

# Public Agenda Pack



Notice of Meeting of

## **PLANNING COMMITTEE - EAST**

**Tuesday, 5 December 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 Dawn Denton  
Councillor Susannah Hart  
Councillor Helen Kay  
Councillor Tony Robbins  
Councillor Alex Wiltshire

Councillor Barry Clarke  
Councillor Martin Dimery  
Councillor Bente Height  
Councillor Martin Lovell  
Councillor Claire Sully

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services [democraticserviceseast@somerset.gov.uk](mailto: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](mailto:democraticservicesteam@somerset.gov.uk) by **12 noon on Friday, 1 December 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 (the Proper Officer) on Thursday 23 November 2023.

# **AGENDA**

**Planning Committee - East - 2.00 pm Tuesday, 5 December 2023**

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

**Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 11 - 14)**

**Click here to join the online meeting (Pages 15 - 16)**

**1 Apologies for Absence**

To receive any apologies for absence and notification of substitutions.

**2 Minutes from the Previous Meeting (Pages 17 - 32)**

To approve the minutes from the previous meeting.

**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 [democraticservicsteam@somerset.gov.uk](mailto:democraticservicsteam@somerset.gov.uk) by 5pm on Friday 1 December 2023.

#### **5 Planning Application 2019/1381/OTS Land South of 17, Elm Close, Wells, Somerset (Pages 33 - 134)**

To consider an application for Outline Planning Permission with some matters reserved for erection of up to 100 dwellings with public open space with only details of access considered.

#### **6 Planning Application 2023/0937/HSE Little Pomeroy, Church Farm Lane, Farleigh Hungerford, Somerset (Pages 135 - 144)**

To consider an application for the construction of a double garage.

#### **7 Planning Application 2023\_1213\_FUL Flat 4, Tipcote House, Tipcote Lane, Shepton Mallet, Somerset (Pages 145 - 152)**

To consider an application for the replacement of three rotten timber casement windows.

#### **8 Planning Application 2023/1214/LBC Flat 4, Tipcote House, Tipcote Lane, Shepton Mallet, Somerset (Pages 153 - 160)**

To consider a listed building consent application for the replacement of three rotten timber casement windows.

**9 Planning Application 2023/1686/FUL Critchill Farm, Critch Hill, Frome, Somerset (Pages 161 - 174)**

To consider an application for the siting of two timber buildings to form a Father Christmas grotto.

**10 Planning Application 2022/1981/FUL Former Baileys Tanery, Beckery Road, Glastonbury, Somerset (Pages 175 - 212)**

To consider an application for the repair and conversion of the former Bailys tannery and leather-working factory into multi-use workspaces.

**11 Planning Application 2022/1982/LBC Former Baileys Tanery, Beckery Road, Glastonbury, Somerset (Pages 213 - 232)**

To consider a listed building consent application for the repair and conversion of the former Bailys tannery and leather-working factory into multi-use workspaces.

**12 Planning Application 2023/1390/FUL The Wrangles, Bristol Road, Green Ore, Wells, Somerset (Pages 233 - 248)**

To consider an application for the change of use of land to residential (C3 use class) to extend residential garden curtilage, erection of annexe and car port, and alterations to main dwelling (retrospective).

**13 Planning Application 2022/1618/FUL Duke of Cumberland Inn, Edford Hill, Holcombe, Somerset (Pages 249 - 262)**

To consider an application for the formation of a new overflow car park with associated access and landscaping.

**14 Planning Application 2023/0106/OUT Land at Foghamshire Lane, Trudoxhill, Frome, Somerset (Pages 263 - 278)**

To consider an application for Outline Planning Permission with some matters reserved for Erection of 1no. single storey dwellinghouse with details of access/landscaping/layout/scale.

**15 Planning Application 2023/1226/FUL Land at Manor Farm, Church Street, Wanstrow, Shepton Mallet, Somerset (Pages 279 - 298)**

To consider an application for the demolition of existing agricultural buildings, removal of slurry pit, silage clamp, concrete hard standing and erection of 4no. detached dwellinghouses with associated access and agricultural access.

**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](mailto: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.



## Councillor reminder for declaring interests

The [Members' Code of Conduct](#) deals with declaration of interests and participation at meetings.

### **Non participation in case of Disclosable Pecuniary Interest**

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests\*, you **must** disclose the interest, **must not** participate in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### **Disclosure of Other Registerable Interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests\*\*, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

If your Other Registrable Interest relates to -

- (1) an unpaid directorship on a company owned by your authority or
- (2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

### **Disclosure of Non-Registerable Interests 'directly relating' to financial interest or well-being**

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not**

take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being**

Where a matter arises at a meeting which affects –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosable Pecuniary Interests\***

1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.
2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.
3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.
4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.
6. **Securities:** any beneficial interest in any shares or other securities of any description in a body held by you or your or your partner if the body has a place of business or land in your council's area, and: the total value of the securities held is over £25,000, or you or your partner hold more than one hundredth of the total issued share capital of the body, or if the body has more than one class of shares you or your partner hold more one hundredth of the issued share capital of that class.

### **Other Registerable Interests\*\***

\*\*a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body exercising functions of a public nature directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union, of which you are a member or in a position of general control or management.

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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, 7 November 2023 at 2.00 pm

**Present:**

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

Cllr Adam Boyden  
Cllr Dawn Denton  
Cllr Bente Height  
Cllr Tony Robbins  
Cllr Shane Collins

Cllr Barry Clarke  
Cllr Susannah Hart  
Cllr Martin Lovell  
Cllr Claire Sully

**69 Apologies for Absence - Agenda Item 1**

Apologies were received from Councillors Martin Dimery, Helen Kay and Alex Wiltshire. Councillor Shane Collins substituted for Councillor Kay.

After apologies, the meeting was adjourned for 5 minutes due to a technical issue with the sound.

**70 Minutes from the Previous Meeting - Agenda Item 2**

The Committee was asked to consider the Minutes of the meeting held on 3 October 2023.

Councillor Edric Hobbs proposed and Councillor Martin Lovell seconded that they be accepted. These Minutes were taken as a true and accurate record and were approved.

**71 Declarations of Interest - Agenda Item 3**

There were none.

**72 Public Question Time - Agenda Item 4**

There were none.

**73 Planning Application 2022\_1427\_FUL Land at Underhill Lane, Ston Easton, Wells, Somerset - Agenda Item 5**

**Application for the demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure.**

The Officer's Report stated that this application had been referred to the Committee as the recommendation was for approval, thus representing a departure from the existing Local Plan.

The Report continued that it was a cross boundary application with Bath and North East Somerset Council (BANES) and there had been detailed discussions with BANES' Planning Officers during the course of the application. The main part of the application site was within Somerset Council's area. However, Nos. 26 and 28 Orchard Vale (3-bed social rent dwellings) was within BANES' area.

Ston Easton Parish Council had made a number of comments on the application including the following:

- Contribution to Clapton Village Hall requested.
- Consideration should be given to investing into the adjacent community hall to support social objectives.
- Request consideration of connecting the village of Clapton to mains drainage via the new development. New drainage system could be left ready should mains drainage be installed in Clapton at a future date.
- Surface water management arrangements are important.

There had been 32 objections from local residents for reasons including the following:

- Insufficient public enhancement.
- Insufficient affordable housing.
- Principle of development - unsustainable development; lack of local jobs; pressure on services; insufficient local services; contrary to BANES planning strategy; would set a harmful precedent; not respecting the outcome of the JR; JR ruled there should be no development on this site; there is no duty for BANES to cooperate with the access.

- Harm to neighbouring amenity.
- Ecological harm including protected species.

There were no objections from any of the statutory or other consultees, subject to various conditions and the provision of a S106 agreement. However, BANES Council did have various objections and stated:

*“Permitting the proposed development site would be contrary to the adopted B&NES Development Plan, worsening the imbalance between jobs and homes and resulting in unsustainable levels of out commuting for work. Furthermore, the proposed development would add cumulative impacts on key infrastructure within Westfield and Midsomer Norton, including highways and, potentially, education. The principle of the proposed development within Somerset is therefore not supported.”*

The Officer’s Report advised that the ‘tilted balance’ of the National Planning Policy Framework (NPPF) applied when assessing the application. This policy says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The Officer’s Report concluded that the application proposals would deliver simultaneously, economic, social and environmental benefits. The development would generate economic benefits through the construction period. Economic benefits would also be associated with the future spending of occupants of the development in local shops and services and council tax receipts.

Further, the provision of 52 homes (or 50 homes if Plots 6 and 7 are transferred to BANES as affordable units), including 16 affordable units in Somerset, should be given significant weight in the planning balance, particularly in the context of the significant lack of 5-year land supply in the Somerset East area. Public open space and ecological enhancement measures above Somerset Council’s policy requirements would also be provided which would offer potential biodiversity enhancements.

The Officer’s Report advised that the proposals had been developed to achieve a sustainable extension to Midsomer Norton. Although some harm would be caused to the balance of jobs and homes in the area, it would in part be mitigated by the local infrastructure improvements. Whilst there would be a landscape impact, particularly before the mitigation was fully established, this harm was not considered significant given the surrounding built form in the context of the site. The development would result in the loss of agricultural land, but this was not the highest quality or most versatile land.

Overall, Officers concluded that the adverse impacts identified were not considered to significantly and demonstrably outweigh the benefits of the proposal and, therefore in accordance with the NPPF, the application was recommended for APPROVAL, subject to a number of conditions and planning obligations secured by legal agreement(s).

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

The Committee was then addressed by 3 objectors to the proposal. Their comments included:

- Should not be building on a greenspace.
- Should not be demolishing 2 good houses.
- The road is very congested and not wide enough to accommodate lorries as well as commuters.
- Parking on pavements is already an issue which will be exacerbated.
- There are not enough local services and additional Council Tax will go to Somerset Council, rather than BANES Council.
- The development will not be in accordance with the Westfield Parish Council development plan.
- No consideration given to social measures and the needs of local residents.
- Concerns regarding flooding.
- The site is home to lots of wildlife including protected species and there are TPOs in place.
- The development is in open countryside.
- The development will not benefit any of the current residents of Midsomer Norton.

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

- The applicant, Curo, are a not-for-profit organisation so any profit made would be reinvested in the delivery of affordable homes.
- The need for more affordable housing is rising and approval of this application would allow more families to live in modern, energy efficient homes.
- If approved, the site could be re-allocated and could contribute to the housing shortfall.
- In addition to the 30% affordable housing, approval of the scheme will contribute to education, public open space, transport and green space.
- The professional consultees have assessed all the concerns raised such as traffic congestion, ecology and drainage, and have found them to be acceptable.

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

- Concerns over road congestion and car parking allocation.
- Concerns about how practical the 3 storey dwellings will be for an aging population.
- The design and quality of the houses seems of poor standard. Suggestion that fewer, higher quality houses should be built.
- Concern that due to the road congestion and pavement parking, emergency services will struggle to access the site in a timely manner.
- Note that permitted development rights would be removed for some dwellings. Could these be removed for all dwellings to protect the already small gardens provided for?
- The proposed use of gas boilers to provide internal space heating was considered very short-sighted as they are not environmentally friendly and will need to be replaced in a few years.
- All properties should have Ground Source Heat Pumps to provide the internal space heating, EV charging points and an electric bike provided to encourage less reliance on car travel. The gardens are too small to grow fruits and vegetables.
- Concerns were expressed about the sustainability of the site in terms of accessing services and facilities and a suggestion was made as to whether the infrastructure and facilities available Midsomer Norton should be improved in order to support the development.
- Overall members considered that the application scheme was contrary to Core Policies 1, 2 and 4 of the Local Plan.

In response to the comments made, Planning Officers advised the following:

- The Somerset Parking Strategy sets out the number of parking spaces required and the number provided within the scheme is in accordance with this Strategy.
- The removal of permitted development rights had been considered. There must be strong justification to remove them. Officers recommend removal of just the ones highlighted in the Officer's Report.
- There is currently no suggestion that a bus route will run through the estate. However, there are proposals for the bus service to the estate to be improved.
- There has been a comprehensive review of the drainage and porous materials proposed and these would be subject to the standard conditions for drainage.
- Highway Authority is satisfied that road safety is satisfactory and that emergency vehicles will be able to access the site. If people choose to park on either side of the road, access may be more difficult but nothing in the application can be changed to solve this potential problem.
- If considering refusal, the Committee must be clear on the significant and demonstrable harms which outweigh the benefits of the scheme.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and

seconded by Councillor Tony Robbins to refuse the application contrary to the Officer's Recommendation due to the unsustainable nature of the scheme and therefore contrary to Policies CP1, CP2 and CP4. There was particular concern about the travel distance to services and facilities, including the doctor's surgery and senior school.

Officers and the Legal Advisor advised that if the application were to be refused on those grounds, these would be difficult to sustain on appeal due to the 'tilted balance', with the potential that the Council could be found to have acted unreasonably.

On being put to the vote the proposal was carried with 6 votes in favour and 5 votes against.

### **RESOLVED**

That planning application 2022/1427/FUL be **REFUSED** contrary to the Officer's recommendation as the site is located beyond the settlement boundary of Midsomer Norton and is therefore contrary to the settlement strategy, as outlined in Policies CP1, CP2 and CP4 of the Mendip District Local Plan. 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. Although the site is adjacent to Midsomer Norton, the harm of the proposal due to travel distances to services and facilities would significantly and demonstrably outweigh the benefits.

**Votes – 6 in favour, 5 against**

#### **74 Planning Application 2023\_1735\_HSE 6 Northcote Crescent, Frome, Somerset - Agenda Item 6**

##### **Application for a single storey side and rear extension.**

The Officer's Report stated that this application had been referred to the Committee as the applicant was an employee of the Council who had direct involvement with the planning process in the course of their duties.

Frome Town Council had no objections to the application.

Overall, Officers had concluded that the proposal was acceptable and the application was therefore recommended for approval.

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

PowerPoint presentation.

There were no speakers.

As there was no debate amongst Members, it was proposed by Councillor Adam Boyden and seconded by Councillor Dawn Denton to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

## **RESOLVED**

That planning application 2023/1735/HSE be **APPROVED** in accordance with the Officer's recommendation.

## **Votes - Unanimous in favour**

### **75 Planning Application 2023\_0663\_FUL Vereker House, Pitcot Lane, Stratton on the Fosse, Somerset - Agenda Item 7**

#### **Application for the extension of residential curtilage to barn 1 to include change of use of land to residential and reorganisation of curtilage to barn 2 to facilitate amended vehicular access to highway.**

The Officer's Report stated that this application had been referred to the Committee as the proposal represented a departure from the Local Plan.

The Report continued that the site was situated within the open countryside within an area of high archaeological potential, a bat consultation zone and partly within a high-risk coal consultation zone (historic mining works).

There had been no response from the Parish Council and no objections from the Archaeology and Coal Authority consultees. Also, no letters of objection from local residents had been received.

In conclusion, the Officer's Report said that the proposal was not considered unreasonable, as it would not have an adverse impact on the immediate setting over or above those extensions to curtilage allowed previously, and the proposal would not cause traffic or environmental problems or cause harm the character of the area.

Overall, Officers had concluded that the proposal represented a sustainable form of

development and the application was therefore recommended for approval as a departure from the local plan.

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

The applicant's agent then spoke. He made the following points:

- Application is to increase the size of the residential curtilage
- It would regularise the access to both Barn 1 and Barn 2 and will 'square off' the area and provide a straight boundary for the two properties.
- A new native hedgerow and trees would be planted, giving significant gains in structural biodiversity.
- There were no objections from neighbours or the Planning Officers and it has the support of the Parish Council.

As there was no debate amongst Members, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

#### **RESOLVED**

That planning application 2023/0663/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer's recommendation.

#### **Votes - Unanimous in favour**

#### **76 Planning Application 2022\_1647\_FUL Blackberry Farm House, Martin Street, Baltonsborough, Somerset - Agenda Item 8**

##### **Application for the erection of one detached dwelling.**

The Officer's Report stated that this application had been referred to the Committee as the proposal represented a departure from the Local Plan.

The Report continued that this site was located just outside the settlement limits as defined by Mendip District Local Plan Part I. The farmhouse itself was located within the settlement limits, but the land which was the subject of the application was just the other side of the boundary. The site was within the Somerset Levels and Moors Ramsar Risk Area, an area of high archaeological potential and the farmhouse was a



grade II listed building.

Baltonsborough Parish Council had recommended refusal of the application, saying that the council unanimously agreed to recommend refusal due to the site being outside the development limit of the village and due to concerns about drainage and flood issues.

Land Drainage Officers had no objection subject to a condition that the development be carried out in accordance with the Surface Water Drainage Strategy.

The Conservation Officer stated that no substantive harm to the significance of the listed building or its setting was identified.

There had been 1 letter of concern from a local resident due to two windows which would cause overlooking. The windows were subsequently removed from the plans and the objection was withdrawn.

In conclusion, the Officer's Report said that, whilst it was recognised that the development would be beyond the settlement limits and would therefore be a departure from the local plan, the site was relatively close to services in Baltonsborough and could not be described as an isolated or unsustainable location. The tilted balance applied due to the lack of a 5-year housing land supply.

Overall, Officers had concluded that any impacts arising from the application scheme would not be significant and would not demonstrably outweigh the benefits delivered. Therefore, the application was recommended for approval.

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

There were no speakers.

There was a brief discussion among Members regarding drainage and flooding concerns. The Planning Officer confirmed that the statutory consultees were satisfied and had no concerns in this regard. The Chair commented that he knew the area very well and that he could not recall any serious flooding issues.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Bente Height to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

## **RESOLVED**

That planning application 2022/1647/FUL be **APPROVED** as a departure from the

Development Plan in accordance with the Officer's Recommendation.

**Votes – Unanimous in favour**

**77 Planning Application 2023\_1106\_FUL Penning Barn, Down Lane, West Pennard, Somerset - Agenda Item 9**

**Application for the replacement of an existing barn with a single storey dwelling and detached annexe.**

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal represented a departure from the Local Plan.

The Report continued that the site was located outside the settlement limits of the Local Plan and was within the Somerset Levels and Moors Ramsar catchment area. The application sought full permission for the replacement of an existing barn. The site already had prior consent for the conversion of the barn under Prior Approval Class Q which remained extant.

West Pennard Parish Council had recommended approval of the application and there had been no letters of objection from local residents.

The Officer's Report concluded that the 'tilted balance' was engaged due to the lack of a 5-year housing land supply. However, given that the site already benefited from a fallback position in the barn conversion, the new proposal would not result in any additional harm above that already permitted in terms of sustainability, and no material harm had been identified. The application was therefore 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 then addressed by the applicant, who made the following points:

- With a growing family and working from home the need for additional space has become necessary.
- The layout is designed to make the most of the views.
- The choice of materials is in keeping with the existing barn and improves the aesthetic of the area.
- The application considers environmental factors and include swallow cups, bee bricks, bird houses and solar panels in the design.
- The plan is supported by the Parish Council and there have not been any objections.

In the brief discussion which followed one Member commented that the application was supported by the Parish Council and that there had not been any objections locally to the scheme. Another Member requested clarification on the phosphate mitigation situation. The Planning Officer confirmed that, as the site had prior approval for a Class Q conversion, the application was exempt from providing phosphate mitigation as this was the fallback position.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Adam Boyden to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

### **RESOLVED**

That planning application 2023/1106/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer's recommendation.

### **Votes - Unanimous in favour**

## **78 Planning Application 2023\_0490\_FUL Land at Foghamshire Lane, Trudoxhill, Frome, Somerset - Agenda Item 10**

### **Application for the demolition of an outbuilding and erection of 1no 3 bed dwellinghouse.**

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal represented a departure from the Local Plan.

The Report continued that the application site was located in the open countryside, outside the development limits of any settlement but within the curtilage of a property known as Gaerleat and was currently occupied by an indoor swimming pool. The application sought full planning permission for the demolition of the swimming pool building and the erection of a single storey dwelling. The access would utilise the existing access track to Gaerleat.

Trudoxhill Parish Council had recommended the decision should be left to the Planning Officers and there had been 1 letter of objection from a local resident for reasons including:

- Inconsistent drawings

- Loss of privacy
- Noise impact
- Lighting impact on amenity and ecology
- Encroachment into the countryside
- Drainage issues

In conclusion, the Officer's Report said although the development would be beyond the settlement limits and would therefore represent a departure from the Local Plan, it was considered to be within walking distance of some key services and not considered to be isolated. As the Council did not have a five-year housing land supply the 'tilted balance' of the NPPF would apply. The additional dwelling would make a modest contribution to housing in the district.

Overall, Officers had concluded that any harms arising were not considered significant and did not demonstrably outweigh the benefits. Therefore, on balance, the application was recommended for approval.

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

There were no speakers on this application.

As there was no debate amongst Members, it was proposed by Councillor Barry Clarke and seconded by Councillor Dawn Denton to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

#### **RESOLVED**

That planning application 2023/0490/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer's Recommendation.

#### **Votes - Unanimous in favour**

- 79 Planning Application 2023\_0897\_FUL Laurel House Farm, Foghamshire Lane, Trudoxhill, Frome, Somerset - Agenda Item 11**

**Application for the erection of annexe/outbuilding with ancillary use to the main house and associated change of use of a parcel of land from agricultural to residential for the siting of the annexe.**

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal represented a departure from the Local Plan.

The Report continued that the host property was an existing detached dwelling set within the settlement of Trudoxhill with open agricultural land to the east, and neighbouring properties to the north and south. Trudoxhill does not have development limits and as such, in planning terms, the site lay in the open countryside, but was not an isolated location. The proposal sought a change of use on a 45sqm section of land from agricultural to residential in order to site a single storey ancillary structure to house a garage, workshop, home office and w/c.

Trudoxhill Parish Council had recommended refusal of the application for the following reasons:

- The site is too close to neighbouring properties
- Proposed building is too large and out of character
- Impact on the setting of the listed building
- Impact on neighbouring residential amenity due to its large scale
- Proposal is on agricultural land which could set a precedent and is contrary to development plans for the village

There had been 4 letters of objection from local residents for reasons including the following:

- Proximity of the annexe to the neighbouring property
- Overbearing impact
- Contrary to policy as it's on agricultural land
- Light and noise pollution

The Conservation Officer had commented that the principle of a single-storey outbuilding was acceptable within the site provided and was of an appropriate design, scale and position, ensuring subservience to the listed building.

In conclusion, the Officer Report said that, whilst it was acknowledged that the development would be outside development limits, it would abut an existing residential property. The proposed use was not considered to have a detrimental impact on the adjoining land uses.

The proposed annexe was shown as being for a garage, home office and workshop, all of which are considered uses ancillary to the main house and would not be capable of independent occupation or use. A condition to ensure that the structure remains ancillary would be applied should the application be approved.

Subject to conditions in regards landscaping, joinery details and sample panels, it

was considered by Officers that the proposal would not have a harmful impact on the setting of the listed building.

Overall, Officers had concluded that the proposal represented a sustainable form of development and the application was therefore recommended for approval as a departure the development plan.

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

There were no speakers on this application.

In the discussion which followed one Member commented that the location of the proposed annexe was too close to the neighbouring property and that the window of the annexe would overlook it. He also considered the annexe to be too large and was concerned about the loss of agricultural land. He remarked that Trudoxhill Parish Council had objected quite strongly and had genuine concerns.

In response, the Lead Planning Officer said that the scope of the encroachment onto agricultural land would only result in the loss of 45 sqm of agricultural land. The Velux window in the annexe would not result in overlooking as the window faces upward. The Planning Officer also confirmed that there were no Velux windows on the side of the annexe facing the neighbours.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins to approve the application in accordance with the Officer's Recommendation.

On being put to the vote the proposal was carried with 6 votes in favour, 3 votes against and 2 abstentions.

#### **RESOLVED**

That planning application 2023/0897/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer's Recommendation.

