

Case Officer	Carlton Langford
Site	Brookover Farm Frome To Radstock Road Buckland Dinham Frome Somerset
Application Number	2022/1991/FUL
Date Validated	5 December 2022
Applicant/ Organisation	N Revie
Application Type	Full Application
Proposal	Conversion of Barn & Garage to form a 2 Bedroom Dwelling. Small Lobby Extension.
Division	Frome West Division
Parish	Selwood Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Martin Dimery Cllr Michael Dunk

**What3Words: flannel.upper.highly**

#### **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:**

This application relates to buildings at Brookover Farm. A disused farm complex situated within the open countryside, a bat consultation zone, an historic park and garden and within a flood zone.

This application seeks full planning permission for the conversion of a barn & garage to form a 2-bedroom dwelling to include a small lobby extension.

Permission has already been given for the conversion of the barn and garage to ancillary accommodation to the house, granted under a Householder Application where the Council

concluded that buildings formed part of the existing domestic curtilage.

This application proposes to convert the barn into a separate dwelling with a modest schedule of external alteration to enable that to happen, all as per the previously approved householder application.

**Relevant History:**

2021/0752/HSE - Conversion of existing barn and garage to form additional bedrooms & home office. Small lobby extension – Approved May 2021.

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

Ward Member: No response

Parish Council: No response

Highways Development Officer: Standing advice.

The Garden Trust: No comments.

Land Drainage: No objections subject to the imposition of conditions.

Ecology: No response.

Environment Agency: No response

Contaminated Land: Due to the nature of farms, it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

Historic England: No comments

Conservation: No comments

Local Representations: 5 letters of support received.

**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
- DP3 – Heritage Conservation
- DP4 – Mendip Landscapes
- DP6 – Bats
- DP7 – Design and amenity
- DP9 – Transport
- DP10 – Parking
- DP23 – Flooding

**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)

**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. In addition with this case as the application site forms part of an existing residential property, paragraph 80(d) of the Framework allows for the subdivision of existing residential buildings even in isolated locations.

Subject to the usual planning controls of design, amenity, highway safety and in this case the setting of the Historic Park and Garden, the proposed development is acceptable in principle.

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

The scheme is as that approved under ref 2021/0752/HSE to include the extension which was considered acceptable within context to include the Historic Park and Garden. To this end the proposal will visually have no more an impact on the area than what has already been approved and therefore accords with Policies DP3 and DP7 of the LP.

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

This revised scheme provides a modest garden area to the rear and courtyard parking to the front. The layout of the scheme will ensure the amenity of the end users of the accommodation and will not prejudice existing neighbouring uses on what is a disused farm.

The proposal accords with Policy DP7 of the LP.

### **Impact on Ecology:**

The Ecological Survey submitted with the application concludes that there was no measurable protected wildlife or wildlife habitats on site to include those for bats.

As a subdivision and not a newbuild scheme, no ecological enhancements are necessary.

The proposal accords with Policy DP6 of the LP.

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

The proposal will utilise and existing access which is acceptable in terms of highway safety and adequate off-street parking and turning will be provided.

The proposal accords with Policies DP9 and DP10 of the LP.

### **Drainage:**

The site falls partially within Flood Zone 2 and a Flood Risk Assessment has been provided with the application. This considers the estimated flood levels in comparison to the levels on the site and proposes the following mitigation measures:

- Finished Floor Levels shall be a minimum of 63.16mAOD;
- Flood resilient construction to be used to protect the building up to 63.40mAOD.
- A Flood Plan should be prepared before the premises are occupied.
- Residents should sign up to the EA Flood Warning system that operates in the area.

Parts of the site are shown to be at high, medium and low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map with surface water flow routes from north to south through the site. The buildings are existing therefore their conversion will not impact these flow routes.

The buildings are existing with the small extension proposed over an existing impermeable area, there will be no increase in surface water runoff from the site. It is proposed to manage surface water using soakaways however the proximity to the river allows for an alternate discharge route should infiltration testing results in accordance with BRE Digest 365 and details of ground water levels will be required to demonstrate whether soils on the site are not suitable for infiltration.

Foul drainage will be connected to the mains sewer.

Subject to the imposition of the conditions suggested by the Drainage officer, the scheme accords with Policies DP7 and DP23 of the LP

### **Refuse Collection:**

Ample space on site.

### **Rights of Way:**

Not impacted.

### **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.

### **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 assessment of the application has confirmed that formation of a dwelling as proposed would result in no identified harm, and whilst the benefits of delivering a single dwelling are recognised there is further support for the application from paragraph 80(d) of the Framework.

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:

963.S.1 and 2.

963.P.1, 2, 3, 4, 5, 6 and 7.

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

3. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing and roofing materials as specified on the application plans and forms.

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. **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 plans. 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).

5. **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 results of infiltration testing, along with details of groundwater levels and soakaway design, in accordance with Building regulations Part H, to verify whether or not soakaways will be suitable for the development. Where soakaways are found to be suitable, details of the soakaways to be installed should be provided. If the infiltration test results or ground water levels demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be detailed and justified instead. The scheme shall also include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details and retained for the life of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy DP7, DP8 and 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.

6. **Flooding - Flood Risk Assessment (Compliance)**

The approved development shall only be carried out in accordance with the approved Flood Risk Assessment (BROOKOVER FARM ORCHARDLEIGH, BUCKLAND DINHAM, FROME. BA11 2PB, Engineering and Development Solutions, 17/11/22) and the following mitigation measures:

Finished Floor Levels shall be a minimum of 63.16mAOD;

- o Flood resilient construction to be used to protect the building up to 63.40mAOD.
- o Residents should sign up to the EA Flood Warning system that operates in the area.

Reason: To limit the risk from flooding and minimise the risk to its occupants in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 14 of the National Planning Policy Framework.

7. **Flood Warning Evacuation Plan (Pre-occupation)**

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 14 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with section 14 of the National Planning Policy Framework.

8. **Flood Warning Evacuation Plan (Pre-occupation)**

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 14 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with section 14 of the National Planning Policy Framework.

## **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 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. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.
5. Due to historic farming activities on site, a watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.  
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.
6. 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.