service has undertaken a Habitat Regulations Assessment (HRA) of the proposal given the potential for significant effect on the nearby European designated ecology sites. Natural England confirmed they agree with the conclusion of the Habitat

Regulations Assessment that there is no likely significant effect on European designated sites as a result of the development proposals, subject to the conditions. Natural England have endorsed the conclusions and conditions of the HRA. The conditions in the HRA would ensure adequate bat replacement habitat would be provided, the approval and implementation of a suitable construction Ecological Environmental Management Plan, and that external lighting shall only be installed if in accordance with the submitted details, to ensure no likely significant effect on the Mells Valley SAC and are therefore considered reasonable.

Additionally, following a review of the submitted Ecological information and revised plans, the County Ecologist seeks conditions to restrict vegetation removal, protect vegetation proposed for retention, ensure reasonable avoidance measures and informatives to protect badgers, bats, birds, and other fauna, which are all considered reasonable to safeguard ecology.

Conditions are also proposed to provide bird boxes, a hedgehog house and an insect hotel, which together with the other ecological enhancements controlled by landscaping and replacement bat habitat conditions are reasonable to enable the development to achieve biodiversity net gain in accordance with paragraph 174(d) of the National Planning Policy Framework.

### **Flood Risk and Drainage:**

The proposal should comply with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the NPPF. The considerations in relation to these policies include the impact on flood risk, or danger to water quality.

The site is located in Flood Zone 1 and is shown to be at very low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map.

The proposals will increase the impermeable areas of the site and therefore the volume of surface water runoff. A surface water drainage strategy is provided with the application. Ground investigations have concluded that the site is unsuitable for infiltration, therefore a sustainable drainage system is proposed for the management of surface water.

Discharge from the sustainable drainage system is proposed to a new drainage ditch connecting the site with an existing ditch to the south which drains to the Marston Brook. The land on which this is proposed is outside the red line boundary for this application, but third-party agreement for the works outside of the site boundary has been obtained.

The proposed drainage system would utilise an attenuation basin and swale, water from the yard area will be directed to the drainage system via a full retention separator. Analysis of

the water quality in accordance with the CIRIA SuDS Manual has been undertaken as part of the drainage strategy.

Non-mains foul drainage is proposed to a package treatment plant as indicated on the supplied plan. Whilst details of the proposed management of treated effluent are not provided, it is assumed that it will be discharged to the watercourse via the same route at the surface water drainage, which is acceptable. The effluent produced by the lorry wash should be managed in accordance with the appropriate pollution prevention guidelines and a condition is sought to obtain more details.

The proposal is therefore considered acceptable, subject to conditions, in flood risk and drainage terms, in accordance with policies DP7, DP8 and DP23 of the adopted Local Plan Part 1 (2014).

### **Sustainability and Renewable Energy:**

All practical measures for the conservation of energy have been included in the design, layout and siting of the proposal. To include solar panels on the roof. Additionally, conditions to secure the provision for cycle parking and electric vehicle charging has been included.

### **Refuse Collection:**

Although no specific storage location has been identified, there is sufficient space within the layout to provide refuse storage and the internal road layout would allow for refuse vehicles. It is therefore considered a condition could adequately ensure sufficient provision for refuse storage and collection.

### **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:**

The proposal is considered to be provided in a manner and a scale that is appropriately sensitive to the location and surroundings, especially given the specific locational needs of haulage business related to the local quarries, its benefits to the rural economy and the lack of a suitable alternative sites in the district. All technical matters have been adequately addressed, including highways, environmental protection and drainage, and there are no objections from statutory consultees. The residential amenity concerns have been mitigated by the provision of an acoustic fence, landscaping, the site layout and conditions that have been shaped by the noise impact assessment and Council's Environmental Protection team.