**Votes – 6 in favour, 3 against and 2 abstentions**

#### **80 Planning Application 2023\_0574\_FUL Land at 30 Wells Road, Wookey Hole, Somerset - Agenda Item 12**

**Application for the erection of dwelling and attached car port and formation of vehicular car access.**

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal represented a departure from the Local Plan.

The Report continued that the application related to a plot of land at the end of a row of properties in a semi-rural location. Wells Road was made up of a variety of housing styles which included detached, semi-detached, bungalows and two-storey properties. The site had previously housed a mobile home, but this had since been removed and an area of hardstanding has been created. The site was located outside of the development limits, as defined by the Mendip District Local Plan Part 1 (December 2014) and was within a Bat Consultation Zone and the Somerset Levels and Moors Ramsar Risk Area.

St Cuthbert Out Parish Council had recommended approval of the application. Natural England stated that regarding the Phosphates issue, the information provided was sufficient to demonstrate that the proposed development could achieve nutrient neutrality and therefore they had no objection to the proposed development.

There had been 1 letter of objection from a local resident for reasons including highway safety issues and the site being outside the development limits. There had also been 1 letter of support.

In conclusion, the Officer's Report said that, given the history on the site which includes a refusal for a single storey dwelling on phosphates grounds alone, the principle of residential development had been considered acceptable. Although the new scheme did propose a revised design, it was not considered that the increase in height nor the amended materials, would adversely impact on neighbouring amenity or the character of the area. The applicant had purchased Phosphates Credits to offset any harm resulting from the creation of the new dwelling within the Somerset Ramsar and Moors Risk Area.

Overall, Officers had concluded that, while the site did lie outside development limits, the principle of development was previously considered acceptable and the applicant had overcome the previous reason for refusal. The application was therefore 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 who made the following points:

- Although the site does lie outside the settlement limit and is therefore contrary to planning policy, the previous reason for refusal was due to the release of phosphates.

- The applicant has overcome this reason for refusal by purchasing the necessary credits to mitigate the impact of phosphates.
- The contemporary design is of good quality, which is quite modest, has a low impact and sits nicely within the landscape.
- It has Passivhaus accreditation and very high sustainability credentials.

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

- The site is within a linear settlement which has a range of styles and designs.
- The windows facing the road may cause light spillage. Could more be located on the other side of the house to counteract this?
- Very pleased it has Passivhaus accreditation.

In response to the concern about light spill, the Planning Officer commented that the house was situated on a road that had many properties that would have a degree of light spillage and this property would cause a negligible increase. The Member was content with this explanation.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins to approve the application in accordance with the Officer’s Recommendation.

On being put to the vote it was unanimously approved.

**RESOLVED**

That planning application 2023/0574/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer’s recommendation.

**Votes – Unanimous in favour**

**81 Appeals Report - Agenda Item 13**

Members noted this report.

**(The meeting ended at 5pm)**

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**CHAIR**



Application Number	2019/1381/OTS
Case Officer	Nikki White
Site	Land South Of 17 Elm Close Wells Somerset
Date Validated	5 June 2019
Applicant/	Gladman
Organisation	Gladman Developments Ltd
Application Type	Outline - Some Matters Reserved
Proposal	Application for Outline Planning Permission with some matters reserved for erection of up to 100 dwellings with public open space with only details of access considered.
Division	Mendip West Division
Parish	St Cuthbert Out Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

## **What3Words:**

Spellings.dozens.resonates

## **Background and Procedural Clarifications:**

This outline planning application for up to 100 new dwellings and access was received on 05 June 2019.

This application was considered by the Mendip District Council Planning Board on 20 November 2019. Members deferred making a decision on the application to allow the applicant an opportunity to address the issues including obligations, provision of an additional access and traffic control measures.

Following discussion with officers and the submission of additional information, the application was reconsidered by the Planning Board on 22 January 2020. Members approved the application subject to conditions and a S106 legal agreement.

Following agreement of the wording of the S106 legal agreement, and shortly before finalising the document and issuing the decision, the Local Planning Authority was notified of the phosphate deficit situation. As such, the application could not be approved without

phosphate mitigation.

After lengthy discussion between the applicant and Natural England, the applicant has now confirmed its phosphate mitigation package. This includes onsite treatment through the sustainable urban drainage system and the purchase of nutrient credits from the established scheme at Manor Farm. In addition any approval would require the inclusion of additional planning conditions, it is being taking to the now Somerset East Planning Committee for a final decision.

Other than phosphate mitigation, there are no changes in the development proposed. Conditions and obligations have been reviewed to ensure they remain suitable, and there are some minor changes proposed as outlined below. Updated ecology information has been submitted and considered, to ensure a decision is made on the current site situation.

Reconsultation has been undertaken with consultees as necessary to confirm the recommendation, conditions and obligations remain suitable. All other consultation comments remain relevant and are considered in the assessment. The Local Planning Authority has met its obligations in relation to notification and consultation on this application.

Appendix 1 contains the previous reports considered on 20 November 2019 and 22 January 2020. It is noted that the Local Planning Authority Planning Board voted in favour of approval subject to conditions and legal agreement on 22 January 2022.

### **Summary of Consultation Responses Since Planning Board on 22 January 2020:**

Some comments are summarised below for brevity.

St Cuthbert Out Parish Council: (summary of verbal and written comments)

- Contributions towards the 67 bus route are no longer required.
- Agree that bus stop enhancements would be necessary in the local area as an alternative.
- Request that the developer takes on delivery and installation.
- Request a second bus stop be installed on the north side to facilitate Wells-bound traffic. Options to be explored.

Somerset Highways: no objection subject to conditions and obligations (summary of verbal comments)

- The proposal remains acceptable in highway safety and capacity terms.
- Off site highway works agreed and can be secured in the S106 legal agreement.

Somerset Ecology: no objection subject to conditions/S106

- Due to the lapse in time, an update Ecological Appraisal was completed by FPCR on 25 April 2023. Previous to this a Phase 1 Habitat survey was completed on 14 January 2019 and previous data was collected over the course of the 2013/14 and 2019 survey seasons.
- Surveys indicate that hedgerows are important features of the application site and therefore measures should be taken to protect, retain and enhance these features, as well as to provide no overall biodiversity net loss within the proposals.
- Importantly to note is the requirement of low lux levels along the retained hedgerows and retained/enhanced habitats for horseshoe bats and other light sensitive species to not be impacted.
- Nutrients - Following minor clarifications, the proposed nutrient mitigation as set out in Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) is acceptable, subject to conditions/S106. The phosphorus budget for the Proposed Development before mitigation, including increased wastewater and changes in land use has been calculated as 13.87kgP/year (16.64 kgP/year with a 20% buffer). In order to mitigate the phosphorus surplus associated with the proposed development, Sustainable Urban Drainage Systems (SuDS) have been proposed within the drainage strategy, including swales, ponds, soakaways, permeable paving and bioretention zones. These measures are expected to reduce the surface water phosphorus load by approximately 50% reducing the nutrient load in surface water from 5.83 kgP/year to 2.94 kgP/year and the overall nutrient budget from 16.64 kgP/year to 13.18 kgP/year. The SuDs elements of the strategy will be maintained according to the appropriate maintenance schedule as listed in the CIRIA SuDS Manual C753. The remaining phosphorus surplus will be offset through the purchase of credits from the Manor Farm Limited.
- Updated shadow HRA is acceptable and endorsed for consideration by Natural England to ensure that they consider that these proposals will result in no Likely Significant Effect on the Somerset Levels and Moors Ramsar and Special Area of Conservation.
- Recommended conditions including: compliance with recommendations in the updated Ecological Appraisal; Construction Ecological/ Environmental Management Plan (CEMP): Biodiversity; CEMP reporting; protective fencing around hedgerows; Landscape and Ecological Management Plan (LEMP); sensitive lighting for bats; bat habitat enhancement area; submission of biodiversity net gain as part of reserved matters; badgers; hazel dormice; reptiles; on site ecological enhancements; development to accord with NNAMS and sHRA; submission and agreement of SuDs scheme in accordance to show a 50% reduction as per the CIRIA 808 guidance.

- S106 recommendations for nutrient mitigation including: no occupation until 2025 when the upgrade to the Wells WWTWS is to be completed (allowing 1mg/l to be used in the calculations); 14kg total phosphorous (TP) credits to be legally secured through the purchase of credits from Mendip Farm Limited, from land related to Manor Farm; and a LEMP will need to be secured for the maintenance of the SuDS.

Natural England:

*Somerset Levels and Moors Ramsar Site – No Objection Subject to Securing Mitigation*

Based on the information provided, the proposed mitigation strategy included in the NNAMS demonstrates nutrient neutrality. The following must be secured in any permission given:

- The phosphorus budget calculations have used the permit limit from Wells WwTW post AMP7 improvements being undertaken, a condition must therefore be attached to any permission given to prevent occupation of the proposed dwellings before 2025 when the upgrade to the Wells WwTW is to be completed.
- The phosphorus budget has included a 50% reduction in phosphorus content from surface water runoff due to SuDS. A condition must be attached to any permission give to provide an agreed SuDS scheme that can be shown to deliver the 50% reduction as per the CIRIA 808 guidance.
- To achieve nutrient neutrality, the applicant proposes to purchase 14kg TP credits, these credits must be legally secured.

*Habitats Regulations Assessment*

- We note that the Shadow HRA (Urban Edge Environmental Consulting, August 2023) only assesses the potential impact of the proposed development on the Somerset Levels and Moors Ramsar Site. Natural England have previously provided comments on this application (October 2019) stating that we agree with the conclusions of a HRA (Larry Burrows, Somerset County Council, August 2019) which assessed the potential impact of the proposed development on the North Somerset and Mendip Bats SAC, this HRA concluded that provided all mitigation measures considered in the HRA were secured in any permission given the proposed development would not result in an adverse effect on the integrity of the SAC.
- Neither report considers the impact to both the Somerset Levels and Moors Ramsar Site and the North Somerset and Mendip Bats SAC. For clarity, we recommend that the assessments are combined into a single report which assesses the potential impact of the proposed development on both designated sites.

Housing Enabling: no objection subject to conditions/obligations

- Having reviewed previous comments and taking into account that there is no

requirement for First Homes, no new or additional comments to make at this stage.

- On this basis, content that previous affordable housing consultation comments including 40% affordable housing and the stated mix and tenure requirements remain valid.

#### Public Rights of Way (PROW):

- PROW diversion condition not required as plans show the paths retained. If this changes as part of a reserved matters application then further consideration and a condition may be required at that time.
- We are seeking connective ped/cycle links to Campkin Road and Burcott Road in the interests of connective options for active travel. This should be in the s106 Heads of Terms as an obligation. It's not clear whether third parties would need to be signatories, but it is possible. The alternative to the Campkin Road connection would be providing a footway along Burcott Road to link up to the existing one further east.

Contaminated Land: no objection subject to conditions

Education: no objection subject to obligations (informal comments)

- Education contributions of £700,034 at the time of the previous decision have been increased to £708,398.
- These obligations are subject to change during the finalisation of the legal agreement.

#### Local Representations:

1 further neighbour objection has been received since the previous Planning Board decision. Planning matters are summarised below:

- Do not agree with Government policy of housing
- Unaffordable prices likely
- Insufficient social housing
- Harm to ecology
- Water pollution
- Insufficient infrastructure, services and facilities
- Air pollution
- Highways capacity
- Brown field sites should be considered first , empty homes
- Landscape harm

- Councils have insufficient resources for appeals

All comments summarised in the other officer reports attached at Appendix 1 are also relevant.

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

[somerset.gov.uk](https://www.somerset.gov.uk)

### **Updated Policy Position:**

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 current Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (2021)
- Somerset Waste Core Strategy (2013)
- Wells Neighbourhood Plan (emerging; referendum 25 January 2024)

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
- CP10 - Wells City Strategy
- DP1 - Local Identity and Distinctiveness
- DP2 - Open Areas of Local Significance
- DP3 - Heritage Conservation
- 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
- DP11 - Affordable Housing
- DP14 - Housing Mix and Type
- DP16 - Open Space and Green Infrastructure

- DP19 - Development Contributions
- DP23 - Managing Flood Risk

The following policies of the Local Plan Part II (post RJ Version) are relevant to the determination of this application:

- Policy WL5 - Land at Elm Close

After examination on 04 November 2023, it was confirmed that the Wells Neighbourhood Plan would be taken to referendum. A referendum is scheduled for 25 January 2025. This plan is now a material planning consideration. As this plan has not been 'made', it does not carry full weight in the planning balance. As there are no outstanding objections it is concluded to carry moderate weight in the planning balance. Relevant policies include:

- Policy HBE1: Heritage and the Built Environment
- HBE2: Local Heritage Assets
- Policy H1: Responding to Local Housing Demand and Needs
- Policy H2: High Quality Housing Design
- Policy H3: Housing Fit for the Future
- MA1: Constraints and Opportunities on the Local Highway, Cycleway and Footpath Network
- Policy ENV1: Protecting the Character of the Landscape, Views and Setting
- Policy ENV2: Wells Nature Recovery Network (including protected areas of biodiversity, geodiversity and habitat)
- Policy ENV3: Local Green Space

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Somerset Countywide Parking Strategy (2013)
- Wells Conservation Area Appraisal (2011)
- Wells Design Guide (2022)
- Landscape Assessment of Mendip District (1997)
- Mendip District Landscape Character Assessment (2020)

### **Assessment of Relevant Issues:**

### **Principle of Development:**

It is noted the Local Planning Authority (LPA) has already confirmed the proposal is acceptable, through a decision made by the Planning Board on 25 January 2025. The

Planning Committee is asked to remake this decision, considering the additional phosphate mitigation, and relevant information, which do not alter principle of development considerations.

The site is allocated for development in Local Plan Part 2 (LP2) under policy WL5. This allocation is for the delivery of at least 100 new dwellings, an extension to the adjacent cemetery, replacement bat habitat, and other necessary features and measures.

When this proposal was previously considered by the Planning Board, LP2 was emerging. This policy has since been adopted and therefore carries full weight.

Policy WL4 states that development should come forward from 2024-25. Considering the likely time needed to agree any reserved matters application and build out the scheme, the proposal is considered to accord with this timescale policy requirement.

This timescale is explained within the policy as to allow *“an opportunity for community use is to be incorporated into masterplanning of the site.”* This is taken to refer to the policy requirement to include land for an extension to the adjacent cemetery, which would need to be incorporated into any masterplanning. As the application is submitted in outline, and includes land for a potential cemetery extension, as well as all other requirements set out in policy WL5, the proposal is concluded to accord with this policy.

The Council is currently unable to demonstrate a five-year housing supply. As a result of recent appeals it is concluded that supply is in the range of 2.87 to 2.94 years.

The National Planning Policy Framework (NPPF) advises that, where the Council cannot demonstrate a five-year supply, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the NPPF, applies. Paragraph 11(d) sets out that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, planning permission should be granted unless:

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) 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.

The above is a significant material consideration that will be considered in the overall



planning balance section at the end of this report.

The development would result in the loss of agricultural land. Whilst there is no local policy to retain agricultural land, the NPPF explains that decisions should recognise the wider benefits from the best and most versatile agricultural land. The loss of the land is recognised but it should be noted that the land is grade 3 which is not the best and most versatile land. This is not considered a reason to withhold planning permission.

The Wells Neighbourhood Plan is a material consideration in the assessment of this application now. The proposal is considered to accord with all relevant parts of this emerging but well progressed document.

### **Nutrients:**

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. Any new housing, including single dwellings, would result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

A shadow Habitat Regulations Assessment (sHRA) and a Nutrient Neutrality Assessment and Mitigation Strategy (NNMAS) have been submitted by the applicant demonstrating the development can achieve nutrient neutrality. This can be achieved through on site Sustainable Urban Drainage System (SUDS) including the use of swales, ponds, soakaways, permeable paving and bioretention zones. These measures are expected to reduce the nutrient load by circa 50%.

The applicant has confirmed the remaining load will be offset through the purchase of 14kg total phosphorous (TP) off site credits. Credits have been agreed at the Manor Farm site, which has agreement from the Local Planning Authority and Natural England. Credits can now be secured by conditions, which are recommended accordingly. A further condition is recommended which would see SUDS measures introduced to reduce the impact in line with the agreed details. These conditions have been agreed with Natural England.

As the nutrient calculations rely on planned upgrade works to the Wessex Water treatment works (AMP7 improvements), Natural England has stated a condition is required to restrict occupation until the water treatment works completed, which has been recommended accordingly (subject to minor wording edits), and confirmed with the Ecology team.

In conclusion on this matter, the impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge its legislative duties in this respect. Taking all of the above into consideration, including the suite of controls as set out in the recommended conditions and legal agreement, sufficient information has been submitted to confirm that the proposal would not result in an unacceptable increase in phosphate levels within the foul water discharge and not affect the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such passes Regulation 63 of the Habitat Regulations 2017. Therefore, the proposed development accords with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

### **Ecology:**

Adopted policy WL5 confirms the site is within the consultation zone of the North Somerset and Mendip SAC (band C) and confirms that greater and lesser horseshoe bats are present in the locality. WL5 requires development masterplanning on the site to include 0.93ha of replacement bat habitat and minimal loss or fragmentation of hedgerows on the site.

The development framework and indicative masterplan demonstrate that 0.93ha of replacement habitat can be achieved. All hedgerows, which represent high ecological value, would be retained, except on the front boundary to facilitate the accesses; and two gaps within the site to facilitate circulation. The proposal therefore meets the policy requirements of WL5 in this regard.

Development proposals also include:

- Retention or replacement of the Lesser Horseshoe bat roost on site.
- Creation of enhanced habitat corridors with buffers along boundaries on the west, south and east of the application site.
- Two SUDs ponds and green space along the southern boundary of the site, with creation of additional habitat foraging resources for the remaining common and widespread species of bat recorded and rough / species-rich grassland to be managed / planted in suitable locations within the green space to encourage invertebrates;
- Woodland planting within the open space in the south of the development providing a corridor along the southern edge of the development well-connected with the widened landscape corridor on the western boundary that would serve to enhance

the existing hedgerow to provide continued connectivity with the wider local environment.

The application as first submitted included an Ecological Appraisal which assessed species and habitats and made various recommendations. As the ecological assessment work and consideration is now over two years old, an updated Ecological Appraisal (dated August 2023) was submitted to ensure an up-to-date understanding of the site and appropriate mitigations can be put in place. The updated ecological assessment confirms there have been no material changes in baseline conditions:

- *“The site or habitat within the site has no more capacity to support a mobile protected, rare or otherwise notable species that could have moved on to the site since when previously surveyed.*
- *There have been no significant changes to habitats present (and/or the ecological conditions/functions/ecosystem functioning upon which they are dependent) since the previous surveys were undertaken; and*
- *The local distribution of a species in the wider area around a site has not changed (nor knowledge of it increased), increasing the likelihood of its presence since the previous surveys were undertaken.”*

The hedgerows have high ecological value. Evidence of badger, bat, bird and slow worm activity was identified on the site. No great crested newts or dormice were recorded. A number of measures are recommended in relation to mitigation and protection through development and construction. These are recommended to be controlled via conditions.

There is one bat roost within the site boundary, which is proposed to be retained and protected as outlined below in the applicant’s ecological submission. No objections have been received from Somerset Ecology or Natural England on this matter. Conditions are recommended to secure this.

*“7.27 The small occasionally used night roost used seasonally by lesser horseshoe bats (refer Appendix E) will remain within the current building in its current location within the Green Infrastructure of the Proposed Development where it will be appropriately fenced in a manner which does not inhibit access to bats but will prevent interference or vandalism by people. Were proposals to change and the removal of the building later required then an appropriate alternative roost would need to be provided within this area of Green Infrastructure in order to compensate. Significant woodland planting will be implemented within this area of Green Infrastructure forming a wide corridor along the southern edge of the development and well connected with the widened landscape corridor on the western boundary that will serve to enhance the existing double hedgerow to*

*provide continued connectivity with the wider local environment.”*

North Somerset and Mendip Bat SAC and Mendip Woodlands SAC are located in proximity to the site. A Habitat Regulations Assessment (HRA) was submitted and agreed with Natural England before the Planning Board’s decision in January 2020. A further Shadow HRA has been completed by the applicant team and endorsed by the Somerset Ecology team. This particularly considers the impacts of nutrients on the Somerset Levels and Moors Ramsar site. No objections to this have been raised by Natural England. Natural England’s comments recommended linking the assessment of HRA’s, which the applicant has completed and set out in the report. The HRA is therefore concluded to be acceptable subject to conditions as recommended.

Conditions previously recommended and approved by the Planning Board include:

- Submission and agreement of external lighting
- Ecological habitat provision of at least 0.93ha (in line with the policy allocation requirements)
- Submission and agreement of a Landscape and Ecological Management Plan (LEMP)
- Submission and agreement of a Construction Environmental Management Plan (CEMP): Biodiversity
- Protection or replacement of the bat roost
- Implementation of the ecological recommendations.

The Ecologist has recommended all these conditions remain, with updates as necessary. Not all wording on the conditions is exactly as per the wording of the Ecologist, but the conditions as recommended refer to the additional information received and meet the national conditions tests.

The Ecologist has recommended an additional condition requiring reports prepared by an Ecological Clerk of Works are submitted and agreed at each phase of development confirming compliance with the CEMP. This is controlled by the CEMP condition and other legislation therefore does not meet the conditions test for being reasonable or necessary.

Further to the CEMP condition, the Ecologist has recommended another condition requiring fencing details. This is recommended to be incorporated into the CEMP condition rather than a standalone condition. It is noted that details of fencing are expected to include all protective fencing and warning signs, which would be maintained during the construction period. A separate detailed condition on protective fencing for trees and hedgerows is already recommended as part of the conditions so a further

condition is not necessary. The recommended tree protection plan condition (condition 4) is recommended to be amended to clarify fencing relates to hedgerows as well as trees.

The LEMP condition has been amended to refer to the dark buffer along the western side of the site, as well as details of dust and pollution protections. Further detailed recommendations for the LEMP condition from the Ecologist do not meet the tests and some are covered by the other condition requiring compliance with the ecological recommendations and other legislation.

The additional lighting condition recommended by the Ecologist is not necessary as this is covered by another condition.

The Ecologist has also recommended a condition requiring the reserved matters application demonstrate biodiversity net gain. This is covered in the condition specifying additional information to be submitted, in order to ensure this is quantified in any reserved matters application.

The conditions recommended by the Ecologist in relation to badgers, hazel dormice and reptiles do not meet the tests. Protective measures are covered by the applicant's ecological recommendations, which is covered by condition already.

The Ecologist has also set out detailed requirements for on site ecological enhancements and biodiversity net gain. As this application is considered in outline, and the condition includes very detailed and specific recommendations, it is instead recommended that the relevant reserved matters submission include these details, and these comments from the Ecologist can inform detailed design.

In conclusion on this matter, the proposed development would 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.

### **Highways:**

The application when first submitted included one access point onto Elm Close. Following the Board's deferral, the applicant submitted updated plans showing two access points.

More recent discussions with the Highway Authority (HA) have confirmed the proposal continues to be acceptable in relation to highway safety, including safe visibility on the access points. The HA has also confirmed there is sufficient capacity on the local highway network to support the additional vehicle trips associated with the development.

Following the previous deferral, the applicant has agreed to introduce a 3m footway/cycleway across the full frontage of the site. This would be secured through the legal agreement.

The previous report included a potential pedestrian crossing point at the junction of Elm Close and Portway, pending highway safety audits. These audits have now been undertaken and the highway authority has confirmed that a zebra crossing would be unsuitable. Instead an uncontrolled pedestrian controlled crossing has been agreed and its provision will form part of the legal agreement.

A £20,000 contribution to the Strawberry Line was previously agreed. Using the Bank of England's online Inflation Calculator this figure has been amended to £24,280. This has been agreed with the applicant.

