

Ms. J. Reader-Sullivan
Planning and Growth
Mendip District Council
Cannards Grave Road
Shepton Mallet
Somerset BA4 5BT

06 March 2024

Our ref: J004329

Dear Ms. Reader-Sullivan

Application for the Discharge of Condition 2 of planning permission approved under APP/Q3305/C/22/3305403 regarding Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ

I refer to the above. WS Planning & Architecture have been instructed by Mr. C. Luxmoore, of Hemp Construction Ltd, to prepare and submit an Application for the Discharge of Condition 2 of planning permission approved under APP/Q3305/C/22/3305403 regarding Moors Barn, Marsh Road, Standerwick, Frome, Somerset, BA11 2PZ. In support of the application we attach,

- Completed application forms,
- Appeal Decision Notice,
- Drawing no. J004329-TD-01 As Proposed Site Development Scheme
- Drawing no. J004329-TD-02 As Proposed Site Plan with Drainage Notes
- Drawing no. J004329-TD-03 As Proposed Site Plan with Ecological Notes

This covering letter should be read in conjunction with the submitted documents.

Preliminary Matters

Whilst the details submitted are considered to be favourable to the LPA, it is important to remind the LPA that the necessary tests to be applied on such matters (conditions details) was re-emphasised by the courts on 12 August 2022 in **R. (on the application of Cathie) v Cheshire West and Chester BC**, Bird J held at [65] that the relevant test was,

“... I am satisfied that the test for discharge in the present case is whether the OMP proposed a “satisfactory” solution to the impact of the farming operations

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on residential amenity at the House. It is plain that a satisfactory solution does not need to be an ideal solution...

Therefore, whilst it is recognised that comments in response to the details supplied may be forthcoming, and amendments may be requested, the test to be applied is whether or not the details are satisfactory, i.e. a workable solution and meeting the requirements of the conditions as they are worded. As such, whilst amendments could be sought, the details are considered to meet the requirements of the conditions imposed, and present to the LPA workable solutions, that are satisfactory solutions.

Condition 4 – The Site Development Scheme

Condition 4 of the decision notice states that,

- “2. The mixed use hereby permitted shall cease and all residential caravans, structures, equipment and materials brought onto the land and buildings erected for the purposes of such use, and which do not benefit from planning permissions 116987/003, 2014/0250/VRC and 2014/1433/FUL, shall be removed within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:**
- i) within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme (SDS), including details of**
 - (a) site layout clearly identifying:**
 - the extent of the builder’s yard;
 - the location of all pitches, including the siting of caravans on pitches;
 - areas for vehicular access and turning and manoeuvring; areas of hardstanding;
 - fencing and other means of enclosure;
 - dayrooms, stables, and the location of services;
 - b) the means of foul and surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;**
 - c) a scheme of landscaping which includes all hard and soft landscaping and details of existing boundary trees/hedges and measures for their enhancement, protection and retention;**
 - d) details of all existing and proposed external lighting on the boundary of and within the site; and**
 - e) a scheme for the ecological enhancement of the Land;**
- shall have been submitted for the written approval of the local planning authority, and the said scheme shall include a timetable for its implementation.**

- ii) **within 11 months of the date of this decision the Site Development Scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.**
- iii) **if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.**
- iv) **the approved scheme shall have been carried out and completed in accordance with the approved timetable, and works comprised in the scheme shall be thereafter retained for the duration of the development.”**

The condition requires submission of a Site Development Scheme within 3 months of the date of the decision letter, i.e. by 8th March 2024.

This letter, and the enclosed documents, should be read together as whole. This letter forms a part of the proposed Site Development Scheme (SDS), and its implementation timetable and maintenance plan.

Detail of the Site Development Scheme

I set out as follows the details prepared and submitted for the approval of the Local Planning Authority, which are contained within this letter, and the submitted documents.

Criteria a – Site Layout

With regard to the site layout, this aspect requires various points to be supplied.

The extent of the builder's yard

This area is now defined on the Plan, J004239-TD-03. It is not proposed to extend the permitted builders yard use beyond this area.

The location of all pitches, including the siting of caravans on pitches

This is defined as shown on the submitted plan, J004239-TD-01. It shows the location of the 3 pitches approved within the appeal decision, and the location of caravans thereon.

Areas for vehicular access and turning and manoeuvring

This is not defined on the plan explicitly, but the plan does demonstrate sufficient turning and manoeuvring space, taking account that the change from gravel to tarmac is defined solely on the ground, and that there is no change in levels or hard landscaping to prevent manoeuvring in this area.

Areas of hardstanding

This is clearly defined on the plan, with the lighter grey hatch denoting gravel topped hardstanding, and the darker grey denoting the tarmacadam area surrounding the dayroom.