## **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:

PCH01.02 B -SITE PLAN - EXISTING

PCH01.02 REV C - LOCATION PLAN

PCH01.03.REVD - REVISED PROPOSED SITE PLAN

PCH01.04 REV.D - FLOORPLANS

PCH01.05 REV.D - ROOF PLANS

PCH01.06 REV.D - ELEVATIONS

PCH01.07 REV.C - SITE SECTIONS

PCH01.08.B - VISIBILITY SPLAYS

PCH01.08.C REV.C - ACCESS DETAIL

PCH01.12.REV.B - REVISED DRAINAGE PLAN

PCH01.13.1 - PLANTING PLAN

PCH01.14.1 - LIGHTING DESIGN

PCH01.16 - ACOUSTIC AND BOUNDARY FENCE DETAIL

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 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. 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 DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Surface Water Drainage Strategy (Compliance)**

The development shall only be carried out in accordance with the approved Surface Water Drainage Strategy (Drainage Strategy Land South of the A369, Jubb Consulting Engineers, January 2022).

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Drainage - Lorry Wash (Pre-commencement)**

No development shall commence until a detailed scheme for the disposal of lorry wash 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 site.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in accordance with Policy DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details to include the Acoustic Fence and boundary fence detail plans ref: PCH01.16; the detailed soft landscaping scheme and on-going maintenance as detailed at section 7.1 and 7.2 of the Arboricultural Method Statement titled Arboricultural Report - Detailed Method Statement (PCH01.15.2 / DAMS.Nunney Catch.Depot,v2) dated August 2022; and the Planting Plan.PCH01.13.1. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the



next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**7. Acoustic fence (Pre-commencement)**

No development, other than that required by this condition, shall commence until a 3m high acoustic timber fence (Jacksons Jakoustic Commercial and Highway Barrier or equivalent -superficial mass 25kg/m<sup>2</sup>) has been implemented in full along the boundary of the site with Braeside Farm in the position shown on the approved drawing PCH01.03 RevD Site Plan and detailed on the Acoustic Fence detail plans ref:

PCH01.16. The acoustic fence shall be maintained in accordance with the approved details thereafter.

Reason: To minimise the effect of noise, odour or dust from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15. This is a condition precedent to protect residential amenity from the earliest stages of the development.

**8. Arboriculture - Compliance with Arb Method Statement (Compliance)**

The development hereby approved shall be carried out in full accordance with the approved Arboricultural Method Statement and Tree Protection Plan in the document titled Arboricultural Report - Detailed Method Statement (PCHO1.15.2 / DAMS.Nunney Catch.Depot,v2) dated August 2022.

Reason: To ensure that trees which contribute to the character and appearance of the area, and are to be retained, are not adversely affected by the development proposals in accordance with Development Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation shall commence until the following have been installed within the application site:

- a) Two Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees.
- b) Two Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar

mounted between 1.5m and 3m high on the northerly facing aspect of trees.

c) At least one hedgehog houses will be provided in the BEP. The house should be placed where it will not be disturbed, against a wall, bank or fence if possible and under or near plant cover. Face the entrance away from north or north-east.

d) Installation of one insect hotel (National Trust Apex insect House or similar), to be installed appropriately and positioned at the correct orientation e.g. within one of the hedgerows.

The above features shall be retained as detailed thereafter in perpetuity.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

#### 10. **Bat Replacement Habitat (Pre-commencement)**

No development shall commence until an ecological scheme has been submitted to include the following:

- Bat habitat of the equivalent minimum of 0.47 hectares of optimal habitat which is accessible to greater horseshoe bats. This shall comprise of Planting of standard trees on either side of the new entrance to minimise the gap in vegetation cover along this boundary; maintaining 6m wide buffer areas of existing semi-improved grassland along the northwestern and north-eastern boundary hedgerows; Planting of 80m length of species rich hedgerow with standard trees at least 3m wide along the south-eastern boundary; creation of a 6.2m wide and 75m long buffer area of species-rich grassland alongside the south-eastern boundary hedgerow; and creation of a 6 m wide and 80 m long buffer area of species-rich grassland alongside the south-western boundary hedgerow
- Biodiversity Enhancement (Biodiversity Net Gain).
- Landscape and Ecological Management Plan (LEMP).
- A Programme of implementation.
- Long-term maintenance and management scheme for the bat habitat, buffer and landscaped areas of the site, to include legal and financial mechanisms.