As part of the previous Planning Board decision, the applicant agreed to pay £16,500 towards the local 67 bus route, which equated to the £3,300 cost St Cuthbert Out Parish Council paid per year, for a 5 year period. Following recent discussions with the parish council, it has been confirmed that these obligations are no longer necessary. As an alternative, the applicant has agreed to provide bus stop shelters on both the north and south side of Elm Close. This would make bus travel more appealing. This obligation would serve the residents of the development, and other nearby residents, and meets the CIL tests for planning obligations. The applicant has agreed to include this in the legal agreement, and submitted an updated plan showing the location of the bus shelters.

These works are on top of other standard measures including highways works associated with the accesses and a travel plan, which are recommended to be incorporated into the legal agreement.

### **Public Rights of Way:**

The original officer report explains the context of the site in this regard thus:

*“There are 2 Public Rights of Way (PROW) running through or on the boundary of the application site. WS 10/63 runs along the eastern side of the site in a north south direction. This PROW runs through the part of the site proposed for the cemetery extension. WS 10/55A runs along the western boundary of the site in a north south direction. There is a network of other PROW's in proximity to the application site.*

*The proposed development includes retention of the existing PROW's. The indicative plan also shows proposed new footways/cycleways running north south between the cemetery extension and the proposed housing; and in an east west direction along the southern part of the site through public open space. Although detailed layouts have yet to be submitted at this outline stage, the applicant has demonstrated capacity within the scheme to enhance permeability within the site for non-car users."*

Updated comments have been received from the PROW team which confirm the previously recommended condition requiring diversion of any footpaths is not necessary as these are shown to be unobstructed in the indicative masterplan and development framework. If PROW's would be affected by development in any reserved matters application, this can be dealt with at that stage. As such, this condition is no longer recommended, but an informative is retained which reminds the applicant of their obligations in this regard.

Updated PROW comments request pedestrian/cycle connections to the south west of the site through to Campkin Road. The existing PROW WS10/63 extends to Burcott Road from the north to the south of the site. Maximising active travel is a high priority so this has been discussed with the applicant. It is understood that there is an area on the edge of Campkin Road owned by a third party and it has not been possible to agree access onto Campkin Road. It is noted that consultation comments from residents in Campkin Road have referred to amenity concerns. This matter should be fully scoped out prior to any reserved matters application, and any applicant will be required to demonstrate active travel measures have been maximised. Conditions were attached to the previous recommendation requiring details of footpath and cycle path connections to be submitted and agreed and details of green infrastructure to be submitted and agreed prior to any reserved matters application. The wording of these conditions has been amended slightly.

In conclusion on this matter the application is considered acceptable in relation PROW.

### **Education:**

Updated comments have been received from the Education team, which confirm the obligations have increased from £700,034 at the previous decision to £708,398. It is noted that this figure is subject to change during the finalisation of the legal agreement.

### **Planning Obligations:**

In accordance with LP1 policy DP19, the following planning obligations have been triggered and agreed with the applicant, which are set out in a table to show changes since

the previous decision in January 2020:

<b>Obligations as Approved in January 2020</b>	<b>Summary of Changes/Updated Obligations</b>
Affordable Housing at 40%	No changes
Safeguarding 1ha of land for cemetery expansion	No changes
Provision of at least 0.93ha of replacement habitat on site	No changes
£81,852 contribution towards local off site open space provision	No changes
Provision and management of on-site public open space and a local equipped area of play (LEAP)	No changes
Education contributions of £700,034	Obligations increased to £708,398 (noting this is subject to change as the legal agreement is finalised and obligations will relate to the educational need to come from the development)
£20,000 contribution towards Strawberry Line	This has been increased to £24,280
Travel Plan – including green travel vouchers; welcome packs and travel information packs; and travel mode monitoring	No changes
Provision of a new accesses	No changes
Provision of 3m foot path/cycle path across the full frontage of the site	No changes
Offsite highway works - a pedestrian controlled crossing at the junction of Elm Close and the Portway	No changes
Public transport contribution of £16,500 payable towards the costs of improving the number 67 bus service (£3,300 for five years)	Bus shelters provided on the north and south side of Elm Close
Management company	No change

If the application is approved these matters can be secured via a legal agreement.

Given the LP1 policy requirements and infrastructure needs arising from the development, all of the above obligations are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and



kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

The application is concluded to be acceptable in relation to planning obligations.

### **Other Matters:**

The application remains acceptable as per previous recommendations, including in relation to design (noting this application is submitted in outline at a quantum consistent with the policy); landscape impact; impact on residential amenity; environmental protection; highways; heritage; carbon reduction; open space (including on site open space and play park); affordable housing (which remains at 40% in line with policy requirements); education contributions (noting these have been slightly updated); trees and hedgerows; drainage and flooding; and Environmental Impact Assessment. Further information on these matters can be found in the previous Board reports, attached at Appendix 1.

Although policy requiring First Homes has been introduced since previous consideration by the Planning Board, as this site is allocated there is no requirement for First Homes and the proposal will consist of 80% social rented properties and 20% shared ownership properties.

### **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.

### **Health:**

The proposal is considered acceptable in relation to the health of future occupants and existing nearby occupants.

### **Conclusion:**

This application was approved by the Mendip District Council Planning Board in January 2020. At a late stage in the finalisation of the legal agreement, Natural England confirmed

that this and other applications could not be determined due to nutrient levels in the area. A robust nutrient mitigation package has since been agreed with the applicant, Ecology team and Natural England which confirms the proposal can achieve nutrient neutrality.

Relevant updated information has been received from the applicant to confirm the ecological impacts and mitigations. Relevant updated consultee comments have been sought to confirm the application remains acceptable. A comprehensive review of conditions and planning obligations has been undertaken and some changes and updates have been recommended – most notably to include nutrient mitigation controls. All conditions and obligations are suitable for the development as proposed at this location.

This site remains allocated for development in the Local Plan. The proposed development, submitted in outline with access reserved, accords with the policy requirements in relation to the quantum and scope of development.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

As set out above it is accepted that the Council cannot demonstrate a 5 year land supply and the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies (the 'tilted balance'). This advises that permission should be granted unless any adverse impacts of doing so are identified and would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

This site has an opportunity to contribute to housing supply on an allocated site which has already been approved by the Planning Board. The proposals have been developed to achieve a sustainable extension to Wells. The provision of 100 homes, including 40 affordable homes, is given significant weight in the planning balance, particularly in the context of the significant lack of 5 year land supply in the district. The application proposals would also deliver simultaneously, economic, social and environmental benefits. Whilst limited in time, the development would generate economic benefits through the construction period. Economic benefits would also be associated with the future spending of occupants of the development in local shops and services and council tax receipts. Public open space and ecological enhancement measures would offer potential biodiversity enhancements.

Although it is noted that there would be some landscape impact, particularly before mitigation is fully established, this harm is not significant given the surrounding built form in the context of the site. The development would result in the loss of agricultural land, but this is not the highest quality or most versatile land.

The application is therefore represented for approval in accordance with the provisions of the development plan as referred above and the provisions of 11d of the NPPF subject to terms of the completion of a legal agreement to cover the matters confirmed in the table above and the conditions as set out below.

## **Recommendation**

Approval

## **Conditions**

### **1. Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

### **2. Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### **3. Plans List (Compliance)**

This decision relates to the following drawings/documents:

5730-L-03 LOCATION PLAN - received 04.06.2019

P18123-222 - POTENTIAL CROSSING SCHEME - received 10.12.2019

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

4. **Tree Protection Plan (Pre-commencement)**

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees and hedgerows to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan shall include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

5. **Construction Management Plan (Pre-commencement)**

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) delivery and construction working 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.

6. **Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths) and
- (d) any retained planting / hedgerows.
- (e) a detailed programme of phasing and implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**7. Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Policies DP3, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**9. Surface Water Drainage (Pre-commencement)**

No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been

submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- o Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. 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 foul drainage strategy.

**10. Footway/Cycleway Provision (Compliance)**

The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with details including a 3m footway/cycleway along Elm Close, as shown on P18123-103 UPDATED ACCESS PLAN received 28.09.2023. The vehicular access and pathways 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).

11. **Estate Roads (Bespoke Trigger)**

The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

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).

12. **Parking Area (Bespoke Trigger)**

No construction above slab level shall commence until plans showing a parking area and turning areas (providing for parking spaces for each of the dwellings in accordance with the SCC parking strategy), including full details of the surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. No occupation of any individual dwelling shall commence until the parking area for that dwelling has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation of the development shall commence until the visibility splays shown on drawing P18123-103 UPDATED ACCESS PLAN received 28.09.2023 has been provided. There shall be no on-site obstruction exceeding 300 millimetres above adjoining road level in advance of lines drawn 2.4m metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m either side of the access. 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. **Cycle and Footpath Connections (Pre-occupation)**

No occupation shall commence until a phasing plan showing the timetable of construction of the network of cycleway and footpath connections across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained in perpetuity.

Reason: To ensure that suitable access for cyclists and pedestrians is provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006- 2029 (Adopted 2014) and Policy FR3a of the Mendip District Plan Part 2.

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

No new external lighting 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. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **Sustainability Statement (Pre-commencement)**

No development shall take place until a Sustainability Statement has been submitted and approved by the Local Planning Authority confirming mechanisms and provision that will reduce omission levels arising from the development during the construction process and when it is occupied. The development will thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development meets the Council's climate change objectives in accordance with policy DP7 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 scheme in detail prior to any initial construction works.

17. **Highways Drainage (Pre-commencement)**

No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site



showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure sufficient drainage on the highway in accordance with Policy DP9 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works.

**18. Replacement Ecological Habitat (Pre-commencement)**

No work shall commence on the development site until a habitat enhancement area for bats has been provided on site which is at least 0.93ha. The replacement habitat shall be of long sward meadow, scrub and woodland, which is accessible to Greater and Lesser Horseshoe bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority prior to work commencing on site. The approved habitat enhancement area will be retained in perpetuity.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard species.

**19. Landscape and Ecological Management Plan (LEMP) (Pre-commencement)**

No work shall commence on the development site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed including the western corridor to be enhanced with further planting and a 10m dark buffer and with particular focus on the replacement Annex II bat habitat.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.
- i) Details to ensure the protection of the retained habitats in relation to pollution and dust.
- j) Dog waste management strategy.

The LEMP shall also include details of the legal and funding mechanism(s) by which

the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard protected species.

20. **CEMP: Biodiversity (Pre-commencement)**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Details of protective fencing measures.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: A pre-commencement condition in the interests of European and UK protected species, biodiversity generally and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard protected species.

21. **Retained or Replaced Bat Roost (Bespoke Trigger)**

The existing corrugated shed structure shall be maintained and/or replaced as a

night roost for Lesser Horseshoe bats. If replaced the design for a new night roost must be submitted to and approved in writing by the local planning authority, demonstrating licence agreement from Natural England as necessary, and constructed prior to the existing shed being demolished. The night roost shall be fenced off in such a way that it deters interference from members of the public.  
Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)

22. **Implementation of Ecological Recommendations (Compliance)**

No occupation of the development hereby approved shall commence until the recommendations of the Ecological Assessment received 04.06.2019 and updated Ecological Appraisal dated August 2023 have been implemented.

Reason: To ensure that the implementation and success of the Ecological Assessment and 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).

23. **Design, Green Infrastructure and Energy (Bespoke Trigger)**

Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:

- i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines
- ii) A strategy for the management and maintenance of all green infrastructure across the application site. The strategy document shall set out the management, maintenance, access and use arrangements and a deliver date identifying a trigger date for completion
- iii) A low emissions/renewable energy strategy.

Reason: To ensure the development meets the Council's design, green infrastructure and climate change objectives in accordance with policies DP1, DP7 and DP16 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the NPPF.

24. **Reserved Matters (Pre-commencement)**

Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and

Parts 1 and 3 of the Development Management Procedure Order 2015.

25. **Ecological Enhancement at Reserved Matters (Compliance)**

Details to be submitted for approval of reserved matter(s) shall include details of ecological enhancements and biodiversity net gain. The development shall thereafter be carried out in accordance with the approved details.

Reason: This is an outline permission and these matters require detailed consideration by the Local Planning Authority.

26. **Foul Drainage Nutrient Mitigation (Pre Commencement)**

No development shall commence until a detailed Sustainable Urban Drainage Scheme including maintenance plan has been submitted to and agreed in writing by the Local Planning Authority. The Sustainable Urban Drainage Scheme will accord with CIRIA 808 guidance and demonstrate the proposal will deliver a reduction in surface water phosphorus load to 2.94 kgP/year and accord with the Nutrient Neutrality Assessment and Mitigation Strategy dated August 2023 and Shadow Habitats Regulation Assessment dated 30 August 2023.

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. 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 foul drainage strategy in accordance with policies DP5, DP6, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and part 15 of the NPPF.

27. **Water Usage (Compliance)**

No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the policies DP5, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and part 15 the National Planning Policy Framework.

28. **Phosphate Credits (Pre Commencement)**

The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway.

The Allocation Certificate shall be a written certificate issued by the phosphate

credit provider confirming the allocation of the full phosphate credit requirement generated by the development (14kg total phosphorous), thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policies DP5, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) as well as part 15 of the National Planning Policy Framework.

#### 29. **AMP7 Improvements (Pre Occupation)**

The development hereby approved shall not be occupied until written evidence that the Asset Management Plan 7 (AMP7) planned upgrades to the Wells Waste Water Treatment Works by Wessex Water to provide additional treatment capacity and improvement to nutrient capture have been completed and that the increase in phosphorus arising from occupation of the development will accordingly be no more than the permit licence of 1 mgP/l total phosphorous.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policies DP5, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) as well as part 15 of the National Planning Policy Framework.

## **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. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
4. 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.
5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.

6. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
7. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>
8. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
9. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.
10. **Nutrient Credits**  
If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of phosphate credits, then the implementation of planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore the developer must obtain formal discharge of the condition prior to commencing any works on site.

Planning Board

DATE: 22nd January 2020

NOTES:

1. Items may be taken out of order and therefore we are unable to advise the time at which an item will be considered.
2. Applications can be determined in any manner notwithstanding the recommendation being made
3. Councillors who have a query about anything on the agenda are requested to inspect the file and talk to the case officer prior to the meeting.
4. Any members of the public wishing to make late additional representations should do so in writing or contact their Ward Councillors prior to the meeting. Please give a day's notice if you wish to inspect a file if this is possible.
5. Letters of representation referred to in these reports together with any other background papers may be inspected at any time prior to the Meeting and these papers will be available at the Meeting.
6. For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report , 'background papers' in accordance with section 100D will always include the case officer's written report and any letters or memoranda of representation received.



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Planning Board - 22nd January 2020

Item	Page	Application Number	Ward/Site	Case Officer
DM01	4	2019/1381/OTS	Land Off Elm Close, Wells, Somerset,  <b>Wookey And St Cuthbert Out West</b>	Ms Nikki White

Agenda Item No.	DM01
Case Officer	Ms Nikki White
Site	Land Off Elm Close Wells Somerset
Application Number	2019/1381/OTS
Date Received	5th June 2019
Applicant/ Organisation	Gladman
Application Type	Outline - Some Matters Reserved
Proposal	Application for Outline Planning Permission with some matters reserved for erection of up to 100 dwellings with public open space with only details of access considered. (amended plans rec'd 10.12.2019).
Ward	Wookey And St Cuthbert Out West

Parish	St Cuthbert Out Parish Council
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**What3Words:**

Spellings.dozens.resonates

**Reasons for deferral:**

This report is an update report with reference to the reserved matters application considered by members at Development Management Board on 20 November 2019. Attached to this update report is the original report (Appendix A).

Members agreed to defer making a decision on the application to allow the applicant an opportunity to address the following issues:

1. Further consideration of photo-voltaic panel provision
2. Increased green space
3. An additional access
4. Traffic control/calming
5. Obligations towards community facilities
6. Obligations towards public transport

**Scope of changes proposed by applicant to seek to redress referral reasons:**

1. Further consideration of photo-voltaic panel provision

The applicant has agreed to the principal of the inclusion of an additional condition which would require the submission of a low emissions/renewable energy strategy prior to the reserved matters stage.

## 2. Increased green space

In addition to on site open space proposed, the applicant has now also agreed to contribute £81,852 towards local off site open space provision.

## 3. An additional access

Revised plans have been submitted showing an additional access point off Elm Close.

## 4. Traffic control/calming

When the application was considered by the Board in November 2019, the footpath was proposed to be widened to 3m from the proposed site access to Portway. This was to allow use by pedestrians and cyclists. Following a request from St Cuthbert Out Parish Council, revised plans have now been submitted showing a 3m wide shared footpath/cyclepath across the entire frontage of the site.

The applicant has also submitted revised plans showing a potential uncontrolled crossing to the west of the site. This shows a pedestrian and cycle crossing to the splitter island and across to Portway to the north.

## 5. Obligations towards community facilities

This has been considered but no changes are proposed (see below).

## 6. Obligations towards public transport

The applicant has offered £16,500 towards the local 67 bus route. This equates to the £3,300 cost St Cuthbert Out Parish Council pays per year, for a 5 year period.

### **Summary of consultation responses:**

Some comments are summarised below for brevity.

St Cuthbert Out Parish Council:

Comments expected 9<sup>th</sup> January 2020 and will be added to the Board Update Report.

Wells City Council: Objection

Recommend refusal on the grounds that 6 months deferral, which was put in place at MDC Board meeting on 20<sup>th</sup> November 2019, should be honoured. Also, a vehicle survey needs to be carried out before access points are considered.

Wookey Parish Council: Objection

- Part 2 Local Plan is at examination stage but it should still carry some significant weight in determining applications. However there are items relating to this particular site, like release dates and odour issues, that are yet to be officially adopted
- Recent changes to the Local Plan clearly state that "Given the level of significant short time supply and its focus in one location on the edge of the City, early development of this site is not considered necessary in the short term. The site is therefore identified for release after 2024-5"
- There is currently a very good supply of housing and if more suitable sites are made available over the coming 5 years then this site may not need to be developed and therefore another field saved.
- There are brownfield sites that should be developed before we approve this site and start to use green fields for housing. Most importantly the Tincknells site in Wells town centre.
- This is a sensitive open countryside area to consider for development as Part 2 Local Plan clearly states 'Previous landscape studies have highlighted the ridgeline as a feature in the wider setting of Wells and the contribution of this general location as a backdrop to Wells.'
- Granting permission now will further add to the shortage of primary school places. According to the LEA, SCC, 100 houses here will require a further 20 school places.

Local schools are either at, or over, capacity and our own primary school has recently had a temporary classroom permission further extended.

- Mendips Draft Infrastructure Plan highlights that 'developer contributions' and Community Infrastructure Levy (C.I.L) have been identified by SCC and MDC as the way to fund new schools. This council has yet to adopt C.I.L even though it forms a major part of funding sources for its Draft Infrastructure Plan!!!
- All other Somerset LPA's (Sedgemoor, South Somerset, Taunton & W Somerset and Bath & NE Somerset) have C.I.L in place and operational therefore providing funding towards infrastructure.
- This application appears to have been brought forward ahead of its Part 2 release date status mainly because it is a very cheap site with green field development and no C.I.L commitments payable at this time unlike other LPA's. Therefore approving this application at this point in time in no way benefits our community.
- Using an average of rates set by surrounding local authorities, and an average house square meterage for Wells developments, this application could bring forward £475,000 in C.I.L towards building a school that there is currently no money available for.
- In fact had MDC adopted C.I.L at the appropriate time in the planning process then the houses already built and under construction on the land west of Wells and south of Wookey Hole Road could already have contributed £2.4 million towards our infrastructure including the new school. An opportunity lost.
- This application does not need to be decided or developed now. Doing so would add further strain on local infrastructure. It would be more appropriate for this site to be considered as a full application later in the plan period.
- This administration of MDC could by then have responsibly adopted the Community Infrastructure Levy (C.I.L) and fair proportional contributions could then be sought to address any new infrastructure issues that development brings.

Highway Authority: Traffic Counts - The HA can confirm that the application documents have been reviewed as set out in the HA response dated 31<sup>st</sup> July 2019.

Education:

Revised plans do not change previous Education comments.

Wessex Water:

No further comments.

Natural England:

The advice provided in our previous response applies equally to this amendment.

Neighbour objections: 11 neighbour objections have been received, as summarised below:

- Principle – Local Plan II is not adopted; greenfield site; inadequate infrastructure to support; not sustainable development; not enough local employment opportunities; no policy basis; no need for the development; this site should not come forward until 2024/25.
- Process – not enough time to comment; developer did not wait 6 months; Wells City Council was not consulted; could not find previous reports on website; LPA should confirm Gladman’s account of consultation is correct
- Highways – highway safety concerns; access from Burcott Lane would be dangerous; increased traffic movements; inadequate parking; 2 access points will make it more dangerous; highway capacity concerns; updated traffic count is required; upgraded access from Burcott Lane should be considered
- Ecology – harm to bats; ecological value of gardens will depend on occupants; loss of hedgerow
- Drainage – concerns re storm water management
- Landscape – harm to views
- Amenity – harmful for neighbours re sense of place
- Other - revisions do not address issues raised at Board; application does not address previous refusals; harm to public right of way; site backs on to a cemetery; overdevelopment; harm to air quality; additional anti-social behaviour; smaller houses may become investment buy to lets; supporting documents are not independent; errors/typos in submission by applicant; light pollution; insufficient community facilities to support the local community, for all ages; inadequate consideration of carbon reduction.

**Officer assessment following revisions:**

1. Further consideration of photo-voltaic panel provision

This application is submitted in outline, therefore the provision of photo-voltaic panels would usually be considered alongside a subsequent reserved matters application.

An additional condition is recommended which would require the applicant to submit a low emissions/renewable energy strategy. The applicants have agreed to the principle of this approach.

This would be in accordance with Local Plan Policy DP7 and is considered acceptable at this outline stage.

## 2. Increased green space

Whilst the original application includes capacity for on-site public open space, Members concluded that further provision should be provided.

Paragraph 92 of the National Planning Policy Framework (NPPF) supports the provision of open space and recreation areas:

*92. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.*

The standard formula for Mendip for off-site contributions is £1,364.20 per dwelling proposed. This excludes any affordable housing units or sheltered housing units. Open space contributions are not sought for affordable housing units within this formula as affordable housing is a contribution in itself. This accords with Policy DP16, where it is considered that off-site contributions should be secured.

The application includes 40 affordable units and 60 private units. The applicant has agreed to pay a contribution of £81,852, which equates to the full £1,364.20 for each of the 60 private units proposed.

### 3. An additional access

Revised plans show an additional access point off Elm Close. This has been reviewed by the Highways Engineer at Somerset County Council (SCC) who has not objected.

Although this element of the scheme was not required to comply with highway safety requirements, it is considered to benefit the scheme in terms of traffic calming as passing vehicles would be required to pass 2 access points and slow accordingly. Furthermore, the additional access point is likely to enhance the scheme in an emergency situation; and from a design point of view.

### 4. Traffic control/calming

As well as the benefits from 2 access points as outlined in section 3 above, revised plans have been submitted showing a 3m shared pedestrian and cycle way along the full frontage of the site, which would enhance sustainable travel options and connectivity to the west and east.

When the application was considered in November 2019, it included a £20,000 contribution towards an uncontrolled crossing to the north west of the site, as planned by the Strawberry Line.

The revised plans now label a 'potential uncontrolled crossing over A371 and Elm Close'. This crossing is currently subject to a feasibility audit by engineers at SCC, who are considering a zebra crossing or an uncontrolled crossing. If a zebra crossing is confirmed to meet safety and traffic flow requirements then the applicant has agreed to implement this as a further enhancement to the local environment. If a zebra crossing is not deliverable, an uncontrolled crossing would be considered, and the applicant has agreed to implement it if this is supported by the Highway Authority. If a crossing point is



deliverable then this would enhance the local area in terms of connectivity and traffic calming.

As the deliverability of this crossing point has not been confirmed at this stage, officers recommend delegated authority from the Planning Board to issue a decision (with associated legal agreement) subject to the outcome of the feasibility audit.

