

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 3 October 2023 at 2.00 pm

Council Chamber - Mendip

To: The members of the Planning Committee - East

Chair: Councillor Nick Cottle
Vice-chair: Councillor Edric Hobbs

Councillor Adam Boyden	Councillor Barry Clarke
Councillor Dawn Denton	Councillor Martin Dimery
Councillor Susannah Hart	Councillor Bente Height
Councillor Helen Kay	Councillor Martin Lovell
Councillor Tony Robbins	Councillor Claire Sully
Councillor Alex Wiltshire	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticserviceseast@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12 noon on Friday, 29 September 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by David Clark on Friday, 22 September 2023

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 3 October 2023

Public Guidance Notes for Planning Committees (Agenda Annexe) (Pages 7 - 10)

Click here to join the online meeting (Pages 11 - 12)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 13 - 44)

To approve the minutes from the previous meetings held on 1 August 2023 and 5 September 2023.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three-minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 12 noon on Friday 29 September 2023.

5 Planning Application 2023/0834/FUL Land At 371144 141521 Station Road Wanstrow Shepton Mallet Somerset (Pages 45 - 66)

Erection of four dwellings with associated vehicular accesses and highway works.

6 Planning Application 2022/2434/VRC Millfield School Butleigh Road Street Somerset (Pages 67 - 78)

Application to vary conditions 2 (Plans List) and 5 (Floodlights - Hours of Illumination) of planning approval 2019/1949/FUL.

7 Planning Application 2022/2313/FUL Land At 360261 146054 Thrupe Lane Masbury Shepton Mallet Somerset (Pages 79 - 96)

Conversion of stone built agricultural barn into dwelling.

8 Planning Application 2023/0174/REM Newlyn Back Lane Draycott Cheddar Somerset (Pages 97 - 108)

Application for approval of reserved matters following outline approval 2019/1157/OTA for demolition of existing dwelling and construction of 5 new dwellings. Matters of access to be determined.

9 Planning Application 2023/0814/FUL Land West Of Tanyard Lane North Wootton Shepton Mallet Somerset (Pages 109 - 122)

Erection of dwellinghouse and garage/store outbuilding.

10 Planning Application 2023/0734/FUL Land At 355328 131038 Castle Cary Road Lydford On Fosse Somerton Somerset (Pages 123 - 144)

Erection of 1no. single storey dwellinghouse.

11 Planning Application 2023/0611/FUL Little Tynning Charlton Road Holcombe Shepton Mallet Somerset (Pages 145 - 156)

The conversion of an existing garage and workshop to residential accommodation and additional hard standing area with drainage.

12 Planning Application 2023/1288/FUL Footlands Ivythorn Lane Walton Street Somerset (Pages 157 - 164)

Change of use of land from agricultural to residential garden.

13 Appeals Report (Pages 165 - 166)

A report showing decisions made by the Planning Inspectorate between 18th August 2023 and 18th September 2023.

Other Information:

Exclusion of the Press and Public for any discussion regarding exempt information

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will be asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).
(Or for any other reason as stated in the agenda)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to democraticserviceseast@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.

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Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 1 August 2023 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)
Cllr Edric Hobbs (Vice-Chair)

Cllr Adam Boyden	Cllr Barry Clarke
Cllr Dawn Denton	Cllr Martin Dimery
Cllr Susannah Hart	Cllr Bente Height
Cllr Helen Kay	Cllr Martin Lovell
Cllr Tony Robbins	Cllr Claire Sully

32 Apologies for Absence - Agenda Item 1

Apologies for absence were received from Councillor Alex Wiltshire.

33 Minutes from the Previous Meeting - Agenda Item 2

The Committee was asked to consider the Minutes of the meeting held on 4 July 2023.

Councillor Helen Kay proposed some amendments as follows:

On page 23, in the committee discussion, the 5th bullet point to read “**cost of running of** the air source heat pumps **and the noise emitted**”. This was proposed by Councillor Helen Kay and seconded by Councillor Claire Sully. There were 5 in favour and 2 against this proposed amendment, therefore the proposal was carried.

She also proposed a change to the 6th bullet point to add “**which if found to be a problem might lead to ‘viability’ issues for the developer and result in them reapplying for permission with fewer affordable homes.**” The amendments were proposed by Councillor Helen Kay and seconded by Councillor Susannah Hart. There were 8 votes in favour and none against.

Subject those amendments, the Minutes were approved as a true and accurate record of the meeting.

34 Declarations of Interest - Agenda Item 3

There were none.

35 Public Question Time - Agenda Item 4

There were none.

36 Schedule of Applications - Agenda Item 5

This was noted.

37 Application 2020/0832/OTS Land at 345552 136293 Main Street Walton Street Somerset - Agenda Item 6

Application for Outline Planning Permission for the erection of 6 dwellings with all matters reserved except access.

The Officer's Report stated that this application had been referred to the Planning Committee as the site was located outside the housing settlement limits so would be a departure from the existing adopted Development Plan. The Officer Recommendation was for approval.

The Report continued that the site was located adjacent to the Main Street (the A39) in Walton, Street and the application sought outline planning consent for 6 dwellings with only the means of access to be determined by this application.

The Divisional Member had requested the application be referred to the Committee. The Parish Council had objected to the application and there had been 3 letters of objection and 1 supporting comment from local residents. The concerns included:

- Development would be outside the development limits and would create urban sprawl
- Impact on the environment
- Highway safety
- Loss of privacy for neighbouring dwellings

In conclusion, the Officer's Report said that significant weight should be given to the NPPF which encouraged delivery of sustainable development, and the lack of a five-year housing supply in the Somerset East area. The proposal would deliver economic, social and environmental benefits. The Report recognised the impact of living conditions and loss of privacy but said there was sufficient space within the

site to accommodate the number of dwellings proposed. Overall, the development was sustainable and the application was therefore recommended for APPROVAL subject to conditions and planning obligations secured in a S106 legal agreement.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by an objector to the application. His comments included:

- The proposed access is already used by 4 dwellings.
- Exit onto the A39 is on a blind bend. There had been 3 car accidents recently.
- A construction site opposite the exit where 9 further dwellings are being built will make it even more dangerous.
- The site is outside the development limits.
- The bat survey referred to was not done for this application but was carried out for a previous application and did not mention presence of bats, which are evident.
- Walton is a small village and has already had 44 new houses in the past year. It has had more than its fair share of new dwellings.

On behalf of Walton Parish Council, a speaker then made the following points:

- The development was outside the development limits of the parish and would spoil the entrance to the village and erode the green area.
- 54 homes had been completed or consented since March 2017 and anything proposed outside the development limits should now be refused.
- The proposal is to use existing access but this is on a dangerous curve in road and would increase the hazard.
- The biodiversity net gain had not been demonstrated.

Councillor Ros Wyke then spoke. She advised that she was the Divisional Member. She opposed the application for reasons of highway safety and the significant amount of traffic already using the road to access the motorway. Also, it was outside the development boundary and it would be a mistake to keep adding more houses outside of the limits. She also had environmental concerns such as the lack of biodiversity net gain.

The final speaker was the applicant's agent who made the following points:

- Walton is a secondary village. The housing target is a minimum.
- It is a sustainable village and is not in a remote location.
- A pedestrian crossing and pavement link will be built to ensure pedestrian safety.
- Without a 5-year housing supply the presumption is in favour of sustainable

development.

- The application should be approved unless significant harm that outweighs the benefits can be demonstrated.
- No harm has been identified by the statutory consultees.

During the discussion which followed, Members had a number of concerns and made a number of comments including the following:

- The road is very busy and dangerous. Many drivers do not abide by the 30mph speed limit and many travel at much higher speeds.
- Access onto this road from this site is dangerous.
- The location is not sustainable.
- It is not right to continue to develop outside the development limits.
- There needs to be consistency in the approval of planning applications outside the development limits.
- There must be a safe way for pedestrians to leave the site. At a minimum a tactile crossing but would prefer a zebra or pelican crossing for pedestrians.
- Turning cars off the main road into the site would cause a tailback.
- The proposed site is currently designated agricultural land.
- Walton has already had 54 new builds since 2017.
- The ecological report was written in 2018 and is only valid for 3 years.
- The application should be refused or deferred to allow an up-to-date ecology report to be completed.
- Extend the 30mph speed limit to cover the village in full.

The Highways Officer advised Members that there had not been a history of accidents along that stretch of road and speeding of vehicles was a matter for the Police to enforce. The number of properties proposed was not extreme and road safety was not a concern for Highways Officers. She added that, technically, an alternative pedestrian crossing could be built including a pedestrian island but this would be at the expense of the applicant. Finally, a right-hand turn lane into the site was not feasible for a development of this size. Any change of speed limit would require a traffic regulation order which may not necessarily be approved.

The Legal Advisor reminded Members that this was an outline application with all matters reserved except for access. Therefore, layout, size of dwellings, materials etc. was not for consideration at this point. Also, to refuse the application for reasons of highway safety may be difficult to defend at appeal as the Highway Authority had not objected. As there was no 5-year housing land supply, Members must apply the 'tilted balance in their consideration's i.e., the authority should approve the application unless the harms of the development would significantly and demonstrably outweigh the benefits. Being outside the development limits would not be sufficient reason for refusal on its own.

The Team Leader – Development Management added that when the ecology report was submitted with the application in 2020, it was in date. The ecologist had reviewed the application and the proposed conditions were set out in the Report. He advised Members to recognise the County Ecologist’s advice.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Bente Height to refuse the application contrary to the Officer’s Recommendation due to the site being outside the development limits and for reasons of highway safety. Councillor Helen Kay suggested that another reason for refusal was that the development would be unsustainable given the amount of housing already built in Walton. This was accepted by Councillor Sully and Height and incorporated into their motion.

Councillor Edric Hobbs proposed that the application be deferred to allow the applicant to propose improvements to road safety including a safer pedestrian crossing. This was seconded by Councillor Barry Clarke. However, the Legal Advisor explained that Councillor Sully’s substantive motion would need to be voted upon first and, if carried, the application would be refused.

On being put to the vote, the substantive motion to refuse was carried with 8 votes in favour and 4 votes against.

RESOLVED

That planning application 2020/0832/OTS be REFUSED contrary to the Officer’s Recommendation for the following reasons:

1. The development was outside the development limits and was not sustainable considering the amount of new dwellings already built in the village in recent years.
2. For reasons of highway safety including traffic speeds and inadequate pedestrian crossings.

38 Application 2021/2070/OTS Land at 354940 138061 Newtown Lane West Pennard Glastonbury Somerset - Agenda Item 7

Application for Outline Planning Permission with all matters reserved except for access for the erection of 1 x 4-bedroom dwelling house.

The Officer’s Report stated that this application had been referred to the Planning

Committee as the site was located outside the settlement limits so would be a departure from the existing adopted Development Plan. The Officer Recommendation was for approval.

The Report continued that the site was located outside, but adjacent to the southern boundary of the development limit of West Pennard, which was designated as a 'secondary village' in the Local Plan. Only the means of access was to be determined by this application.

West Pennard Parish Council had objected to the application for reasons of highway safety and inappropriate use of agricultural land. Three letters of objection had been received from local residents for reasons including:

- Site is outside development limits.
- It could set a harmful precedent.
- Loss of high-quality agricultural land.
- Highway safety concerns for road users and pedestrians.

In conclusion, the Officer's Report said that although the site was outside the development limits of West Pennard, the Council could not demonstrate a five-year housing land supply in the Somerset East area, meaning the tilted balance was engaged and a refusal could only be justified in the event that harms were 'significant and demonstrable'.

The dwelling would sit immediately adjacent to the development limit and other residential development and would replicate the density and integrate to the spatial characteristics of the locality. Harms of the development would include increased traffic, including an access near an existing road junction, loss of an agricultural field and minor increased pressure on services including the local school. Overall, the harms in this case were not considered 'significant and demonstrable'. Therefore, the principle of development and the impacts of development were concluded to be acceptable.

The application was recommended for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by the applicant's agent. He made the following points:

- The access proposed meets the highways requirements.
- The visibility splays are as per the limits required.
- The application includes current ecological reports and storm water management reports.

- The site adjoins the edge of the development limit and the land is grade 3 agricultural land, meaning minimum loss of high-quality farming land.

During the discussion which followed, Members made a number of comments including the following:

- The site is only just outside of the development limits and is really an infill site. Seems to be acceptable as a location for the development.
- Even if land is Grade 3 it is still agricultural land.
- Concern about removal of hedgerows – can replanting be conditioned?
- No comment from Highways appears on the planning portal.

In response, Officers made the following comments:

- There were no objections from Highways – standing advice applies as per the Officer’s Report.
- The ‘tilted balance’ applies and although there is harm recognised, it is not significant or demonstrable.
- Hedge replanting will be addressed at reserved matters.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer Recommendation set out in the Report. On being put to the vote the proposal was carried with 10 votes in favour and 2 abstentions.

RESOLVED

That planning application 2021/2070/OTS be APPROVED in accordance with the Officer’s Recommendation.

39 Application 2022/1455/FUL Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset - Agenda Item 8

Application for the installation of 4no. floodlights at show tennis court

This application, and applications 2022/1456/FUL - installation of 4no. floodlights at triple court and 2022/1521/FUL - installation of 6no. floodlights at hockey pitch, were presented by the Planning Officer and debated by the Planning Committee all together. The votes were taken individually for each application.

The Officer’s Report stated that these applications had been referred to the Planning Committee because the Town Council supported the applications whereas the recommendation by the Planning Officer was to refuse them all.

Three applications had been submitted for floodlights in close proximity to each other at this site. These were:

1. 2022/1521/FUL - 6 floodlights at hockey pitch
2. 2022/1456/FUL - 4 floodlights at triple court/netball courts
3. 2022/1455/FUL - 4 floodlights at show tennis court

The applications proposed to operate the lighting as needed between 7am and 8pm.

The Report continued that the sites were outside the development limits of Glastonbury. They were designated as Open Space (protected under LP1 policy DP16) and were within the Somerset Levels and Moors Ramsar catchment area. Glastonbury Tor was located approximately 1.2 km to the northwest of the proposed developments and was a Special Landscape Feature, scheduled monument and St Michael's Church Tower was Grade I listed. There were various other heritage assets in proximity to the sites, including listed buildings scheduled monuments and the Glastonbury Conservation Area.

There had been objections to the applications from the Council's Conservation and Ecology Officers and 1 letter of objection from a local resident had been received.

Objections included:

- Harm to ecology
- Harm to landscape and rural character
- Inadequate mitigation proposed.

In conclusion, the Officer's Report said that the benefits of these proposals included enhanced facilities and increased use of sports pitches. This may result in some increased sports provision to the local area. However, it was recommended that planning permission be REFUSED for all 3 applications due to the landscape harm identified, heritage harms which are not outweighed by public benefits and insufficient information submitted to demonstrate there would not be harm to protected species.

The officer informed the committee of additional information that has been submitted since the publication of the Officer Report. This included the submission of a community use agreement. The officer confirmed that this additional information did not alter the conclusions reached in the report.

The Committee was then addressed by the applicant's agent who made the following points:

- The floodlights would enhance the sporting facilities.

- They will only be used during the winter at the timings specified, i.e. would be switched off by 8pm every evening.
- The applicant had commissioned a detailed ecology survey which found that the proposals were acceptable under current ecology legislation.
- The impact on the heritage asset would be minimal. There had been no objections by Historic England.
- The school is committed to encourage the use of the facilities the community.

During the discussion which followed, Members made a number of points, including the following:

- The site would be visible from the Tor and will have a detrimental effect on the heritage asset of the Tor and Church.
- Support for Millfield School which has been very generous with its facilities.
- Not many people will be climbing the Tor in the hours of darkness during the winter months.
- The height of the floodlights seems too high and would impact on the neighbour's amenity.
- Acknowledge that they would provide some public benefit.
- The 400 lux will have light spill into surrounding hedgerows and major detrimental effect on the ecology of the area.
- The view from the Tor at sunset would be ruined and public amenity would be affected.

At the conclusion of the debate, it was proposed by Councillor Adan Boyden to defer the application for more information on the effects of ecology and protected species, but this was not seconded.

It was proposed by Councillor Susannah Hart and seconded by Councillor Bente Height to approve the application, contrary to the Officer's Recommendation. On being put to the vote the proposal was not carried with 5 votes in favour and 7 vote against the proposal.

Councillor Helen Kay then proposed to refuse the application in accordance with the Officer's Recommendation, with an additional reason being the impact on dark skies. This was seconded by Councillor Edric Hobbs. On being put to the vote the proposal was carried with 7 votes in favour and 5 votes against.

RESOLVED

That planning application 2022/1455/FUL be REFUSED in accordance with the Officer's Recommendation with an additional reason for refusal being the impact on dark skies.

40 Application 2022/1456/FUL Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset - Agenda Item 9

Application for installation of 4no. floodlights at triple court

It was proposed by Councillor Susannah Hart and seconded by Councillor Bente Height to approve the application, contrary to the Officer's Recommendation. On being put to the vote the proposal was not carried with 4 votes in favour and 8 votes against the proposal.

Councillor Helen Kay then proposed to refuse the application in accordance with the Officer's Recommendation, with an additional reason being the effect on dark skies. This was seconded by Councillor Edric Hobbs. On being put to the vote the proposal was carried with 8 votes in favour and 4 votes against.

RESOLVED

That planning application 2022/1456/FUL be REFUSED in accordance with the Officer's Recommendation with an additional reason for refusal being the impact on dark skies.

41 Application 2022/1521/FUL Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset - Agenda Item 10

Application for installation of 6no. floodlights at hockey pitch.

It was proposed by Councillor Susannah Hart and seconded by Councillor Bente Height to approve the application, contrary to the Officer's Recommendation. On being put to the vote the proposal was not carried with 4 votes in favour and 7 votes against the proposal. There was 1 abstention.

Councillor Helen Kay then proposed to refuse the application in accordance with the Officer's Recommendation, with an additional reason being the impact on dark skies. This was seconded by Councillor Edric Hobbs. On being put to the vote the proposal was carried with 6 votes in favour and 5 votes against. There was 1 abstention.

RESOLVED

That planning application 2022/1521/FUL be refused in accordance with the Officer's Recommendation with an additional reason for refusal being the impact on dark skies.

42 Application 2023/0687FUL Middle Ivythorn Farm Ivythorn Lane Walton Street
- Agenda Item 11

Application for the construction of driveway and change of use of land to garden.

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal was a departure from the existing adopted Development Plan. The Recommendation was for approval.

The Parish Council had recommended refusal for the following reasons:

- Not a conversion as the original barn is not being reused.
- The site is within the minerals safeguarding distance of Halecombe Quarry and objections were raised by Minerals and Waste Policy on a similar application nearby.
- Impact on the setting of the Grade 1 listed church.

There had been 1 letter of objection and 2 letters of support received.

In conclusion, the Officer's Report said that, whilst it was acknowledged that the development would be beyond the edge of the village and therefore would represent a departure from local plan, it could not be described as being in isolated open countryside. As the Council does not have a five-year housing land supply in the Somerset East area, the 'tilted balance' would apply. The additional 3 dwellings would make a modest contribution to housing in the t Somerset East area, which is of some weight. There would also be limited economic benefits through the construction period, and new occupants of the village result may use local services and facilities contributing to their long-term viability.

The application would not have any harm in terms of landscape and visual impact, impact on heritage assets and/or highway safety concerns. Overall, any harm arising from the application scheme were not considered to significant and would not demonstrably outweigh the benefits delivered. On balance, it was recommended that the application be APPROVED.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The applicant's agent then addressed the Committee. She said that the proposal would improve highway safety given the very poor visibility from the existing access and improve the safety of vehicle movements to, from and within the site. The application would also provide increased garden space mainly to the rear of the property as there is currently very little.

The Vice-Chair, Councillor Edric Hobbs, said he saw no problems with the application and proposed that it should be approved in accordance with the Officer's Recommendation. This was seconded by Councillor Helen Kay. On being put to the vote, the proposal was carried with 10 votes in favour and 1 abstention.

RESOLVED

That planning application 2023/0687/FUL be APPROVED in accordance with the Officer's Recommendation.

43 Application 2023/1084/FUL Land at 369311 147357 Quarry Lane Leigh On Mendip Shepton Mallet Somerset - Agenda Item 12

This application was deferred to a future meeting.

(The meeting ended at 5.10 pm)

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CHAIR

Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 5 September 2023 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)
Cllr Edric Hobbs (Vice-Chair)

Cllr Barry Clarke	Cllr Dawn Denton
Cllr Martin Dimery	Cllr Bente Height
Cllr Martin Lovell	Cllr Tony Robbins
Cllr Claire Sully	Cllr Alex Wiltshire

44 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Helen Kay and Adam Boyden. Councillor Shane Collins substituted for Helen Kay and Councillor Heather Shearer for Adam Boyden.

45 Minutes from the Previous Meeting - Agenda Item 2

The Minutes of the meeting held on 01.08.23 will be considered at the next meeting of the Planning Committee.

46 Declarations of Interest - Agenda Item 3

Councillor Martin Lovell declared a personal and prejudicial interest in Planning Applications 2023/0540/FUL and 2023/0541/LBC as he was a trustee of the Alfred Gillett Trust and said he would leave the meeting for the duration of the debate and vote on these applications.

He also declared a personal and non-prejudicial interest in Planning Applications 2021/2805/FUL and 2023/0338/FUL as he was a member of the Shepton Mallet Town Council's Town Development and Planning Committee at the time these were considered by them. He said he did not consider himself pre-determined in either of these applications and would take part in the discussion and vote.

Councillor Bente Height declared a personal and non-prejudicial interest in planning application 2023/0338/FUL due to being on Shepton Mallet Town Council when it was discussed by them. At the time she was not on the Planning Committee for Somerset Council. She stated she was not pre-determined.

47 Public Question Time - Agenda Item 4

There were none.

Before the next agenda item, Councillor Susannah Hart left the meeting due to feeling unwell.

48 Planning Applications 2023/0540/FUL & 2023/0541/LBC - The Grange, Farm Road, Street, Somerset - Agenda Item 5

Application for part demolition and replacement of existing buildings with a new two-storey building to connect the Grange and the Barn and alterations to existing buildings and landscaping across the site to create a new museum with a cafe and shop, whilst retaining offices and archive storage.

The Officer's Report stated that these applications had been referred to the Planning Committee as the Officer's Recommendation for refusal was contrary to that of the Parish Council and Divisional Member.