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 species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

11. **Construction Environmental Management Plan (Biodiversity) (Pre-commencement)**

No development shall take place (including ground works or vegetation clearance) until a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including for retained habitats, reptiles, nesting birds and roosting bats (buildings and trees).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
  - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
- The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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 species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Policies DP5 and DP6 and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework 2021. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

12. **Reasonable Avoidance Measures Statement (Compliance)**

The development shall be carried out in accordance with the Reasonable Avoidance Measures Statement (RAMS) within Appendix 3 of the Preliminary Ecological Appraisal (Smart Ecology - December 2021).

Reason: To ensure the strict protection of European protected species and in accordance with policy DP5 of the Mendip District Local Plan Part 1: Strategy and Policies 2006- 2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework

13. **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).

14. **External Lighting (Compliance)**

No external lighting shall be erected or provided on the site unless in accordance with the specifications and locations set out in the approved details (Charltons Haulage Nunny Catch Frome PCH01.14.1 Lighting Design) by Kingfisher Lighting and shall be maintained thereafter in accordance with these details.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, residential amenity and preserving the rural character of the surroundings in accordance with DP1, DP5, DP6, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Access, Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the access, parking and turning areas have been constructed in accordance with details shown on the approved plans: PCH01.03.REVD - REVISED PROPOSED SITE PLAN; PCH01.08.C REV.C - ACCESS DETAIL. The vehicular access, 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).

16. **Cycle and Motorcycle Parking (Pre-occupation)**

No occupation of the development shall commence until covered spaces for not less than 4 staff and visitors' bicycles and parking for 2 motorcycles have been laid out, constructed and drained in accordance with a detailed scheme that shall be first submitted to and approved in writing by the Local Planning Authority. The covered spaces shall be retained permanently in accordance with the approved details thereafter.

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).

17. **Electric Vehicle Charging provision (Bespoke trigger)**

Prior to the construction of any part of the development above damp-proof course level a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development, along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These details should be in accordance with the Somerset Parking Strategy and the Somerset County Council Electric Vehicle Charging Strategy. Thereafter the development shall be carried out in accordance with the approved details and timetable.

Reason: To support sustainable transport objectives in accordance with the Somerset County Council Parking Strategy and Electric Vehicle Charging Strategy and Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

18. **Visibility Splay (Pre-occupation)**

No occupation of the development shall commence until the visibility splay shown on drawing number PCH01.08.B - VISIBILITY SPLAYS has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided 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).

19. **Erection of Gates (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from

the public highway and set back a minimum of 20m from the adjoining carriageway edge to allow for all vehicles required to open the gates to stand clear of the highway.

Reason: To ensure that vehicles do not cause an obstruction 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).

**20. Construction Environmental Management Plan (Compliance)**

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but not limited to, the following:

- a. Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
- b. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included confirming that no burning of site generated waste is permitted.
- c. The parking of vehicles of site operatives and visitors;
- d. Loading and unloading of plant and materials;  
Construction vehicle movements;
- e. Construction vehicular routes to and from site;
- f. Expected number of construction vehicles per day;
- g. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- h. A scheme to encourage the use of Public Transport amongst contractors; and
- i. Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- j. Storage of plant and materials used in constructing the development;
- k. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities
- l. Prevention of nuisance caused by radios, alarms, PA systems or raised voices
- m. Delivery and construction working hours.

And shall confirm:

That noise generating activities shall not occur outside of the following hours:

Mon - Fri 08:00-18:00

Sat 08:00 -13:00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To minimise the effect of noise, odour and dust and traffic movements

from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development and in the interests of highway safety, in accordance with Policies DP7, DP8, DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

21. **Restriction to workshop operations (Compliance)**

The workshop operations hereby approved shall only take place within the confines of the workshop hereby approved with all external openings closed; or within the following times:

Mon - Fri 07:00 to 18:00 hours; and

Sat - 07:00 hours to 13:00 hours.