There is a further uncontrolled crossing being considered as part of the Persimmon/Taylor Wimpey scheme to the north of Portway. If this comes forward it would be an additional crossing.

## 5. Obligations towards community facilities

St Cuthbert Parish Council has stated the 1ha area of the site safeguarded for a future extension to the adjacent cemetery is not necessary. St Cuthbert Parish Council has requested this part of the site is instead safeguarded for a community facility, such as a village hall.

This nonetheless remains a key part of emerging Local Plan Part II Policy WL5, which has been examined and is considered to have significant weight. Officers have discussed this issue with the Legal team to understand if the use of this part of the site could be revised from a cemetery extension to a community hall.

The justification for the cemetery extension was considered at the Local Plan Part II Examination. In February 2018, in response to the pre-submission Local Plan Part II, Wells City Council submitted the following representation:

*“Wells City Council is in support of this policy in principle but there should be clearer definition from the start:*

- i. Any development approval will automatically include a condition that an area will be provided for an extension to the Wells City Cemetery. This extension portion will be of a size at least equivalent to the Cemetery extension field opened in 2016, and*

*adjoining at least half of the common boundary with that field. The lower part of the slope is liable to surface flooding and is therefore not suitable for burial land. The ridgeline would be suitable for burial land, whereas building development there could have adverse impact on the visual landscape.”*

This was accepted as a change to Policy WL5 with additional explanatory text being added as follows:

*“The site should provide around 1Ha of land to enable an extension to the Wells Cemetery. This should adjoin the existing site and be located on the ridgeline. The lower parts of the allocated site are not suitable”*

The wording of Policy WL5 itself includes the following requirement:

*“2. The potential and need to include land for an extension to the cemetery in any scheme should be assessed in masterplanning the development.”*

St. Cuthbert Out PC did not raise the question of the need for the cemetery extension, nor the suggestion that the land could be used for a community use. The Council has not considered whether such alternative uses would be suitable on the safeguarded area.

The Local Plan Part II Inspector’s Interim Note sought a situation update on consultation with the relevant regulatory authorities in relation to odour impact at WL5, but made no other comment regarding the allocation. The expectation is that the current wording regarding the cemetery extension will be retained in the adopted Part II plan.

Given that the need for a cemetery extension which explicitly included this requirement in Policy WL5, it is not possible to agree to a different use without convincing evidence to the contrary.

However, if the requirement for a cemetery extension does not come forward within the plan period, then the need to retain this land could be assessed again in a future plan review.

It is therefore concluded, following advice from the legal team, that it is not possible to change the use of the 1ha of the site which should remain safeguarded for a cemetery extension.

If this planning application is approved, whilst the S106 Legal Agreement is being completed officers would continue to explore options for an alternative community use.

## 6. Obligations towards public transport

The 67 bus route connects the villages of Wedmore, Theale, Henton, Bleadney, Wookey, Wookey Hole and others along the B3139 into the City of Wells. The service is provided on behalf of Somerset County Council and is supported by local Parish Councils.

St Cuthbert Out Parish Council contributes £3,300 per year towards this service. The applicant has agreed to pay this contribution for 5 years, resulting in a total additional contribution of £16,500.

The 67 bus route would be available for the occupants of the proposed development, to connect them to the surrounding area. This contribution is considered to accord with Regulation 122 of the The Community Infrastructure Levy Regulations 2010.

Paragraph 103 of the NPPF supports the provision of sustainable transport options:

*103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

## Other Matters:

Members also discussed the need for high quality design at the site, which is a gateway into Wells. Whilst this issue can be fully considered at reserved matters stage, it is important for Members to know design will be fully considered. The additional condition recommended for the submission of a low emissions/renewable energy strategy as discussed above, would also require the submission of illustrated urban design and architectural principles for agreement prior to the formal submission of any reserved matters application. This also includes the requirement for a green infrastructure strategy to be agreed. This is considered a robust mechanism to maximise potential for high quality design.

Wookey Parish Council has expressed concerns that the Council is not operating a Community Infrastructure Levy. This is not relevant to the determination of this planning application.

Wells City Council has stated that the local roads should be subject to a traffic count / highway capacity assessment. This has formed part of the submission process by the applicant, and has been assessed by the Highway Engineer at SCC to inform the planning application consideration. The application remains acceptable in highway safety and highway capacity terms, as confirmed by the Highway Engineer at SCC.

In terms of timescale, although the Planning Board deferred this application for 6 months so that additional information could be submitted, the applicant is seeking a decision on the application as soon as possible. The application is now more than 6 months old, therefore the applicant does have the right to lodge an appeal against non-determination if the LPA is not able to make a decision.

The applicant has submitted revised changes since the November planning Board meeting. These changes have been subject to a 14 day consultation period, which is in accordance with legislation. The LPA has met its statutory obligations in terms of publication and consultation. Where additional time has been requested this has been agreed where possible.

All other relevant planning issues raised as part of the consultation have been addressed as part of the previous officer report (Appendix A).

### **Conclusion:**

The applicant has submitted a number of alterations to address concerns raised by Members in November. These changes are concluded to enhance the scheme including in terms of highways and contributions.

As per the report presented to the Board in November 2019, the officer recommendation remains to approve the application subject to the recommended conditions as set out below which have been update since the November report (Appendix A).

### **Recommendation:**

Delegate to permit subject to completion of a section 106 agreement and following the completion of advertising the application scheme as a departure from the development plan.

### **Reason/s for Recommendation**

1. The proposed scheme which has been submitted as an outline application with all matters reserved except access is considered acceptable in relation to character and appearance; amenity; landscape; highway safety and parking; ecology; drainage; trees; and environmental protection. Furthermore the application scheme has been tested against the following Development Plan policies, and subject to conditions the proposal is acceptable:-
  - DP1 - Local Identity and Distinctiveness
  - DP2 - Open Areas of Local Significance
  - DP3 - Heritage Conservation
  - 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
- DP11 - Affordable Housing
- DP14 - Housing Mix and Type
- DP16 -Open Space and Green Infrastructure
- DP19 - Development Contributions
- DP23 - Managing Flood Risk

Finally given the proposals respond positively to the emerging policy allocation as set out at Policy WL5 (Local Plan Part II including proposed changes), the weight in the application assessment given to this policy has been reflected accordingly. On this basis the application scheme is considered in accordance with the Emerging Policy:

Pre-submission Local Plan Part II (including proposed changes) and the National Planning Policy Framework.

## **Conditions**

### **1. Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

### **2. Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### 3. **Plans List (Compliance)**

This decision relates to the following drawings/documents:

Received 04 Jun 2019:

5730-L-03 - Location Plan

AIR QUALITY ASSESSMENT

ECOLOGICAL APPRAISAL

FLOOD RISK ASSESSMENT

FOUL SEWAGE

LANDSCAPE AND VISUAL IMPACT APPRAISAL

NOISE IMPACT ASSESSMENT

PLANNING STATEMENT

SOCIO-ECONOMIC SUSTAINABILITY

SOILS AND AGRICULTURAL QUALITY REPORT

TRANSPORT ASSESSMENT

TRAVEL PLAN

TREE SURVEY

DESIGN AND ACCESS STATEMENT

STATEMENT OF COMMUNITY INVOLVEMENT -

Received 06 Aug 2019:

ODOUR REPORT

Received 10.12.2019:

P18123-222 - POTENTIAL CROSSING SCHEME

5730-L-02-V - DEVELOPMENT FRAMEWORK

P18123-102 - UPDATED ACCESS PLAN

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

**4. Tree Protection Plan (Pre-commencement)**

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

**5. Construction Management Plan (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) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) delivery and construction working 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.

#### **6. Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths) and
- (d) any retained planting / hedgerows.
- (e) a detailed programme of phasing and implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

#### **7. Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Policies DP3, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**9. Surface Water Drainage (Pre-commencement)**

No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (Feb 2019) and the Technical Guidance to the National Planning Policy Framework. 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 foul drainage strategy.

#### 10. **Access (Compliance)**

The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with details including a 3m footway/cycleway along Elm Close, as shown on Proposed Site Access Layout Dwg No: P18123-102 received on 10.12.2019. The vehicular access and pathways 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).

#### 11. **Public Right of Way (Bespoke Trigger)**

No development hereby approved which shall interfere with or compromise the use of footpath WS 10/55A or WS 10/63 shall take place until a path diversion order has been made and confirmed, and the diverted route made available to the satisfaction of the Local Planning Authority.

Reason: To ensure the public right of way is not compromised.

12. **Estate Roads (Bespoke Trigger)**

The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

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. **Parking Area (Bespoke Trigger)**

No construction above slab level shall commence until plans showing a parking area and turning areas (providing for parking spaces for each of the dwellings in accordance with SCC parking strategy), including full details of the surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. No occupation of any individual dwelling shall commence until the parking area for that dwelling has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation of the development shall commence until the visibility splays shown on drawing number P18123-102 dated 10.12.2019 has been provided. There shall be no on-site obstruction exceeding 300 millimetres above adjoining road level in advance of lines drawn 2.4m metres back from the carriageway edge on the centre

line of the access and extending to points on the nearside carriageway edge 120m either side of the access. 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).

**15. Cycle and Footpath Connections (Pre-occupation)**

No occupation of the development shall commence until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No new external lighting 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. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**17. Sustainability Statement (Pre-commencement)**

No development shall take place until a Sustainability Statement has been submitted and approved by the Local Planning Authority confirming mechanisms and provision that will reduce omission levels arising from the development during the construction process and when it is occupied. The development will thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development meets the Council's climate change objectives in accordance with policy DP7 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 scheme in detail prior to any initial construction works.

**18. Highways Drainage (Pre-commencement)**

No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure sufficient drainage on the highway in accordance with Policy DP9 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works.

**19. Replacement Ecological Habitat (Pre-commencement)**

No work shall commence on the development site until a habitat enhancement area for bats has been provided on site which is at least 0.93ha. The replacement habitat shall be of long sward meadow, scrub and woodland, which is accessible to Greater and Lesser Horseshoe bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority prior to work commencing on site. The approved habitat enhancement area will be retained in perpetuity.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard species.

**20. Landscape and Ecological Management Plan (LEMP) (Pre-commencement)**

No work shall commence on the development site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard protected species.

21. Construction Environmental Management Plan: Biodiversity (Pre-commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: A pre-commencement condition in the interests of European and UK protected species, biodiversity generally and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard protected species.

## 22. **Retained or Replaced Bat Roost (Bespoke Trigger)**

The existing corrugated shed structure shall be maintained and/or replaced as a night roost for Lesser Horseshoe bats. If replaced the design for a new night roost must be submitted to and approved in writing by the local planning authority and constructed prior to the existing shed being demolished. The night roost shall be fenced off in such a way that it deters interference from members of the public.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)

## 23. **Implementation of Ecological Recommendations (Compliance)**



No occupation of the development hereby approved shall commence until the recommendations of the Ecological Assessment received 04.06.2019 have been implemented.

Reason: To ensure that the implementation and success of the Ecological Assessment and 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).

#### 24. **Design, Green Infrastructure and Energy (Bespoke Trigger)**

Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:

- i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines
- ii) A strategy for the management and maintenance of all green infrastructure across the application site. The strategy document shall set out the management, maintenance, access and use arrangements and a deliver date identifying a trigger date for completion
- iii) A low emissions/renewable energy strategy.

Reason: To ensure the development meets the Council's design, green infrastructure and climate change objectives in accordance with policies DP1, DP7 and DP16 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and chapters 8,12 and 14.

### **List of Advices**

#### 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 £116 per request (or £34 where it relates to a householder application) and made payable to Mendip District Council. The request must be made in writing or using the Standard Application form (available on the council's website [www.mendip.gov.uk](http://www.mendip.gov.uk) ). 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. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
4. 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.
5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
6. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
7. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <http://www.sedgemoor.gov.uk/SomersetBCP/>
8. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

9. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

## **APPENDIX A – Planning Board Report – 20 November 2019**

### **What3words:**

Spellings.dozens.resonates

### **Referral to Ward Member/Chair and Vice Chair:**

This application is referred the Development Management Board at the request of officers.

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

The application relates to land at Elm Close in Wells. The application site consists of 3 agricultural fields south of Elm Close and north of Burcott Lane on the western edge of Wells.

The application seeks outline planning permission for residential development of up to 100 units and public open space. Details of access are submitted for consideration. Details of appearance, landscaping, layout and scale are proposed to be considered at a later stage under a reserved matters application.

The application site is within the SSSI Impact Risk Zone; the sewerage treatment buffer; the drainage board consultation area; radon information zone; and 2 public rights of way (PROW) are within the site.

The site has been put forward as a housing allocation for up to 100 dwellings in the emerging Local Plan Part II.

### **Relevant History:**

- 2014/0437/OTS - Outline application (all matters reserved except access) for residential development (up to 145 dwellings), access, parking, landscaping, public open space and associated infrastructure. – Refused - 25.06.2014 – appeal withdrawn
- 2015/1428/OTS - Residential development (of up to 145 units), access, parking, landscaping, public open space and associated infrastructure – Refused - 17.09.2015

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

Ward Member: Cllr Taylor-Hood: Call to Planning Board

- Parish Council has recommended refusal on the application.
- There are widespread concerns and objections from residents with regards to the application.
- Broadly speaking, most of the local residents have objected due to concerns about the impact the development could have on an already dangerous road (B3139), as well as on the natural environment/ biodiversity and appearance within the surrounding area.
- Refer to planning Board if recommended for approval. Delegated decision is acceptable if the application is recommended for refusal.

St Cuthbert (Out) Parish Council: Objection

- Does not comply with the Local Plan

- Premature in policy
- Drainage concerns
- No plans
- Reasons for refusal of planning application 2015/1428/OTS are still valid.
- Should be consulted in detail on S106.

#### Wells City Council: Objection

- Highway access
- Landscape harm

#### Wookey Parish Council: Objection

- Premature in policy, housing need and infrastructure
- Policy refers to future growth potential
- Good supply of housing is available and more sites may be available over the coming 5 years.
- Contrary to CP1 of Local Plan Part I.
- Landscape harm - setting of Wells, views of the Special Landscape Feature at Ben Knowle Hill.
- Insufficient infrastructure support

#### Lead Local Flood Authority: No objection subject to condition

- Detailed design should include high quality surface SUDS features as part of a management plan, and set aside suitable space within the whole development for these features. These should not be lost at detailed design stage.
- There are great opportunities here to reduce the piped network, utilising more swales. The applicant suggests these are not appropriate due to the slope, but such features can be designed to incorporate check dams/controls which potentially allow them to be used on such sites. Smaller features such as raingardens and tree pits offer treatment for example. We welcome the use of rainwater harvesting and re-use, and permeable surfacing.
- Providing the IDB position is not compromised by the current proposals, we request a standard pre-commencement sustainable drainage condition based as a minimum on the principles and features within the outline FRA and drainage scheme.

## Somerset Drainage Boards Consortium: No objection subject to condition

- Drainage pre start condition required.
- Detailed design must ensure high quality SUDS scheme in addition to other elements such as open space and landscaping.

## Highways Authority: No objections subject to conditions

- Elm Close is a classified un-numbered road (B3139) that is subject to a 40mph speed restriction along the sites frontage.
- Recorded PIC's (Personal Injury Incidents) for the last five years there have been none within 500m of the proposed access however there are 2no recorded in 2014 at the Elm Close (B3139) / Portway junction (A371).
- Conditions recommended on footway and pedestrian dropped crossing point; access plan; parking standards; visibility splays; construction management plan; estates road; footpaths, parking and turning areas in place; and drainage scheme.
- S106 for travel plan required.

## Traffic Impact:

- The submitted Transport Assessment (TA), Prime Transport Planning, May2019 has been fully reviewed. The modelling review of the submitted TA found no major issues and is considered acceptable on balance.
- It can therefore be concluded that the traffic impact of the proposed development is not considered severe in traffic modelling terms and therefore there is no Highway Authority objection to the planning application due to traffic impact.

## Proposed Access Arrangement including footway widening along Elm Close:

- The proposed access would provide visibility splays of 120m in either direction which is acceptable.
- The footway along the site frontage is proposed to be widened, which should be 1.8m footway along the site frontage together with at least one dropped kerb pedestrian crossing facility to allow for pedestrian connectivity.
- The applicant should note that the access and off site highway works would be subject to a Highway Authority legal agreement.

## Travel Plan:

- The Travel Plan should be secured via S106 agreement.

#### Highways Drainage:

- Proposed surface water management strategy relates to both the existing public highway and the proposed estate roads serving the development. Acceptable subject to highway rights to discharge to watercourse being maintained; a gully is installed to channel run-off water; and detailed design safeguard maintenance access.

#### Internal Estate Road:

- Details submitted as part of a subsequent reserved matters application should meet highways authority standards for adoption.

#### Parking:

- Any future parking associated with the development should be in accordance with SCC parking strategy.

Officer Note: Confirmation of the speed limit on Elm Close is pending and Members will be updated in due course.

Wessex Water: No comments received to date

#### Environmental Protection: No objection

- Whilst it is noted that the site is situated near to the water recycling centre, no objection to the application on the grounds of odour or potential fly nuisance due to the distance from the water recycling centre; existing sensitive receptors are closer; modelling shows that odour isopleth is below 5 OU and 3OU; and there is a lack of history of fly or odour complaints.
- Recommend a condition requiring a construction management plan.

#### Ecology: No objection subject to conditions

- HRA submitted to Natural England



- Overall bird assemblage was typical of an edge of settlement farmland with the wooded features during the scoping bird survey. Three species were recorded as probably breeding including two of red conservation status. A low number of slow-worms were recorded on site. Mitigation methods to prevent harm to these species could be covered within a Construction Environmental Management Plan.
- Conditions recommended regarding replacement habitat; Landscape and Ecological Management Plan; lighting design for bats; retained or replacement bat roost; and provision for bee bricks and bird boxes.

Natural England: No objection subject to conditions

- The application site is located within Band C of the Bat Consultation Zone of the North Somerset and Mendip Bats Special Area of Conservation (SAC). The site lies within Band B of the maternity roost of Lesser Horseshoe bats at Glencott which is considered to support the SAC wintering population at Wookey Hole.
- Ecological surveys have been carried out between 2014 and 2019 (FPCR, Ecological Appraisal dated May 2019). In May 2019, all fields were managed for a hay/silage cut but they have previously been grazed. Ten separate hedgerows on the site were identified and surveyed. These vary in height and ecological significance but at least 3 are over 2m in height and also contain mature trees. Both Greater and Lesser Horseshoe bats were recorded using hedgelines on the site for commuting and foraging. There is not enough data from the submitted surveys to be able to conclude how significant the site is as a foraging resource for either Greater or Lesser Horseshoe bats (see Appropriate Assessment). There is a Lesser Horseshoe roost on the site in the form of a dilapidated shed with a corrugated roof, in the south east corner of the westernmost field.
- The proposed development would result in the loss of all three semi-improved grassland fields. While the hedgerows are proposed to be retained within the development, the effects of urbanisation, light spill and severance by roads are likely to mean that only hedges H5, H6, H7 and H8 will remain available for use by Horseshoe bats (the vast majority of insects ((over 90%)) found near hedge lines do not originate in the hedge but come from other habitats brought in on the wind, therefore loss of wider habitat significantly reduces the amount of insect prey close to the hedge where Horseshoe bats hunt).
- The development proposals include the retention of the Lesser Horseshoe bat roost on site and the creation of:
  - enhanced habitat corridors with buffers along boundaries on the west, south and east of the application site;
  - two SUDs ponds and green space along the southern boundary of the site, with creation of additional habitat foraging resources for the remaining common and widespread species of bat recorded and rough / species-rich grassland to be

managed / planted in suitable locations within the green space to encourage invertebrates;

- woodland planting within the open space in the south of the development providing a corridor along the southern edge of the development well-connected with the widened landscape corridor on the western boundary that will serve to enhance the existing double hedgerow to provide continued connectivity with the wider local environment.
- The Appropriate Assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the Bat SAC sites in question. Having considered the assessment, and particularly the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures set out in Section 19 of the Appropriate Assessment are appropriately secured in any permission given.

Mendip Hills AONB: No objection. Landscape consideration required.

The Countryside and Rights of Way (CRoW) Act 2000 confirmed the significance of AONBs and Section 85 places a statutory duty on all relevant authorities to have regard to the purpose of conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within an Area of Outstanding Natural Beauty. The primary purpose of the AONB designation is to conserve and enhance natural beauty. The proposed development lies outside of the Mendip Hills AONB; however, development proposals outside of the boundaries of AONBs that may have an impact within the designated area are also covered by the 'duty of regard'. Planning Practice Guidance (PPG) confirms that *'Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.'* (Paragraph: 042 Reference ID: 8-042-20190721)

The National Planning Policy Framework (NPPF) 2019 under paragraph 172 sets out that *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'*

The Mendip Hills AONB Partnership produced the Mendip Hills AONB Management Plan 2019-2024 which under paragraph 1.4 sets out a Statement of Significance on the special qualities of the Mendip Hills AONB that create the Mendip Hills AONB sense of place and identity and these include views to and from the Mendip Hills, the dark skies, tranquillity, sense of remoteness and naturalness of the area.

Natural England's National Character Area (NCA) profile for the Mendip Hills (141), highlights that the area is '*renowned for its tranquillity and inspirational qualities ...*' Within the NCA Statement of Environmental Opportunity under SEO1 it sets out '*Safeguard inward and outward views and to the distinctive hill line and conserve and enhance the special qualities, tranquillity, sense of remoteness and naturalness of the area*'.

The proposed site is outside of the Wells Development Limit. The Submission Document of the Local Plan Part II which is currently at examination, under Section 10 includes a plan *Proposed Housing and Employment Allocations, Local Green Spaces and Changes to Development Limit - Wells West* and the proposed site is also shown outside of the Development Limit although shown as future housing growth area. Proposed policy WL5: Development Requirements and Design Principles as relates to land off Elm Close sets out that the site is designated as a Future Growth Area for up to 100 dwellings to be developed after 2024-5. In terms of landscaping it set out that '*The site should be designed sensitively to ensure no harm to the nearby Special Landscape Feature*' and '*Have particular regard to site layout, building height and soft landscaping to minimise the visual impact of the development in this edge of town location.*'

It is unclear as to why this site is proposed to come forward in advance of allocated housing sites. The development would represent an extension of the western edge of Wells into the countryside and this is evident from a number of viewpoints shown within the Landscape and Visual Impact Appraisal. I note that the Landscape and Visual Impact Appraisal includes photography from various viewpoints, however does not include details of the photography. Viewpoints 15 and 16 within the LVA, particularly show the proposed site with views to the Mendip Hills AONB as backdrop. As highlighted above, views towards the Mendip Hills AONB will be an important consideration and any development within this setting will need sensitive handling that should take potential impacts into account. Views towards the Mendip Hills AONB should be protected particularly when considering the appropriate scale of the development, layout, design (including height, materials and lighting) and landscaping. The impact of any development on the protected landscape would need to be carefully considered and supported by appropriate and acceptable mitigation measures.

Housing Enabling Officer: No objection subject to S106

- The application proposes a figure of 40% affordable housing provision in line with Policy DP11 Affordable Housing of the Mendip Local Plan Part One which is satisfactory. It is noted that no proposals with regards to tenure are presented at this stage.
- Having regard to sustainability and the benefits of the provision of balanced affordable housing tenure, the following affordable housing percentages are suggested for provision in any subsequent reserved matters application: 40% x 1 & 2 bed flats/apartments; 25% x 2 bed houses; 20% x 3 bed houses; and 10% x 4 bed houses
- 80:20 split for social rented units and shared ownership units.
- The layout and design of the affordable housing provision should be well integrated with the open market units. We would welcome early discussion with regards to this.