The Report continued that the site had vehicular access via a private road off Farm Road and lay to the north and west of Clarks Village retail outlet with pedestrian entrances to the retail outlet and associated car park. Beyond the car park, to the north was the A39 main road and to the east of the site was a close of residential properties. The site was within in the development limits of Street.

The Divisional Member fully supported the applications and Street Parish Council had recommended approval. No comments were made by local residents. The Highway Authority had initially objected to the application as had the Local Flood Authority. Both objected due to lack of information. The Conservation Team had objected to the application and there were comments from The Georgian Group, The Victorian Society and The Society for the Protection of Ancient Buildings for the LBC (Listed Building Consent) application only.

In conclusion, the Officer's Report said that with regards to Planning Application 2023/0540/FUL the Recommendation was for refusal for two reasons:

- The loss of existing fabric resulting from the reduction in the courtyard wall and potential impact of the extraction system (due to a lack of information) for the café would fail to preserve and enhance the grade II listed host building, The Grange, and thus result in less than substantial harm to this heritage asset. Furthermore, no clear and convincing justification for this work had been provided and it was not considered that there were any public benefits arising from the development that would sufficiently outweigh the harm that had been identified. Additionally, the extract equipment had the potential to be out of character and appearance of the local area.
- In the absence of proof of access rights to the highway the application would be unacceptable in highway terms due to a lack of access and insufficient parking arrangements, which would have a knock-on effect for adverse impacts on highway safety.

Additionally, the Recommendation for the Listed Building Consent application 2023/0541/LBC was also for refusal as the proposal would result in “less than substantial harm” to the significance of The Grange and that it was considered that the harm the development would have on the significance of the Listing Building was not justified.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. She also reported some updating on the application that had occurred since the Report had been published.

There were a number of speakers in support of the applications who made the following points:

- The project would bring together 3 eras of Street’s history in a fabulous building never previously open to the public.
- Being located next to the Clarks Village shopping outlet, it would bring more visitors to the town.
- The proposal was to reduce the height of the wall, not to remove it, so it would only be a negligible impact on the heritage asset.
- By reducing the height of the wall, it would enable connection to the Grange and improve the viability of the museum and café.
- The height of the wall is too high and prevents a clear view of the museum entrance.
- The proposal is in line with the Councils corporate plan and would contribute to a flourishing Somerset and offer an educational experience.
- The scheme would be a benefit to the Somerset Leisure and Tourism strategies.

In the discussion which followed, many Members were in support of the applications, and felt that the height of the wall should be reduced to enable the scheme to be as viable as possible. There were also suggestions that the problems with the vent for the café could be overcome with conditions. It was felt by many that the benefit of the scheme would outweigh the harms to the heritage asset. On the other hand, some Members said that the wall was a heritage asset that should not be touched. They did not see the benefit of reducing the height of the wall and they did not feel it was too high. The viability of the museum would not be compromised due to the height of the wall.

The Planning Officer said that she had tried to negotiate with the applicants regarding the proposed ventilation but that they were unable to agree on a solution.

The Heritage Officer stated that there was no public benefit from the part demolition of the wall and that Members would need to demonstrate clear and convincing justification for the harm if they chose to approve the applications.

The Legal Adviser advised that Members must decide if the benefits would outweigh the harms and that they could decide to delegate conditions of the café ventilation to Planning Officers and the Chair and Vice-Chair.

Councillor Heather Shearer proposed that both the applications be approved, contrary to the Officer's Recommendation with the details of the extractor for the café to be negotiated with the applicants. Also, the harm from the reduction of the height of the heritage wall did not outweigh the benefits of the scheme. This was seconded by Councillor Shane Collins.

A counterproposal was made by Councillor Edric Hobbs, who proposed to refuse the applications, in accordance with the Officer's recommendation. This was seconded by Councillor Bente Height.

The substantive proposal for application 2023/0540/FUL was put to the vote. It was carried with 6 votes in favour and 5 votes against.

The substantive proposal for application 2023/0541/FUL was put to the vote. It was carried with 8 votes in favour and 3 votes against.

2023/0540/FUL

RESOLVED

That planning application 2023/0540/FUL be APPROVED contrary to Officer's recommendation as the harm to the reduction of the listed wall would not outweigh the benefits of the scheme. Delegation was made to Planning Officers to negotiate details of the café extractor with the applicants and delegation of conditions was made to Planning Officers, Chair and Vice-Chair.

Votes – 6 in favour, 5 against

2023/0541/FUL

RESOLVED

That planning application 2023/0541/FUL be APPROVED contrary to Officer's recommendation as the harm to the reduction of the listed wall would not outweigh the benefits of the scheme. Delegation was made to Planning Officers to negotiate details of the café extractor with the applicants and delegation of conditions was made to Planning Officers, Chair and Vice-Chair.

Votes – 8 in favour, 3 against

49 Planning Application 2021/2805/FUL - Multi-User Path, Shepton Mallet, Somerset - Agenda Item 6

Application for Construction of a multi-user path along disused railway from Hamwood Viaduct through Windsor Hill tunnel and across Bath Road Viaduct to link to Shepton Mallet.

The Officer's Report stated that this application had been referred to the Planning Committee by the Vice Chair of the Committee as there was a great deal of interest in the application and a number of objections to the scheme.

The application sought permission for a multi-user path along the former Somerset and Dorset Railway. The section of path, 2.4km long, will go over the Ham Wood viaduct, through the Windsor Hill tunnel, across Forum Lane and over the Bath Road viaduct to meet the A37 (Kilver Street Hill). The construction of the path will unlock further land either side and is a key component of the wider 'Somerset Circle' project.

Shepton Mallet Town Council was in support of the application as were many local groups and organisations. There had been 109 comments of support from local residents and 28 comments of objection. Comments in support included:

- Form an essential part of the 'Somerset Circle'.

- Be a valuable amenity asset for residents and visitors.
- Improve mental and physical health.
- Encourage sustainable travel.
- Restore and repurpose derelict heritage assets (viaducts and tunnels).
- Be sensitive to biodiversity.
- Boost the local economy through tourism.
- Provide a soft surface, which is preferred by runners, walkers and dogs (it is also cheaper so more deliverable).

Comments in objection included:

- Application is not inclusive for all – it discriminates against equestrians and disabled users (so is not a multi-user path).
- Equestrians should not be forced to dismount on the viaducts or subjected to a trial basis through the tunnels
- The path should not be segregated, and equestrians should not be forced onto a separate grass verge on the side of the path.
- The surface should be made of a resilient, weatherproof material suitable for horses as well as wheelchairs and prams (a dust surface is unsuitable).
- The central seating / viewing platforms on the viaduct will push users to the outside which is dangerous.
- Signage should encourage safe passing and harmony amongst users.

In conclusion the Officer's Report said that the scheme would help deliver the wider 'Somerset Circle' project and is supported by policy DP18 (Safeguarding Corridors for Sustainable Travel) in the Local Plan. In terms of benefits, the project offered access to the countryside for a range of users, including horse riders, cyclists and pedestrians. Whilst there would be some landscape impact through the loss of trees, this harm is not considered to be significant given the context of the site and the surrounding built form. Overall, the development was sustainable development, and the application was therefore recommended for approval, subject to conditions.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There was one speaker in support of the application. She spoke on behalf of Shepton Mallet Town council and said they strongly supported the scheme and it would be a useful addition to the town. It would benefit the community and connect villages. There had been many positive comments from local residents and hoped that the application would be approved as recommended by the Planning Officer.

In the discussion which followed, there was some debate as to whether the path was

an integrated path suitable for all users such as horse-riders or the disabled. The Planning Officer said it was available to all to use, it would be up to the individuals if they chose to use it.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Claire Sully to approve the application in accordance with the Officer's Recommendation. On being put to the vote the proposal was carried with 10 votes in favour and 1 abstention.

RESOLVED

That planning application 2021/2805/FUL be APPROVED in accordance with the Officer's recommendation.

Votes – 10 in favour, 1 abstention

50 Planning Application 2023/0338/FUL - Land at Paul Street, Shepton Mallet, Somerset - Agenda Item 7

Application for the Change of use of land from agriculture to use class E (f) and erection of Nursery and Pre-School building and associated access and parking.

The Officer's Report stated that this application had been referred to the Planning Committee as the recommendation was for refusal but there had been overwhelming support including from the Town Council and Division Councillor.

The application related to land to the north of the A361 (Paul Street) situated within the development limits of Shepton Mallet but within part of a larger area designated as Open Area of Local Significance under policy DP2 of the Local Plan.

The site had boundaries with an Open Area of Local Significance to the east and north and predominantly residential properties to the south. The application site was also situated within the Shepton Mallet Conservation Area, an Area of High Archaeological Potential and within the Somerset Levels and Moors Ramsar Catchment.

Shepton Mallet Town Council supported the application as had Somerset Education. The Conversation Officer objected due to less than substantial harm to the heritage asset (Shepton Mallet Conservation Area). There had been 8 letters of objection for reasons such as poor design and the impact on wildlife and the conservation area. There had also been 10 letters of support to the proposal to relocate and continue the nursery school use.

In conclusion, the Officer's Report said that although the proposed development would not adversely affect amenity, highway or pedestrian safety, and would modestly benefit local economy, it recognised that the current nursery was still operating and was meeting the existing demand and therefore the proposal would provide little public benefit. The harms identified to loss of a part of an OALS (Open Area of Local Significance) and the less than significant harm to the character of the Conservation Area carried significant weight and, in this case, outweighed the modest economic benefits brought by the proposed development. The application was recommended for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by an objector to the application from the Shepton Mallet Neighbourhood Plan Steering Group His comments included:

- He disagreed that there was “overwhelming support” from the Town Council as the Steering Group, which was a part of the Town Council, had not taken the views of the Steering Group into consideration.
- The site is an area of green space in an otherwise heavily developed area.;
- The site frames the views of one of the oldest prisons on the country and still contains the Prison's crypt.
- The site should continue to be protected by its DP2 status as an OALS.

A statement in support of the application from Sarah Love, Service Manager for Education and Childcare Places at Somerset Council was read out by the Chair of the Planning Committee.

There were an additional 3 speakers in support of the application including a Councillor from Shepton Mallet Town Council. They made the following points:

- The quality of a child's early learning experience is critical as children will develop most during the first 5 years of their lives.
- The existing buildings are not up to standard and if the application is not approved it may mean the nursery will have to close, thus affecting children, families and staff.
- Closure of the nursery would impact on the local economy.
- Children should be allowed to learn in an environment that will nurture them and expose them to a natural environment.
- The Town Council was aware of the Green Space but there was a need to balance this with the needs of the local community and there are not enough

nursery spaces.

- The building is well designed, low level and takes into account the slope of the land.

The final speaker was the applicant's agent who made the following points:

- There would be an impact on the open space in a conservation area but the scheme attempted to minimise this.
- The site is perfect for the forest scheme ethos of the nursery.
- The benefits of the scheme do outweigh the harms identified.
- If not approved, there will be a loss of jobs and it would be very hard to provide all the childcare required.

During the discussion which followed, Members made a number of comments including the following:

- Would not want to see the nursery close down.
- The need for early years provision would outweigh the conservation issues.
- There always needs to be a compromise between green spaces and development but we should be looking at urban infill and not building out of town on green spaces.
- The proposed building is modular and has inadequate insulation. There was no sustainability information submitted with the application.
- The longevity of the building is not certain.
- The proposal does not include solar panels. These should be installed if approved.
- It would be a great space for the children to learn but as it would be built on a green space, it would need to be protected for the future.
- Childrens needs should be put first and this amenity is greatly needed.
- The site is overgrown with brambles and it would not be a loss to the town.

The Legal Advisor reminded Members that they must determine the application in accordance with the development plan and consider the planning balance. There were 2 reasons for refusal given by the Planning Officer and Members must consider the harms and whether the benefits of the scheme outweighed the harms. The Planning Officer added that if Members were minded to approve the application, the conditions including sustainable drainage and oil traps would be included in the terms of the approval which should be delegated to Planning Officers, the Chair and the Vice-Chair.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Edric Hobbs to approve the application as a departure,

contrary to the Officer's Recommendation, as the benefits of the scheme outweighed the harms.

On being put to the vote the proposal was carried with 9 votes in favour and 2 against.

RESOLVED

That planning application 2023/0338/FUL be APPROVED contrary to the Officer's recommendation as a departure, as the benefits of the scheme outweighed the harms to the conservation area. Delegation of conditions was made to Planning Officers, Chair and Vice-Chair.

Votes – 9 in favour, 2 against

51 Planning Application 2023/0959/FUL - Tadhill Farm Cottage, Leigh on Mendip, Somerset - Agenda Item 8

Alteration to an existing access and installation of a new access track (extension to residential curtilage)

The Officer's Report stated that this application had been referred to the Planning Committee because the proposal represented a change of use of land within the open countryside which could not be supported in policy terms and therefore represented a departure from the development plan.

The Report continued that the application related to scrub land and agricultural land adjacent to Tadhill Farm cottage.

The Parish Council had recommended approval and the ecologist had no objections subject to conditions to ensure the protection of wildlife throughout the construction stage and to ensure the implementation of the proposed new hedgerow.

There had been no comments from local residents.

In conclusion, the Officer's Report stated that whilst the development was contrary to Planning Policies C1 and CP4, which restricted development in the open countryside, there were material considerations which justified a departure from the constraints of these policies, and where, as in this case, the benefits of the development outweighed the harm. The development was therefore recommended for approval.

The Planning Officer explained the application to the Committee with the aid of a

PowerPoint presentation.

The applicant spoke briefly to the Committee. He said he aimed to create a safe entrance to the farm which would improve safety for the children. There would be a small change of use for a small area of land which would improve its appearance. He pointed out that the Parish Council had recommended approval.

There were no comments or debate among the Committee Members and it was proposed by Councillor Heather Shearer and seconded by Councillor Alex Wiltshire to approve the application in accordance with the Officer Recommendation set out in the Report. On being put to the vote it was carried unanimously.

RESOLVED

That planning application 2023/0959/FUL be APPROVED in accordance with the Officer's recommendation.

Votes - Unanimous in favour

52 Planning Application 2022/2076/OUT - Land at Tynning Hill, Faulkland, Somerset - Agenda Item 9

Outline Planning Permission for 5no. residential dwellings with details of access and all other matters reserved.

The Officer's Report stated that this application had been referred to the Planning Committee as the application site lay outside any development limits and the recommendation was for approval as a departure from the development plan.

The Report continued that the application sought outline planning permission for the principal of developing the site for 5 residential dwellings with all matters reserved, except for access. The application included an indicative site layout suggesting 3 x 4-bedroom detached dwellings and 2 x 3-bedroom detached dwellings, each with its own detached garage. Access was proposed to the five dwellings from the Greenway via four driveways. Two dwellings would have a shared driveway.

The Parish Council had recommended refusal for the following reasons:

- Highway is unsuitable for additional traffic resulting in safety concerns
- The junction of Tynning Hill and the A366 has poor visibility and high speeds
- Visual impact on the existing properties

There were no objections from Environmental Protection Agency, Highways, Ecology, or the Tree Officer. However, Land Drainage had objected due to insufficient details regarding infiltration testing. There had also been 2 letters of objection from local residents and 1 neutral letter raising various points.

In conclusion, the Officer's Report stated that whilst it was acknowledged that the development would be beyond the edge of the village, the application site could not be described as being in isolated open countryside. As the Council did not have a five-year housing land supply, the tilted balance of the NPPF applies – the houses would make a modest contribution to the housing in the district, there would be limited economic benefit during the construction period and the new residents may use local services and facilities. Any impacts arising from the application were not considered significant and would not outweigh the benefits. The recommendation was therefore for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There were no one registered to speak about the application so the Chair opened up the debate to the Committee Members. The comments included:

- The houses were too large and were not in keeping with the village.
- The replacement hedgerow would take many years to establish so will affect the bat run.
- The scheme was outside the development area.
- Individual access for 3 of the 5 dwellings seemed too much.
- There would be overshadowing of the houses behind the application site.
- Preference would be for smaller, social housing on the site.

In response to Members comments, the Highways Officer stated that in this scenario with a small number of dwellings, the access arrangements were in keeping and were a feasible solution.

The Legal Advisor reminded Members about the tilted balance and that the scheme being outside the development limit was not a sustainable reason for refusal on its own.

Councillor Edric Hopps proposed to refuse, against the Officer's Recommendation for reasons of overshadowing of the neighbouring properties and the scheme being outside the development limits. This was seconded by Councillor Bente Height. On reflection, Councillor Hobbs withdrew his proposal to refuse.

On being put to the vote, there were 4 votes in favour of refusal and 8 votes against. The proposal was not carried.

Councillor Heather Shearer then proposed to approve the application in accordance with Officer's Recommendation. This was seconded by Councillor Shane Collins. On being put to the vote the proposal was carried with 8 votes in favour, 3 votes against and 1 abstention.

RESOLVED

That planning application 2022/2076/OUT be APPROVED in accordance with the Officer's recommendation.

Votes - 8 in favour, 3 against, 1 abstention

53 Planning Application 2023/0693/FUL - Ivy Cottage, Quarry Lane, Leigh on Mendip, Shepton Mallet, Somerset - Agenda Item 10

Application for the creation of new access and driveway.

The Officer's Report stated that this application had been referred to the Planning Committee as it was a departure from the Local Plan and the Officer's Recommendation was for approval, whereas the Parish Council had raised objections.

The Report continued that the application site was a section of an agricultural field with existing field access on an unclassified road. It was outside of designated development limits and fell within the Mells Valley Special Area of Conservation (SAC), a Bat Consultation Zone, a SSSI Impact Risk Zone and a Coal Development Low Risk Area. Additionally, the site was close to Halecombe Quarry and Barn Close Quarry and hence was within the mineral safeguarding area in the Somerset Minerals Plan (2015).

The Parish Council had objected to the application for the following reasons:

- Proposed materials and street lighting results in a suburbanising impact on the character of the area.
- Impact on the landscape character given excessive excavation works required.
- Loss of historic wall.
- The fields proposed for the access were highlighted as making a positive contribution to the setting of the Grade I listed church in the appeal for 2020/1877/OTS.
- The existing access was previously found acceptable under 2017/3266/PAA.

- Highways safety concerns.
- The barn conversion can be accommodated without this harm using the existing access.

The Highways Development Officer had raised not objections to the proposal, however there had been 4 letters of objection. Some of the reasons given were:

- Impact on landscape - urbanisation
- A formal roadway would include lighting which is not acceptable in this rural area
- Loss of hedge, trees and wall
- Impact on the setting of the listed building
- Inspector highlighted the importance of the rural nature of this field on the setting of the church in their determination of 2020/1877/OTS

There were also 5 letters of support received. Some of the reasons given were:

- Will take pressure of the existing access
- Relocation of the 30mph limit is welcome
- Existing access gets obstructed during school drop off and pick up times
- Safer for school children
- Increased visibility

In conclusion, the Officer's report stated that whilst it was acknowledged that the development would be beyond the edge of the village and therefore would represent a departure from local plan, it was only proposed in association with the proposal for 3 terraced dwellings (ref: 2023/1084/FUL). The proposed use was not considered to have a detrimental impact on the adjoining land uses, landscape and visual impact, impact on heritage assets and/or highway safety. Therefore, on balance the application represented a sustainable form of development and was recommended for approval as a departure from the development plan.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was addressed by the Chair of the Leigh-on-Mendip Parish Council. She made a number of points including:

- Concerned that proper consideration had not been given to access.
- There would be a roadway into an agricultural field.
- The proposal to move the 30mph limit is not assured and is subject to a TRO.
- There is no Conservation Officer Report so the bats in the area will not be

protected.

- The Inspectors opinion of the impact on the setting of the Grade 1 listed church had been ignored.

The final speaker was the applicant's agent who had already spoken about the access in his earlier speech for the application for the actual dwellings (2023/1084/FUL). He added that the proposal was so much safer than the existing access, particularly when school children are leaving school. The visibility splays would stay the same and Highways Officers had not raised any objections.

The Highways Officer was invited to speak by the Chair. She said that it was deemed to be safe and suitable access and a betterment to what exists currently. It was an acceptable improvement. There would need to be a change to the TRO but it was considered safe with the conditions specified.

Members debated the safety of the access and some felt it was not acceptable, whereas others felt the access could not be refused for the 3 houses proposed if it had been previously accepted for a scheme of 40 houses.

Councillor Alex Wiltshire proposed to approve the application in accordance with Officer's Recommendation. This was seconded by Councillor Tony Robbins. On being put to the vote the proposal was carried with 7 votes in favour, 4 votes against and 1 abstention.

RESOLVED

That planning application 2023/0693/FUL be APPROVED in accordance with the Officer's recommendation.

Votes – 7 in favour, 4 against, 1 abstention

54 Planning Application 2023/1084/FUL - Land at Quarry Lane, Leigh on Mendip, Shepton Mallet, Somerset - Agenda Item 11

Demolition of existing barn to form terrace of 3no. single storey dwellings.

This was presented before agenda item 10.

The Officer's Report stated that this application had been referred to the Planning Committee as it was a departure from the Local Plan and the Officer's Recommendation was for approval, whereas the Parish Council had recommended refusal of the application.

The Report continued that the application was part retrospective as a section of the barn had already been demolished and new build construction had commenced.

Leigh-on-Mendip Parish Council had recommended refusal for the following reasons:

- Within the mineral safeguarding area for nearby quarries
- Unsustainable location
- Impact on the setting of the Grade I listed church
- Impact on the landscape character of the area
- Proximity to Mells Valley Special Area of Conservation and impact on bats
- Highway safety concerns from increase in traffic

There had been one letter of objection from local residents and two letters in support. The following objections were raised by the Parochial Church Council:

- Not a conversion as the original barn isn't being reused
- No longer retains the character of the original barn
- The application site is within the minerals safeguarding distance of Halecombe Quarry and objections were raised by Minerals and Waste Policy on a similar application nearby
- Barn was previously found to be suitable for conversion as per the structural survey submitted with the Class Q application, why was this not fulfilled?
- Impact on the setting of the Grade I Listed church

In conclusion, the Officer's report stated that whilst it was acknowledged that the development would be beyond the edge of the village and therefore would represent a departure from local plan, it could not be described as being in isolated open countryside.

As the Council did not have a five-year housing land supply, the tilted balance of the NPPF would apply – the houses would make a modest contribution to the housing in the district, there would be limited economic benefit during the construction period and the new residents may use local services and facilities.