Reason: To minimise the effect of noise, odour or dust from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

22. **Noise scheme for mobile plant or vehicles (Pre-occupation)**

The use hereby permitted shall not commence until a scheme for protecting nearby noise sensitive receptors from noise associated with mobile plant or vehicles linked to the intrinsic use of the development scheme, in particular reversing alarms arising from manoeuvring Heavy goods vehicles (HGV) and/or tractor trailer units, 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 scheme and shall be permanently maintained in that form.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

23. **Commercial vehicle movements on site (Compliance)**

The only vehicle movements (including deliveries and collections) that shall be permitted within the site on a Saturday shall be those by the operators own fleet or any other associated vehicle that is intrinsic to the use as a vehicle depot. Any such vehicle movements on a Saturday shall only be permitted to take place before 13.00hrs.

There shall be no such vehicle movements on site at any time on Sundays or any Public or Bank Holiday.

For the avoidance of doubt this condition does not affect vehicle movements Monday to Friday.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

**24. Deliveries and collections (Compliance)**

Deliveries and collections by commercial vehicles, other than vehicle movements by the operators own fleet of vehicles that are intrinsic to the use as a vehicle depot, shall be taken at or despatched from the site only between the following times:

Mon - Fri 07:00 hours till 18:00 hours

Sat - 07:00 hours till 13:00 hours; and

No such movements or operations shall take place at any time on Sundays or any Public or Bank Holiday.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

**25. Restriction of window and door openings (Compliance)**

All openings on workshop building facades shall be kept closed and not be used for vehicular access or egress between 18:00 hours and 07:00 hours on any day, except in the case of an emergency.

Reason: To minimise the effect of noise, odour or dust from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

**26. Restriction of vehicle spraying or refinishing operations (Compliance)**

There shall be no vehicle spraying or refinishing operations anywhere within the application site (including within the confines of the building) involving any volatile organic compounds.

Reason: To minimise the effect of noise, odour or dust from the development on occupiers of nearby properties in the interests of residential amenity and



sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

**27. Noise limit of plant (Compliance)**

All plant, machinery and equipment installed or operated in connection with the workshop hereby approved shall be attenuated so that noise attributed does not at any time exceed 37dB LAeq,15 minutes at the boundary with Braeside Farm. All assessments shall be taken in accordance with British Standards BS4142:2014 and BS7445: 2003 (including any future amendments to the standards).

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

**28. No Amplified Sound (Compliance)**

No amplified sound shall be generated at any time within the site.

Reason: To minimise the effect of noise from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and having regard to the NPPF in particular chapter 15.

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

The development hereby approved shall not be occupied provision for the storage of recycling and waste containers has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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).

**30. Use clarification (Compliance)**

For the avoidance of doubt the premises shall be used only as a haulage depot and for no other purpose.

Reason: To clarify that the approved use is sui generis and does not benefit from permitted development rights.

31. **Solar panels (Pre-occupation)**

The solar panels shown on the approved plans shall be installed and brought into use prior to first use of the development hereby approved.

Reason: To maximise opportunities for renewable energy generation on site in accordance with DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**Informatives**

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

2. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 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.

3. The applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990 and the provisions of the Anti-social Behaviour, Crime and Policing Act 2014.

Consequently the applicant is advised to produce a vehicle noise management plan to ensure that noise associated with vehicle egress and access, manoeuvring, loading and unloading, the playing of radios etc. is controlled so as to avoid unnecessary impact on nearby amenity.

4. This permission relates to a HGV repair and servicing place without facilities for car body repair or paint spraying, the occupier of the premises is advised that the carrying out of body repairs and the introduction of equipment for paint spraying is likely to require separate planning approval and/or a permit to operate under the Pollution Prevention and Control Regulations 2000. Further information can be obtained from the Council's Environmental Protection Team.
5. The applicant may be required to enter into a suitable legal agreement or license with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement or license well in advance of commencement of development.
6. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (more than 200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
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/>

8. In order to seek approval for details reserved by 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 provide photographs of the materials in the context of the site, and state precisely where on site any samples have been made available for viewing.