Education, SCC: No objection subject to contribution as part of S106

100 dwellings would generate the following planning obligation requirements:

- 9 Early Years  
9 x 17,074=£153,666 for pre school
- 32 Primary  
32 x 17,074=£546,368 for primary

Arboriculture: No objection subject to conditions

- Arboricultural Assessment submitted gives a fair appraisal of the arboricultural features on site and their retention values using the British Standard (BS) 5837:2012 – Trees in relation to demolition, design and construction – recommendations.
- As this is an Outline application with access, the information is sufficient to consist of a “Tree Constraints Plan / draft Tree Protection Plan” and, going forward, MDC would require “Detailed Arboricultural Method Statement, Arb Impact Assessment / final Tree Protection Plan” i.e. for reserved matters applications.

- Recommended conditions: recommendations within the Arboricultural Assessment/Tree Retention Plan/Tree Protection measures; and Landscape Framework must be followed.

Somerset County Council Public Rights of Way (PROW): No objections subject to condition/obligation and informative.

- There are public rights of way (PROW) that run through the site at the present time (public footpaths WS 10/55A and WS 10/63).
- Condition/ obligation to secure a pedestrian/cycle link to Campkin Road, which may require the consent of a third party if the land is not in the control of the applicant. The Council would be supportive of adopting such a link provided the proposed estate roads are formally adopted.
- The southern-most section of path WS 10/63 between the requested link to Campkin Road and Burcot Road should be appropriately surfaced for cycle provision.
- All of the potential improvements will need to be captured within a suitable legal agreement and secured by a condition.
- The path alignment shown on the applicant's Block Plan is not entirely accurate and may need to be revised to ensure that there is no obstruction to the PROWs.
- Any proposed works must not encroach onto a PROW.

Local Representations:

45 neighbour objections have been received, as summarised below:

- Principle – Local Plan II is not yet adopted; distance from services; outside development limit; no emerging policy to support housing on the site; loss of green agricultural land; no employment to support new residents; inadequate community services to support development; new town should be considered instead of housing allocations; delivery should be delayed to allow infrastructure investment; other sites should come forward first; no benefits to existing residents of Wells; site may be deleted from Local Plan II; comments on Local Plan II need to be taken into account
- Flooding – surface water flooding of existing properties; neighbouring properties have wells; existing flooding problems locally; need to avoid flooding in cemetery; very deep basins required, structural uncertainty, high fences required for safety
- Amenity – flies due to standing water on drainage basins; noise and disturbance from play park, loss of outlook; smell; noise; loss of privacy; disruption; noise and dust during construction

- Landscape – harm to views; harm to tourism; harm to AONB; inadequate landscape justification; highly visible in long distance views which is harmful to the sensitive setting of Wells
- Design – high quality design needed; light pollution from additional street lights; houses may be too tall
- Loss of trees
- Process – no notification from the Council; would like to be consulted on later processes
- Highways – highways safety; highways capacity; inadequate highway assessment; parking; inadequate pathways within site and to Wells; footpaths too narrow locally; Elm Close has a 30MPH limit
- Maintenance – who will maintain boundaries and hedgerows?
- Ecology – ecological harm; loss of hedgerow habitats; harm to bats; harm to badgers; inadequate ecology study submitted
- Conservation – harm to historic setting of Wells
- Other – aspirations of outline, including open space and affordable housing, may be lost at reserved matters stage; utilities pipes run through application site; previous reasons for refusal remain; lots of housing development in Wells; no need for the development; threats to Wells as England’s smallest city; need broadband connectivity; poor mobile phone reception in the area; no justification for building on the green belt; occupants may not be local, may be second homes and may push prices up; light pollution; no need for affordable housing; CO2 emissions and need to address climate change emergency; house prices may drop; increased crime; cemetery should have capacity to expand; cemetery expansion may not be safeguarded; inadequate percentage of affordable housing; concerns re quality of the houses built; harm to farming industry; loss of views; parish council meeting discussed land purchase to safeguard from development; cemetery extension is not suitable, applicant should have discussed this with St Cuthbert Out PC; ; inadequate play / open space provision

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

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- 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
- CP10 – Wells City Strategy
- DP1 – Local Identity and Distinctiveness
- DP2 – Open Areas of Local Significance
- DP3 – Heritage Conservation
- 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
- DP11 – Affordable Housing
- DP14 – Housing Mix and Type
- DP16 – Open Space and Green Infrastructure
- DP19 – Development Contributions
- DP23 – Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Wells Conservation Area Appraisal (2011)

Emerging Policy:

Pre-submission Local Plan Part II (including proposed changes):

- Policy WL5 - Land at Elm Close

**Assessment of relevant issues:**

**Principle of the Use:**

Within the context of the adopted development plan the site is not promoted for any development and falls outside of the settlement boundary for Wells, and therefore there would not be development plan policy support provided by Local Plan Part I policies CP1, CP2 and/or CP10.

However members will be aware that the site is allocated in the Pre-submission Local Plan Part II (including proposed changes). It is identified as Policy WL5 - Land at Elm Close for 100 dwellings, which should come forward after 2024-5. The principle that this is a sustainable location is therefore agreed as acceptable in emerging policy terms. Local Plan Part II and this site have been subject to recent examination in public. Although the examination process is ongoing and policies remain subject to the Inspector's final report, the Inspector's 'Interim Note - Post Hearing Advice' (ED20) which was published on 10<sup>th</sup> September makes no comment on Land at Elm Close or the need for Main Modifications. In addition it is noted that the Inspector has made reference to a general need for additional housing allocations within the district.

The emerging policy framework suggests that development (new housing) on the site should come forward after 2024-5. In timescale terms if the officer recommendation for approval is agreed, the process still requires the completion of a legal agreement. It is likely the land would then be sold. Before any works could begin on site the applicant would need to secure approval for the detailed design under a reserved matters application and discharge any pre commencement conditions. It is therefore concluded that construction may take a number of years to come forward.



On this basis although there is a significant level of local objection to the proposal, it is considered reasonable to apportion weight to the emerging policy in favour of the principle of development. Although development could come forward before 2024-5, delivery timescales are considered reasonable.

In this case it is considered that there are reasonable grounds as set out above, and in accordance with Paragraph 12 of the National Planning Policy Framework (NPPF), to determine this application for approval as a departure from the adopted development plan.

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

This application is submitted in outline therefore the detailed design has not been confirmed at this stage, and would come forward at reserved matters stage. The principle of 100 houses on the site has been assessed by the Council and put forward as a housing site in the emerging Local Plan Part II document, which is considered sufficient at this outline stage.

### **Landscape:**

The application site is located circa 1.4km from the Mendip Hills Area of Outstanding Natural Beauty (AONB) in fields on the western edge of Wells.

The site lies within Natural England's National Character Area (NCA) profile 143 'Mid Somerset Hills'. Ben Knowle Hill is to the southwest of the site and is considered a Special Landscape Feature.

The site is identified in the Landscape Assessment of Mendip District (1997) as being within the Polsham Lodge Hills sub character area, where the features include steep hillocks, pasture and occasional arable, varied, irregular field patterns and scattered farmsteads.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) that considers the effect of the proposed development on the landscape and its surroundings, including the Mendip Hills AONB and other landscape designations.

The main characteristics of the site are that it is gently undulating and sloping agricultural land, rising northwards. It has a network of strong field boundaries made up of hedgerows.

In terms of the effects of development, the applicant's LVIA argues the site is an intermediate character area of limited distinctiveness between the Mendip Hills and it is described as having an 'urban fringe' character due to the urbanising influences of adjacent Wells.

It is argued that views of the site are localised as a result of the intervening built form, vegetation structure and topography.

In respect of longer distance views, including from the Mendip Hills AONB, it is said that the proposals would form only small component within the context of an urban fringe landscape adjacent to built-up areas and so would integrate without detriment to the quality of views to and from the Mendip Hills AONB.

The LVIA includes a number of viewpoints taken from the surrounding area to demonstrate the visibility of the site, including from the AONB to the north. The LVIA includes detailed analysis that grades the degree of impact and concludes there is likely to be moderate impact on the landscape once the scheme is built out, with higher levels of impact during the construction phase.

It should also be recognised that the land to the north of the A371 has planning permission for residential development, as does the land to the north of Wookey Hole Road.

Taking all of these points together, it is considered that the proposal would have some adverse effect on the character and appearance of the landscape because of the change from rural, open greenfield land to urban development.

The extent and impact to the landscape needs to be balanced in light of the findings of the landscape assessment and the emerging Local Plan Part II policy. Overall it is considered that the landscape harm does not justify refusal in this particular case.

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

It is acknowledged that the proposed development would have an impact on the current living environment of the residents of adjoining properties, most notably occupants of Elm Close, Campkin Road and Burcott Road. However, that alone is not a reason for refusal as the planning system is concerned with the prevention of unreasonable planning harm being caused sufficient to bring a development into material conflict with the relevant policies, most notably DP7.

It is acknowledged that the residential development of the site would have some impact on the amenity of the occupiers of those properties closest to the application site in respect of changing their existing outlook and environment which they currently enjoy. However the scheme as proposed is not considered significantly harmful to neighbouring amenity.

Consideration has been given to the impact of the development on existing and proposed occupiers' living conditions. In respect of living conditions (overlooking, loss of light, etc.) the layout for this site has not been confirmed at this outline stage but there is no reason to conclude that the development proposed could not be achieved acceptably in terms of dwellings' amenities.

Overall at this outline stage it is considered that the the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy DP7 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014) and part 12 of the NPPF.

### **Flooding and Drainage:**

The application site falls entirely within flood zone 1. The site is therefore considered to have a low probability of flooding i.e. land assessed as having a less than 1 in 1,000 annual probability of flooding (<0.1%). In this respect the Technical Guidance to the National Planning Policy Framework advises that this zone is appropriate for housing development in principle drainage terms.

Given the nature of the development, it would result in hard surfaces and potential matters of surface water run-off. The application submission includes a Flood Risk Assessment and a Foul Drainage Analysis. Although the application is submitted in outline, the Local Lead Flood Authority and the Drainage Board have confirmed that the applicant has adequately demonstrated that a technical solution to drainage can be found.

It is noted that this greenfield site has potential for high quality SUDS features which would integrate to the development and contribute towards amenity for residents and biodiversity gain. Supporting documents submitted with the application show a commitment to a more comprehensive drainage approach, which is reflected in the recommended drainage condition. Any details submitted as part of a discharge of condition application and reserved matters application are required to respect this approach.

In conclusion on this matter, the application is submitted in outline with all matters, save for the means of access, reserved for subsequent approval. The applicant has demonstrated that a technical solution can be secured to deal with these matters. Therefore it is concluded that adequate drainage and infrastructure provision can be dealt with by condition. As such the application is considered to accord with the requirements of Local Plan Policy DP23 and chapter 14 of the NPPF.

### **Environmental Protection:**

The Wells Sewerage Treatment Works is located c.200m from the southern boundary of the site. Policy WL5 of the emerging Local Plan Part II makes it clear that any development proposals must demonstrate housing can be delivered with an acceptable relationship in terms of odour.

The applicant has submitted an odour report to support the planning application. The report considers results of the odour modelling over 5 consecutive years (2014-2018). Modelling and odour complaint history are said to demonstrate the proposed development would be in accordance with the Institute for Air Quality Management (IAQM) and EA guidance, as well as the benchmark criteria stipulated by Wessex Water. The odour report states that a small area of the site within the south east corner is shown within the lower levels of odour contour modelling, but this area is proposed for drainage ponds rather than residential. The report concludes that it is not necessary to recommend a standoff distance for the proposed development site, as residential uses are not planned in the small area of the site where the C98, 1-hour 3.0µg/m<sup>3</sup> benchmark criteria is predicted to be exceeded; and all areas of the site where residential uses are proposed are predicted to experience odour concentrations of less than the C98, 1-hour 1.5µg/m<sup>3</sup> odour contours in all years considered in the assessment. A condition is recommended to ensure the recommendations of the odour report are followed, and excluding development from the south west corner of the application site.

Environmental Protection officers have reviewed the technical submission documents and have not objected to the proposed development on the grounds of odour or potential fly nuisance due to the distance from the water recycling centre; existing sensitive receptors are closer; modelling shows that odour would be within acceptable levels; and a lack of history of fly or odour complaints.

A condition is recommended requiring the submission and agreement of a construction management plan which would control hours of operation, deliveries, etc.

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

An important consideration is the effect on highway safety. The application includes access as a matter to consider at this stage, and this involves a new direct access off Elm Close. The applicant has submitted a Transport Assessment and a Travel Plan.

As set out in detail above, the Highway Authority has assessed the Transport Assessment and raised no major concerns. Details associated to the Travel Plan are subject to a S106 legal agreement.

The applicant has submitted a revised access plan showing a 3m wide pathway adjacent to Elm Close, exceeding the 1.8m requirements of the highway authority.

The proposed access arrangements off Elm Close are considered acceptable in highway safety terms. This includes road capacity and visibly splays. The highway authority has specified the need for widening of existing footpaths, minimum footpath widths, dropped curbs to facilitate pedestrian crossing across the access road and access road standards. The details submitted are considered acceptable, subject to conditions to secure these standards.

It is noted that detailed design of internal roads and footpaths would be subject to a legal agreement with Somerset County Council before they could be adopted as part of the highway network.

On the basis of the Highway Authority's response, set out above, it is considered that the application is acceptable in highway safety terms.

Officer note: The speed limit for Elm Close is being checked, and will be confirmed to Members in due course.

### **Footpaths, Cycle Paths and Public Rights of Way:**

There are 2 Public Rights of Way (PROW) running through or on the boundary of the application site. WS 10/63 runs along the eastern side of the site in a north south direction. This PROW runs through the part of the site proposed for the cemetery extension. WS 10/55A runs along the western boundary of the site in a north south direction. There is a network of other PROW's in proximity to the application site.

The proposed development includes retention of the existing PROW's. The indicative plan also shows proposed new footways/cycleways running north south between the cemetery extension and the proposed housing; and in an east west direction along the southern part of the site through public open space. Although detailed layouts have yet to be submitted

at this outline stage, the applicant has demonstrated capacity within the scheme to enhance permeability within the site for non-car users.

The Somerset County Council PROW team has not objected to the application; but recommended a condition for the new pathways, which would be considered for adoption by SCC if the estates roads are adopted. An informative is also recommended reminding the applicant that existing PROWs should not be blocked or damaged.

The applicant has also entered into discussions with Strawberry Line East, which is understood to be working towards increasing cycling opportunities in the city. A plan has been submitted showing a 3m shared foot path/cycle path from the proposed site access to the triangular splitter island at the junction of Elm Close and Portway. This would include land inside and outside the application site, but the applicant has agreed to include this within the legal agreement.

It is also understood that Strawberry Line East has plans to provide a cycle crossing point at the junction of Elm Close and Portway. This would link cycle ways through the application site to the north across Portway. Although detailed specifications and timescales have not yet been confirmed by Strawberry Line East, the applicant has agreed to contribute £20,000 towards these works. This is proposed to be secured as part of the S106 Agreement, which is consistent with the 3 tests set out in CIL regulation 122.

In conclusion on this matter the application is considered acceptable in relation to retention of existing PROW. Additional footways/cycleways would enhance the connectivity via more sustainable forms of transport.

### **Heritage:**

There are no listed buildings within the immediate vicinity of the application site. Listed buildings further away would not be harmed by the development proposal to warrant refusal. During to the siting of the proposed development, it is not considered harmful to the Wells Conservation Area or the setting of Wells.

## **Sustainability:**

Other than a commitment to meeting building regulations, the applicant has not set out any other mechanism help reduce carbon emissions. A condition is therefore recommended which requires the developer to submit and agree a Sustainability Statement demonstrating how this issue would be addressed through the development. This information is more likely to come forward closer to the detailed design and reserved matters stage.

On this basis the application is considered acceptable in this regard.

## **Open Space:**

Policy DP16 Open Space and Green Infrastructure of Local Plan Part 1 requires that proposed for new residential development make provision for public open space on the basis of the National Playing field Association's long standing standard of 2.4ha of new space per additional 1,000 people.

Based on this standard and an average dwelling occupancy of 2.1 persons per dwelling, this equates to approximately 210 people living on site (2.4 persons x 220 units). This means that the required area of Open Space based on the proposed population is 0.5ha (2.4ha /1000 x 210).

The indicative layout proposes areas of open space that are directly accessible to the public for recreation, essentially consisting of green fingers through the development leading to amenity areas including a play area, public open space and 2 drainage ponds to the south of the site. This area would exceed the requirements of the adopted Local Plan policies and the provision of open space is therefore acceptable. The open space provision is proposed to be included as part of the S106 agreement.

Is it noted that the application relates to up to 100 dwellings. Although the applicant has demonstrated that open space could be provided on site as well as 100 houses, ecology space and drainage basins, if this could not be delivered in practice then the number of dwellings delivered on the site would be expected to be reduced.



In conclusion on this matter, the application has demonstrated that sufficient open space can be provided on the site to comply with policy. This is expected to include a play park (LEAP) and open space.

### **Education:**

The Education Authority has confirmed 100 dwellings would generate planning obligation requirements of £153,666 for pre-school and £546,368 for primary. The applicant has confirmed this is agreeable. This is proposed to be secured via legal agreement.

Contributions would be secured as part of the S106 Agreement in order to tie in with SCC's schools investment programmes locally.

As such the proposed development is acceptable in terms of education contributions in accordance with DP9 and the 3 tests set out in CIL regulation 122.

### **Affordable Housing:**

Adopted policy DP11 sets out that an expectation that in Wells and on its fringes 40% of the dwellings should be affordable and provided on site. This is based on the Council's viability study and evidence of local housing need. This would equate to a requirement of 40 dwellings at this site.

The applicant has accepted the need for this level of affordable housing provision and has agreed to enter into a legal agreement securing this provision.

This accords with the council's policy and is considered acceptable at outline stage.

### **Ecology:**

An important consideration is the impact of the proposed development on protected species, and particularly bats. This is because the site provides a foraging area for horseshoe bats in the North Somerset and Mendip Special Area of Conservation (SAC).

The Local plan Part II as examined in July 2019 considered this site as a housing allocation. The examined policy wording includes the requirement for 0.93ha of replacement habitat. The indicative masterplan shows 0.93ha of replacement habitat can be provided within the site at detailed design stage.

An Ecological Appraisal was submitted with the application which assesses various species and habitats and makes recommendations. All hedgerow would be retained, except on the front boundary to facilitate the access; and 2 gaps within the site to facilitate circulation.

Development proposals include:

- Retention or replacement of the Lesser Horseshoe bat roost on site
- Creation of enhanced habitat corridors with buffers along boundaries on the west, south and east of the application site
- Two SUDs ponds and green space along the southern boundary of the site, with creation of additional habitat foraging resources for the remaining common and widespread species of bat recorded and rough / species-rich grassland to be managed / planted in suitable locations within the green space to encourage invertebrates;
- Woodland planting within the open space in the south of the development providing a corridor along the southern edge of the development well-connected with the widened landscape corridor on the western boundary that would serve to enhance the existing hedgerow to provide continued connectivity with the wider local environment.

The SCC Ecologist has not objected to the scheme, subject to the inclusion of various conditions including replacement habitat; Landscape and Ecological Management Plan; lighting design for bats; retained or replacement bat roost; and provision for bee bricks and bird boxes.

A Habitat Regulation Assessment (HRA) has been submitted to Natural England which concludes the proposed development is acceptable, subject to the inclusion of conditions.

Natural England has agreed with the conclusions of the HRA and not objected to the scheme, subject to conditions confirming that all mitigation measures set out in Section 19 of the Appropriate Assessment are secured.

In conclusion on this matter, it is considered that the proposed development would be unlikely to have an adverse effect on the integrity of nearby protected habitat or species subject to the inclusion of conditions as recommended.

### **Tree and Hedgerows:**

An Arboricultural Assessment has been submitted in support of the application which includes a tree survey of the site. All trees are proposed to be retained within the site, with the exception of parts of hedgerow removed to facilitate access and circulation. The hedgerow on the northern boundary is labelled H1, and is a category B (trees of moderate quality with an estimated remaining life expectancy of at least 20 years) which would be partly removed to facilitate the access and visibility splays. Other hedgerows proposed to be partly removed include H5 on the frontage to Elm Close; and H4 and H5 within the site where gaps are proposed to facilitate vehicular circulation. These 3 hedgerows are all considered to be category C specimens (trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm).

The submitted Arboricultural Assessment includes recommendations in terms of tree retention, including buffer zones, additional planting and root protection zones during construction.

It is considered that some loss of hedgerow is acceptable subject to the creation of replacement hedgerow and other replacement planting. The applicant would be required to demonstrate how existing trees and hedgerows would be protected as part of a reserved matters application when the detailed design has been set out. The Tree and Woodland Officer has not objected to this outline application on this basis. Accordingly a tree condition is recommended.

### **Other Matters:**

Other matters raised through consultation which are relevant to planning and not addressed above as addressed in this section of the report.

- Although there may be some disruption to existing occupants through the implementation of a permission, this in itself is not a reason to refuse the application. This would be controlled by the recommended condition for the submission and agreement of a construction management plan.
- The technical documents as submitted and revised are considered acceptable to determine the planning application.
- The Local Planning Authority has met its obligations in terms of notification of the planning application. Any future planning applications would be subject to legal obligations in relation to neighbour notification.
- A development of this size would be expected to include lighting, which would form part of a legal agreement for the internal estates roads to be adopted by the highway authority. However, there is scope to agree a sensitive lighting scheme which can meet highway requirements and also limit light pollution. This could consider existing and future occupants as well as bats.
- The recommended S106 agreement would include details of a management company responsible for maintenance of the development.
- The site is not within designated green belt and is therefore not subject to consideration under green belt policy.
- There is no planning reason to assume the proposed development would lead to increased crime levels.
- Aspirations of a parish council to purchase land is outside the scope of the assessment of this planning application.
- Safeguarding land for potential cemetery expansion is proposed to be included in the S106 agreement, which is considered robust.

- Although the Local Planning Authority (LPA) encourages applicants to consult with parish councils prior to the submission of planning applications, this is not a statutory requirement which the LPA can insist on.

### **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:**

The overall thrust of Government Policy as set out in the updated NPPF is to encourage the delivery of sustainable development, and requires Local Authorities to boost significantly the supply of housing. The application reflects the emerging policy framework which covers the period 2006-2029. The application scheme offers a proposal which would provide 100 residential units, including the provision of affordable housing to respond to current policy requirements. In addition the proposed means of access to serve the development which is also proposed is considered acceptable.

The assessment of the application as set out in this report has not identified any other adverse impacts that would arise, and the application scheme is considered acceptable including in relation to the landscape impacts; amenity of neighbouring residents and the locality generally; public safety of the surrounding highway network; ecological and environmental impact.

In summary it is recommended that that planning permission be granted, as a departure from the development plan for the reasons set out above in this report, and subject to a S106 agreement to cover the following heads of terms:

7. Travel Plan
8. The provision of a new access and 3m foot path/cycle path, generally in accordance with Drawing No. P18123-001B received 04.11.2019
9. Affordable Housing at 40%
10. Management and provision of public open space
11. Management company
12. Education contributions (£700,034)
13. Safeguarding 1ha of land for cemetery expansion
14. Provision of at least 0.93ha of replacement habitat
15. Provision of at least 0.5ha of public open space and LEAP
16. £20,000 towards Strawberry Line crossing point at the junction of Elm Close and Portway

### **Recommendation:**

Delegate to permit subject to completion of a section 106 agreement and following the completion of advertising the application scheme as a departure from the development plan.

### **Reason/s for Recommendation**

1. The proposed scheme which has been submitted as an outline application with all matters reserved except access is considered acceptable in relation to character and appearance; amenity; landscape; highway safety and parking; ecology; drainage; trees; and environmental protection. Furthermore the application scheme has been tested against the following Development Plan policies, and subject to conditions the proposal is acceptable:-
  - DP1 - Local Identity and Distinctiveness
  - DP2 - Open Areas of Local Significance

- DP3 - Heritage Conservation
- 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
- DP11 - Affordable Housing
- DP14 - Housing Mix and Type
- DP16 - Open Space and Green Infrastructure
- DP19 - Development Contributions
- DP23 - Managing Flood Risk

Finally given the proposals respond positively to the emerging policy allocation as set out at Policy WL5 (Local Plan Part II including proposed changes), the weight in the application assessment given to this policy has been reflected accordingly. On this basis the application scheme is considered in accordance with the Emerging Policy:

Pre-submission Local Plan Part II (including proposed changes) and the National Planning Policy Framework.