As the assessment of the application had not identified any harm in terms of landscape and visual impact, impact on the heritage asset or any highway safety concerns, any impacts arising from the application were not considered significant and would not outweigh the benefits. The recommendation was therefore for approval.

The Planning Officer explained the application to the Committee with the aid of a

PowerPoint presentation.

The Committee was addressed by the Chair of the Leigh-on-Mendip Parish Council. She made a number of points including:

- The village is not sustainable
- The original application for a barn conversion was refused, so why is this recommended for approval?
- It is now a new build rather than a conversion which a planning inspector said he would not support. The barn should be recognised.
- Impact on the setting of the Grade 1 listed church.
- There is no need for additional housing within the village as there are still properties on the market.

Next to speak was the applicant's agent. He said that having read the Officer's Report there was little to add as the Report covered all aspects of the application. He wanted to clarify why the barn could not be converted and had to be demolished. This was because the existing ceiling height did not comply with building regulations.. The conversion to 3 dwellings had previously been approved by Mendip District Council and local residents were in support. He added that the infill of the existing access would be planted with hedging.

The Team Leader – Development Management explained that the landowner had secured prior approval to convert the existing barn into dwellings. However, the barn has now been demolished so they have applied for retrospective permission to demolish the barn. The Council would need to take necessary steps should the Committee choose to refuse this application.

In the debate which followed Members discussed the issue of the proximity of the development to Halecombe Quarry and that it was within the minerals safeguarding distance of the quarry. They were concerned that future residents of the houses could impact on the work and future development and expansion of the Quarry if they put in a complaint. The effect on the setting of the Grade 1 listed Church was also a concern, as was light spill and the removal of hedges and walls. The suggestion of a deferral was not supported among the Members as the application had been deferred previously.

At the conclusion of the debate, it was proposed by Councillor Heather Shearer and seconded by Councillor Alex Wiltshire to approve the application in accordance with the Officer's Recommendation. On being put to the vote the proposal was carried with 9 votes in favour, 4 against and 1 abstention.

RESOLVED

That planning application 2023/1084/FUL be APPROVED in accordance with the Officer's recommendation.

Votes – 7 in favour, 4 against, 1 abstention

55 Planning Application 2023/0516/ADV - Land on the South Side of Station Approach, Frome, Somerset - Agenda Item 12

Application for the Erection of 1 No.48 Sheet Externally Illuminated Paper and Paste Advertising Display.

The Officer's Report stated that this application had been referred to the Planning Committee at the request of the Divisional Member. The Chair decided that the application should go to the Committee, due to the amount of public interest and concerns raised by the local Members.

The Report continued that the proposal sought advertisement consent to erect a 6m x 3m illuminated paper and paste advertising display. A previous application had been approved that allowed a digital board to be erected. This proposal was for a revised scheme following residents' concerns regarding the digital board.

The Divisional Member objected to the revised scheme due to amenity, effect on the Conservation Area and highway safety. Frome Town Council appreciated the steps that the applicant had taken after listened to residents' concerns and had no objection to the revised proposal of a paper and paste display. However, Frome Civic Society objected to the "gigantic, intrusive advertising board "for the following reasons:

- Vehicle, cyclist and pedestrian safety.
- Harm to the character of the Conservation area which extends along the opposite side of the road.

There had been 5 letters of opposition from local residents for reasons of being detrimental to the character of the area, a distraction to highways users and an unnecessary use of energy.

After assessing the application, the Officer recommended approval with the standard advertisement conditions.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was addressed by a local resident who opposed the application. He made the following points:

- There had been a lot of public opposition to the digital billboard that had been approved by Mendip District Council in January 2023 due to safety and amenity concerns.
- This revised design would likely be vandalised and would become an eyesore and the first thing visitors to Frome would see when arriving by train.
- The billboard would be a distraction to road users and therefore the number of accidents would rise.
- The large billboard was not in keeping with the area which is currently trees and small directional signage.
- Encouraged Members to refuse the application based on the objections from a vast majority of Frome residents.

Divisional Member Shane Collins then spoke to the Committee. He opposed the application and made the following points:

- The location of the billboard would spoil the visual amenity of the entry point to Frome.
- The size of the billboard was far too large and inappropriate for its location.
- The unnecessary illumination would use too much valuable energy.
- The billboard is designed to attract attention therefore it is a danger to road users.

In the debate which followed, Members made the following points:

- Why is the billboard needed in that position?
- It may get vandalized and become an eyesore.
- Even if Members refused this application, the previous digital application had already been approved.
- The digital application had been approved by Planning Officer, not the Planning Committee. Local residents were infuriated and there was a petition of over 300 signatures.
- If approved there should be time limits applied to the illumination period.

At the conclusion of the debate, it was proposed by Councillor Martin Dimmery and seconded by Councillor Dawn Denton to refuse the application, contrary to the Officer's Recommendation, due to the impact on highway safety and visual amenity. On being put to the vote the proposal was carried with 6 votes in favour, 5 against and 1 abstention.

RESOLVED

That planning application 2023/0516/ADV be REFUSED contrary to Officer's recommendation due to the impact of the scheme on highway safety and visual amenity.

Votes - 6 in favour, 5 against, 1 abstention

(The meeting ended at 6.00 pm)

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CHAIR

Agenda Item 5

Application Number	2023/0834/FUL
Case Officer	Anna Jotcham
Site	Land At 371144 141521 Station Road Wanstrow Shepton Mallet Somerset
Date Validated	10 May 2023
Applicant/ Organisation	Mr Reynolds Wanstrow Properties Ltd
Application Type	Full Application
Proposal	Erection of four dwellings with associated vehicular accesses and highway works
Division	Mendip Central And East Division
Parish	Wanstrow Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

3. WHAT 3 WORDS

The application site can be found by entering the following words into the What 3 Words website / app (<https://what3words.com/>)

///reminds.offerings.soccer

SCHEME OF DELEGATION

The application site is located outside of the housing settlement limits so would be a departure from the existing adopted Development Plan. Therefore, in accordance with the scheme of delegation, this application is referred to the Planning Committee by officers.

SITE DESCRIPTION AND PROPOSAL

The application relates to greenfield land to the east of Station Road (A359) on the periphery of the village of Wanstrow. The site adjoins existing dwellings to the north ('Moonrakers' is the immediate property) and open countryside to the south and east. To the west of the site, on the opposite side of the A359, are the residential properties nos. 1 – 6 Station Road.

The site is generally flat and bounded by a hedgerow on the roadside. There is a single oak tree located within the application site.

Outline planning consent (for access and layout) was granted at appeal in October 2022 for the erection of four dwellings on the site (ref: 2020/2510/OTS). Following the decision details relating to conditions 8 and 9, both regarding land contamination, were approved (discharged) by the Council (ref: 2023/0155/APP).

The current application seeks full planning permission for the erection of four dwellings. The scheme comprises a pair of semi-detached, two-bedroom bungalows (plots 1 and 2) and two detached, three-bedroom dwellings (plots 3 and 4).

Two new vehicular access points, which are a duplicate of those granted at appeal, are proposed. One access would serve plots 1 and 2, and the second access would serve plots 3 and 4. The scheme also includes the provision of a new footpath along the frontage of the site and an uncontrolled pedestrian crossing.

The application is supported by a suite of technical reports including a Planning Statement, Drainage Strategy, Contamination Report and an Ecological Appraisal.

RELEVANT PLANNING HISTORY

2020/2510/OTS – Application for Outline Planning Permission with some matters reserved for erection of 4no. dwellinghouses with details of access and layout – REFUSED – 13.01.2022 (allowed at appeal on 21.10.2022, appeal ref: APP/Q3305/W/22/3296599).

2023/0155/APP – Application for approval of details reserved by conditions 8 (land contamination - risk assessment), 9 (land contamination - remediation scheme) on planning consent 2020/2510/OTS – APPROVED – 13.02.2023.

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) Post JR Version
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip’s Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP14 – Housing Mix and Type
- DP23 – Managing Flood Risk

Other possible relevant considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Design and Amenity of New Development Policy DP7 SPD (March 2022)

SUMMARY OF CONSULTATION RESPONSES

The consultation responses are summarised below. Full comments can be viewed on the public website.

Wanstrow Parish Council – Objects / recommends refusal for the following reasons:

- Drainage and flood risk.

- Harm to residential amenity of neighbours opposite the site (car headlamps shining into properties when residents of the new development exit access points).
- Highway safety and inconvenience (proposed access roads are opposite existing access points).
- Contaminated land issues (replacement of topsoil should be conditioned as a minimum).
- Ecology (phase 1 report is incomplete, inaccurate, and lacking in detail).

Contaminated Land Officer – No objection, subject to conditions.

Local Highway Authority – No objection to the principle of the proposal, however further information is required (a section drawing to show both of the new accesses and gradient details).

Local Representations –

2 objections have been received raising the following issues (summarised):

- Drainage and flooding issues (increase in hardstanding will increase surface water run-off and risk of flooding).
- Traffic, congestion and highways safety issues (higher risk of accidents due to poor visibility and traffic speeds, there is no pavement here and adding one will create more issues by narrowing the road, there is no access to public transport in Wanstrow).
- Residential amenity (impacts on the six properties immediately opposite the site, including loss of view and vehicle light dazzle).
- Wanstrow has limited facilities and there will be no benefits to the community.

ASSESSMENT OF RELEVANT ISSUES

PRINCIPLE OF DEVELOPMENT

Policy CP1 (Mendip Spatial Strategy) of the Mendip District Local Plan directs most of the growth in the plan area to the five principal market towns of Frome, Glastonbury, Shepton Mallet, Street and Wells, to enable the most sustainable pattern of growth. In the rural parts of the plan area, and in accordance with the defined settlement hierarchy, the policy seeks development to meet local needs within the villages. The village of Wanstrow is not a designated primary or secondary village and does not have a settlement boundary, it is therefore classed as countryside.

Residential development in the open countryside will be strictly controlled but may exceptionally be permitted in line with policy CP4 (Sustaining Rural Communities). This allows rural affordable housing, for the benefit of the community where there is evidence of local needs and to be held in perpetuity. The policy exceptions do not apply in this case so the principle of the proposed housing development in this location is not acceptable.

However, the Council is currently unable to demonstrate a five-year housing supply of housing land, based on the local housing need figure. Accordingly, the presumption in favour of sustainable development as defined in paragraph 11(d) of the National Planning Policy Framework (NPPF) applies. This means planning 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 NPPF taken as a whole.

An assessment of the Local Plan policies which are the most important to the determination of the application will therefore be made, but the 'tilted balance' should be applied to their assessment. This will be considered in the overall planning balance section of the end of this report.

HOUSING MIX

Policy DP14 (Housing Mix and Type) requires that proposals for residential development should provide an appropriate mix of dwelling types and sizes. This is echoed in the NPPF which emphasises the need for local planning authorities to plan for the housing needs of different groups in the community to achieve mixed and balanced communities.

The development consists of four bungalows (2 x two-bedroom and 2 x three-bedroom) which will contribute to the variety of housing needs in the District in line with policy DP14 (Housing Mix and Type).

DESIGN AND VISUAL IMPACT CONSIDERATIONS

The application site is on the outskirts of Wanstrow, and the proposed site plan shows the proposed dwellings arranged on a single plot depth extending the linear pattern of development along the village. The proposed layout broadly accords with the extant outline permission, which was considered by the Inspector at the previous appeal to be "a natural extension of the village in what could be a pleasant, softly landscaped context".

This part of Station Road has an eclectic character with a significant variety of house types which were predominantly built from the 1950's onwards. The proposed dwellings would be single storey and their roofs would be hipped, with projecting gables to the front. The dwellings would be constructed with a mixture of Bradstone walling and render under clay double roman tiles. All four properties feature integral garages and the external material for the garage doors has been amended from metal to timber during the planning application process to soften their appearance.

The proposal would inevitably change the character of the site by introducing built development and encroaching into the countryside. However, the proposed dwellings would be enclosed by new native hedging and a wildflower meadow to the southern edge which would aid the transition of the development into the countryside. This effect would be reinforced by the ability to retain the mature tree between the two groups of bungalows.

There are already existing properties on the A359, and a development of the scale proposed would not be out of place. From observations on site, coupled with the plans provided, it seems likely that the visual impact on the surrounding area will be localised, and in proportion with the proposals. Therefore, in line with the previous appeal decision, there would be no inherent overall harm to the character and appearance of the area from erecting four dwellings in this location.

SUSTAINABLE CONSTRUCTION

The siting, layout and design of buildings can have a fundamental impact on energy efficiency and can be addressed through the planning system.

Policy DP7 (Design and Amenity of New Development) comprises a number of criteria to ensure high quality design, and this encompasses measures to ensure the development includes sustainable construction and renewable energy measures. The policy advises that proposals for new development should demonstrate that they:

e) maximise opportunities for:

- i. The use of sustainable construction techniques
 - ii. The use of sustainable drainage systems
 - iii. Renewable energy generation on site
 - iv. The use of water efficiency measures, recycling and conservation
 - v. New residents to minimise, re-use or recycle waste
- f) use locally sourced or recycled materials wherever practically possible

i) undertake construction in a manner that makes efficient use of materials and minimises waste.

The submitted landscaping plan (drawing no. A011.A) indicates that air source heat pumps will be incorporated into each of the buildings, however limited details are offered at this stage. Given the requirements of policy DP7 and the Council's green pledge, a condition is attached to ensure that sufficient measures are designed into the scheme and secured.

ECOLOGICAL IMPLICATIONS

An extended Phase 1 Habitat Survey (by Crossman Associates, dated 28 April 2023) has been submitted with the application. This is an updated survey following on from the ecological assessment that accompanied the scheme which was approved at appeal.

The up-to-date ecology assessment identifies that the site is occupied by improved grassland with a native boundary hedgerow. The site is likely to support nesting birds and foraging/commuting bats and may support dormouse. However, overall, it is considered by the ecologists that the site is small in size and generally has low ecological value.

The extant outline planning consent established the acceptability of the ecological impacts. As such, there is no objection to the scheme from an ecological point of view, subject to the duplication of conditions on the outline approval and one which also requests submission of a Wildlife Protection and Enhancement Scheme.

ARBORICULTURAL IMPLICATIONS

There is a single mature oak tree within the application which is proposed to be retained. There is no objection to the impact of the proposed layout on this tree, subject to the inclusion of a condition requiring tree protection measures and submission of an arboricultural method statement.

HIGHWAY SAFETY

The proposed layout shows two access points off of Station Road (A359) which has a designated speed limit of 30mph. Each access, which serves two of the four dwellings, is 5 metres wide with visibility splays of 2.4 metres by 43 metres to the north of each access and 2.4 metres by 60 metres to the south, which are reasonable given the characteristic of the road. During the consultation process the highway

officer requested further details relating to the access arrangements (specifically a section drawing to show both of the new accesses and gradient details). However, as the access arrangements duplicate the details approved in the outline permission it was not deemed reasonable or necessary for the applicant to provide this additional information in this instance.

Third party concerns over vehicular speeds and potential collisions at this point of the public highway are noted. However, it is considered that through careful management the influx of traffic movements here could be delivered and regulated safely.

As per the outline permission, the proposal would improve pedestrian access to the site by introducing a new 2 metre wide footway across the frontage and an uncontrolled crossing. These would be secured by a relevant condition and legal agreement with the Highway Authority.

The internal site layout arrangements have been updated from the outline permission to reflect the current scheme. Nevertheless, the road layout and turning areas are sufficient for vehicles to enter and exit the site in a forward gear, and each dwelling will be afforded sufficient off-street parking provision.

Overall, and having regard to the extant outline approval it is concluded that the proposed development is acceptable in highway terms. The improvements to the footways will be of benefit to both existing and future residents. Subject to conditions and legal agreement with the Highway Authority to secure the construction of the necessary highway works the proposal complies with the relevant highways policies.

DRAINAGE AND FLOODING

The site is not located within any designated flooding areas, but the introduction of development and hardened surfaces will increase the impermeable areas of the site and therefore the volume of surface water run-off from the development.

The application is accompanied by the Drainage Strategy (by AEQ Consultants Ltd) and a corresponding plan which proposes the use of rainwater harvesting and permeable surfaces.

The previous appeal decision considered that an acceptable drainage scheme could be designed which would not increase flood risk on site or elsewhere. Therefore, to adequately control surface water run-off, the condition relating to surface water drainage which was attached to the previous appeal decision is duplicated.

IMPACT ON RESIDENTIAL AMENITY

The site is located to the south of 'Moonrakers' which is a detached, two storey house with a blank gable end and a single storey rear projection with windows facing onto the site. Nos. 1-6 Station Road are opposite the site, to the west, and separated from the site by the main road (A359).

It is acknowledged that the proposed development would change how the immediate neighbours experience the site. However, the proposed site plan shows sufficient buffers and boundary treatments between the proposed dwellings and the existing development. The proposed dwellings are set back from the site frontage and are low profile, single storey. Concerns about the loss of countryside views from the properties opposite the site are appreciated, however this is not a material planning consideration. Comments made in relation to the potential for 'light dazzle' from vehicles exiting the site are also noted, however this kind of disruption would be short-lived and occasional and does not warrant a reason for refusal on residential amenity grounds.

On balance, the development would not pose significant harm to the amenities of neighbouring occupiers and would provide an adequate standard of amenity for the proposal's future occupiers. The development therefore complies with the relevant planning policies.

LAND CONTAMINATION

The outline planning consent imposed conditions relating to contaminated land, which have subsequently been approved (discharged) by the Council. The Council's Contaminated Land Officer has been consulted on the current proposal and has not raised any objection, subject to conditions.

HEALTH CARE PROVISION

It is accepted that the development will place additional pressure on healthcare facilities locally because of an increase in the population of the village. However, the council has not been made aware of any concerns in relation to capacity of the local Doctor's surgery by the relevant consultee as a result of this development.

PLANNING BALANCE / CONCLUSION

The overall thrust of Government Policy as set out in the NPPF is to encourage the delivery of sustainable development and for Local Authorities to significantly boost the supply of housing. The application scheme offers a proposal which would provide four dwellings. This is given significant weight in the planning balance, particularly in the context of the lack of five-year housing land supply in the district.

The site lies adjacent to the village of Wanstrow, and as such, has a close relationship with the village itself. Although Wanstrow is not identified in the Council's spatial strategy as a sustainable location for growth there is a pub, garage, a village hall, and a church. Therefore, future occupiers of the development would have access to some services without having to rely on private vehicular travel.

The application site benefits from outline planning permission for the erection of four dwellings, which is a material consideration that carries significant weight in the assessment of the current submission. The outline approval remains extant until 21 October 2025.

The proposal will deliver simultaneously, economic, social and environmental benefits:

- Economic benefits will be linked to employment opportunities during the construction period but also through the increase in population and the consequent use of local businesses and services in the locality, and also through council tax receipts.
- In the context of social benefits, the proposal would provide four single storey homes within the village and will contribute towards the current shortfall across the district. Footway improvements, including the creation of an informal pedestrian crossing, will be secured.
- With regards to environmental benefits, the scheme will deliver ecological enhancements. Sustainable construction methods and technologies will be secured by condition.

Concerns about the impact on living conditions of neighbours opposite the site are understood but the outline approval has accepted the proposed access arrangements and the introduction of four dwellings on the site. Loss of a view is not a material planning consideration, and the layout, scale and design of the scheme would ensure the preservation of acceptable living conditions for neighbours.

There are no ecological, arboricultural, contaminated land, flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions.

Therefore any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole. Paragraph 11 of the NPPF therefore directs that planning permission should be granted.

Overall, the development is sustainable development, and the application is therefore recommended for approval, subject to conditions and the provision of off-site highway works (secured through a section 278 agreement).

ENVIRONMENTAL IMPACT ASSESSMENT

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

EQUALITIES ACT

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. **Plans List (Compliance)**

This decision relates to the following drawings:

- 09 May 2023 - A0.01 - LOCATION PLAN
- 09 May 2023 - A0.10 - PROPOSED SITE PLAN
- 09 May 2023 - A0.11A - PROPOSED LANDSCAPE PLAN
- 09 May 2023 - A0.12 - EXISTING SITE SURVEY
- 09 May 2023 - A0.30 - PLOTS 1 & 2 PROPOSED GROUND FLOOR
- 09 May 2023 - A0.31 - PLOT 3 PROPOSED GROUND FLOOR
- 09 May 2023 - A0.32 - PLOT 4 PROPOSED GROUND FLOOR
- 28 Jul 2023 - A0.40A - PLOT 1 & 2 PROPOSED ELEVATIONS
- 28 Jul 2023 - A0.41A - PLOT 3 PROPOSED ELEVATIONS
- 28 Jul 2023 - A0.42A - PLOT 4 PROPOSED ELEVATIONS
- 09 May 2023 - A0.43 - PLOT 1 & 2 PROPOSED RETURN ELEVATIONS
- 09 May 2023 - A0.44 - PROPOSED SITE SECTION
- 09 May 2023 - AEQ260-C-101 - ENGINEERING & OFF-SITE WORKS LAYOUT

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 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 schedule shall include:

1. Detailed specification of the proposed materials (type, size, colour, brand, quarry location, etc.).
2. Photographs of all the proposed materials.
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of 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 Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

All hard and/or soft landscape works shall be carried out in accordance with the approved details (drawing no. A0.11A). 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 Development Policy 4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Sustainable construction (Bespoke trigger)**

Prior to works above ground level, a detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how the development has incorporated reasonable and practical measures through siting, layout and design, and maximised the opportunities for the use of sustainable construction techniques, renewable energy on site and water efficiency measures. The development will thereafter be carried out in full accordance with the approved details.

Reason: To ensure that sustainable construction and renewable energy opportunities are maximised in accordance with DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Construction Environmental Management Plan (Pre-commencement)**

No site clearance, preparatory work or development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and UK priority species and

habitats listed on s41 of the Natural Environment and Rural Communities Act 2006. This is a condition precedent as the commencement of works without these details could have a harmful impact on protected species.

7. **Wildlife Protection and Enhancement Scheme (Bespoke Trigger)**

No works above ground level shall take place until a Wildlife Protection and Enhancement Scheme (WPES) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the WPES shall include the following, or similar:

- (i) Bat box (south and/or west elevations).
- (ii) Bird box (east and/or north elevations).
- (iii) Bee brick (south elevation).
- (iv) Details of new fencing (this must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle).