Fencing and other means of enclosure

This is clearly defined on the plan, and denoted as to the type.

Dayrooms, stables, and the location of services

No new dayrooms are pursued as part of the enforcement appeal decision, and the existing dayroom is to serve the 3 pitches approved.

Foul drainage services are shown on the plan, as are surface water details.

Mains water is provided to the pitches through piping laid beneath the access road, as is electric. Gas is provided in LPG canisters.

Criteria b – Foul and Surface Water Drainage

Attached at **Annex A** is a report prepared for a larger scheme, previously considered by the LPA. This report details the technical specifications which are adopted for this reduced scheme approved.

The report demonstrates that soakaway systems work, with attenuated surface water being channelled at a controlled rate into an existing land drain. These systems are in situ on the site, with works being undertaken to improve drainage on the paddock area, separate to the appeal permissions.

Criteria c – Hard and Soft Landscaping

The hard landscaping proposals are detailed on drawing J004239-TD-01.

A soft landscaped area of grass is situated between the extended site, and the existing site.

The boundary of the site is vegetated, with a variety of existing native species of hedging and interspersed trees. The existing footprint of the site does not encroach into this area, clearly defined behind close boarded fencing, and is to remain unaffected for the duration of the development.

No new planting is proposed internally to the site and existing development footprint, but wildflower planting is proposed in the southwestern corner for biodiversity enhancement measures.

Criteria d – Existing & Proposed Lighting

With regards to the lighting on site, these are shown indicatively on the plan attached at **Annex B**.

All existing lighting is to be retained, and the remaining lighting is that pre-attached to Static Caravans/Mobile Homes, and that already affixed to the existing dayroom. No other lighting is pursued.

Criteria e – Ecological Enhancement

With regards to ecological enhancements proposed, it is considered that segregating an area of the paddock land, divided by post & rail fencing, with stock proof mesh, and undertaking wildflower planting behind is sufficient to achieve a level of biodiversity enhancement on the site.

Further enhancements are proposed, through the provision of Reptile Refugia and Bird Nesting boxes which are to be installed in “Year 2” of the development approved.

It is proposed that the bird nesting boxes be installed within 12 months of the actual implementation of these details, prior to the subsequent nesting season such that installation does not disturb existing bird nesting during season. A total of 3 boxes are to be installed as indicated on the Plan at **Annex B**.

The reptile refugia is proposed to be installed within some of the existing planting. A total of 6 log piles are to be placed along the perimeter of the wider application site as indicated on the Plan at **Annex B**.

Timetable for implementation

The aspects of development proposed to be implemented as per the above, were all, barring ecological enhancements, in situ during the time of WS Planning & Architecture’s prior Conditions Application Submission site visit on 22 February 2024, and therefore are not matters which require implementation. They are implemented details, and should therefore be maintained for the duration of the development.

With regard to the ecological enhancement measures, the 3 bird boxes will be installed in “year 2” of the development (i.e. 2025) post-nesting bird season. The Reptile Refugia will be installed in “year 2” of the development, within the confines of existing vegetation, and the wildflower meadow will be installed during the next planting season.

Landscape Maintenance Scheme

With regard to the maintenance of the existing planting, any hedgerow, tree, or planting that dies, is removed, uprooted, or destroyed within 5 years of their planting shall be replaced by planting of the same, or as closely similar as possible, species during the next available planting season.

The following, good practice, operations shall be undertaken as general maintenance measures within the site:

- (i) Ensure that all planting areas are kept free from litter,
- (ii) Removal of any leaf litter and either compost on the site or remove from site entirely,

- (iii) Regularly undertake weeding of planted areas,
- (iv) Undertake watering (as required) to ensure healthy growth of planting,
- (vi) Ensure that all hardsurfaced areas are swept/treated in order to be kept free from litter and leaves.

After five years the maintenance plan will be reviewed to ensure the satisfactory management of the planting on the site.

Ecological Enhancement Maintenance

Over the period of 5 years commencing from the date the Bird Boxes are installed, there will be continued monitoring of the nesting boxes. The boxes shall be cleaned/maintained every 2-3 years thereafter. Precautionary methods of vegetation clearance shall be employed.

Over the period of 5 years commencing from the date the log piles are installed, there will be continued monitoring of the hibernacula for continued accessibility. Precautionary methods of vegetation clearance shall be employed.

After ten years the maintenance plan will be reviewed to ensure the satisfactory management of the ecological enhancement features on the site.

Conclusion

In summary, it is considered that the details submitted as part of the Site Development Scheme are acceptable, and that Condition 4 can be discharged, to allow the development to be lawfully implemented.

If you have any queries regarding the above, or require clarification on any matters please do not hesitate to contact me.

Yours sincerely,



Peter Brownjohn
Senior Planner