## **Conditions**

### **1. Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

### **2. Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### 3. **Plans List (Compliance)**

This decision relates to the following drawings/documents:

Received 04 Jun 2019:

5730-L-03 - Location Plan

AIR QUALITY ASSESSMENT

ECOLOGICAL APPRAISAL

FLOOD RISK ASSESSMENT

FOUL SEWAGE

LANDSCAPE AND VISUAL IMPACT APPRAISAL

NOISE IMPACT ASSESSMENT

PLANNING STATEMENT

SOCIO-ECONOMIC SUSTAINABILITY

SOILS AND AGRICULTURAL QUALITY REPORT

TRANSPORT ASSESSMENT

TRAVEL PLAN

TREE SURVEY

DESIGN AND ACCESS STATEMENT

STATEMENT OF COMMUNITY INVOLVEMENT -

Received 06 Aug 2019:

ODOUR REPORT

Received 10.12.2019:

P18123-222 - POTENTIAL CROSSING SCHEME

5730-L-02-V - DEVELOPMENT FRAMEWORK

P18123-102 - UPDATED ACCESS PLAN

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



#### **4. Tree Protection Plan (Pre-commencement)**

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

#### **5. Construction Management Plan (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) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) delivery and construction working 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.

## **6. Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths) and
- (d) any retained planting / hedgerows.
- (e) a detailed programme of phasing and implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

## **7. Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Policies DP3, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

## **9. Surface Water Drainage (Pre-commencement)**

No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation

and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (Feb 2019) and the Technical Guidance to the National Planning Policy Framework. 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 foul drainage strategy.

#### **10. Access (Compliance)**

The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with details including a 3m footway/cycleway along Elm Close, as shown on Proposed Site Access Layout Dwg No: P18123-102 received on 10.12.2019. The vehicular access and pathways 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).

#### **11. Public Right of Way (Bespoke Trigger)**

No development hereby approved which shall interfere with or compromise the use of footpath WS 10/55A or WS 10/63 shall take place until a path diversion order has been made and confirmed, and the diverted route made available to the satisfaction of the Local Planning Authority.

Reason: To ensure the public right of way is not compromised.

#### **12. Estate Roads (Bespoke Trigger)**

The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For

this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

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. Parking Area (Bespoke Trigger)**

No construction above slab level shall commence until plans showing a parking area and turning areas (providing for parking spaces for each of the dwellings in accordance with SCC parking strategy), including full details of the surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. No occupation of any individual dwelling shall commence until the parking area for that dwelling has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

### **14. Visibility Splay (Pre-occupation)**

No occupation of the development shall commence until the visibility splays shown on drawing number P18123-102 dated 10.12.2019 has been provided. There shall be no on-site obstruction exceeding 300 millimetres above adjoining road level in advance of lines drawn 2.4m metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m either side of the access. 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).

### **15. Cycle and Footpath Connections (Pre-occupation)**

No occupation of the development shall commence until a network of cycleway and footpath connections has been constructed within the development site in

accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

#### **16. External Lighting (Bespoke Trigger)**

No new external lighting 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. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

#### **17. Sustainability Statement (Pre-commencement)**

No development shall take place until a Sustainability Statement has been submitted and approved by the Local Planning Authority confirming mechanisms and provision that will reduce omission levels arising from the development during the construction process and when it is occupied. The development will thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development meets the Council's climate change objectives in accordance with policy DP7 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 scheme in detail prior to any initial construction works.

#### **18. Highways Drainage (Pre-commencement)**

No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be

submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure sufficient drainage on the highway in accordance with Policy DP9 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works.

#### **19. Replacement Ecological Habitat (Pre-commencement)**

No work shall commence on the development site until a habitat enhancement area for bats has been provided on site which is at least 0.93ha. The replacement habitat shall be of long sward meadow, scrub and woodland, which is accessible to Greater and Lesser Horseshoe bats. The layout of and a planting schedule for the habitat creation / enhancement of this open space will be submitted to and agreed with the local planning authority prior to work commencing on site. The approved habitat enhancement area will be retained in perpetuity.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard species.

#### **20. Landscape and Ecological Management Plan (LEMP) (Pre-commencement)**

No work shall commence on the development site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.

h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard protected species.

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

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.



The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: A pre-commencement condition in the interests of European and UK protected species, biodiversity generally and in accordance with Policy DP5 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 scheme in detail prior to any initial construction works to safeguard protected species.

## **22. Retained or Replaced Bat Roost (Bespoke Trigger)**

The existing corrugated shed structure shall be maintained and/or replaced as a night roost for Lesser Horseshoe bats. If replaced the design for a new night roost must be submitted to and approved in writing by the local planning authority and constructed prior to the existing shed being demolished. The night roost shall be fenced off in such a way that it deters interference from members of the public.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)

## **23. Implementation of Ecological Recommendations (Compliance)**

No occupation of the development hereby approved shall commence until the recommendations of the Ecological Assessment received 04.06.2019 have been implemented.

Reason: To ensure that the implementation and success of the Ecological Assessment and 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).

## **List of Advices**

### **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.

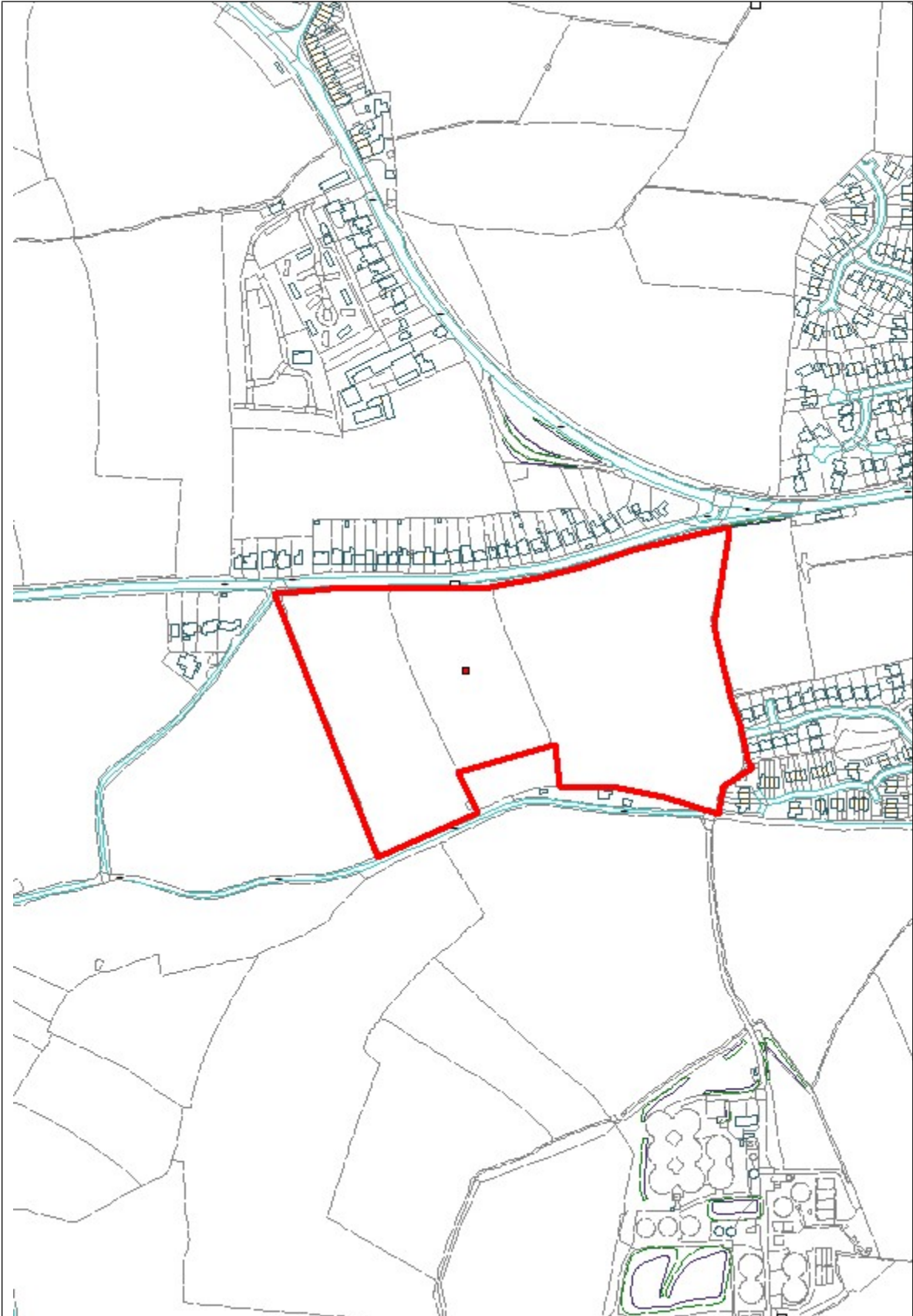
Please note all conditions should be read fully as these headings are intended as a guide only.

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 £116 per request (or £34 where it relates to a householder application) and made payable to Mendip District Council. The request must be made in writing or using the Standard Application form (available on the council's website [www.mendip.gov.uk](http://www.mendip.gov.uk)). 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. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
4. 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.
5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
6. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
7. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <http://www.sedgemoor.gov.uk/SomersetBCP/>

8. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
  
9. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.



Planning Board Report 5th December 2023  
Land South Of 17  
Elm Close  
Wells  
Somerset

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Application Number	2023/0937/HSE
Case Officer	Kirsty Black
Site	Little Pomeroy Church Farm Lane Farleigh Hungerford Frome Somerset
Date Validated	23 May 2023
Applicant/ Organisation	D & R Allen
Application Type	Householder Application
Proposal	Construction of double garage
Division	Frome North Division
Parish	Norton St Philip Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Adam Boyden Cllr Dawn Denton

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

In accordance with the Scheme of Delegation this planning application is being referred to the Vice Chair and Chair of the Planning Committee as the recommendation of the Planning Officer is contrary to that of both the Parish Council and Divisional Member.

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

This application concerns the detached residential dwelling of Little Pomeroy in Farleigh Hungerford. It occupies a large, wedge-shaped site that is bordered by a detached residential property to the west, agricultural fields to the south and the public highways of Church Lane and Tellisford Road to the north and to the east of the site respectively. Little Pomeroy lies in the outer fringes of Farleigh Hungerford and has an open, rural character. It is situated within the Green Belt.

This application seeks consent for the demolition of the existing outbuilding and construction a large carport building to the east of the existing driveway near the main site entrance. The existing outbuilding has a footprint measuring 3 x 4 metres whilst the proposed car port is 5 x 6 metres and stands 4 metres high. The carport would house two cars and comprises three boarded hardwood, larch or cedar walls and a hipped, recycled clay, tiled roof. The proposed roof tile would match those of the existing residential property.

During the lifespan of the proposal the proposed design of the carport building has been revised in response to Planning Officer concerns. The overall footprint has reduced and the

front doors to the carport, the proposed external storage and EV charging points have been omitted from the proposal.

### **Relevant History:**

2002. 021234/002. Erection of a two storey extension on the rear (west) elevation (CATA). Approved with conditions.

1996. 021234/001. Part demolition of single storey lean-to and erection of two storey extension. Approved with conditions.

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

Ward Member: Raises no objection to the proposal but comments that it may benefit the Green Belt through the removal of an outhouse and siting of a carport closer to the house.

Parish Council: Supports the proposal on the basis that the proposed development would be a significant improvement to the Green Belt including its openness, with the benefits outweighing any harm.

The reasoning provided includes the following:

- The applicant has made significant amendments to the proposals to address concerns raised by the Case Officer
- The proposal demolishes unsightly and rambling buildings and replaces them with a consolidated one which is not materially larger.
- The building enables the cars to be parked away from the house in a more visually pleasing building than the sight of two cars parked in front of the house, which is a benefit.
- The provision of EV charging point is an additional benefit.
- The site is not significantly visible to the public and so the harm to the Green Belt is minimal.
- The applicants plan to plant six oak, birch or larch trees to replace the old outbuilding, which is a definite benefit.
- The actual footprint of the proposed development would represent very little, if any, increase in the actual footprint of the site taking account of the dilapidated buildings which would be removed.
- The proposal improves the openness of the Green Belt by removing unsightly buildings in favour of a single cohesive building which leaves the site more open than at present.
- Concerns about future change of use etc could be addressed by the LPA removing Permitted Development rights.



- Concerns about appearance could be addressed by adding conditions to control materials, finishes etc.

Local Representations: No comments received.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR Version)
- 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
- DP1 – Local Identity and Distinctiveness
- DP5 – Biodiversity and Ecological Networks
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards

The following policies of the Local Plan Part 2 are relevant to the determination of this application:

- DP26 – Green Belt

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

- National Planning Policy Framework

- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

### **Assessment of relevant issues:**

#### **Principle of the Use:**

The proposed development seeks to demolish an existing outbuilding and replace it with a larger and taller, car port building that will be constructed in a new location adjacent to the site access.

In accordance with Paragraphs 137 to 151 of Section 13 of the NPPF the government attaches great importance to Green Belts with their fundamental aim being to keep land permanently open and with a presumption against inappropriate new development except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt save for a number of exceptions, which are then listed.

With regards to this proposal the applicable exception to this application would be para. 149 (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Whilst it is acknowledged that during the lifespan of the planning application, there has been a reduction in the overall size and footprint of the car port building, the proposal still represents inappropriate development in a Green Belt as the building as proposed would be materially larger than that it would replace. The building has a larger volume than that which it replaces and is therefore technically materially larger.

However, whilst volume is a good starting point, it is recognised that whether the building is materially larger, cannot be purely a mathematical calculation and a visual assessment is also prudent. In this case, it is also considered that the replacement building would visually appear materially larger.

The proposed doubled car port building is a solid 3 solid walled structure that will have a more prominent location and be visible on the landscape. It would appear materially larger than the existing building.

It is considered that the proposal does not meet an exception as laid out in para, 149 and the development therefore represents inappropriate development in the Green Belt. No very special circumstances have been demonstrated that would result in a justification for a departure from this position.

It is noted that the Parish Council and Divisional Member support the current planning application. With the former confirming that the removal of the existing unsightly building and replacement with a consolidated one that was more visually appealing and not materially larger, would leave the site more open than two cars parked in front of the house.

The residential property of Little Pomeroy has a countryside location and is on the edge of Farleigh Hungerford. It has a very rural and open appearance and character and one that makes a positive contribution to the local appearance of the Green Belt with the existing outbuildings and wood stores adding visual interest but are not overtly prominent. The proposed double carport building involves the demolition of the existing outbuilding and wood stores that are discreetly located within the interior of the site. The former being built into an existing earth bank and surrounded by maturing trees and shrubs. The proposed double car port building with a pitched roof and three solid sides has a larger footprint than the existing outbuilding and given its location, next to the site access, will have a greater impact upon openness than the existing building.

The proposed development will also see the relocation of parked cars from the interior of the site, next to the host property, to one much closer to site boundaries and in a larger more prominent building. The proposed development because of its scale and massing will be visible from the public realm along Church Farm Lane, situated to the north. Whilst it is recognised the employment of timber/wood in the walls and matching roof tiles will lessen the visual impact of the building, it is considered that the carport will be viewed as an isolated, stand alone structure that despite some screening afforded by the front boundary hedgerow, will appear materially larger than the existing building.

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

Policy 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. In the preamble of Policy DP4 it confirms that the Bath and Bristol Green Belt, in which this application is located, is the only statutory Green Belt within the former Mendip District area and that it covers a small area. 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.

Notwithstanding the comments above with regards to the principle of development in the Green Belt, and the impact upon openness, the landscape character of the area is not

considered to be harmed by the development. Whilst more prominent than the existing outbuildings, it is within an existing residential curtilage. Again, notwithstanding the Green Belt matters, the garage is commensurate in scale with the size of plot.

Overall, the development is broadly compliant with Policies DP1, D4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 and Part 13 of the National Planning Policy Framework.

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

Given the design, scale 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 or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

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

The proposed development does not seek to alter the existing access arrangements on site only to formalise the parking, through construction of a double carport structure to the side of the driveway. It is considered that there is ample room for the turning and manoeuvring of vehicles within the residential site and for them to leave the site in a forward gear. The proposal will not result in the creation of additional traffic movements.

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

### **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**

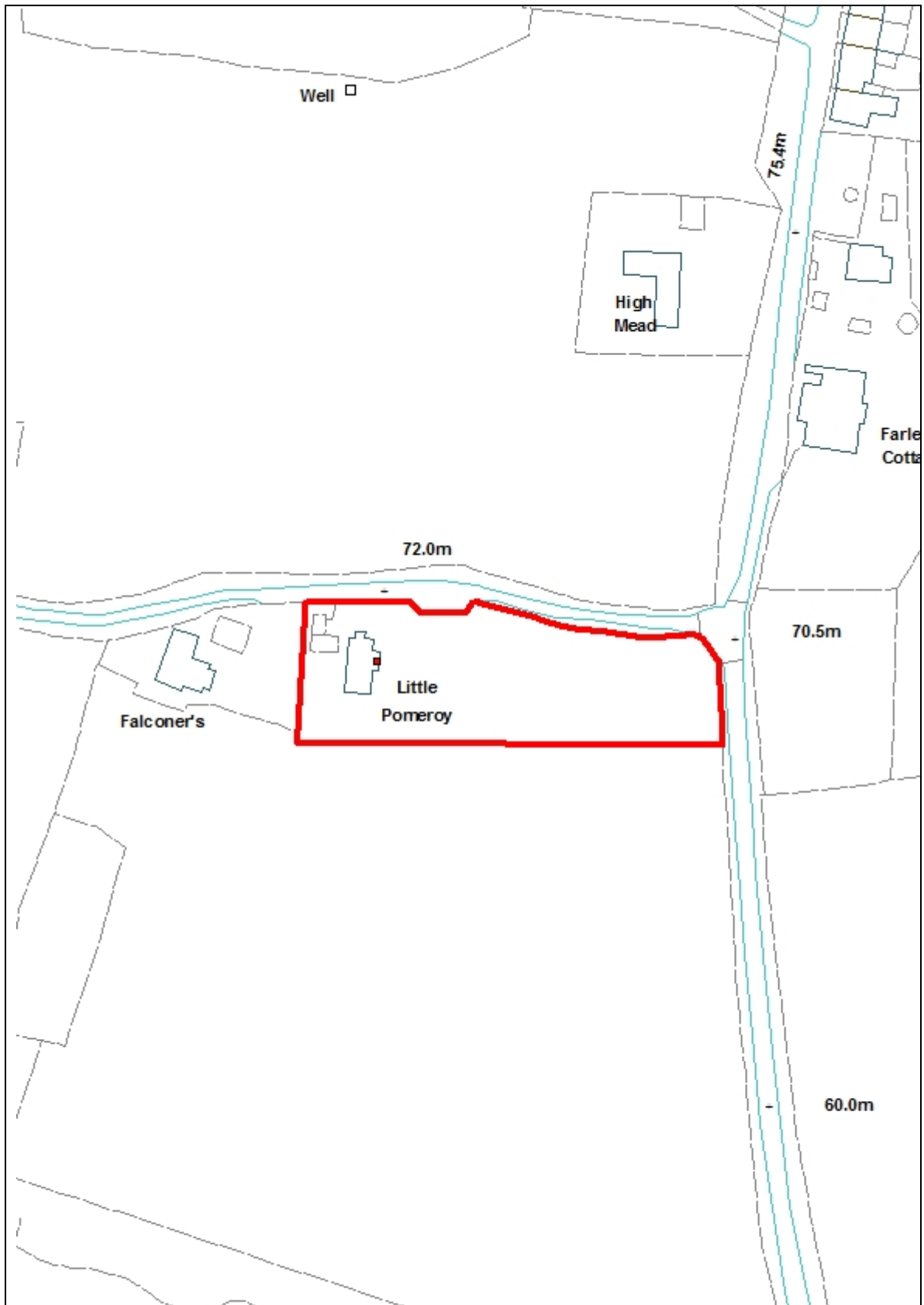
### Refusal

1. The proposed double car port building is considered to be materially larger than the building which it will replace and is therefore inappropriate development in the Green Belt. The very special circumstances needed to outweigh the general presumption against inappropriate forms of development has not been demonstrated. As such the proposal is contrary to advice contained within Section 13 of the National Planning Policy Framework and Policy DP26 of Local Plan Part 2.

## **Informatives**

1. This decision relates to LOCATION PLAN received on 23rd May 2023, 4298-02 A REVISED CARPORT SITE PLAN and 4298-04 A REVISED CARPORT LOCATION PLAN all received on 3rd August 2023.





Planning Board Report 5th December 2023  
Little Pomeroy  
Church Farm Lane  
Farleigh Hungerford  
Frome  
Somerset  
BA2 7RP

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Application Number	2023/1213/FUL
Case Officer	Kirsty Black
Site	Flat 4 Tipcote House Tipcote Lane Shepton Mallet Somerset
Date Validated	25 July 2023
Applicant/	M Saunders
Organisation	
Application Type	Full Application
Proposal	Replacement of three rotten timber casement windows
Division	Shepton Mallet Division
Parish	Shepton Mallet Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Bente Height Cllr Martin Lovell

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

This application is to be presented at Planning Committee as the agent is a Councillor.

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

This application concerns flat 4 of Tipcote House in Shepton Mallet. Tipcote House is a Grade II Listed Building and a terraced property that dates from the late C18th / early C19th and was converted into flats around 1975. It is of stone construction with a slated roof although part of the building lies under a tiled roof. It currently has a mixture of wooden and uPVC casement windows which are single glazed. Tipcote House lies within the Conservation Area.

This applications seeks consent for the replacement of two windows on the north elevation of the building and the one on the south elevation as the existing modern windows are in a very poor state of repair. They are proposed to be replaced with a more traditional style casement window with hardwood frames and will be painted in an off-white colour in eggshell.

### **Relevant History:**

2023. 2023/1214/LBC. Replacement of 3no. timber casement windows. To be presented at Planning Committee.

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

Ward Member: No comments received.

Town/Parish Council: Support the application, subject to the approval of the windows by the Conservation Officer.

Conservation Officer: Supports the proposal.

Local Representations: No comments received.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR)
- 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:

- P1 – Mendip Spatial Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- DP7 – Design and Amenity of New Development

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

- National Planning Policy Framework
- National Planning Practice Guidance

- Design and Amenity of New Development, Policy DP7 SPD (March 2022)

### **Assessment of relevant issues:**

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

The proposed development seeks to replace rotten modern windows considered to be in a poor state of repair with those of a more traditional style casement design. The proposal will improve the overall appearance of the Listed Building, which is visible from the public realm along Tipcote Lane and beyond. The proposal is considered to be sympathetic to the character of the original property and accords with Policy DP1 and DP7 of the adopted Local Plan Part 1 (2014), plus the Design and Amenity of New Development, Policy DP7 SPD (March 2022) along with Part 12 of the National Planning Policy Framework.

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

The proposed replacement windows will improve the appearance and character of Tipcote House and will not be detrimental to local residential amenity. 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 the Conservation Area and Listed Building**

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Tipcote House is a Grade II Listed Building that falls within the Conservation Area. The Tipcote Lane terraced properties form an important part of the Shepton Conservation Area and make a positive contribution to its character and appearance. This application is of clear heritage benefit and the replacement of the three existing windows is deemed acceptable as they are modern additions and beyond repair. The new windows will visually enhance the appearance and character of the Listed Building as well as the views to and from the Conservation Area.