All works within the BEP shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To provide biodiversity gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014), paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

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

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the approved details. No new external lighting, other than that shown on in the approved "lighting design for bats", shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

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

9. **Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall commence, other than those required by this condition, until a scheme for the protection of the retained tree and the appropriate working methods (an arboricultural method statement) following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Detailed arboricultural method statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development;
- (b) Construction exclusion zones;
- (c) Protective barrier fencing;
- (d) Ground protection;
- (e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision;
- (f) Service positions; and,
- (g) Details of any special engineering requirements, including 'no dig construction';

The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that the tree to be retained is not adversely affected by the development proposals in accordance with Development Policy 1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition because the works comprising the development have the potential to harm the retained tree and therefore these details need to be agreed before work commences.

10. **Construction Method Statement (Pre-commencement)**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- a) provision of a construction access;
- b) provision of contractors' parking/compound;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) construction hours.

The development shall thereafter be constructed in accordance with the approved Construction Method Statement.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

11. **Disposal of Surface Water (Pre-occupation)**

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation of the proposed development and thereafter maintained at all times.

Reason: In the interests of highway safety and to protect the integrity of the highway drainage asset in accordance with policies DP7, DP9 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Vehicular Access (Compliance)**

The vehicular accesses hereby approved shall not be brought into use until they have been constructed in accordance with details shown on drawing no. A0.10. The vehicular accesses shall thereafter be permanently retained in accordance with the approved plans.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation of the development shall commence until the visibility splay shown on drawing no. A0.10 have been provided. There shall be no on-site obstruction exceeding 300mm 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).

14. **Footpath/pavement/pedestrian crossing (Pre-occupation)**

No part of the development hereby approved shall be occupied or brought into use until the footway along the site frontage and the uncontrolled pedestrian crossing facility as per the approved drawing (A0.10) have been constructed and fully implemented in accordance with a design and specification to be first submitted to and approved in writing by the Local Planning Authority. (The provision of these works will require a highway legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works).

Reason: In the interests of highway and pedestrian safety having regard for Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Parking (Compliance)**

The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that sufficient parking is provided to serve the approved development in the interests of highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **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, shall have been submitted to and approved in writing by the local planning authority. The scheme shall include results of infiltration testing and an assessment of the

capacity of the downstream channel and structures to accommodate additional flows from the site, 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 shall 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. Discharge from the site shall be restricted to greenfield rates of runoff with attenuation provided up to the 1 in 100 year plus 40% climate change event. The submitted details shall also include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

17. Contaminated Land - Verification Report (Pre-occupation)

No occupation shall commence until a verification report has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. Where a phasing plan has been approved no occupation shall commence of each phase until a verification report dealing with that phase has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework.

18. Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at

any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other off-site receptors and in accordance with section 11 and 15 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.

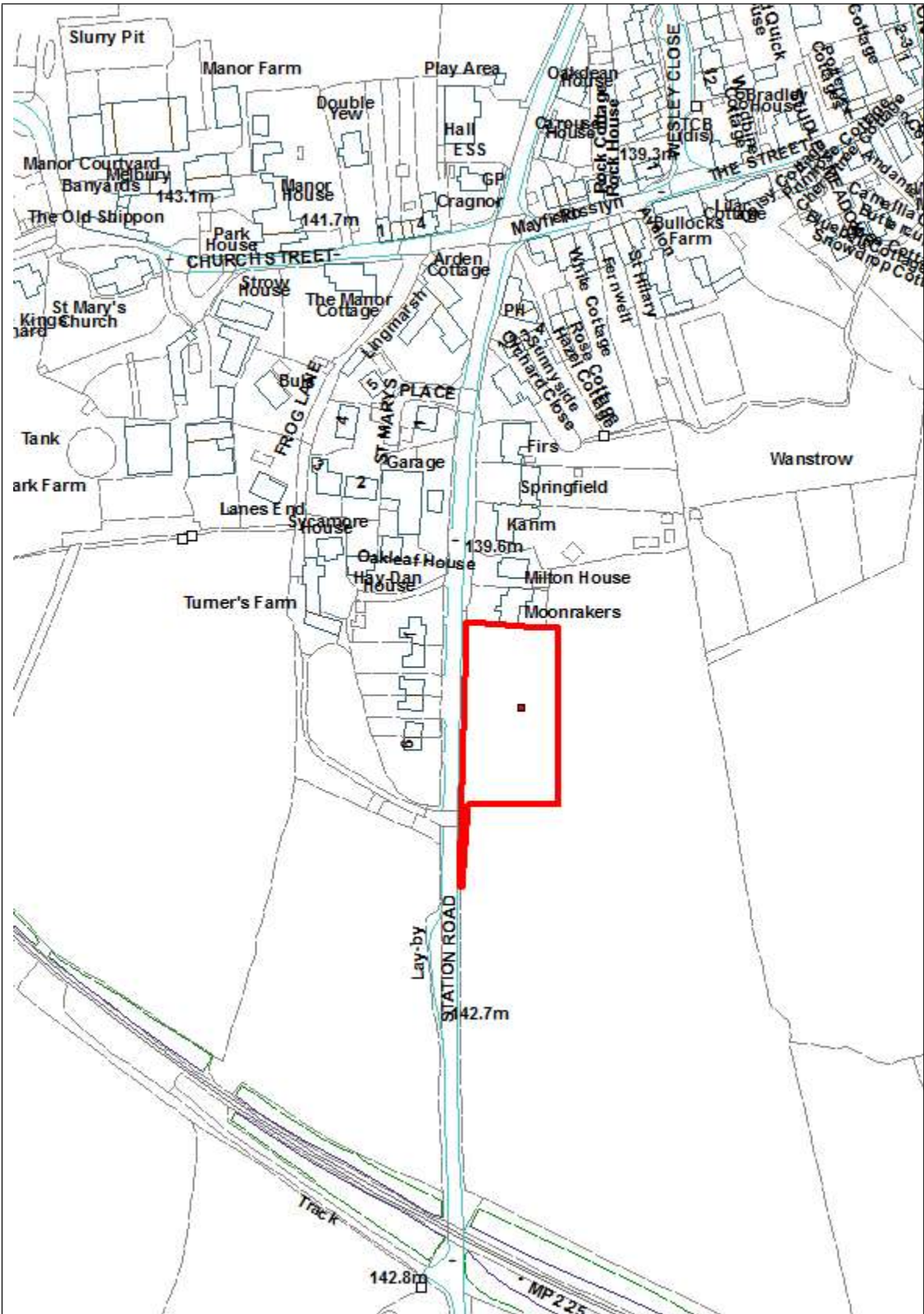
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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.



Planning Board Report 3rd October 2023
Land At 371144 141521
Station Road
Wanstrow
Shepton Mallet
Somerset

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Agenda Item 6

Application Number	2022/2434/VRC
Case Officer	Nikki White
Site	Millfield School Butleigh Road Street Somerset BA16 0YD
Date Validated	15 December 2022
Applicant/ Organisation	Mr Craig Richardson Millfield School
Application Type	Variation or Removal of Conditions
Proposal	Application to vary conditions 2 (Plans List) and 5 (Floodlights - Hours of Illumination) of planning approval 2019/1949/FUL.
Division	Street Division
Parish	Street Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Simon Carswell Cllr Liz Leyshon

3. **What3words:**

The application site can be found by entering the following into <https://what3words.com/>

brush.gymnasium.capillary

Scheme of Delegation:

In accordance with the scheme of delegation, this application has been referred to the Chair and Vice Chair of the Planning Committee. This is because the application is recommended for refusal and the Town Council supported the application. The Ward/Divisional Members made no comments as part of the consultation process.

Following referral, the Chair of the Planning Committee confirmed the application should be determined at committee.

Description of Site, Proposal and Constraints:

This application relates to the variation of conditions 2 (Plans List) and 5 (Floodlights - Hours of Illumination) of planning approval 2019/1949/FUL. 2019/1949/FUL permitted replacement floodlights on 20.11.2019. The floodlights serve the athletics

track, which is to the east of the senior school campus and west of Butleigh Road. The proposal seeks to extend the hours of use for the lights from 8am until 10pm as permitted under 2019/1949/FUL to 6am until 10pm – allowing 2 extra hours of light in the mornings. The proposal also seeks permission to add further lighting to poles T4, T5 and T6 on the south side of the athletics track to light the football pitch to the south.

Hedgerow, which is a priority habitat, is located on the northern, southern and eastern boundaries of the site. There is a bank between the athletics track and the football pitch, meaning these features sit at different levels. The agent summarises the proposed changes to the lighting poles thus:

“3.1 The proposal is for the addition of new lights to the rear of poles T4, T5 and T6 on the south side of the athletics track to provide illumination of the grass football pitch and enable it’s use during the winter periods of shorter daylight hours. Given the varying levels these additional lights would be at 13.28m height above the football pitch ground level and at 18.3m above the athletics track level. They would be shielded LED lights with a cut-off of upward light as shown in the submitted documents and as per the specification of the existing floodlights at the site.”

In terms of planning constraints, the site is part of the Millfield Senior School playing fields, and it is included in the Greenspace SPD. Trees and hedgerows run along the south and east of the site, which are a Priority Habitat. The site falls within the SSSI Impact Risk Zone. The southern part of the site is within Flood Zone 2 and 3. The site is within the Somerset Levels and Moors Ramsar Risk Area.

Relevant History:

There is extensive planning history at this site, including many applications for minor works and advertising. Key decisions relevant to this application include:

- 009837/008 - Proposed improvements to floodlighting to existing playcourt. Approved with conditions 03.12.1987.
- 101250/037 - Formation of all-weather floodlit athletics track with lavatory facilities & judges hut. Approved with conditions 08.12.1987
- 2014/0772/FUL - Proposed car park alterations and extension, reconfiguration of access approach, installation of external lighting and creation of a new field access gate. Approved with conditions 09.10.2014.

- 2015/1143/FUL - Proposed Car Park Alterations & Extension, Reconfiguration of Access Approach, Installation of External Lighting & Creation of A New Field Access Gate. Approved with conditions 03.07.2015.
- 2019/1949/FUL - Replacement floodlights - Approved with conditions 20.11.2019

Summary of Ward Councillor Comments, Town Council Comments, Representations and Consultee Comments:

Divisional Members: no comments received

Street Parish Council: support

- As there would be minimal disturbance to the ecological environment and while the Environment and Community document referred to measures the Council may take under 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, if the lighting were to encourage any unwanted behaviours, it was unanimously approved.

Environmental Protection: no objections

- We have no objections to this proposal, however, 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.

Somerset Ecology Services: objection (summary of comments, including written and verbal comments)

- The Illumination Summary lighting assessment does not demonstrate that areas to be lit will not disturb or prevent bats using their territory (hedgerow, trees and woodland edge). In addition, the proposed lighting does not provide enough buffer between the boundary habitats (hedgerow, trees and woodland edge).
- The use of asymmetric beam floodlights orientated so that the glass of the luminaries is positioned parallel to the ground is recommended. Lighting levels of 3 Lux or less where feasible and 0.5 lux where directly adjacent to woodland hedgerow and tree lines, so as not to have a negative impact on

foraging and bats (or dormice). Further guidance is given in Step 5 of Guidance Note 08/18- bats and artificial lighting (ILP and BCT 2018).

- The agent's late suggestion of potentially amending the scope of the proposal to exclude the additional lighting and propose additional hours of use only would still require the applicant to demonstrate the proposal would be acceptable in ecological terms, which has not been achieved.

Local Representations:

No other representations have been made.

Full details of all consultation responses can be found on the Council's website 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 District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)

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

- CP1 - Mendip Spatial Strategy
- CP3 - Supporting Business Development and Growth
- CP7 - Glastonbury Town Strategy
- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip's Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP16 - Open Space and Green Infrastructure

- DP17 - Safeguarding Community Facilities
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG) including Light Pollution
- Landscape Assessment of Mendip District (1997)
- Mendip District Landscape Character Assessment (2020)
- ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' (2021)
- ILP Guidance Note 08/18 'Bats and artificial lighting in the UK' (2018)
- Information from the Bat Conservation Trust on Bats and artificial lighting in the UK, and Eurobats Guidelines for consideration of bats in lighting projects
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Code for Lighting
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Lighting Guide 6: The Exterior Environment
- Conservation Area Assessment of Glastonbury (2010)
- Mendip Greenspace SPD (February 2023)

Assessment of relevant issues:

Principle of the Use:

S.73 of the Town and Country Planning Act (1990) states that, "on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted". A wider reassessment of the scheme as a whole is therefore unnecessary and beyond the scope of this application. The only matters that may be considered in respect of the current application therefore are those planning issues raised by the amendments which in this case relate to conditions 2 (Plans List) and 5 (Floodlights - Hours of Illumination) of planning approval 2019/1949/FUL.

Core Policy 1 (CP1) of the adopted "Mendip District Local Plan - Part 1" says that to enable the most sustainable pattern of growth for Mendip District, the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street).

The application site is within the development limits of Street within a well established school site. The application relates to lighting which has already been

permitted. The principle of development (changes to the conditions) is therefore acceptable.

There are no other conditions which would in principle prohibit the change of conditions as proposed.

Character and Appearance:

Documents permitted as part of 2019/1949/FUL include 3 different plans for lighting relevant to this application, including 198936P1 (1), 198936P1 (2) and 198936P1 (3). These all show an 18.3m tall pole with 6 lights set horizontally being positioned at varying angles. The proposed revised plan, which is described in the application submission as having additional lights, shows:

- 4 lights in a row in one view (assumed north towards athletics track) – it is unclear why 6 lights are not shown as permitted under 2019/1949/FUL
- 3 attached to the pole in different directions in another view
- 1 in a third view (assumed south facing football pitch)

Following a request for clarification, the agent has responded as follows:

“The submitted plan (L-R) shows:-

- *Left - Existing floodlights on north side of poles illuminating athletics pitch*
- *Centre – Single light and existing lights viewed from a roughly east direction (where you would see the profile of the all lights – front and back)*
- *Right – Appearance of single light to illuminate football pitch (as viewed from south direction)*

The new single lights fixtures would be mounted at the top of the existing 18m pole but due to the height difference between the 2 fields we show that the actual elevation of what is light is 13.28, so about a 5m difference between the two pitches.”

The plans and supporting information remain unclear in relation to the details of the changes and the associated specifications. As this application is recommended for refusal (see below) further clarification has not been sought in this case. Should the applicant resubmit another application in future, they are advised to include clear plans, supporting information and specifications.

Notwithstanding the above, the application confirms there would be no proposed increase to the height of the floodlights, additional lighting is proposed, and

increased hours of use in the mornings are proposed (starting from 6am rather than 8am).

On balance, due to the context of the site, the scale and scope of changes in the proposal are concluded to be acceptable in relation to impact on the character of the area.

Ecology:

The application has been accompanied by an Ecological Assessment (EA) prepared by Richard Green Ecology, which includes a bat survey. This considers implications for the development as proposed as well as another proposal for a new pedal court, which does not form part of this application.

As part of the bat survey, activity from 9 bat species was recorded across 2 detector locations. The EA also identifies trees to the north of the athletics tracks with moderate potential for roosting bats; confirms the hedgerows provide landscape connectivity for bats; and confirms the hedgerow provide potential foraging areas for bats. Bats are a statutorily protected species.

Extract from EA:

“Of the areas surveyed using static detectors, the link road hedge showed the highest levels of bat activity, indicating that this hedgerow with mature trees forms a screen and barrier to the street lighting and noise from the link road. The hedgerow and mature trees to the north of the athletics track is likely to provide good cover for commuting and foraging bats, and direct roosting habitat may be provided by mature trees. The hedgerows to the east and south of the athletics track and playing field were shorter, it is likely that these hedges are used for foraging.”

In relation to hazel dormice, the EA concludes:

“There are records of hazel dormouse in a hedge approximately 700 m to the west of the athletics track. The hedgerows on the site are somewhat connected to the wider hedgerow network, and it is possible that hazel dormice are present on the site. However, considering the availability of more suitable habitat in the wider area, the site is considered to be no more than local ecological value for hazel dormouse, if present.”

The EA concludes there would be low risks/impacts to hedgehogs, badgers, amphibians and great crested newts. This has not been disputed by the Somerset Ecologist.

In relation to invasive species, the EA confirms species are present on the site, and recommends removal. The recommendation to remove invasive species is supported.

“There was one small patch of montbretia Crocosmia x crocosmiiflora along the wire fence to the north of the athletics track, and another small patch of montbretia at the base of the hedgerow to the south of the playing field. There was also cotoneaster Cotoneaster horizontalis along the fence to the west of the athletics track.”

Proposed mitigation as set out in the EA includes enhanced planting in the hedgerow to the east of the athletics track to increase foraging opportunities for bats, birds and dormice; installation of 1 bat box; and invasive species removal and disposal.

A lighting assessment prepared by Musco Lighting has also been submitted which includes light spill figures. This also shows coloured isolux contour lines. The Somerset Ecologist has referred to Guidance Note 08/18- bats and artificial lighting (ILP and BCT 2018) and confirmed *“Lighting levels of 3 Lux or less where feasible and 0.5 lux where directly adjacent to woodland hedgerow and tree lines have been previously recommended, so as not to have a negative impact on foraging and bats (or dormice).”* At the southern boundary of the site, the lighting assessment shows levels would be at as high as 37lux.

Following several rounds of consultation with the Somerset ecologist, and several submissions of justification reiteration from the applicant and their consultant ecologist, the Somerset Ecologist has maintained an objection to this proposal. Lighting levels remain at significantly above 3lux.

Following confirmation of the recommended refusal, the agent has suggested the application could be amended to remove the proposed additional lighting and apply to only extend the operating hours. Another consultation discussion was therefore undertaken with the Somerset Ecologist to consider this. This confirmed such an application would still need to demonstrate floodlighting at for longer periods would be acceptable in ecological terms, and this has still not been demonstrated.

Following lengthy discussions with the agent and Somerset ecologist, this application (which was not subject to pre application) should now be determined.

In conclusion on this matter, this application cannot demonstrate that suitable lighting levels can be achieved, which would not harm protected species. Surveys have shown bats use this rural area for commuting and foraging, with potential roosts sites nearby. The proposal is therefore contrary to Local Plan Part 1 policies DP1 and DP2 as well as part 15 of the NPPF.

Impact on Residential Amenity:

Due to the scope of the development proposed and the distance from residential properties, this proposal is considered acceptable in relation to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, 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.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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 application is concluded to represent harm to protected species (bats and dormice) due to the high lighting levels in areas likely to be used for habitat, commuting and foraging. The proposal is therefore contrary to local and national policy, and recommended for REFUSAL.

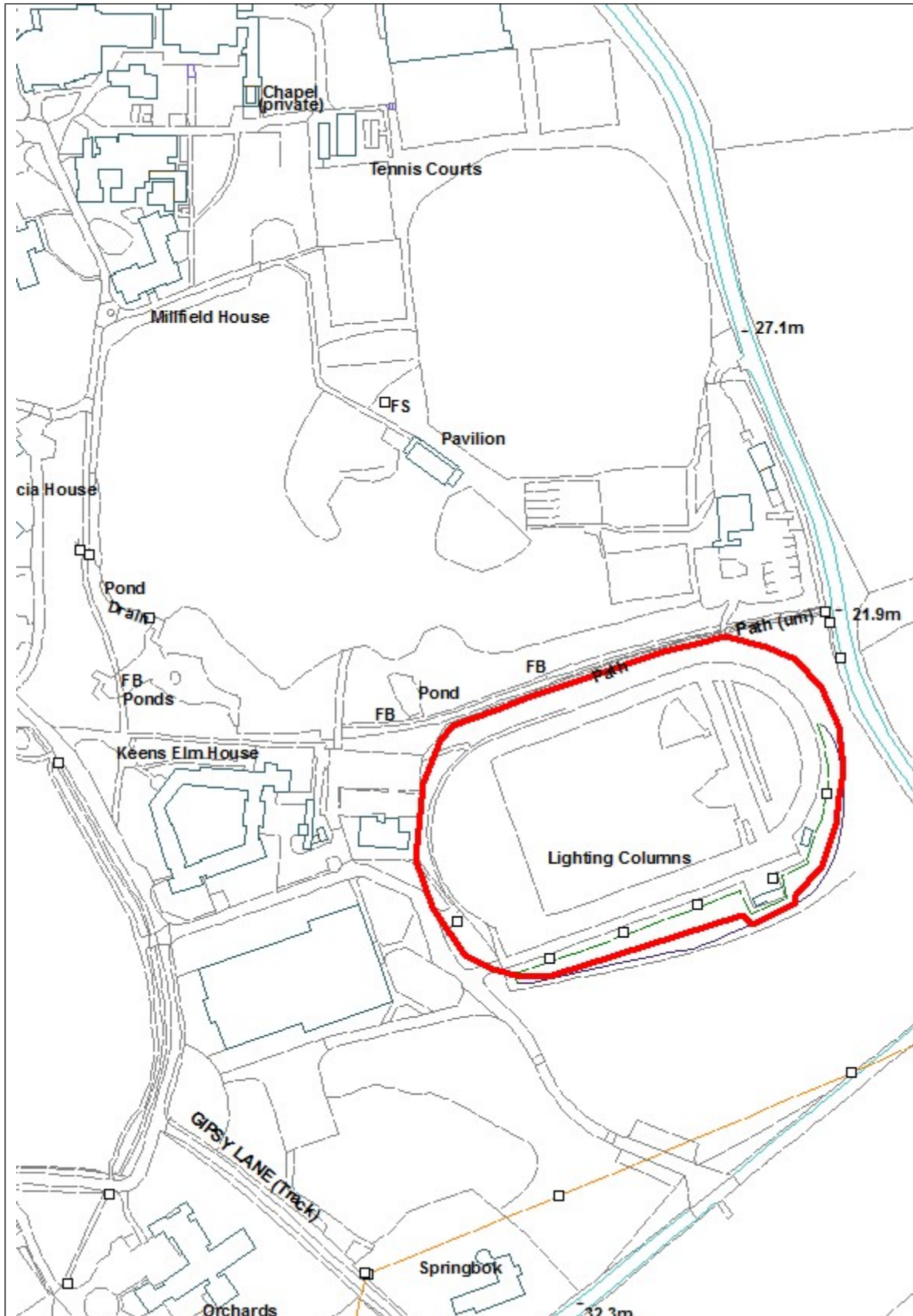
Recommendation

Refusal

1. The proposal, due to its light spill in area known bat commuting and foraging habitat would result in an unacceptable impact upon the Favourable Conservation Status of protected species (namely bats as well as dormice) and the Mells Valley Special Area of Conservation, and therefore the proposal is not compliant with the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). Furthermore, the development conflicts with Policies DP5 and DP6 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework 2021.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to the following documents, all received 14.12.2022:
 - o 198936P1 - POLE CONFIGURATION DRAWING
 - o EXISTING SITE PLAN
 - o LOCATION PLAN
 - o PROPOSED SITE PLAN
 - o LIGHT STRUCTURE SYSTEM



Planning Board Report
Millfield School
Butleigh Road
Street
Somerset
BA16 0YD

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Agenda Item 7

Application Number	2022/2313/FUL
Case Officer	Carlton Langford
Site	Land At 360261 146054 Thrupe Lane Masbury Shepton Mallet Somerset
Date Validated	23 November 2022
Applicant/ Organisation	Mr Andy Elson
Application Type	Full Application
Proposal	Conversion of stone built agricultural barn into dwelling.
Division	Shepton Mallet Division
Parish	Croscombe Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Bente Height Cllr Martin Lovell

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

In accordance with the Scheme of Delegation, this application is referred to the Chair and Vice Chair as the Case Officer's recommendations differs from that of the Parish Council and Divisional Member. Following referral the application is to be presented to the Planning Committee for consideration with a recommendation for refusal.