In this case it is considered that, by virtue of the design, scale, massing, position and the external materials, [and having regards to the Conservation Area Assessment of Shepton] no harm to the significance of the heritage asset or its setting would occur and that the

proposed development would at least preserve the character and appearance of the Listed Building and the Conservation Area and its setting. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

## **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 - Listed Building Consent (Compliance)**

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **2. Plans List (Compliance)**

This decision relates to the following drawings: LOCATION PLAN received 25th of July 2023, 1 LOCATION PLAN received 27th of July 2023, 2 B ELEVATIONS, 4 B WINDOW DETAILS and 5 WINDOW DETAILS all received 14th November 2023.

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

## 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.

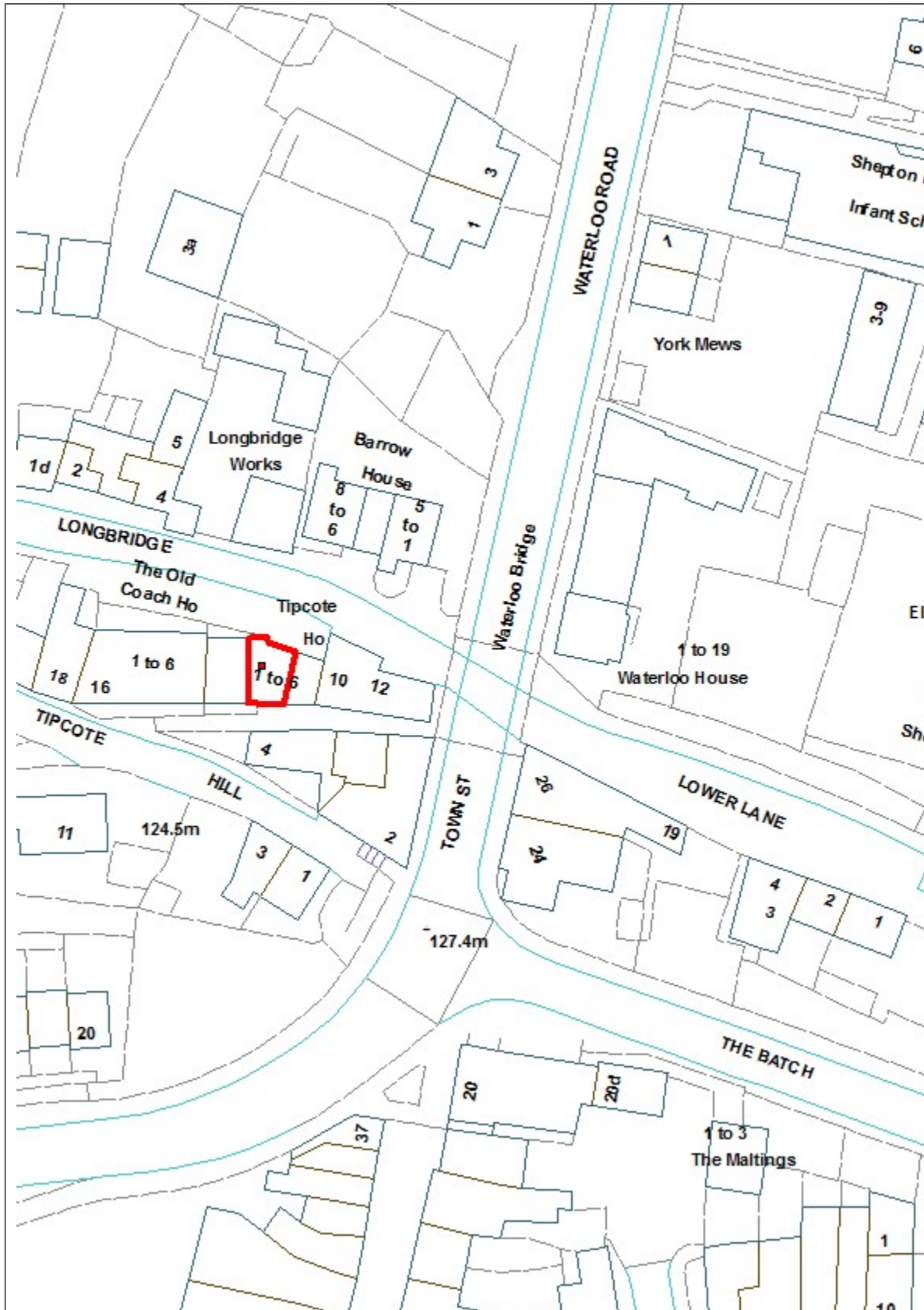
**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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.

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Planning Board Report 5th December 2023  
Flat 4  
Tipcote House  
Tipcote Lane  
Shepton Mallet  
Somerset  
BA4 5EQ

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Application Number	2023/1214/LBC
Case Officer	Kirsty Black
Site	Flat 4 Tipcote House Tipcote Lane Shepton Mallet Somerset
Date Validated	25 July 2023
Applicant/	M Saunders
Organisation	
Application Type	Listed Building Consent
Proposal	Replacement of 3no. timber casement windows.
Division	Shepton Mallet Division
Parish	Shepton Mallet Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Bente Height Cllr Martin Lovell

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

This application is to be presented at Planning Committee as the agent is a Councillor.

## **Site, Proposal and Constraints**

This application concerns flat 4 of Tipcote House in Shepton Mallet. Tipcote House is a Grade II Listed Building and a terraced property that dates from the late C18th / early C19th and was converted into flats around 1975. It is of stone construction with a slated roof although part of the building lies under a tiled roof. It currently has a mixture of wooden and uPVC casement windows which are single glazed. Tipcote House lies within the Conservation Area.

This application seeks consent for the replacement of two windows on the north elevation of the building and the one on the south elevation as the existing modern windows are in a very poor state of repair. They are proposed to be replaced with a more traditional style casement window with hardwood frames and will be painted in an off-white colour in eggshell.

## **Relevant History:**

2023/1213/FUL. Replacement of three rotten timber. To be presented at Planning Committee.

## **Summary of Consultation/Representations:**

Ward Member: No comments received

Parish Council: Support the proposal, subject to the approval of the windows by the Conservation Officer.

Conservation Officer: Supports the proposal.

Neighbours: No comments received.

### **Officer Assessment:**

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

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

- DP3 – Heritage Conservation

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

- National Planning Policy Framework
- National Planning Practice Guidance

### **Listed Building Consents**

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This application is of clear heritage benefit and will ensure the historic windows are brought into a good state of repair. The replacement of the three windows is deemed acceptable as they are modern additions and are beyond repair.

It is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance including Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework. The proposals would be an acceptable alteration to the listed building that preserve its architectural interest and character and will preserve and enhance the setting and appearance of the conservation area.

### **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 - Listed Building Consent (Compliance)**

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. **Plans List (Compliance)**

This decision relates to the following drawings: LOCATION PLAN received 25th of July 2023, 1 LOCATION PLAN received 27th of July 2023, 2 B ELEVATIONS, 4 B

WINDOW DETAILS and 5 WINDOW DETAILS all received 14th November 2023.

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

## **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.

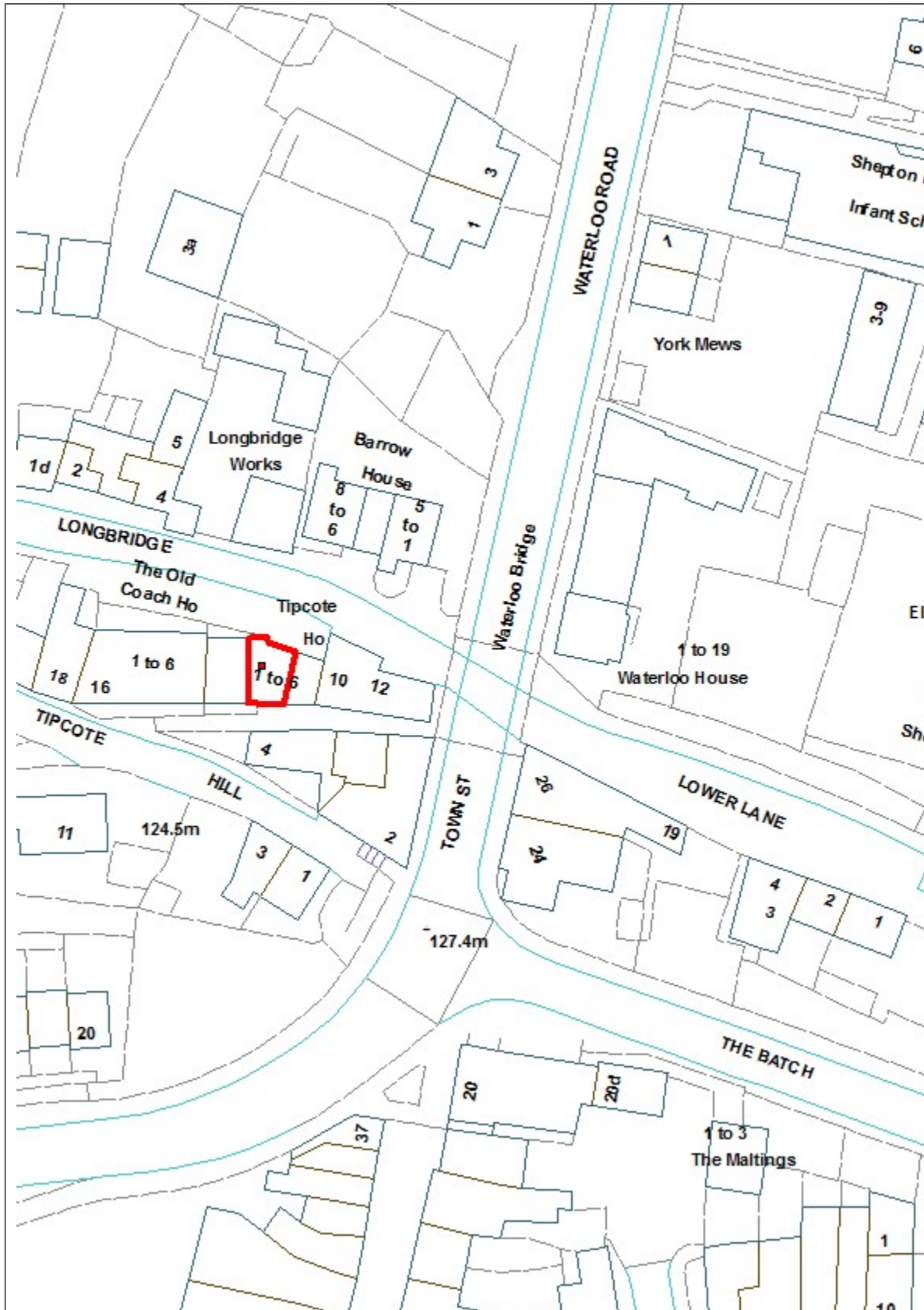
Please note all conditions should be read fully as these headings are intended as a guide only.

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.

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Planning Board Report 5th December 2023  
Flat 4  
Tipcote House  
Tipcote Lane  
Shepton Mallet  
Somerset  
BA4 5EQ

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Application Number	2023/1686/FUL
Case Officer	Anna Jotcham
Site	Critchill Farm Critch Hill Frome Somerset BA11 4LJ
Date Validated	4 September 2023
Applicant/ Organisation	Santa's Grotto Frome
Application Type	Full Application
Proposal	Siting of two timber buildings to form Father Christmas grotto (resubmission of 2023/0642/FUL)
Division	Frome West Division
Parish	Selwood Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Martin Dimery Cllr Michael Dunk

## **WHAT 3 WORDS**

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

///emerge.shepherdess.cocoons

## **SCHEME OF DELEGATION**

Calls to Planning Committee from Cllr. Michael Dunk and Cllr. Martin Dimery have been received. However, no material planning reasons are cited so these requests do not trigger a referral to the Chair and Vice Chair of Planning Committee.

The application is instead referred to the Chair and Vice Chair of Planning Committee because the case officer recommendation conflicts with that of the Parish Council.

## **SITE DESCRIPTION, PROPOSAL AND CONSTRAINTS**

The application relates to land at Critchill Manor, Critch Hill which is on the outskirts of Frome, within the Parish of Selwood. Critchill Manor is grade II listed and dates from the mid-17<sup>th</sup> century. The wider Critchill Manor estate, is former farmland which has previously been used as a golf course, but is now in various commercial and tourist uses, including the Frome Town football club ground, clubhouse, and associated facilities.

The application seeks planning permission to site two timber buildings, which will be utilised as a Father Christmas 'grotto'. The application is a resubmission of an identical scheme which was refused in July 2023 (ref: 2023/0642/FUL).

The site is located approximately 165 meters southwest of the Manor and is accessed via a long drive and an existing car park off Critch Hill / Frome Road which serves the various activities taking place on the estate. Public footpath FR14/78 runs along part of the existing drive and across the northern edge of the car park.

The application site is within a Site of Special Scientific Interest (SSSI) Impact Risk Zone and the Mells Valley Special Area of Conservation (SAC) Bat Consultation Zone.

## **RELEVANT PLANNING HISTORY**

2023/0642/FUL – Siting of two timber buildings to form Father Christmas grotto – REFUSED – 18.07.2023.

2021/0593/FUL – Proposed change of use of land for the stationing of three log cabins to provide holiday accommodation – APPROVED – 11.08.2021.

2018/2724/FUL – Change of Use of land for the stationing of caravans to provide holiday accommodation, isolation tanks for floatation therapy and rural worker accommodation with associated landscaping – REFUSED – 28.03.2019.

2018/0032/FUL – Proposed single demountable chalet for residential use, (retrospective) – REFUSED – 02.05.2018.

089745/012 – Change of use from agriculture to leisure to extend existing golf course (CAT B) – APPROVED WITH CONDITIONS – 26.06.2002.

## **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
- CP3 – Supporting Business Development and Growth
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- 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
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Design and Amenity of New Development Policy DP7 SPD (March 2022)
- Somerset County Council Standing Advice (2017)

## **SUMMARY OF CONSULTATION RESPONSES**

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

**Divisional Member (Cllr. Michael Dunk)** – Calls to planning committee if officer is minded to refuse.

*[Officer note: No material planning reasons given].*

**Cllr. Martin Dimery** – Calls to planning committee if officer is minded to refuse.

*[Officer note: No material planning reasons given].*

**Selwood Parish Council** – Supports application and refers to comments of support on the previous application.

*[Officer note: Comments received on behalf of the parish council on the previous application (2023/0642/FUL) cited that the site is within walking distance of Frome but has good parking available for those travelling by vehicle. There are also good facilities for children which already exist and are used by large numbers of families in the Frome area on a weekly basis throughout the year.]*

**Highways** – No objection on highway safety grounds.

**Rights of Way Team** – No objection.

**Local representations** –

1 objection comment received raising the following concerns:

- The site is outside the development limits of Frome.
- The site can be seen from public footpath FR14/78 in both directions, especially in winter.
- The site is part of a Site of Special Scientific Interest (SSSI).
- The site is in a bat conservation area.
- The site already has a lot of other business ventures operating on it (café and bar G08 and playground, Frome town Robins, 3 car repair shops, fabricating workshop, artist studio, shipping containers for storage, campsite, holiday rentals).
- Opening hours of G08 café are limited (Sat-Sun 10.00-16.00 and maybe Fri and Thurs 10.00-16.00) so not sure how the proposed voucher scheme will work with the hours and days not coinciding.
- A vacant shop in the town centre would be a more appropriate venue.
- What will the buildings be used for outside the festive season?
- Insufficient access and highway safety issues.
- Tickets can already be booked before planning permission has been obtained.

6 supporting comments received highlighting the following:

- The proposed cabins will blend in well with the surroundings.
- It is not a loud experience.
- Special closed sittings, by appointment only, are offered for SEN children, disabled and sick and auto immune children.
- Businesses / uses already operate on the site and the existing track road and car parking arrangements safely accommodate these.

- The proposed use will have a smaller impact than the already approved glamping use.
- The operation is a valued customer experience.
- The previous venue (Palette and Pasture) was also in a rural location.
- The voucher scheme will support the newly opened G08 café/bar playground (to be redeemed during the times they are open).
- Traffic, parking or congestion will not be an issue.
- The grotto will only be used for a few weeks every year.

## **ASSESSMENT OF RELEVANT ISSUES**

### **PRINCIPLE OF DEVELOPMENT AND SUSTAINABILITY**

The application site lies outside the development limits of Frome to the west of the town. Therefore, in planning policy terms the site is in the open countryside. Under policy CP1 (Mendip Spatial Strategy) development in the open countryside will be strictly controlled but may exceptionally be permitted in line with policy CP3 (Supporting Business Development and Growth) and CP4 (Sustaining Rural Communities).

To be supported under policy CP3 proposals should limit the growth in demand for private transport and be accessible by sustainable transport modes. This is reinforced by policy DP9 (Transport Impact of New Development) which seeks to maximise the use of sustainable forms of transport (particularly by means other than the private car). Given the remote location and distance from the local highway network it is expected, and has been agreed by the applicant, that the site would rely upon the private car for access.

The proposed use will operate on a pre-booked time slot basis so that up to two families will arrive at a given 20 minutes slot (equating to a maximum of six families per hour). Booked sessions will take place between 12 noon and 8pm, between 25 November and 23 December each season. Outside the festive season the buildings will remain on site and be used for storage. Assuming that every session is fully booked, and all visitors arrive by car, this would equate to 48 cars generating 96 vehicle trips (i.e. two way traffic) for every day that the service operates. On this basis, the proposed development would create 2,208 additional vehicle trips in and out of the site during the four-week festive season. Additional trips by staff would also be expected.

Other uses operate on the wider site, but these are not comparable to the one currently being proposed and do not set a precedent. These existing uses also have poor transport connections and rely on the private car for access. The proposed development will likely encourage trips which are solely for the 'grotto' experience. The trips made will be in addition to other uses operating on the wider site, although it is accepted that some customers may use facilities such as the toilets and café/bar at the football clubhouse.

Overall, this volume of additional traffic does not sit comfortably with the Council's policies on reducing reliance on private transport and encouraging and supporting sustainable forms of development.

Policy CP4 seeks to support the establishment of rural businesses in a manner and of a scale which is appropriate to the location and constraints upon it. The policies of the National Planning Policy Framework (NPPF) similarly seek to support rural business development. Though it also recognises the need to maximise travel by means other than the private car.

The revised information stresses that the proposed use is relocating from Trudoxhill so therefore the proposal will not generate any new trips. No details of the previous location are provided in the submission. However, according to one of the consultation responses received, it was at an enterprise known as 'Palette and Pasture' based at Pyle Farm. Tickets for a 'Christmas on the Farm with Santa Meet and Greet' experience, at Pyle Farm, can be purchased on the Palette and Pasture website for December 2023. This indicates that the proposed use at Critchill Manor, will operate in addition to (and not instead of) a similar experience at Pyle Farm.

Given the accessibility considerations noted above, and when read alongside the principles in policies CP3 and DP9, the site is not in an appropriate or sustainable location. It would not be safely or conveniently accessed by means other than the private car. Other more sustainable locations, such as a vacant shop in a town centre, could be adapted each year to accommodate facilitate the proposed business and could also bring in other benefits, such as indirect spending to boost the local economy.

## **DESIGN AND VISUAL IMPACT CONSIDERATIONS**

The proposed buildings are prefabricated timber cabins which will be adapted to reflect the proposed 'grotto' experience. The buildings will have a total area of 50m<sup>2</sup> and will be approximately 2.5m to eaves and 4m to ridge.

The area around the site is level ground characterised by high grass. The site is well contained and screened by trees. The land was previously used as a golf course and most recently for 'glamping'. It has an undeveloped and open character, despite proximity to the existing car park and football clubhouse. The proposed buildings would be at odds with the verdant character but would not be overly visible from the surrounding area by virtue of existing landscaping and planting. Glimpses of the buildings would be possible from the public footpath FR14/78 to the north, but it is not considered that this would be visually detrimental to users of the path.

Access and parking are existing. The design includes a no-dig footpath, which would lead the customers from the existing car park to the 'grotto'. Subject to conditions which control lighting, there would be little effect on the overall rural character of the area. The proposal accords with policy DP1 (Local Identify and Distinctiveness) and DP7 (Design and Amenity of New Development) of the adopted Local Plan Part 1 (2014) and part 12 of the NPPF.

## **IMPACT ON HERITAGE ASSETS**

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas)

Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the NPPF at paragraph 190 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Here it is considered that given the scope of other activities being undertaken across the wider estate that the setting of Critchill Manor will be unaffected by the proposals. The proposed buildings would be set approximately 165 metres away from the heritage asset so its immediate context would be unaffected. Furthermore, the design, scale and massing of the proposed buildings, set amongst existing vegetation, would not have an adverse impact on the visual setting of the designated heritage asset. On this basis the proposal is considered to be in accordance with policy DP3 of the Mendip Local Plan Part 1 (2014).

## **ECOLOGICAL IMPLICATIONS**

The buildings will sit on a simple pad foundation and no trees need to be removed as part of the development. The site is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone and a Bat Consultation Zone (North Somerset Mendip Bats Special Area of Conservation (SAC)). However, given the openness of the wider site and the limited nature of the development it is considered that the development would not affect the significance and importance of the area in terms of either habitat or migration routes. The proposal is therefore considered ecologically acceptable and in accordance with policy

DP5 (Biodiversity and Ecological Networks) and DP6 (Bat Protection) of the adopted Local Plan Part 1 (2014).

## **HIGHWAY SAFETY**

Notwithstanding the accessibility considerations discussed above, there is no objection to the proposal on highway safety grounds.

## **IMPACT ON RESIDENTIAL AMENITY**

Given the location of the site and the overall design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 (Design and Amenity to New Development) and DP8 (Environmental Protection) of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

## **OTHER MATTERS**

The Council is aware that the buildings being proposed through this current application (and previously refused under 2023/0642/FUL) have been erected on the application site without planning permission. Tickets are currently being sold for the experience online. The case has been registered as an enforcement case (ref: ENF/2023/0385) and the Council's position (to not currently take formal action) will be reviewed in the event that the application is refused.

## **PLANNING BALANCE / CONCLUSION**

Local and national policy lends support to rural businesses, but this is within an overall framework that sites should be located in accessible and therefore sustainable locations. The site is in the countryside and, while some development may be permissible, the overall aim expressed through policies CP3, CP4 and DP9 and the NPPF is to limit the growth in demand for private transport and encourage development which is accessible by sustainable transport modes. It is therefore considered that the proposals conflict with the development plan when read as a whole.

There are some merits and benefits to the application. The business could employ a small number of local people (2 full time and 7 part-time), and it would offer a community service of sorts. However, jobs to local people are not guaranteed or controllable and they would be temporary and short-lived. Value to the community is recognised but the economic benefits of the enterprise (i.e. through ticket sales) would be private (to the applicant and



the landowner who takes a 10% cut of ticket sales). Some in-direct spending at existing uses operating on the wider site (e.g. the football clubhouse café/bar) may be encouraged through the proposed voucher scheme (offering a free 'Baby Chino' to each child) but this is likely to be ad-hoc and small scale, especially given the limited opening times of the G08 café/bar.

There would be no harm to the character and appearance of the area, heritage assets, ecology or residential amenity, but this is neutral in the planning balance.

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Owing to a strong reliance on the private motor vehicle, the site would be an unsuitable location for the proposed development in terms of delivering sustainable development and sustainable rural communities. Other more suitable locations (such as a vacant shop in the town centre) are likely to be available. The benefits of the proposal are not considered to outweigh the identified harm.

It is noted that the applicant has put forward possible planning conditions to address the unsustainable location. However, conditions to advertise sustainable travel options, promote the town centre, retail, leisure and tourist attractions, ensure the provision of vouchers for drinks, or monitor the origin and travel modes of customers would not satisfy the six tests, set out in the NPPF.

The application does not overcome the previous reason for refusal for applied to planning application 2023/0642/FUL. This revised application, for an identical scheme is therefore also recommended for refusal.