Description of Site, Proposal and Constraints:

The application relates to conversion of a barn to a dwelling. The application site forms part of a larger agricultural field of approximately 0.58ha in size to the north of Thrupe in the Croscombe and Pilton Ward. The site is accessed from West Lane, a single lane track, off Thrupe Lane. The existing barn has been rebuilt and benefits from retrospective planning permission ref 2019/1054/FUL for agricultural purposes.

The site is outside of development limits and within the Somerset Levels and Moors Ramsar Risk Area.

Relevant History:

2019/1054/FUL - Proposed demolition of old tin barn and replace with a natural stone barn.

(Retrospective) – approved with conditions – 23.07.2019

2021/1646/FUL – Conversion of Barn to Dwelling – Refused Nov 2021 for the following reasons –

1. The proposed development lies in the countryside outside defined development limits

where development is strictly controlled. The proposal has failed to demonstrate that it

complies with the Council's policy for the reuse and conversion of rural buildings by virtue of the issues identified relating to amenity conflict, unsympathetic design and impact on ecology. The proposal has failed to meet the tests of the National Planning Policy Framework for the reuse of redundant or disused buildings because it would not

lead to an enhancement of the immediate setting. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the

need to travel by private vehicle and is therefore unacceptable in principle. The benefits

of bringing forward housing supply and the limited economic benefits for the wider community do not outweigh the significant and demonstrable harm identified. The proposal is therefore contrary to the provisions of Policies CP1, CP2, CP4, DP1, DP4, DP9 and DP22 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance.

2. The proposed development would fail to maintain or enhance the environment and its

urbanising effect and encroachment into the countryside would have a harmful impact on

the countryside's intrinsic character here. The development would therefore be contrary

to the provisions of Policy DP1 and DP7 of the Mendip District Local Plan 2006-2029,

Part 1: Strategy and Policies (Adopted Dec 2014) and the advice contained under Part 9

of the National Planning Policy Framework.

3. Insufficient information has been submitted to assess whether the proposal would result

in an unacceptable increase in phosphate levels within the foul water discharge affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such fails Regulation 63 of the Habitat Regulations 2017 and is not considered to be sustainable development. The proposal is therefore considered to be contrary to the provisions of Policies DP5 and DP8 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework (with particular regard to Part 15), and Planning Practice Guidance.

4. Insufficient information has been submitted to demonstrate that the proposal would be served by an adequate drainage scheme and the proposal is therefore contrary to Policy DP23 of the Mendip District Local Plan (Adopted 2014).

5. Insufficient detail has been provided regarding the access and vehicular movements associated with the development to satisfactorily demonstrate that the development would not be detrimental to highway safety. The proposal is therefore contrary to the criteria set out under Policy DP9 of the Mendip District Local Plan (Adopted 2014) which requires all proposed development to make safe and satisfactory provision for access by all means, avoid causing traffic problems for the wider transport network and promote the reduction of travel by private vehicle.

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

Divisional Member: As I understand that the recommendation of the Parish Council (Croscombe) is not in accordance with the recommendation of the Planning Case Officer I make formal request that this application goes to Planning Committee for determination. I also request that this goes on the agenda for the meeting on Tuesday 3rd October 2023

Croscombe Parish Council: No objection

Environmental Protection: No objection

Contaminated Land: No objections subject to a watching brief for potential hotspots of contamination.

Highways: Standing advice

Drainage: No objections

Ecology: No objections

Local Representations: 2 letters of support received.

Full details of all consultation responses can be found on the Council's website.

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local

planning authorities to determine proposals in accordance with the development plan unless

material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

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

application:

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip's Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection

- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP22 – Reuse and Conversion of Rural Buildings
- DP23 – Managing Flood Risk

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)

Assessment of relevant issues:

Principle of the Use:

The application site is situated outside any defined settlement limits, within a location isolated from services and facilities, where development is strictly controlled. Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined development limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF.

Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions: Development Policies (DP) 12, 13, and 22. Policies DP12 and DP13 are not considered to apply here.

Development Policy 22 (DP22) states that the reuse and conversion of a building in the countryside (outside of defined development limits) for residential use will be given favourable consideration where it would lead to an enhancement to the immediate setting, and:

- a) the proposed use would not prejudice the use of adjacent land and premises, particularly where such use entails agricultural or other land-based operations
- b) the design of the building, and associated development required to facilitate its reuse, respects its surroundings and does not harm the wider landscape character of the area, or have an adverse impact on the transport network

c) in the case of a traditional building, the proposal is sensitive to its fabric and character

d) the building is of permanent and substantially sound construction and is proposed for reuse and adaption in a manner which would not require major or complete reconstruction.

e) any bat roost present is incorporated or replaced, and external vegetative structure supporting is maintained or replaced within the scheme.

Paragraph 80 of the NPPF, is also supportive of schemes for the conversion of rural buildings to residential uses where it will lead to the enhancement of the immediate setting.

However, for the reasons discussed below, the proposal is not considered to be in accordance with Policy DP22 or paragraph 80 of the NPPF as the conversion would not lead to an enhancement of the immediate setting.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land

supply in accordance with the requirements of the NPPF. As a result, the policies within the

Local Plan, which seek to prevent new housing outside the development limits of settlements

(CP1, CP2 and CP4) currently have reduced weight in the planning balance. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

The site is within the Somerset Levels and Moors Ramsar Risk Area. The LPA was contacted by Natural England in August 2020 to alert it to the high levels of phosphates in the internationally designated site (designated for its internationally important wetland features including the floristic and invertebrate diversity and species of its ditches), leading to eutrophication of the protected waters. In light of a court Judgement (known as Dutch N), Natural England has advised that before determining a planning application, even for single dwellings, that may give rise to additional phosphates within the catchment, competent authorities should undertake

a Habitats Regulations Assessment (HRA) or evidence should be provided to demonstrate that an HRA is not required.

Paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

As assessed below (Ecology) the application has provided sufficient evidence that a scheme can be put in place to ensure the development can achieve nutrient neutrality and, in this case, a Habitats Regulations Assessment (HRA) will not be required. Therefore, the presumption is favour of sustainable development under paragraph 11d of the NPPF can be activated.

Each of the requirements of DP22 are considered in detail below, in addition to the other development plan policies to assess the impact of the proposal on the character and appearance of the area, residential amenity, highway safety, flood risk and ecology.

In this case, the significant and demonstrable harms associated with residential development in such an unsustainable location do not outweigh the benefits of delivering a single dwelling.

Adjacent Land Use:

To be in accordance with DP22(a) the proposal should not prejudice the use of adjacent land and premises, particularly where such use entails agricultural or other land-based operations.

The applicant has provided the following evidence to establish that existing neighbouring land uses are unlikely to be impacted by the proposed development –

“The nearest residence is Upper Thrupe Farm, located to the east of the site off Thrupe Lane, in excess of 70 metres. Upper Thrupe Farm was a working farm until 2000 and from 2022, a smallholding where livestock including pigs, sheep and horses were maintained. Upper Thrupe Farm’s current owner is a former polo player and has a small number of ponies on site. There are no incompatible uses such as silage storage or machinery use which might cause noise or odour concerns. Being the former owner of Upper Thrupe Farm, the applicant is familiar with the running of

this farm and its operations, and the two sites are well separated by Thrupe Lane, existing hedgerows and the north east area of the application site which will soon offer an orchard meadow. Further to this, there are no bedroom windows on the eastern side of the proposed dwelling, fronting Thrupe Farm.”

This information is considered sufficient to ensure the requirements of Policy DP22(a) are met.

Design of the Development and Impact on the Street Scene:

DP22 states that the reuse and conversion of a building in the countryside (outside of defined development limits) for residential use will be given favourable consideration where it would lead to an enhancement to the immediate setting, and:

b) the design of the building, and associated development required to facilitate its reuse,
respects its surroundings and does not harm the wider landscape character of the area,
or have an adverse impact on the transport network

c) in the case of a traditional building, the proposal is sensitive to its fabric and character

DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. Further to this, decisions should take account of efforts made to minimise negative effects.

DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form and layout appropriate to the local context. It goes on to say that the proposal should demonstrate that it can meet the needs of a wide range of users.

The proposal would significantly alter the character of this rural site and would encroach into the countryside to include the land necessary to mitigate for nutrient neutrality taken out of agricultural use. The proposal fails to demonstrate how it would contribute positively to the maintenance and enhancement of local identity, or that it respects its surroundings and does not harm the wider landscape character.

As such the application is contrary to DP1, DP7, DP22 and para 80 of the NPPF.

Degree of Reconstruction:

DP22 d) requires the consideration of the degree of change required for the conversion and stipulates that conversions should not require major or complete reconstruction.

The barn on the application site is a recent development, built illegally and then authorised retrospectively in 2019 under 2019/1054/FUL. It is unclear what contribution this barn has made to the adjacent farming operations, if any.

No structural survey has been submitted with the application to demonstrate it is suitable for conversion without major reconstruction. However, at the case officer site visit, it was very clear, that the building had been constructed to a very high standard and therefore, the building is of substantial construction and would likely accommodate conversion without the need for significant alterations.

However, as a newbuild with no obvious history of any discernible rural use, the building fails to comply with aims Policy DP22 for the reuse or conversion of rural buildings.

Ecology:

DP22 e) states that any bat roost present is incorporated or replaced, and external vegetative structure supporting is maintained or replaced within the scheme. DP5 states that the planning process will be used to protect, enhance, and restore Somerset's Ecological Network within Mendip.

The bat and bird survey submitted with the application indicate there were no bat or birds within the building.

The survey has suggested protection measures for birds and bats within nearby trees and hedgerows together with opportunities for biodiversity enhancements on site.

The proposal accords with the requirements of Policies DP22 (e) and DP5 and DP6 of the LP.

Further to this, the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar Area.

However, interim guidelines on small-scale thresholds and nutrient neutrality principles (May 2021) have been agreed between SES and Natural England in lieu of the national guidance.

It is noted that the application is supported by evidence pertaining to these Interim guidelines, specifically to the small scale thresholds of likely significant effects in relation to Package Treatment Plants (PTPs). The evidence submitted in order to progress the application under these guidelines comprises the following: -

- Nutrient Exemptions Assessment report prepared by Cole Easdon, May 2023 on the Somerset Council Portal concerning application 2022/2313/FUL;
- Nutrient Neutrality Assessment & Mitigation Strategy report (Cole Easdon, November 2022);
- SURFACE AND FOUL WATER DRAINAGE STRATEGY report(Cole Easdon, November 2022); and
- 'Proposed Drainage Strategy' map for the proposed Proposed Residential Conversion West Lane Barn, West Lane Thrupe (Cole Easdon, October 2023).

The interim guidelines state that small discharges from PTPs or Septic Tanks to ground (i.e. less than 2m³ per day) within the Ramsar catchment will present a low risk of a significant effect where the location of the drainage field and PTP meet the proposed thresholds criteria a-h. SES are satisfied that the proposal will result in discharges of less than 2m³ per day (0.18kgTP/year. Discharge to ground via a PTP and drainage mount. Expected volume of foul water= 0.75m³ per day) and that the proposed locations of the drainage field and PTP meet the proposed thresholds criteria a- h.

The interim guidelines also state that a PTP discharging into a drainage field needs to be appropriately designed, including acceptable year-round percolation rates for it to work effectively. A percolation test ensures the drainage field effectively removes pollutants and then determines the size of the drainage field required.

A percolation test has been performed of the proposed location of the drainage field on and the results of the percolation test indicate an average Vp value of 55.71. This value lies within the required range under the Building Regulations 2010, which specify an average Vp value of between 12 and 100. This suggests that the proposed location of the drainage field will effectively remove pollutants and SES therefore consider this acceptable.

It is proposed to discharge treated effluent from the proposed treatment plant to ground via a drainage mound. The use of a drainage mound will ensure that a 2m buffer is achieved between the drainage field distribution pipes and seasonally high groundwater table. SES therefore consider this acceptable.

The Somerset Nutrient Information Request Sheet requires details on the PTP to be used, as well as the PTP's rate of efficiency for removal of phosphates. The application proposes the use of a Graf One2cleanPlus package treatment plant. SES consider this Package Treatment Plant make and model to be acceptable.

Further to discussions with Natural England, it is therefore concluded that the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect alone and in combination under the Conservation of Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

Appropriate conditions to ensure the provision of the above scheme for the disposal of foul drainage will need to be imposed.

The proposal therefore accords with Policies DP5, DP6 and DP8 of the Local Plan.

Impact on Residential Amenity:

Due to the isolated nature of the site, there are no concerns in relation to impact on residential amenity of existing dwellings.

Assessment of Highway Issues:

DP9 of the local plan, and the NPPF seek to promote sustainable transport options, such as walking, cycling or public transport. As previously stated, the site is remote from shops, services and facilities. Limited public transport options have been identified and walking or cycling journeys to meet every day needs would generally be impractical. In the absence of realistic sustainable transport options, the proposal would unjustifiably foster the growth in the need to travel by private car.

DP9 also requires development to make safe and satisfactory provision for access, emergency services, servicing and parking. DP22 b) states that the development should not have an Adverse impact on the transport network.

The amended details as submitted clearly demonstrate that a safe means of access can be achieved from the site onto West Lane and thereafter onto Thrupe Lane.

The proposal also includes suitable off-street parking provision and on-site turning to allow vehicles to arrive and leave the site safely in forward gear.

In terms of highway safety, the proposal accords with Policies DP9, DP10 and DP22 of the LP. However, the development fails to promote sustainable transport options contrary to the provisions of Policy DP9 of the LP.

Sustainability and Renewable Energy:

The application includes various mechanisms for carbon reduction including to meet policies DP7 and DP8 of the LP.

Drainage:

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 site is located within an area that has been identified in the Mendip Flood Risk Management Programme as being at high risk of surface water runoff.

This is the conversion of an existing building therefore, there is no net change in impermeable areas as a result of the proposals and the volume of surface water runoff will not increase. The existing drainage discharges at an unrestricted rate into a watercourse to the east of the site.

The drainage strategy for the site utilises rainwater harvesting with overflow from the rainwater harvesting system discharging to an attenuation basin and wetland before discharge at greenfield rates via the existing connection to the stream.

Foul drainage will be to a package treatment plant discharging to a drainage mound. Percolation testing in accordance with Building Regulations part H has been undertaken demonstrating that infiltration rates are suitable for a drainage field which has been sized accordingly. A drainage mound has been selected due to seasonally high groundwater levels.

The schemes proposed accord with Policies DP7 and DP23 of the LP.

Trees:

A tree survey has been submitted, providing an Arboricultural Impact Assessment, Arboricultural Method

There are no formally protected trees on site. The large ash tree (T1) was noted to have ash dieback, in irreversible decline. As recommended, this tree will be reduced to a height of 4.5m and retained as a monolith. The boundary hedgerows have been noted as important landscape and ecological features, and as recommended, will remain unaffected by the development.

Overall, therefore, the development proposal is considered to comply with national and local policy in respect of existing trees and hedgerows.

Environmental Impact Assessment:

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion and Planning Balance:

In assessing the proposal against the Council's conversion Policy (DP22), it is considered that the building is a newbuild development with no history of a rural use and therefore fails to accord with the key criteria of the Policy. Therefore, the principle of development is unacceptable as the site is isolated and unsustainable wholly dependent on the use of the car and does not meet exception criteria set out in the NPPF or Local Plan. The proposal for residential development with associated domestic paraphilia fails to respect the character of this rural site.

Whilst it is appreciated that the proposal would deliver a single dwelling and the need for housing in Mendip is acknowledged, it is considered that in this case, this

benefit is not outweighed by the significant and demonstrable harms identified in relation to principle of development and the impact of the scheme on the character of the area. As such, the application is recommended for refusal.

Recommendation

Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The proposal has failed to demonstrate that it complies with the Council's policy for the reuse and conversion of rural buildings by virtue of the issues identified relating to, newbuild, unsympathetic design and domestic use of the land. The proposal has failed to meet the tests of the National Planning Policy Framework for the reuse of redundant or disused buildings because it would not lead to an enhancement of the immediate setting. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The benefits of bringing forward housing supply and the limited economic benefits for the wider community do not outweigh the significant and demonstrable harms identified. The proposal is therefore contrary to the provisions of Policies CP1, CP2, CP4, DP1, DP4 and DP22 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance.
2. The proposed development would fail to maintain or enhance the environment and its urbanising effect and encroachment into the countryside would have a harmful impact on the countryside's intrinsic character here. The development would therefore be contrary to the provisions of Policy DP1 and DP7 of the Mendip District Local Plan 2006-2029, Part 1: Strategy and Policies (Adopted Dec 2014) and the advice contained under Part 9 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 Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

2. This decision relates to drawings -

1000 P3

1001 C

1101 C

1102 D

1103 D

2101 C

2102 C

2103 D

2104 D

220-001 P1

220-301 P1

220-501 P1

22026/U01/002A

3101 C

3102 D

1002 G

8679-502 E

220-G101

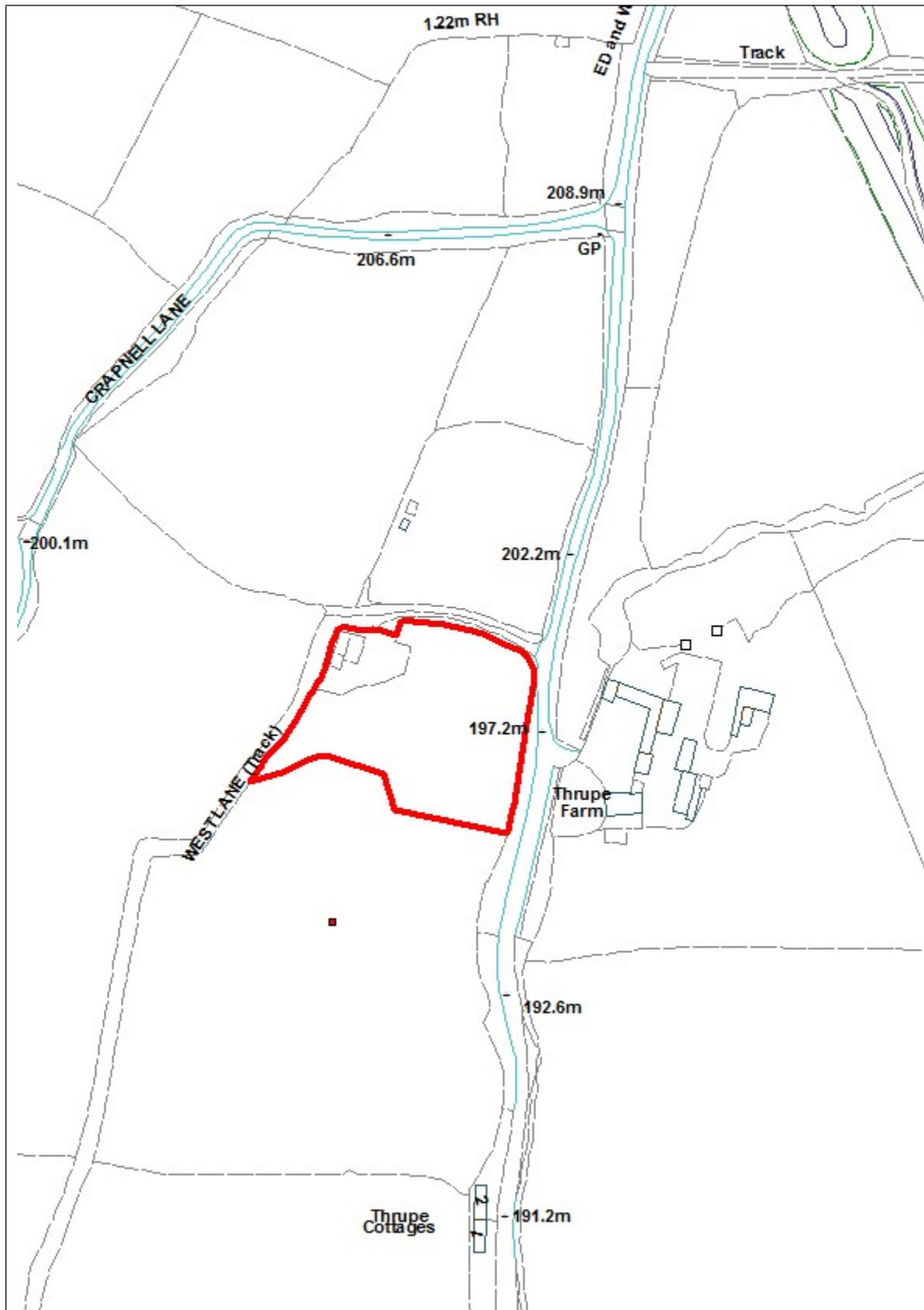
220-G102

220-801 P1

DRAINAGE STRATEGY

NUTRIENT NEUTRALITY AND MITIGATION STRATEGY (REVISED)

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Planning Board Report 3rd October 2023
 Land At 360261 146054
 Thrupe Lane
 Masbury
 Shepton Mallet
 Somerset

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Application Number	2023/0174/REM
Case Officer	Kelly Pritchard
Site	Newlyn Back Lane Draycott Cheddar Somerset
Date Validated	3 February 2023
Applicant/ Organisation	Messrs Ham & Warren
Application Type	Reserved Matters Application
Proposal	Application for approval of reserved matters following outline approval 2019/1157/OTA for demolition of existing dwelling and construction of 5 new dwellings. Matters of access to be determined.
Division	Mendip West Division
Parish	Rodney Stoke Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

3. **What Three Words: flux.graph.treaty**

Referral to Planning Committee

Following the referral process, the Chairman has requested that this application be considered by the Planning Committee in the public interest.

Referral to Chair and Vice-Chair:

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-Chair of the Planning Committee following the Parish Council's recommendation for refusal. The case officer recommendation is to approve with conditions.

Description of Site, Proposal and Constraints:

The application site consists of a detached bungalow set within a generous plot. The existing dwelling benefits from a vehicular access via a lane off The Street, to the south. It has a pedestrian access onto Back Lane to the north. Baggs Lane runs along the east of the site boundary. It culminates in a footpath linking The Street with Back Lane.

The site is located within the development limits of Draycott.

It is within an Area of High Archaeological Potential, Bat Consultation Zone (North Somerset Mendip Bats Special Area of Conservation), Mendip Gliding Club (5m) and Air Limit Civilian consultation area, a Source Protection Zone and Tip Interest Zone, a Site of Special Scientific Interest Impact Risk Zone and the Indicative Non Ramsar WRC area.

There is an extant outline approval, reference 2019/1157/OTA, for demolition of existing dwelling and construction of 5no. new dwellings, all matters were reserved for subsequent approval.

This application seeks reserved matters for the vehicular access for the site all other matters are to be agreed by further applications which will cover layout, scale, appearance and landscaping. The vehicular access to serve the site is proposed from Back Lane.

Relevant History:

- 049232/001 – Dwelling. Approval. 19.11.79
- 049232/002 – Dwelling. Approval. 10.01.84
- 049232/003 – Renewal of outline for the erection of a dwelling. Approval. 23.12.86
- 049232/004 – Erection of six dwellings and garages. Refused. 19.09.88
- 049232/005 – Erection of two detached bungalows and garages. Refused. 19.12.88
- 049232/006 – Demolition of dwelling and erection of three detached bungalows with garages. Withdrawn. 06.09.89
- 049232/007 – Renewal of outline permission for the erection of a dwelling. Approval. 01.11.89
- 049232/008 – Erection of detached dwelling with garaging and access and enlarge layby for Newlyn. Approval. 25.09.91

- 2019/1157/OTA - Outline application with all matters reserved for demolition of existing dwelling and construction of 5no. new dwellings. Approval.
13.03.20

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

Divisional Member: No comments received.

Rodney Stoke Parish Council: Refusal.

- The Construction Management Plan as per Condition 7 of the outline planning permission for application 2019/1157 has not been carried out. (officer note: as confirmed later in this report, condition 7 of the outline permission would still need to be complied with and formally discharged.)
- With regard to the access, the Parish Council refer to their previous comments for application 2019/1157 as amended

For clarity the Parish Council comments on 2019/1157/OTA were as follows;

Recommend Refusal

On the following basis:

The Parish Council consider that the density should be reduced to 4 units which would be more appropriate in the middle of this small village.

Further to the amendment letter dated 8th July 2019 regarding drawing ref 1382 - 04 dated 21st June 2019, the Parish Council withdraws its objection regarding the access on Baggs Lane.

Highways Development Officer: No objection subject to conditions.

Environmental Protection: Applicant still needs a Construction Management Plan as per Condition 7.

Archaeology: No objection.

- As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Environment Agency: No comments received.

Local Representations:

Seven representations have been received. Objections include the following planning issues:

- Highway safety
- Light pollution
- Loss of privacy
- Design of dwellings should be in keeping.
- Impact on ecology
- Principle of dwellings on the site
- Reduction in wall height will reduce character.

Full details of all consultation responses can be found on the Council's website www.somerset.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 District Local Plan Part II: Sites and Policies (December 2021) (post JR version)

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP4 (Sustaining Rural Communities)

- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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 principle of development inside development limits is considered acceptable and has been established by the extant outline planning permission.

Details of the layout, scale, appearance and landscaping for the site are not being considered as part of this reserved matters application. The only matter proposed for consideration is access to the site, and as such this element will be assessed in further detail below.

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

When viewed from Back Lane, the site is located behind an existing hedge and wall where there is a pedestrian gate. With respect to the creation of the access and its impact on the character of the street scene, representations have been received that express concern about reducing the height of the wall to provide the necessary visibility splays.

In the interests of highway safety, the wall fronting the highway will need to be reduced to 600mm in height. Although walls along this stretch of highway are prevalent, they are of varying heights and there are other examples nearby where the wall has been breached.

Overall It is considered that the creation of the access as proposed will not result in an adverse impact on the character or appearance of the area and as such the proposal is compliant with Policies DP1 and DP7.

Impact on Residential Amenity:

The principle of residential development on this site has been established by the outline permission. Details of design and layout are reserved for subsequent approval and as such the impact of residential development on neighbourhood amenity will be assessed at a later date.

In particular regards to the creation of the access, it is considered that the proposal will not result in harm to neighbour amenity.

Impact on Ecology:

The creation of an access will require the removal of some of the existing roadside domestic garden hedge. This would not require permission from the LPA. If permission is approved the applicant will be reminded via a note on the planning permission that nesting birds and bats are protected and should not be disturbed.

The creation of an access will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

The site comprises a detached dwelling set in a good size plot along Back Lane, an un-numbered classified highway subject to a 20mph speed restriction. The outline application received a favourable response from the Highway Authority to the proposed access subject to the imposition of conditions.

The outline application was conditioned to have no obstruction to visibility above 800mm within the proposed visibility splays. In response to this reserved matters application and following discussions with the highway authority officer any

obstruction within the visibility splay for the proposed access to be kept to a minimum of 600mm.

This arrangements are shown on drawing numbers 1921-RM-01a and 1921-RM-02a which were received on 22nd March 2023 to show this reduced height and based on these drawings the proposal is considered to be acceptable.

As such and because condition 5 (visibility splays) on the outline permission specified a different height the LPA is able to confirm that the condition 5 can be satisfactorily discharged by this reserved matters application.

In summary the means of access is acceptable and maintains highway safety standards. The proposal accords with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Impact on Archaeology:

The site lies within an area of high archaeological potential. The Historic Environment Officer did not consider the development would endanger any archaeological remains. Therefore, it is considered the proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014), and Part 16 of the National Planning Policy Framework.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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.

Other Matters:

The Construction Management Plan as per Condition 7 of the outline planning permission for application 2019/1157/OTA has been mentioned in the representations received. It should be noted that the reserved matters permission has to be read in conjunction with the outline consent and as such the outline conditions are still relevant.

Recommendation

Approval

Conditions

1. Plans List (Compliance)

This decision relates to the following drawings: 1921-L-01 validated 03.02.23 and 1921-RM-01a and 1921-RM-02a received 20.02.23.

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

2. Vehicular Access (Compliance)

The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with details shown on drawings 1921-RM-01a and 1921-RM-02a received 20.02.23. The vehicular access shall thereafter be permanently retained in accordance with the approved plans.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

3. Removal of Permitted Development Rights - Vehicle Visibility Splay (Compliance)

Notwithstanding the provisions of the Town and Country Planning General Development Order 2015 (or any order revoking and re-enacting that Order) there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the approved plans, drawing numbers 1921-RM-01a and 1921-RM-02a received 20.02.23. The development hereby approved shall not be brought into use or occupied unless such visibility is available and shall retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highway safety in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. Condition Categories

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

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

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

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

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

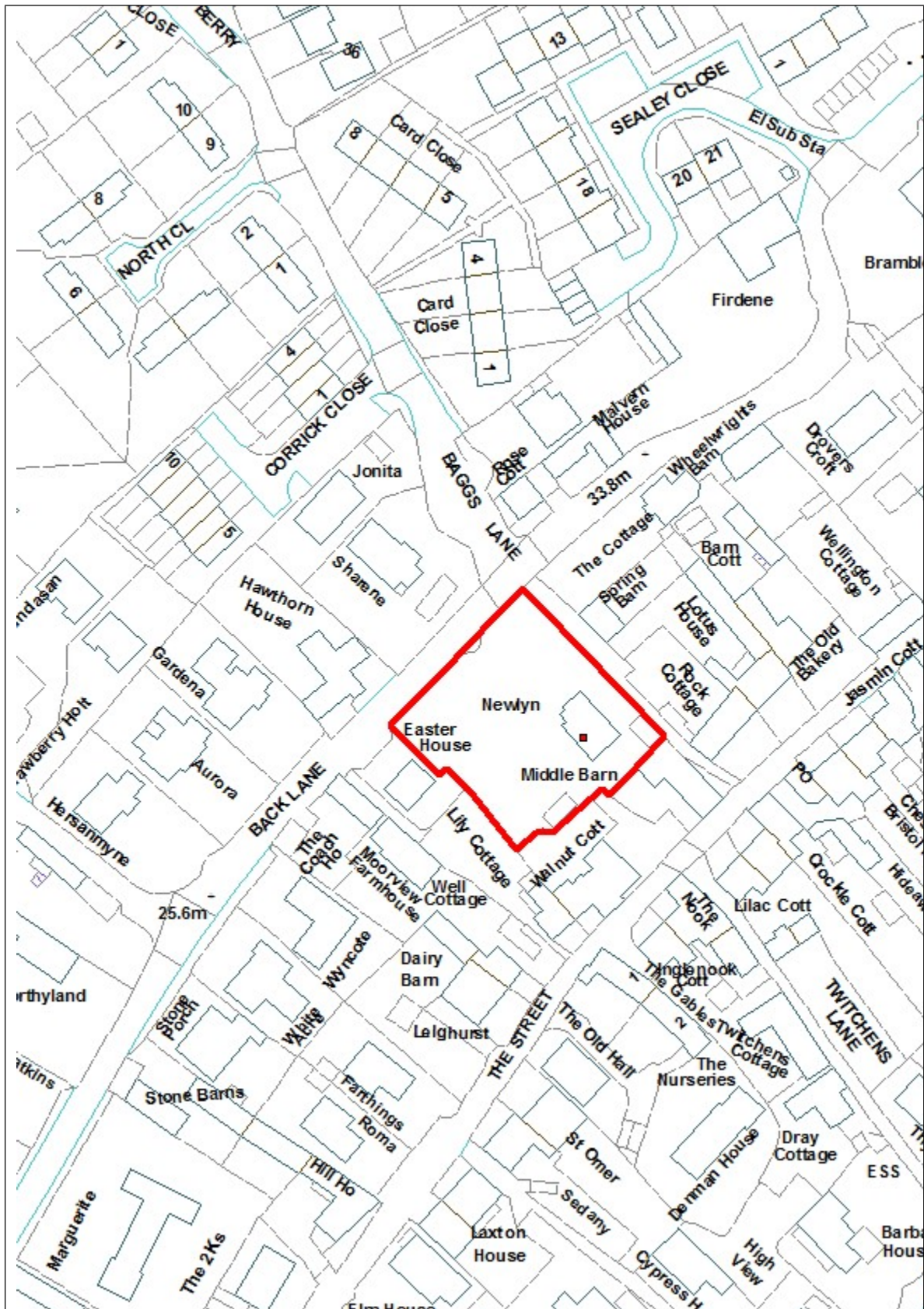
Please note all conditions should be read fully as these headings are intended as a guide only.

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns

condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. **Building Regulations Approval**
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/>
5. **Legal Protection Afforded to Bats and Bat Roosts**
The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed, and experienced ecologist at the earliest possible opportunity.
6. **Legal Protection Afforded to Nesting Birds**
The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop immediately, and do not restart either until the young have fledged or advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.



Planning Board Report 3rd October 2023
 Newlyn
 Back Lane
 Draycott
 Cheddar
 Somerset
 BS27 3TT

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Application Number	2023/0814/FUL
Case Officer	Kelly Pritchard
Site	Land West Of Tanyard Lane North Wootton Shepton Mallet Somerset
Date Validated	8 May 2023
Applicant/ Organisation	G Wilson
Application Type	Full Application
Proposal	Erection of dwellinghouse and garage/store outbuilding.
Division	Mendip West Division
Parish	North Wootton Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

10. **What Three Words: propelled.guitars.cashiers**

Referral to Planning Committee

Following the referral process, the Chairman has requested that this application be considered by the Planning Committee. The officer recommendation is for refusal which is contrary to the views expressed by the Parish Council and the Divisional member

Description of Site, Proposal and Constraints:

The application relates to a field located between existing housing to the west of Tanyard Lane, in North Wootton. There is an existing access onto Tanyard Lane at the eastern end of the plot.

Tanyard Lane is an unclassified road with a 30mph speed limit.

The site has a slight slope from south to north and the property known as Scotton is on higher land. There are a number of trees along the road frontage to the site.

The site is located outside defined development limits.

It is located within a Site of Special Scientific Interest Impact Risk Zone, and is allocated as an open space within Mendip's local plan.

The history shows that planning permission was granted for a two storey house and garage on the plot with a new vehicular access proposed to the south of the existing access. At the time when outline planning permission was granted, the application site was not within the open space allocation, the allocation being to the rear of the site. The site was also within the settlement limits. When the reserved matter application was approved the open space allocation included the application site and as there was an extant outline approval this was material in the consideration and approval of the reserved matters application. These permissions have since lapsed.

North Wootton no longer has a settlement limit.

This application seeks full planning permission for the erection of a single storey, two bedroom dwelling, erection of detached garage/store and alteration the access, moving it further south of the existing but further north than the access consented for the two storey dwelling.

It will be finished in a mixture of timber cladding and render with clay roof tiles.

The application site contains an existing package treatment plant (PTP) for the applicant's dwelling, Home Orchard on the opposite side of the lane. The proposal includes the replacement of the PTP with a new system which will serve Home Orchard and the proposed dwelling.

Relevant History:

- 2013/1124 - Erection of a dwelling and garage and creation of new vehicular access. Outline Approval. 11.07.13
- 2016/2720/REM - Erection of a dwelling and garage and creation of new vehicular access. Approval. 16.12.16

Summary of Divisional Councillor comments, Parish Council comments, representations and consultee comments:

Divisional Member: Councillor Heather Shearer supports the granting of planning permission.

North Wootton Parish Council: Approval.

- The applicant is a long standing member of the community and we understand that the application for the building is for the applicant's own use.

Highways Development Officer: Standing advice.

Environmental Protection: We have no objections to this proposal except hours of construction operations due to proximity of other residential:

- Noise emissions from the site during the development, i.e. the demolition, clearance and redevelopment of the site, 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.

Contaminated Land: No objection, but due to the location of the former tannery neighbouring to the north, it would be advised to keep a watching brief for potential hotspots of contamination.

Lead Local Flood Authority: No comments received.

Ecology: No objection subject to conditions.

Planning Policy: Object.

- Despite Tanyard Lane being lined with residential development interspersed with green space, this proposal cannot be supported. It is outside of development limits, therefore in the open countryside, and in an Open Area of Local Significance (OALS). To build on it would therefore cause harm to the character, the OALS was put in place to protect.

Trees: No objection subject to a condition to secure a detailed arboricultural method statement to support the provided Arboricultural Impact Assessment/Tree Protection Plan.

Local Representations:

One letter of concern has been received about potential damage to property and electricity lines by trees coming down.

Full details of all consultation responses can be found on the Council's website www.somerset.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 District Local Plan Part II: Sites and Policies (December 2021) (post JR version)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP4 (Sustaining Rural Communities)

- DP1 (Local Identity and Distinctiveness)
- DP2 (Open Areas of Local Significance)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Design and Amenity of New Development, Policy DP7 Supplementary Planning Document (SDP) (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Mendips Green Spaces, Policy DP2, DP16, DP1, SPD adopted 06.02.23

Assessment of relevant issues:

Although the planning statement submitted with the application suggests that this proposal is a self-build, no details pursuant to policy DP24: Single-plot Exception Sites for Self & Custom-Build of the Local Plan Part II have been submitted. As such the application will not be determined in this policy context.

Although the planning history includes approval for a dwelling on this site, the permission has expired, and policy has significantly changed since that consent. As such the planning history carries limited weight in the determination of this case and it will be recommended on the basis of the current site and policy context.

Principle of the Use:

The application site is situated outside any defined settlement limits, within a location isolated from services and facilities, where development is strictly controlled. Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined development limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions: Development Policies (DP) 12, 13, and 22. Policies DP12, DP13 and DP22 are not considered to apply here.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the Core Policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1, CP2 and CP4) can not be given full weight in the decision making process. Therefore, whilst regard should be given to the

policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

The proposal is not considered to represent sustainable development by virtue of the site's distance and poor accessibility and connectivity to local services and facilities which would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle.

It is considered that the development of this site would harm the contribution to distinctive local character made by the open area of local significance which will be discussed in more detail below. The limited benefits of bringing forward housing supply and the limited economic benefits do not in this case outweigh the harm identified.

In summary there is no support for the principle of development at either local and/or national level.

As set out above it is considered that the development proposed, located in the open countryside does not accord with the strategic policies of MDLP which seek to achieve the delivery of sustainable housing development and would have a harmful impact encroaching into the countryside with a degradation of the OALS. The development would foster the growth in the need to travel and it does not comply with policies, CP1, CP2, CP4, DP1, DP2, DP4, DP7 and DP9, it is therefore considered unacceptable.

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

Tanyard Lane is lined with residential dwellings interspersed with areas of green space. This application site is one of those areas and is a field with trees around the boundary. The contribution it makes to the quality of the built environment has been recognised in the fact that it has been designated as an OLAS. This open space has been assessed to make a significant contribution to the quality of the area even though it is surrounded by existing trees and hedges.

Mendips Green Spaces SPD was adopted this year and the reason the OLAS was designated is given within annexe 2 of that document. It OLAS is described as follows.

Site is demonstrably special for its beauty and tranquillity – providing a pleasant green area around which the village has developed. It also has historical value, providing the setting of the Grade II Listed St Peter’s Church and footbridge over the Redlake River. A right of way runs through the site and it provides an important wildlife habitat for a number of protected species.*

Policy DP2, says that permission should not be granted for developemnt in open areas of local significance (OLAS) which would harm the contribution to the distinctive local character made by this allocation.

The NPPF is clear that planning decisions should recognise the intrinsic character and beauty of the countryside. In this case the site consists of open countryside and does have a rural character, albeit there are some existing houses either side and opposite the plot.

Any form of built development is considered to urbanise the plot and would significantly impact on the character and landscape of the area, contrary to DP1, DP2, DP4 and DP7.

Impact on Residential Amenity:

The dwelling proposed would be single storey and is sufficient distance from neighbouring dwellings and as such does not harm neighbour amenity.

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, odour, traffic or other disturbance. The proposal accords with the element of Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework which seeks to protect amenity of neighbours and future occupiers of the development.

Impact on Ecology:

A preliminary ecological appraisal of the site was carried out in April 2023 and this returned that there were no notable species on site although there was potential in neighbouring ponds/river. Somerset Ecology (SES) have assessed the appraisal and have concluded that biodiversity and its habitat could be safeguarded and enhanced via suitably worded conditions.

If planning permission is granted, then subject to conditions suggested by the SES the proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

The site is served by a vehicular access from Tanyard Lane which is a narrow lane with a 30 mph speed limit. The proposed development includes the provision of a new access further south. The submitted block plan shows a visibility splay of 43m in either direction. Traffic is likely to be travelling slower than 30mph due to the narrow nature of the road, as such the visibility splay shown is considered acceptable.

Adequate parking and turning can be provided within the site.

However, the site is in a location which is remote from services and facilities. The roads in the vicinity are narrow, and unlit without pavements. Walking and cycling to local services and facilities would therefore not be practicable or safe and the occupiers of the dwelling would in likelihood be reliant on the private car to access services. This would not accord with sustainability objectives and as such the development does not comply with Policy DP9 or CP1, CP2 or CP4.

Trees:

The majority of the higher value trees are being retained and the replacement on a 2 for 1 basis for those trees lost to the development is welcomed. The submitted statement refers to a new orchard and to having trees planted in the vicinity of the proposed garage and if planning permission is forthcoming this would need to be secured via a landscaping condition.

It is noted that some concern has been raised with regards to the retention of a poplar tree and its potential to fall on neighbouring property. This is not a planning consideration, there are no protected trees on the site, and it is for the applicant to make sure trees on their property are safe.

Subject to receipt and approval of a detailed arboricultural method statement to support the information provided in the Arboricultural Impact Assessment and a Tree Protection Plan, the proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with Policy DP4

of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Land Drainage:

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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:

Development outside the settlement limits is strictly controlled by virtue of Policy CP1 and CP4 of MDLP. Policy CP2 supports the provision of new housing through a strategic site allocation approach. The dwelling proposed outside the settlement and remote from services and facilities would be contrary to these policies including Policy DP9.

The Council cannot currently demonstrate a five-year housing land supply. Consequently, the housing policies within the development plan are out of date and

this triggers Para. 11 (d) of the NPPF. However, housing policies deemed out of date should still be weighed in the planning balance.

Having regard to paragraph 11 (d) of the NPPF it is considered that the harm resulting from the unsustainable location and the loss of open space would outweigh the benefit of providing one additional dwelling to the housing stock. As such the proposal, located in the open countryside does not accord with the strategic policies of MDLP or Policies, DP1, DP2, DP4, DP7 and DP9 and advice contained within the NPPF.

Recommendation

Refusal

1. The site is located in open countryside, outside the settlement limits and is therefore contrary to the District's settlement strategy, as outlined in Policies CP1, CP2 and CP4 of the Mendip District Local Plan. Siting the development in this unsustainable location would result in a development that would foster the growth in the need to travel. In addition, the development proposed would have an unjustified urbanising effect which would be detrimental to the distinctive local and rural character of Tanyards Lane and the wider site which is protected as an open area of local significance. As the Council cannot currently demonstrate a 5-year housing land supply, the presumption in favour of sustainable development applies, as outlined in the National Planning Policy Framework. For the reasons as set out above, the harm of the proposal would, in this case, significantly and demonstrably outweigh the benefits. As such, the proposal is not considered to constitute sustainable development and is unacceptable in principle. The proposal is therefore considered to be contrary to the provisions of Policies CP1, CP2, CP4, DP1, DP2, DP4, DP7, and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), Supplementary Planning Guidance Mendips Green Spaces adopted 06.02.23 and the National Planning Policy Framework, and Planning Practice Guidance

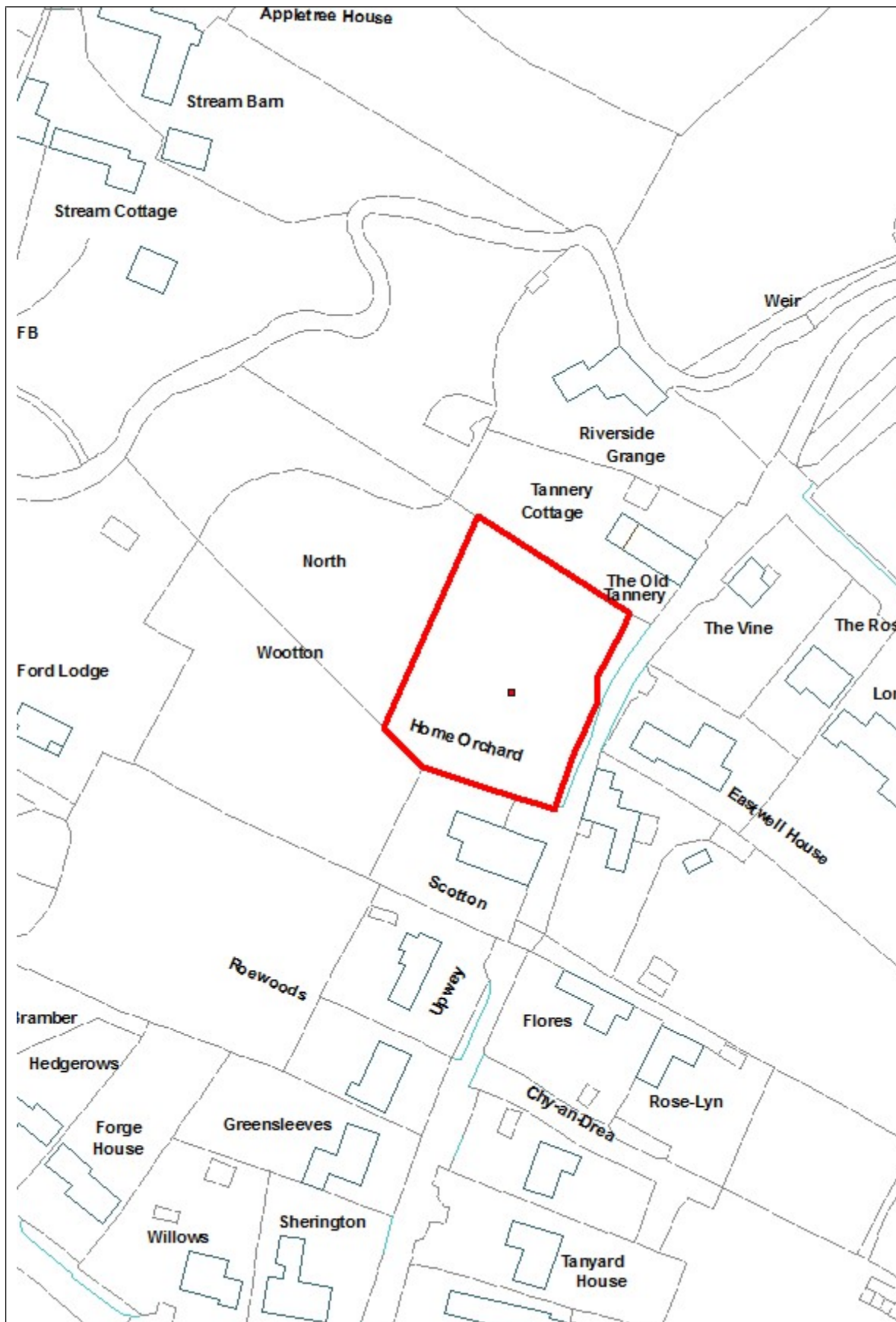
Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy

Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

2. This decision relates to drawings PL5000/1, PL5000/2, PL5000/3, PL5000/4, Topographic Survey 3688, and drawing SF32332.1.P1 received 08.05.23.

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Planning Board Report 3rd October 2023
Land West Of Tanyard Lane
North Wootton
Shepton Mallet
Somerset

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Application Number	2023/0734/FUL
Case Officer	Kelly Pritchard
Site	Land At 355328 131038 Castle Cary Road Lydford On Fosse Somerton Somerset
Date Validated	26 April 2023
Applicant/ Organisation	T Ireland
Application Type	Full Application
Proposal	Erection of 1no. single storey dwellinghouse.
Division	Mendip South Division
Parish	Lydford-On-Fosse Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

5. **What Three Words: revealing.merchant.nibbled**

Referral to Planning Committee:

In accordance with the scheme of delegation, and given the officer recommendation is for approval this application is referred to the Planning Committee as a departure to the development plan.

Description of Site, Proposal and Constraints:

The application relates to land to the north of the B3153, Castle Cary Road, Lydford on Fosse. the application sits behind stable building and manège which was granted approval in 2018. The site is currently accessible from Cottons Lane.

Historically under reference 2018/2962/FUL, permission was granted for the stable for commercial equine use and new vehicular access onto the B3153. This permission was not implemented.

Outline permission was granted, reference 2020/0697/OTS, for the erection of a dwelling on land adjoining the stables, details of access, layout, scale and landscaping were approved as part of that application. Details of appearance was reserved for subsequent approval. The dwelling shown on the outline application had

a footprint which was a 'H' shape (a central part with two end wings) and was single storey. This permission was also not implemented.

The site is located outside defined development limits, within an Air Limit MOD, a Mineral Consultation Area, its within Somerset Levels and Moors Ramsar Risk Area and a Site of Special Scientific Interest Impact Risk Zone.

The application seeks full planning permission for the erection of a dwelling and creation of a vehicular access.

The new access is to be formed from the B3135 and is the same arrangement as the access approved under reference 2018/2962/FUL and the outline application, reference 2020/0697/OTS. The existing vehicle access onto Cotton Lane is proposed to be reduced in width to prohibit vehicular access at this point.

The dwelling will be single storey with black corrugated vertical cladding to the walls on the north, east and west elevations and vertical native timber cladding to the south. The roof will be finished with black corrugated roof panels to match the walls.

The dwelling proposes a ridge height of 4.8m, similar to the outline consent, but the building now proposed is an oblong shaped footprint and its orientation has changed.

Relevant History:

- 2016/1689/FUL – Construction of agricultural style stable building and manege and formation of new access onto Cottons Lane with associated landscaping. Approval. 19.10.16
- 2016/2803/APP – Application to discharge conditions 5 (storage and removal of waste) and 6 (landscaping) from permission 2016/1689/FUL. Approval. 20.12.16
- 2018/2962/FUL – Change of use of existing private stables to commercial use, extension of stable building, construction of new access, construction of winter turn out yards and canter track. Approval. 29.03.19
- 2020/0697/OTS - Application for Outline Planning Permission with some matters reserved for the erection of 1 single storey dwelling with details of access, landscaping, layout and scale. Approval. 24.01.23

Summary of Divisional Councillor comments, Parish Council comments, representations and consultee comments:

Divisional Member: No comments received.

Lydford Parish Council: Approval.

Highways Development Officer: Standing Advice.

Environmental Protection:

We have no objections to this proposal except hours of construction operations due to proximity of other residential:

Noise emissions from the site during the development, i.e. the demolition, clearance and redevelopment of the site, 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.

Contaminated Land: No comments to make.

Land Drainage: No comments received.

Ecology: No objection subject to conditions.

Local Representations:

One letter of objection has been received raising the following planning issues:

- Disturbance to amenity during construction.

Full details of all consultation responses can be found on the Council's website www.somerset.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 District Local Plan Part II: Sites and Policies (December 2021) (post JR version)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP4 (Sustaining Rural Communities)

- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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 principle of a dwelling, along with the vehicular access as proposed, on this site has been established by the outline planning permission. The planning history in this case carries significant weight in the planning balance in this case. The policy position is further outlined below.

Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is however outside of the Development Limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

Core Policy 2 (CP2) of the Local Plan states that the delivery of new housing will be secured from three sources (a) Infill, conversions and redevelopments within Development Limits defined on the Proposals Map, (b) Strategic Sites identified on the Key Diagrams for each town associated with Core Policies 6-10 and (c) other allocations of land for housing and, where appropriate, mixed-use development, outside of Development Limits through the Site Allocations process.

CP4 says that rural settlements and the wider rural area will be sustained by making planned provision for housing within the Primary and Secondary Villages in line with CP1 and CP2 and making allowance for occupational dwellings in rural locations where there is a proven and essential functional need, to support agricultural, forestry and other rural-based enterprises.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land

supply in accordance with the requirements of the NPPF. As a result, the policies within the

Local Plan, which seek to prevent new housing outside the development limits of settlements

(CP1, CP2 and CP4) currently can not be given full weight in the decision making process. Therefore, whilst regard should be given to the policies in the Local Plan, the ‘presumption in favour of sustainable development’ as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

In this regard paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Although the application site is situated within the open countryside there are residential dwellings on the opposite side of Cotton Rd to the application site, so the proposed dwelling would not be considered isolated. Furthermore the occupiers would have access to services and facilities within Keinton Mandeville without having to rely on private vehicular travel.

The conclusion section of this report set out the balance of issues and the recommendation for this application.

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

The site is set back from the main road and the proposed dwelling will be seen in the context of the single storey dwellings consented on the other side of Cotton Lane. The dwelling will be single storey as described earlier in this report and will be behind the existing stable building. Its design and proposed palette of materials is reflective of an agricultural building.

There is a hedge along the western boundary of the site with Cottons Lane, and planting is proposed on the eastern side of the plot to fine the boundary here.

The proposal by reason of its siting, scale, design and layout is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

There are no immediate neighbours to be impacted by this scheme and providing the height of the dwelling remains single storey it is not considered to have a negative impact on the newly consented dwellings on the opposite side of Cotton Lane.

The adjoining equine activity is currently in private leisure use owned by the applicant. Consent was given 2019 to extend the stable, create a new access, winter turn out area and canter track for commercial use. The agent has confirmed that this permission was not implemented, and it has therefore expired.

The proposed dwelling will be to the northern side of the site beyond the existing stables, but it will share a vehicular access. Given the close proximity of the proposed dwelling to the stables and the potential for amenity conflict, the agent for this application is suggesting a planning condition to restrict the occupation of the dwelling to be ancillary to the equestrian activity on the land. This condition was also suggested during the life of the outline application, but was discarded by the LPA as the condition would not meet the planning tests for conditions as the dwelling could never be ancillary to the equestrian use. Notwithstanding this it was decided that there is an element of buyer beware, and as such a restrictive occupancy condition was not and is not considered necessary.

Although Environmental Protection did not object or suggest planning conditions on the outline permission they have suggested a condition restricting noise emission from the site during certain hours during the demolition, clearance and redevelopment of the site. This is considered reasonable given there have been dwellings built recently nearby.

Given the 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, odour, 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.

Impact on Ecology:

The application site is mapped by Natural England as falling within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. This application may require a Habitats Regulations Assessment (HRA), or, where applicable, screening to rule out a likely significant effect on the Ramsar. As such the submission needs to demonstrate how the proposal achieves nutrient neutrality.

The application is supported by evidence pertaining to the Interim guidelines on small-scale thresholds and nutrient neutrality principles, specifically to the small

scale thresholds of likely significant effects in relation to Package Treatment Plants (PTPs). SES are satisfied that the proposal will result in discharges of less than 2m³ per day and that the proposed locations of the drainage field and PTP meet the Proposed thresholds criteria a- h.

A PTP discharging into a drainage field needs to be appropriately designed, including acceptable year-round percolation rates for it to work effectively. A percolation test ensures the drainage field effectively removes pollutants and then determines the size of the drainage field required. A percolation test has been performed of the proposed location of the drainage field and the results of the percolation test indicate that the proposed location of the drainage field will effectively remove pollutants. The application proposes the use of the Kingspan Small wastewater treatment system Biodisc (with a rotating biological contractor) suitable for up to 50 persons. The proposed PTP, make and model is considered acceptable.

It is therefore concluded that the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect alone and in combination under the Conservation of Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out. As the PTP does not require chemical dosing a suitably worded compliance condition can be imposed to secure the foul drainage arrangement.

Given the current use of the site it is unlikely to be suitable habitat for any ecology of note. However, similar ecological conditions to the ones imposed on the outline application for a dwelling on this site will be reimposed. The biodiversity net gain shown on the submitted plans will be secured.

Subject to planning conditions the proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

The junction of Cottons Lane with the B3153 is substandard and the existing equine access is from Cottons Lane. The 2018 permission for commercial equine use consented a new vehicular access onto the B3153 as did the outline consent for a dwelling. The design of the new access is also being brought forward via this current

proposal, it is therefore considered acceptable for use by a single dwelling and the existing private stables, subject to similar planning conditions to the conditions imposed on the outline application.

There is adequate parking provision within the site.

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

Land Drainage:

Surface water will be disposed of by a soakaway and the foul will be dealt with via a package treatment plant.

Parts of the site are shown to be at low risk of surface water flooding, therefore the threshold level of the proposed dwelling would need to be at least 150mm above existing ground levels. The threshold levels have been illustrated on the submitted drawings and is acceptable.

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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 & Planning Balance

It is acknowledged that the development will be beyond the settlement limits and therefore would represent a departure from local plan policies regarding its spatial strategy for new residential development as set out at policy CP1 and CP2. However, the application is relatively close to the services and facilities within Keinton Mandeville which is close to the site and therefore it cannot be described as isolated or an unsustainable location.

Given that the Council does not have a five year housing land supply the tilted balance of Paragraph 11 (d) of the NPPF applies. The additional of a dwelling will make a modest contribution to housing in the district, which is of some weight. There will also be limited economic benefits through the construction period, and new occupants may use local services and facilities contributing to their long term viability. This again has limited economic and social benefits. Furthermore it has been demonstrated that the application site is accessible to some local services and facilities, and therefore future occupants would not be wholly reliant on the private car.

Following the assessment of the application as set out above, any impacts arising from the application scheme are not considered significant and would not demonstrably outweigh the benefits delivered. On balance, it is recommended that planning permission be granted as a departure from the Development Plan.

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: 1621-01, 1621-02 Rev A, 1621-03 and 1621-04 received 24.04.23.

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.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The development hereby approved shall not be brought into use until the access, 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. **Bound/Compacted Vehicle Access (Pre-occupation)**

The development hereby approved shall not be brought into use until the approved vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for at least the first 5 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The development hereby approved shall not be brought into use until the visibility splay shown on drawing number 1621-04 have been provided. There shall be no on-site obstruction exceeding 600mm 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).

7. **Closure of Access (Bespoke Trigger)**

Within one month of the new access hereby approved being first brought into use the existing access onto Cottons Lane shall be reduced in width and permanently closed off to vehicles as detailed on drawing number 1621-04.

Reason: To ensure that the development is served by a safe access 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).

8. **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 6 metres from the adjoining carriageway edge.

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).

9. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

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

Reason: Any further extensions require the detailed consideration by the Local

Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Policies DP1, DP4, and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Policies DP1, DP4, and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Flooding - Finished Floor Levels (Compliance)**

The finished floor levels and threshold levels for the dwelling hereby approved shall be no lower than 150mm above ground level as shown on drawing 1621-02-Rev A.

REASON: To limit the risk from flooding and minimise the risk to its occupants in accordance with Development Policy 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 14 of the National Planning Policy Framework.

12. **Hours of Construction (Compliance)**

Noise emissions from the site during the development, i.e. the demolition, clearance and redevelopment of the site, 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.

Reason: To safeguard the amenities of adjoining occupiers having regards to Development Policies 7 and 8 of the Mendip District Local Plan Part 1:

Strategy & Policies 2006-2029 (Adopted 2014).

13. **Tree and Hedgerow Protection (Compliance)**

All hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. The measures shall be maintained throughout the construction period.

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

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

All hard and soft landscape works shall be carried out in accordance with the approved details. 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).

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

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the potential bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be

maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy DP5 of the Mendip Local Plan

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

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

A) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation

B) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation

C) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling. Please note bee bricks attract solitary bees which do not sting.

D) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

The bat, bird and bee features shall be retained 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 180(d) of the National Planning Policy Framework.

17. **Drainage (Compliance)**

The approved development shall only be carried out in accordance with the approved documents: 'PTP CERTIFICATE' (Submitted 2nd December 2022) 'FOUL DRAINAGE ASSESSMENT FORM' (Submitted 21st October 2022); 'WESSEX WATER MAP' (Submitted 21st October 2022) 'DAILY DISCHARGE CALCULATOR' (Submitted 21st October 2022) 'DOMESTIC WASTEWATER TREATMENT' (Case Environmental, submitted 10th August 2022)

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment with specific regard to the Somerset Levels and Moors Ramsar Site and associated potential impact on ecology in accordance with Policy DP5 and DP8 of Mendip Local Plan Part I: Strategy & Policies

2006-2029 (Adopted 2014) and in compliance with The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019).

18. **Electric Vehicle Charging provision (Pre-Occupation)**

Prior to occupation of the development hereby approved the Electric Vehicle Charging Points shown on drawing 1621-04 shall be provided on site. The details of the Charging Points shall be in accordance with the Somerset Parking Strategy and the Somerset County Council Electric Vehicle Charging Strategy.

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).

Informatives

1. **Condition Categories**

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

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

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

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. 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/>
5. Please note the following regarding the provision of the above scheme of foul water treatment:

Where PTPs discharging into drainage fields are proposed, compliance with the criteria on drainage and waste disposal, as set out under the Building Regulations 2010 (see Approved Document H - Drainage and Waste Disposal, 2015 edition) is required. This criteria outlines distances in relation to the location of the PTP and drainage field, as well as the requirement for a percolation test, amongst other requirements. See

https://www.planningportal.co.uk/info/200135/approved_documents/71/part_h_-_drainage_and_waste_disposal.

In addition, compliance with the criteria on small sewage discharges, as set out within the general binding rules under the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014, and/or an environmental permit under the Environmental Permitting Regulations 2016, is required. Both outline distances in relation to the location of the PTP and drainage field, as well as limits on daily discharges, amongst other requirements. See [https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the\[1\]ground](https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the[1]ground), <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules/general-binding-rules-for-small-sewage-discharges-in-england>, and [https://www.gov.uk/permits-you-need\[1\]for-septic-tanks](https://www.gov.uk/permits-you-need[1]for-septic-tanks). It is the Applicant's responsibility to have ensured that the above criteria, separate to the planning permission, can be met by the approved foul sewage treatment scheme.

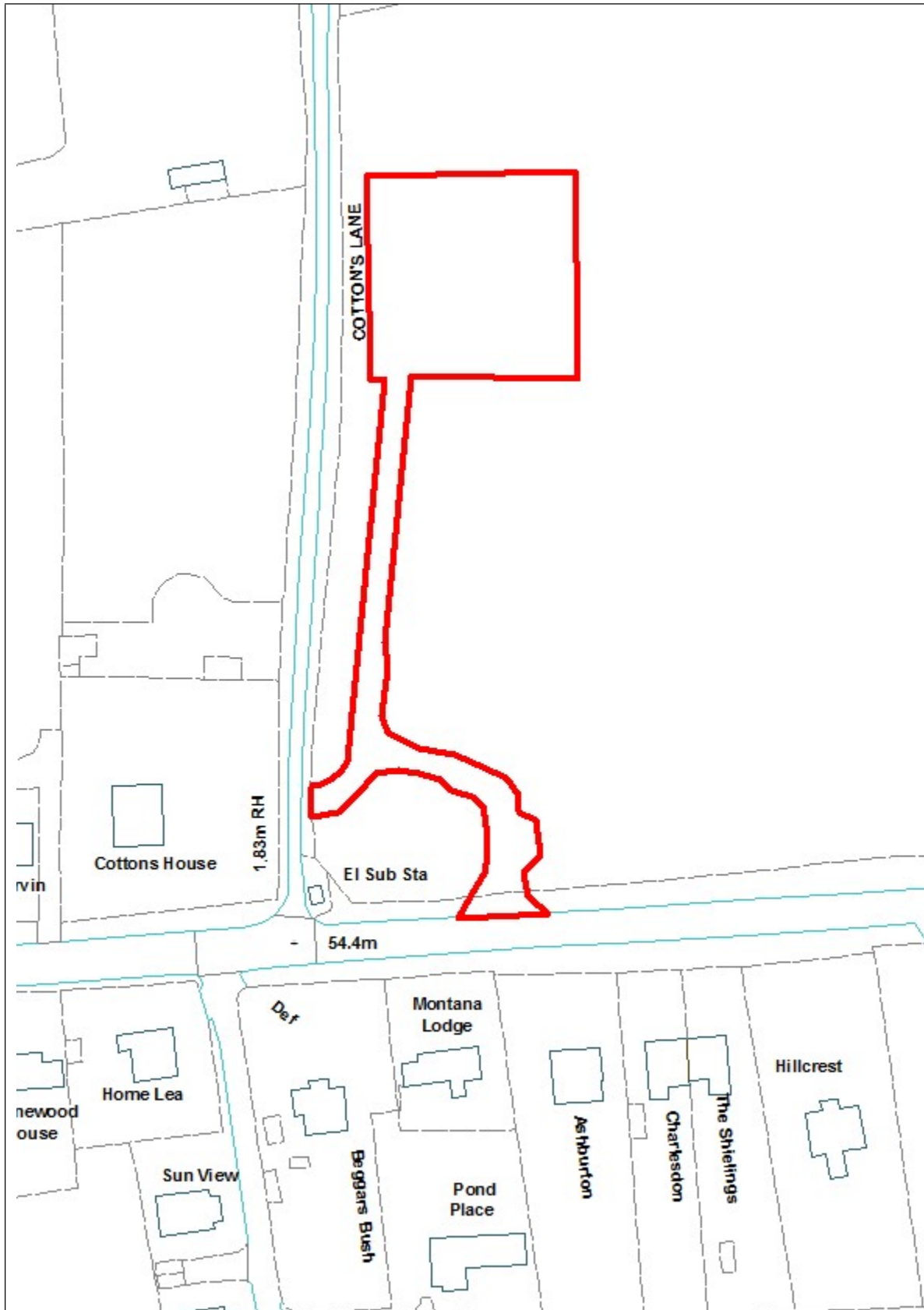
In the event that the approved foul sewage treatment scheme needs to be amended, to comply with the above criteria or otherwise, it is strongly recommended that you discuss this with the Planning Office at your earliest convenience as it is likely that you will need to submit the revised scheme for approval, potentially by way of a variation of condition, before commencing development.

6. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
7. The developers and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
8. The developers and their contractors 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 (>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.

9. The applicant is advised to contact the relevant utilities with regards to works close to a low-pressure gas main that runs parallel to Cottons Lane, in the interests of safety.

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Planning Board Report 3rd October 2023
Land At 355328 131038
Castle Cary Road
Lydford On Fosse
Somerton
Somerset

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Application Number	2023/0611/FUL
Case Officer	Jennifer Alvis
Site	Little Tynning Charlton Road Holcombe Shepton Mallet Somerset
Date Validated	6 April 2023
Applicant/ Organisation	Mr and Mrs Richard Bennett Markstone Design
Application Type	Full Application
Proposal	The conversion of an existing garage and workshop to residential accommodation and additional hard standing area with drainage.
Division	Mendip Hills Division
Parish	Holcombe Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

7. **What 3 Words** - lavender.deriving.combines

Referral to Chair and Vice-Chair:

Referred to the Planning Committee (East) due to the parish recommending approval contrary to the officer recommendation for refusal

Description of Site, Proposal and Constraints:

This application relates to a garage at Little Tynings, Charlton Road, Holcombe. It is a single story outbuilding granted consent under ref; 120043/001 in 2008, and is constructed of blockwork walls with render finish, a clay tiled roof and uPVC windows and door.

It is located to the rear of the host house, Little Tynings, which lies to the north of Charlton Road and approximately 950m north east of Holcombe village. The garage is accessed via an existing access track off of Charlton Road which also serves the main house.

The site is located outside the defined settlement limits of Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP). It is within a Bat Consultation Zone, Coal Interest Area, Radon Protection Area and a Site of Special Scientific Interest Impact Risk Zone

The proposal seeks to extend and convert this garage into one 3no.bed dwelling for occupation by a family member of Little Tynings. The garage will be extended through an increase in roof height from 4.9 m to 7.6m and a small single storey rear extension.

Relevant History:

- 120043/001 - Proposed detached garage and garden store and extension of domestic curtilage - Approved - March 2008
- 120043/000 - Certificate of lawfulness for existing use of dwelling by persons not solely or mainly or last employed in agriculture - Approved - Nov 2007

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

Ward Member: No comments received.

Parish Council: Approval

Land Drainage: Object. Additional information regarding surface water and foul waste management is required.

Highways: Standing Advice

Local Representations: One letter of support has been received from a neighbouring occupier

- The proposed conversion borders our property
- Little to no impact on us and as such support the application

Full details of all consultation responses can be found on the Council's website 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) (MDLP)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP22 (Reuse and Conversion of Rural Buildings)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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 situated outside any defined settlement limits, within a location isolated from services and facilities, where development is strictly controlled.

The building in question is currently in use as a garage, workshop and domestic storage and as such it wouldn't be considered redundant as required by Policy DP22 of MDLP which allows, under certain circumstances, the conversion of a redundant rural building to a dwelling.

Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined development limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF.

Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions under Development Policies (DP) 12, 13, and 22, which are not considered to apply here, as mentioned above.

While the proposal seeks to create a new dwelling in order to allow family members to live next door and care for their elderly parents, who live in the existing property, there is no local or national policy which identifies such needs as an exception for development in the open countryside.

Given that the Council is currently unable to demonstrate a five-year housing supply of housing land, based on the local housing need figure. Accordingly, the presumption in favour of sustainable development as defined in paragraph 11(d) of the NPPF applies. This means planning 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 NPPF taken as a whole. An assessment of the Local Plan policies which are the most important to the determination of the application will therefore be made, but the 'tilted balance' should be applied to their assessment. This will be considered in the overall planning balance section of the end of this report.

In addition to the proposed dwelling the application also proposes an area of hardstanding in association with the existing stables and equestrian use on site, in principle this part of the application is considered.

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

The garage is set to the rear of the existing dwelling and as such is not visible from the street scene. It is fairly contemporary in character and already has domestic features such as uPVC windows and timber doors.

The proposed single storey extension will be to the rear (north east elevation) and is fairly minor in scale. A raise in roof height is also proposed to accommodate a first floor, with timber cladding on the upper external walls. The remaining proposed materials will match the existing property. The remainder of the development will fall within the existing footprint of the garage therefore utilising the existing space available.

The proposed area of hardstanding will be to the north of the stables and consist of groundworks only so won't be visible within the street scene or wider landscape area.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1, DP4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The immediate neighbours to the south are the occupiers of the main house Little Tynning which is owned by the applicants parents, and Southmead Farm to the east who have written in support of the proposal. Given that the proposed dwelling is to be occupied by a family member of the closest neighbouring occupiers, Little Tynning, so care can be provided if and when required, it's not considered inappropriate for there to be a close relationship between these properties.

In addition, there are no first floor windows proposed on the elevation facing Little Tynnings and the outdoor amenity space for the neighbouring property is to the south, the opposite side of the house to the proposed conversion. As such, while the two dwellings would have a close relationship, there is no direct overlooking and the proposed conversion would be unlikely to result in a loss of light or an overbearing impact to the existing dwelling.

The first floor rear windows, which would face Southmead Farm, are either to be high level or serve a bathroom and as such will be obscure glazed. To prevent possible

overlooking in the future, it's considered reasonable to impose a condition which restricts any other windows being installed in this rear elevation at a first floor level and for the proposed windows to be obscure glazed and non-opening below 1.7m when measured from internal floor level and retained as such in perpetuity.

Given the design, scale, massing and siting of the proposed development, and subject to the conditions mentioned above, 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, 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.

Impact on Ecology:

While the site does lie within a Bat Consultation Zone for the Mells Valley, the building proposed for conversion is in a good state of repair and of fairly modern construction. In addition, the building is also in frequent use as a garage and storage shed which would make it unlikely to be supporting bat roosts.

It is considered that, subject to a condition requiring biodiversity net gain, that the proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

The proposal will utilise the existing access for Little Tynings and the creation of one additional property on this site is unlikely to result in a significant increase in vehicle movements.

There is adequate space within the site for the parking and turning of vehicles even after the loss of this garage which is currently used to house hobby cars rather than vehicles used daily by the occupiers. The proposal also seeks to create an area of hardstanding on a section of existing paddock to the west which will allow additional space for the parking of equestrian vehicles in association with the stables.

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

Land Drainage:

Although the land drainage engineer did raise an objection, the site is located in Flood Zone 1 and is shown to be at very low risk of surface water flooding.

This is the conversion of an existing building, which does not currently appear to have a formal arrangement for the disposal of surface water. The proposed extension to the building will be on an existing area of hardstanding and as such the impermeable areas of the site in relation to the conversion will remain unaffected.

The proposed hardstanding for the stables will be created using semi-permeable materials, loose gravel, which will still allow surface water to infiltrate into the ground. In addition, a soakaway will also be used, as shown on drawing 3082 - 101, to deal with any additional run off. Given the open nature of the site and the drainage system proposed, it's not considered reasonable to impose a reason for refusal on these grounds.

Foul drainage will be to a new package treatment plant and drainage field which will also be used by the existing dwelling, currently served by an old septic tank, and as such the overall foul drainage system on the site will be upgraded. Building regulations and a permit from the Environment Agency will control the installation and ongoing operations of this package treatment plant to ensure its compliance with current legislation.

As such, the proposed development is not considered to have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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.

Planning Balance/Conclusion

The development lies approximately 1km from the development limits of Holcombe village and therefore would represent a departure from local plan policies regarding its spatial strategy for new residential development as set out at policy CP1 and CP2.

Given that the Council does not have a five year housing land supply the tilted balance of Paragraph 11 (d) of the NPPF applies. The additional dwelling will make a modest contribution to housing in the district, which is of some weight. There will also be limited economic benefits through the construction period. This again has limited economic and social benefits.

The assessment of the application has not identified any harm in terms of landscape and visual impact, and/or highway safety concerns.

The proposal does not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities. The site does not meet exception criteria set out in the NPPF or Local Plan.

The limited economic benefits stemming from the construction of the unit and its modest contribution to the housing figures in the district are not in this case considered to outweigh the harms in terms of the unsustainable location of the application site.

It is recommended that planning permission is refused.

Recommendation

Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The limited economic benefits do not outweigh the harm identified. The proposal is therefore contrary to the provisions of Policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance.

Informatives

1. **Condition Categories**

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

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

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

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

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

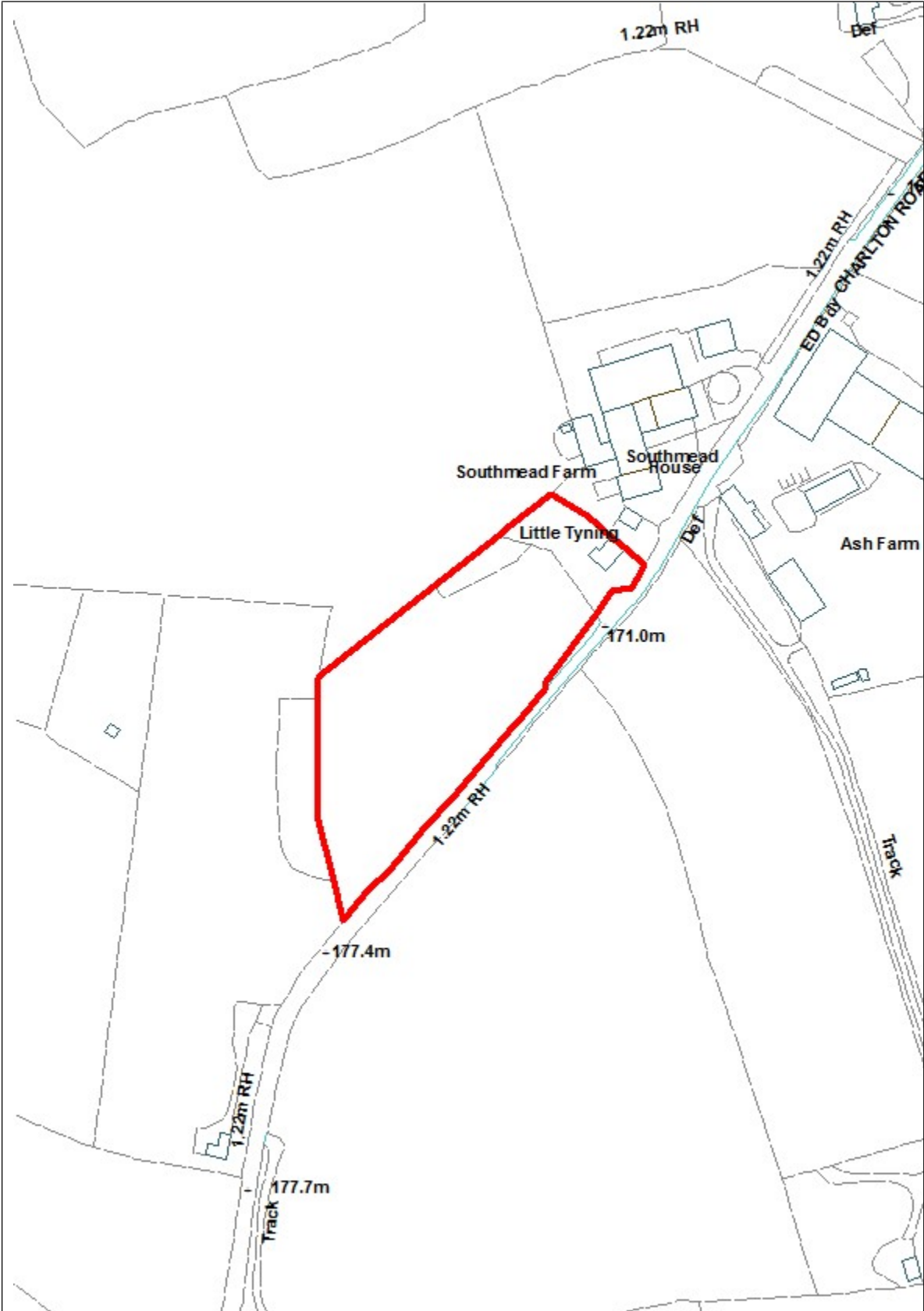
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made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. 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.
3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. 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/>



Planning Board Report 3rd October 2023
 Little Tynning
 Charlton Road
 Holcombe
 Shepton Mallet
 Somerset
 BA3 5EX

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Application Number	2023/1288/FUL
Case Officer	Jennifer Alvis
Site	Footlands Ivythorn Lane Walton Street Somerset
Date Validated	6 July 2023
Applicant/ Organisation	Mr & Mrs P Rood
Application Type	Full Application
Proposal	Change of Use of Land from Agricultural to Residential Garden.
Division	Mendip West Division
Parish	Walton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

9.

What3Words - pavement.calendars.sharper

Ward Member/ Chair and Vice Chair Referral

Referred to the Planning Committee (East) due to the application being a departure from the Local Plan, and the officer recommending approval.

Description of Site, Proposal and Constraints:

The application site relates to a property known as Footlands, Ivythorn Lane, Walton. The host property is an existing detached dwellinghouse set within a rural area with open agricultural land to the north, east and west, and Ivythorn Lane to the south. The site lies outside of any development limits and within a Special Landscape Feature for Ivythorn Hill, a RSPB Area and the Somerset Levels and Moors Ramsar Risk Area. The last two constraints are not relevant for this proposal as no physical development is proposed.

The proposal seeks a change of use on a section of land to the north and west of the main property from agricultural to residential in order to create a larger residential curtilage.

Relevant History:

No relevant planning history

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

Ward Member: No response

Parish Council: No objections

Contaminated Land: No objections

Local Representations: No letters of local representation have been received

Full details of all consultation responses can be found on the Council's website 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)
- Somerset Waste Core Strategy

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

- CP1 – Mendip Spatial Strategy
- CP2 - Supporting the Provision of New Housing
- CP4 - Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 - Mendip Landscapes
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Developments
- DP10 – Parking Standards
- DP23 - Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework

- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- House Extension Design Guide

Assessment of relevant issues:

Principle of the Use:

The application relates to a small parcel of land that is directly adjacent to the existing residential curtilage of the host property and, although the site is outside development limits, the parcel of land in question is closely associated with the main house. While the site is outside developments, the proposal is for the extension of the existing residential curtilage which would be ancillary to an existing dwelling and not for an independent use. As such the development would not be considered to result in an increase in vehicle movements or other impact that would make this an unsustainable development.

Given the siting and size of the plot it is not considered that the change of use to residential curtilage will affect the agricultural use of the remaining field area.

Therefore, although the proposal for the change of use would not have policy support and therefore be considered a departure from the Local Plan, the overall scheme is considered acceptable in terms of potential harm and the manner in which the new use will function in association with the existing dwelling.

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

While the change of use of a section of the adjacent field to provide additional garden space for the main house could affect the character of this section of land, no structures are proposed and as such the development would largely only consist of new boundary treatments being installed.

The site lies within a Special Landscape Feature for Ivythorn Hill however given that the dwelling is already existing on site, and that no additional development is proposed, it's not considered that a change of use of a small parcel of land would result in wider harm to this protected landscape feature. It's also not uncommon for properties in rural areas to have larger gardens and as such a wider residential curtilage would not look out of character.

Given the above, it's considered that the proposal won't result in a significant detrimental impact on the character of the area and therefore complies with DP1, DP4 and DP7 of the Mendip Local Plan Part 1.

Impact on Residential Amenity:

Given the limited building works proposed within the application, it's not considered the proposal would have a detrimental impact on neighbouring residential amenity.

Therefore, it's considered the siting of the proposed development 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.

Highway Safety:

No alterations to the existing parking and access arrangements are proposed and as such the proposal maintains highway safety in accordance with policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Environmental Impact Assessment:

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance & Conclusion:

In terms of the proposed change of use on part of an existing agricultural field, whilst it is acknowledged that the development will be outside development limits, it will abut an existing residential property (and will be restricted in terms of it's future use). From an assessment point of view, given the scope of the proposals and the extent to which the proposed use of the land is to be controlled, the proposed use is not considered to have a detrimental impact on the adjoining land uses.

On this basis the application scheme is considered on balance to represent a sustainable form of development, and it is therefore recommended that planning permission be granted as a departure from the development plan.

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Plans List (Compliance)

This decision relates to the following drawings: Location Plan, Site/Block Plan as Existing, Proposed Site Plan

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

3. Ancillary Use Only (Compliance)

The change of use hereby approved shall not be used other than in connection with the residential dwelling referred to as Footlands and as shown on the location plan hereby submitted and approved.

Reason: In accordance with the proposals as submitted and given that there would be no policy support for a separate residential use or occupation on the site, and in accordance with policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. Condition Categories

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

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

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

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

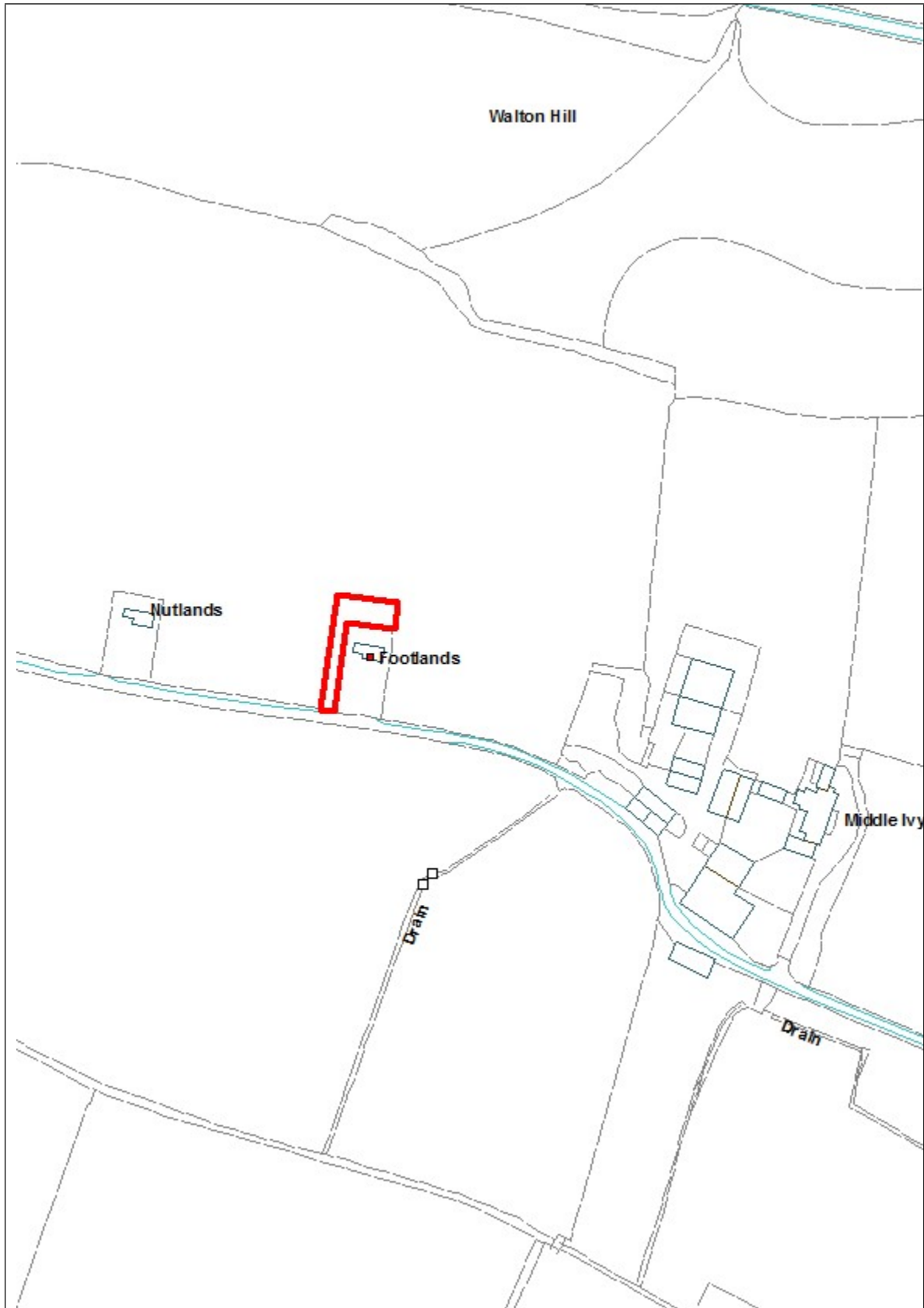
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Planning Board Report
Footlands
Ivythorn Lane
Walton
Street
Somerset
BA16 9RH

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Planning East – Appeal Decisions

Please see below list of appeal decisions made by the Planning Inspectorate between 18th August 2023 and 18th September 2023.

Full details of all appeals, including the Appeal Decision, can be found on the Council's website <https://publicaccess.mendip.gov.uk/online-applications/>

App. Ref: **2022/1641/FUL**
Field Barn
Limekiln Lane
Midway
Stoke St Michael
Radstock
Location: Somerset
Conversion of Barn to dwellinghouse with a side
Proposal: extension
Decision: Refusal
Appeal Decision: Appeal Dismissed
Appeal Decision Date 18.09.2023

App. Ref: **2022/0956/VRC**
West Side
Honeyhurst Lane
Rodney Stoke
Cheddar
Somerset
Location: BS27 3UJ
Removal of condition 5 (Occupancy: The
development shall not be occupied other than by
Gypsies and their families as defined in Section
24(8) of the Caravans Sites and Control of
Development Act 1960 as amended, or such other
persons as first agreed in writing by the local
planning authority) of permission 112284/005
(APP/Q3305/A/03/1122950) Extension to existing
Proposal: day room to form bungalow.
Decision: Refusal
Appeal Decision: Appeal Allowed
Appeal Decision Date 04.09.2023

App. Ref: **ENF/2021/0158**
West Side
Honeyhurst Lane
Rodney Stoke
Cheddar
Somerset
Location: BS27 3UJ
Proposal: Appeal against Enforcement Notice
Decision: Enforcement Notice
Appeal Decision: Appeal Allowed
Appeal Decision Date 04.09.2023

App. Ref: **2022/1434/FUL**
Land Rear Of
83 Manor House Road
Glastonbury
Somerset
Location: BA6 9DQ
Erection of 1no. dwellinghouse (re-submission of
Proposal: 2011/0861)
Decision: Refusal
Appeal Decision: Appeal Dismissed
Appeal Decision Date 25.08.2023