## **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**

### Refusal

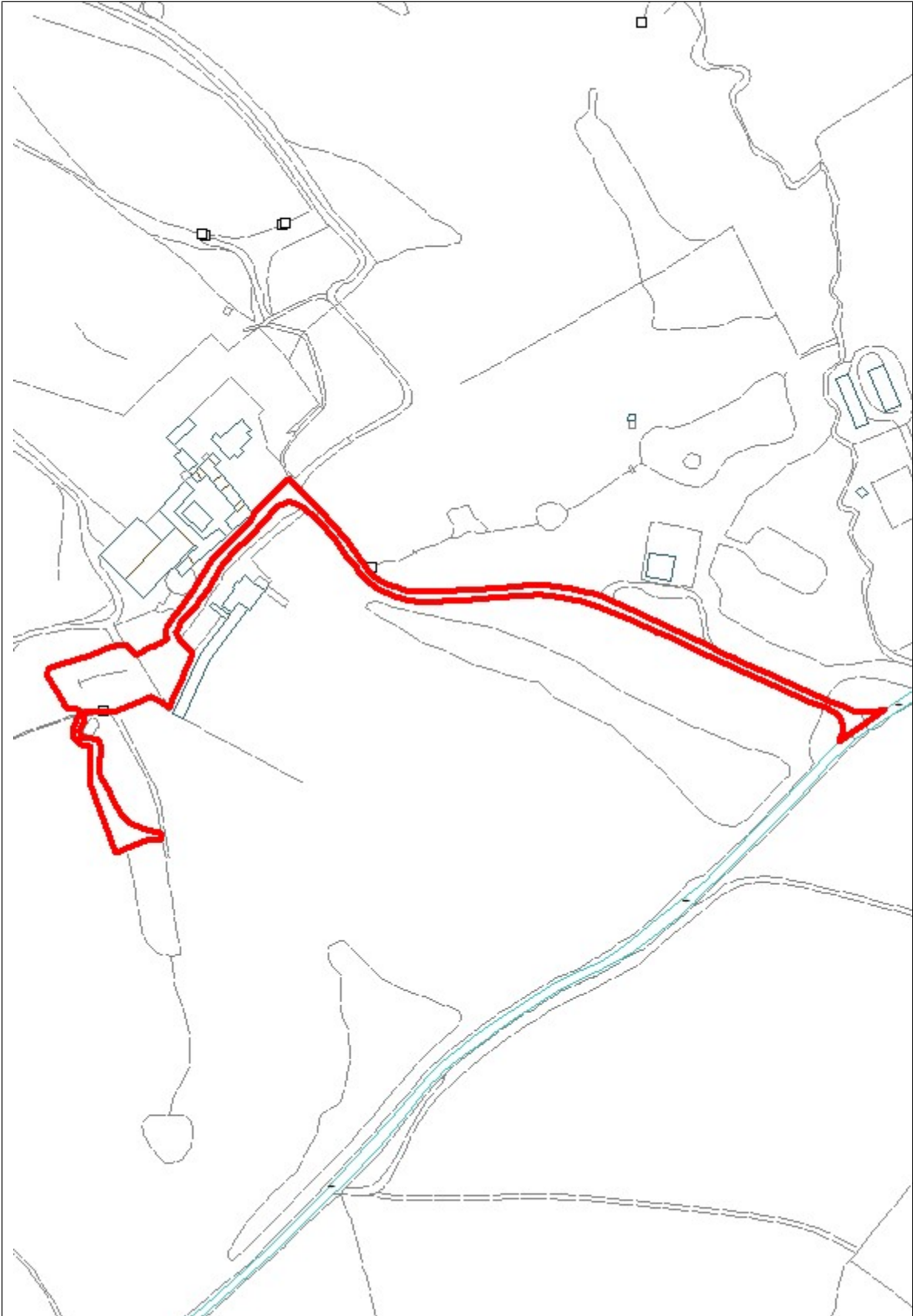
1. The site, by virtue of its location, is poorly served by public transport and is not readily accessible by safe pedestrian or cyclist access, so access is reliant on private motor vehicles. It is not considered a suitable or appropriate location for this business, which does not require a countryside location. The application is therefore contrary to policies CP3, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), and the NPPF.

## **Informatives**

1. The application relates to the following plans, received 1 Sept 2023:  
  
COB/23/068-01 - LOCATION PLAN  
COB/23/068-02A - PROPOSED PLANS AND FOOTPATH DETAIL  
COB/23/068-03A - PROPOSED GROTTO AND ELF OFFICE ELEVATIONS
2. 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.



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Planning Board Report 5th December 2023  
Critchill Farm  
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Somerset  
BA11 4LJ

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Application Number	2022/1981/FUL
Case Officer	Anna Jotcham
Site	Former Bailys Tanery Beckery Road Glastonbury Somerset
Date Validated	5 October 2022
Applicant/	I Tucker
Organisation	Beckery Island Regeneration Trust
Application Type	Full Application
Proposal	Repair and conversion of the former Baily's tannery and leather-working factory into multi-use workspaces.
Division	Glastonbury Division
Parish	Glastonbury Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Nick Cottle Cllr Susannah Hart

## **WHAT 3 WORDS**

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

///streamers.compliant.complain

## **SCHEME OF DELEGATION**

Part of the application site overlaps with land allocated under policy GL5 (Development at Morlands) of Local Plan Part II which reserves land for a Gypsy and Traveller site and a range of employment uses. The proposal conflicts with policy GL5 and represents 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 a site containing two derelict building complexes that were once part of the Baily's leather works, a large historic industrial complex that included a number of tanneries. The two sets of buildings, known as Baily's West and Baily's East, are Grade II listed and on the Council's Historic Buildings at Risk Register. This denotes their significance to Glastonbury's local industrial history and the national importance of Baily's Tannery in its production of high-quality specialist leather goods, which held international renown.

The Baily's West Building is the old tannery and rug factory. It is composed of eight, three and four storey masonry buildings on a triangular plot between the mill stream and Beckery Old Road. The buildings were constructed in two main phases between 1868 and 1875; and 1880 and 1900.

The Baily's East Building is the old glove factory and engine house. It is composed of four, three storey buildings that were joined together in a line along the east side of Beckery Old Road. The Glove Factory and engine house (buildings 1 and 2) were built in 1890, and the drying stove was constructed in 1896.

The buildings are constructed in rubble Blue Lias limestone walls with brick outer/inner walls, with double roman tile and slate roofs. Timber/concrete floors and timber roofs span between the various structures creating large floors and high ceilings for industrial production. In 2016, a fire destroyed the interior of the Glove Factory (Building 1). The north gable, timber floors and roof were lost, but the masonry structure and primary steel floor beams are still intact and structurally stable.

Planning and listed building consents to convert the buildings into various uses (including offices, workshops, restaurant/bar, community space, micro-brewery, visitor facility and retail outlet) were granted in 2015 and 2019 but have now lapsed.

The current application, which forms part of the Glastonbury Town Deal, proposes to repair and convert the existing buildings to deliver 2,897m<sup>2</sup> of flexible space covering use classes B (General Industrial and Storage), E (Commercial, Business and Service) and F (Local Community and Learning). The proposed uses will comprise:

- Baily's West Building: Mixed uses, including offices, small workshops, storage, and a café.
- Baily's East Building: Mixed uses, including offices, small workshops, storage, and a media studio for lectures and music performance.

The application site incorporates two car parks to the north and west of the buildings. The area of car parking to the west has been reduced during the course of the planning application process, and the site plan has been subsequently revised.

A parallel listed building application (ref: 2022/1982/LBC) is also under consideration.

In terms of planning constraints, the site falls within an area of high archaeological potential, Flood Zones 2 and 3, a main river buffer, a contaminated land area and tip interest zone, a sewage treatment buffer, the Somerset Levels Moors and Ramsar Risk



Area (phosphates catchment area), Site of Special Scientific Interest (SSSI) and priority habitats.

The site forms part of the Morlands Enterprise Area. Access to the site is through an existing access into the Enterprise Area off the A39, via a traffic signal junction and roundabout which serve internal access roads, including Beckery Old Road which runs through the site (with a prohibition of motor vehicles except for access). The Baily's West Building has a small parking area at the northern end of the building and access to the Baily's East Building is solely from the frontage on Beckery Old Road.

The application is supported by a suite of technical reports including a Design and Access Statement, Transport Statement and Travel Plan, Archaeological Impact Assessment, Contaminated Land Risk Assessment, Flood Risk Assessment, Drainage Maintenance Report and Drainage Calculations, Odour Assessment, Odour Sniff Test Report, Ecological Impact Assessment, Bat Mitigation Technical Note, External Lighting Assessment, and a Landscape and Ecological Management Plan.

## **RELEVANT PLANNING HISTORY**

2014/0270/FUL – Mixed use redevelopment to include B1/B2 office and workshop with studio space, restaurant/bar, D2 community space, micro-brewery – APPROVED – 22.12.2015.

2014/0271/LBC – Mixed use redevelopment to include B1/B2 office and workshop with studio space, restaurant/bar, D2 community space, micro-brewery – APPROVED – 22.12.2015.

2018/2837/FUL – Proposed change of use and restoration of part of the derelict factory building to form a brewery, visitor facility and retail outlet – APPROVED – 09.12.2019.

2018/3005/LBC – Works in association with change of use and restoration of part of the derelict factory building to form a brewery, visitor facility and retail outlet – APPROVED – 09.12.2019.

2022/1982/LBC – Repair and conversion of the former Baily's tannery and leather-working factory into multi-use workspaces – PENDING CONSIDERATION.

## **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 2022)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

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
- CP5 – Encouraging Community Leadership
- CP7 – Glastonbury Town Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- 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
- DP16 – Open Space and Green Infrastructure
- DP19 – Development Contributions
- DP23 – Managing Flood Risk

The following policies of the Local Plan Part II are relevant:

- DP25 – Employment Land
- GL5 (Development at Morlands)

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 (2017)
- 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.

**Glastonbury Town Council** – This is part of Glastonbury Town Deal Fund. Therefore, no discussion took place at the Town Council’s Planning Committee.

**Environmental Protection Officer** – No objection, however some concerns around odour raised and resolved with Wessex Water.

**Contaminated Land Officer** – No objection, subject to conditions.

**Tree Officer** – Further information required.

*[Officer note: Additional tree information was received on 2 August 2023 and verbally confirmed with the Tree Officer to be acceptable, subject to a condition].*

**Ecologist** – No objection, subject to conditions.

**Conservation Officer** – No objection, subject to conditions.

**Archaeologist** – No objection, subject to conditions.

**Highway Authority** – No objection, subject to conditions.

**Travel Plan Team** – The Travel Plan is acceptable, subject to minor amendments and legal agreement.

**Designing out Crime Officer** – No objection. Comments / recommendations regarding physical security standards, alarm system, car parking / multi-user path, landscaping, cycle parking, lighting, bin stores and operating policy offered.

**Environment Agency** – No objection, subject to conditions.

**Wessex Water** – Concerns raised about odour due to proximity to the sewage treatment works. However, the impact of odour is a risk that rests with the applicant, and not Wessex Water. As such, Wessex Water agree to withdraw the requirement for a sniff test to ratify the odour modelling prior to determination, subject to conditions.

**Somerset Drainage Board** – No objection, subject to conditions.

**Lead Local Flood Authority** – No objection, subject to conditions.

### **Local Representations –**

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

- Inappropriate access along Beckery Road (not wide enough).
- On-street parking is restrictive and insufficient.
- Noise, dust and vermin during the construction period.

1 neutral comment from a third party received agreeing with the findings and mitigation measures included in the Ecological Impact Assessment, subject to scrutiny from the Council's Ecologist.

## **ASSESSMENT OF RELEVANT ISSUES**

### **PRINCIPLE OF DEVELOPMENT**

Planning permission and listed building consent were granted in 2019 under applications 2018/2837/FUL and 2018/3005/LBC for the change of use and restoration of part of the buildings to form a brewery, visitor facility and retail outlet. These permissions have subsequently expired but carry some weight in the planning decision because planning policy and circumstances have not fundamentally changed since they were approved.

The application site is previously developed land within the development limits of Glastonbury where the principle of development is acceptable in accordance with the spatial strategy as set out in policy CP1 (Mendip Spatial Strategy) of the Local Plan Part I (LP1). The Local plan establishes that the Council “is open for business” and policy CP3 (Supporting Business Development and Growth) seeks to support economic development where this accords with the overall strategy of the plan.

The Glastonbury Town Strategy is set out under policy CP7 (Glastonbury Town Strategy). This makes provision for between 1,050 and 1,200 new jobs, including “on existing land at Morlands which will continue to offer flexible, serviced space for a variety of employment needs” and “through mixed use redevelopment of redundant employment sites within the town where they arise”. The application site is within the Morland Enterprise Park and the proposal would reuse part of the derelict Grade II listed Baily's Tannery buildings which are of historical significance to the town. The application is therefore consistent with the objectives of the Glastonbury Town Strategy set out under policy CP7.

The proposal seeks to redevelop a site previously used for employment and as such, Policy DP20 (Reuse of Employment Sites). This policy states that “mixed-use schemes of comparable employment generation or wider economic benefit” will generally be supported, subject to the impacts of the proposal being balanced against wider regeneration objectives and consideration of any local environmental impacts.

Policy DP25 (Employment Land) of the Local Plan Part II (LP2) includes the Morlands Enterprise Area as an established employment area where “proposals which maintain the integrity of, and support investment in, jobs, premises and infrastructure” will be supported. This is reinforced at para 4.4 of the supporting text which confirms the Council’s commitment for “significant revival in interest, development activity and investment on the main serviced employment sites”, including the Morlands Enterprise Area.

Policy GL5 (Development at Morlands) of LP2 further sets out what development is expected at the Morlands Enterprise Area. The policy stipulates that around 1.9ha of land may be required for a Gypsy and Traveller site (including mitigation areas) with the remainder of the allocated land being used for a range of employment uses. A small part of the current application site (shown as a car park on the proposed site plan) overlaps with the land allocated under GL5 and will result in approximately 0.2ha of the GL5 allocation being used for an alternative use than that stipulated in policy GL5. Whilst the conflict with policy GL5 is acknowledged, the Council is working with a Community Benefit Society who will be bringing forward a community-led sustainable mixed-use development for new Gypsy and Traveller provision on the remainder of the allocated site and beyond the allocation boundary to the north. As such, any loss of land for a Gypsy and Traveller site through the current application for the Baily’s regeneration project will be compensated for, although it is noted that this is not secured through the planning process. This situation represents a departure from development plan policy and the application has been advertised accordingly.

It is anticipated that the proposed scheme would contribute to the current visitor offer in Glastonbury, something which is specifically supported under policy CP3 of LP1. Whilst not directly in the town centre itself, the site falls within the defined development limit. It is also on land allocated and assessed as being sustainable, and benefits from existing links between the Morlands Enterprise Area and the town centre. It is therefore not considered necessary in this instance, to apply the sequential test (NPPF, para. 87), typically required when ‘main town centre uses’, such as the ones being proposed through the current application, are being proposed in an ‘out of centre’ location.

Based on the above, the principle of the proposed development is therefore considered to be acceptable, subject to other material considerations which will be addressed below.

## **DESIGN AND VISUAL IMPACT CONSIDERATIONS**

Policy DP1 (Local Identity and Distinctiveness) states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 (Design and Amenity of New Development) states that proposals should be of a scale, mass, form, and layout appropriate to their local context.

Details of the proposed repairs, alterations and conversion works to each of the buildings is provided in the Design, Access and Historical Statement (June 2022) and accompanying drawings. The proposed works involve internal alterations to the listed building which will be covered by the parallel listed building application (2022/1982/LBC). Externally, the key visual changes to the buildings are the reconstruction of Building 1 (second floor and roof which were damaged in the fire) and the demolition of the 1970s link building and erection of a highly glazed replacement link building. Other external changes relate to repointing stonework, changes to fenestration, replacement roof coverings, insertion of a dormer window to connect Building C and G, insertion of a mild steel balcony on Building H (second floor, south elevation), reconstructing the chimney on Building I, and repairing and restoring the louvres on Building E. The application also proposes to insert solar PV panels and hot water tubes on the roofs of Buildings A, C, D and F. However, given that these additions will be placed on tall buildings with largely hidden roof slopes, their placement is considered discrete and not visually intrusive or harmful to the listed building or the wider setting.

In terms of external changes beyond the footprint of the buildings, the application seeks to resurface the north and west car parks and make good the macadam road to Highway standards after works are complete. New planting in the car park will consist of common alder, mountain ash, midland hawthorn, common hazel with woodland understorey planting and marsh grasses. The proposed east building yard will consist of concrete surface and kerbs. The open garden in front of the south elevation will be planted with meadow grasses. A small formal garden will be developed near the north end of the west building. It is proposed to link the west car park to the west building stream path with a small steel pedestrian bridge over the mill stream. Public spaces will have knee level wall / bollard lights.

The above is illustrated in the accompanying package of drawings. Overall, it is considered that the changes to the buildings and the proposed landscaping is appropriate for the intended commercial use. The external alterations respect the historic setting and make a positive contribution to the public realm and surrounding streetscape.

When taken as a whole, the design, scale, mass, form and layout of the proposed development is acceptable and has regard to the local context. As such, the proposal complies with policies DP1 and DP7.

## **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 scheme reuses the embodied energy and carbon already in the fabric of the building and saves the carbon that might otherwise have been used to make the equivalent buildings. The scheme's low energy strategy is to reduce the amount of energy needed to heat the buildings. This will be achieved by adding insulation to limit heat loss through the fabric of the building. The insulation will be inserted sensitively so it does not harm the character of the listed buildings. As part of this strategy, the scheme proposes to add mechanical heat recovery ventilation to the toilets and natural ventilation elsewhere.

On-site energy generation is proposed and includes solar panels on the roof of Buildings B and G and solar hot water heating tubes on the roof of Buildings A, C, D and F (drawing nos.1000.107). Water efficiency measures (e.g. collection of rainwater for flushing toilets and use of low flow taps) will also be integrated into the scheme.

Overall, it is considered that the scheme satisfies the requirements of policy DP7 and the Council's green pledge.

## **HERITAGE**

Policy DP3 (Heritage Conservation) supports proposals which preserve and, where appropriate, enhance the significance and setting of the district's heritage assets. The proposal would repair and convert the derelict Grade II listed buildings and bring them back into use. The proposed physical works to the building are limited and mainly seek to revive the existing structures and make them fit for purpose with minimal intervention, whilst celebrating the buildings historic past and functions.

General repairs include repointing stonework, fixing cracks in masonry, replacing decayed floor beams and roofs, and restoring windows. Interventions generally relate to the insertion of services (showers, toilets, kitchens, cleaner's stores, plant room etc.), arrangement of fenestration, insertion of insulation, removing / adding staircases, levelling floors, and remedying fire damage (reconstruction of Building 1 second floor and roof). Historic features, including the louvres, wrought iron steel drying stove and historic heating pipes will be restored and left in situ as a memory of the building's original function. A mild-steel balcony where an external staircase used to be, will be installed on the second-floor level, south elevation of Building H.

The proposal also includes the demolition of the existing link Building 3 and erection of a replacement building containing a new central stair, lift and toilets. It is a 1970s blockwork construction which is not historically significant. The Conservation Officer has not raised any concerns about this element of the proposals.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the development meets these aims.

The application has been scrutinised by the Conservation Officer during the application process. Responses to queries, along with revised drawings, have been received to satisfy concerns raised. Here it is considered that the proposals would be acceptable alterations which would preserve the special interest and significance of the listed building. There is a clear heritage benefit in the repair of the designated heritage asset which has been on the Council's Heritage at Risk Register since 2016. Allowing it to be brought back into use would be a considerable public benefit.

Subject to conditions which secure further details of various elements, there is no objection to the proposal on heritage grounds. The proposal accords with Policy DP3 (Heritage Conservation) and part 16 of the National Planning Policy Framework.



## **ECOLOGICAL IMPLICATIONS**

The application is supported by an Ecological Impact Assessment, which was carried out in September 2022, and comprised three emergence / re-entry bat surveys. Following changes to the layout (whereby the area of car parking was reduced), a Bat Mitigation Technical Note was completed in May 2023. The bat surveys note that up to seven species of bats could potentially be harmed through the proposals.

In response to comments made by the Councils' Ecologist in August 2023, the applicants submitted a Landscape and Ecological Management Plan (LEMP) and an External Lighting Assessment in September 2023. These have been reviewed by the Ecologist and require some revision. Nevertheless, they give sufficient comfort at this stage to remove any ecological objection to the scheme, subject to conditions which require these documents to be updated.

Other conditions requested by the Ecologist relate to the protection of habitats and species during construction, biodiversity monitoring, licensing, and bat mitigation. Informatives reminding developers of the legal protection afforded to protected species, including badgers and birds are attached.

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority, Somerset Council has concluded that a Habitats Regulations Assessment (HRA) proceeding to an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed development will not result in an increase in phosphate loading at the associated wastewater treatment works. This is on the basis that people working in or using the proposed offices, workshops, café and media studio, are likely to live in the catchment area and therefore there will be no additional impact on the Ramsar site as a result of the development. As such, the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

## **ARBORICULTURAL IMPLICATIONS**

The existing and proposed trees on the application site are illustrated on the existing and proposed site plan (drawings nos. 1000.13 and 1000.113A respectively). Most of the ground is either dense scrub or grassland with some trees along the edges. Briefly, the effect on existing trees would be as follows:

- The line of black poplar trees near the southern end of the proposed (west) car park are outside the zone of development and would remain unaffected.

- The young common alders along both banks of the stream to the northwest of the buildings would be retained, with no dig construction for the path to the proposed west car park.
- The immature common alder trees amongst the dense scrub further to the west would be removed for the west car park construction. They will be replaced by new common alder trees along the west boundary of the car park.

The lack of arboricultural information provided with the application has been highlighted by the Council's Tree Officer. However, given the above, it is considered that the impact of the development to trees is acceptable with the imposition of relevant conditions. The proposal therefore complies with policy DP1 (Local Identify and Distinctiveness).

## **HIGHWAY SAFETY**

The previous permission for a similar proposal on the site (ref: 2014/0270/FUL) established the parking areas to the north and west of the buildings. The size of the west car park has been reduced through the life of the planning application.

The current application proposes the redevelopment of 2,897m<sup>2</sup> with 63 car parking spaces 2 motorcycle spaces to the west of the site, accessed by a footbridge, and another 23 car parking spaces and 2 motorcycle spaces to the north of the Baily's West building. Four disabled parking spaces are proposed across the site, and provision is made for 20 bicycles.

The Somerset Parking Strategy (SPS) does not specifically cover all use classes, but the Highways Authority have advised that the proposed development triggers the need for 115 car parking spaces. The application proposes 86 car parking spaces which falls short of the optimum level of parking. However, given the type of development being proposed, the location, and level of cycle parking proposed, the Highways Authority have not raised an objection on this basis.

In terms of vehicle movements there is a recognised level of movements that would be associated with the previous planning permissions. This is reflected in the submitted Transport Assessment where it is argued that the previous permissions could result in 118 car-borne community trips over the day. The Highways Authority agrees with these calculations and when looking at any potential increase from the proposed development this cannot be considered severe. As such, the Highway Authority does not object in terms of traffic movements.

There are five personal injury collisions noted within the vicinity of the access onto the A39 or the site. All five are in different locations and there is no obvious common cause.

A Travel Plan has been submitted and revised during the course of the planning application process and is considered acceptable, subject to minor amendments. The applicant will need to enter into a legal agreement with the Highway Authority to secure the Travel Plan obligations as part of the development.

Overall, it is concluded that the proposed development is acceptable in highway terms. Subject to conditions, the proposal complies with policies DP9 (Transport Impact of New Development) and DP10 (Parking Standards).

## **DRAINAGE AND FLOODING**

The site is in Flood Zone 2, with a river (Mill Stream) and Flood Zone 3 cutting through it. The application proposes a steel truss footbridge over the Mill Stream.

A Flood Risk Assessment accompanies the submission to demonstrate that there will be no adverse effects from the proposal in relation to flood and drainage matters. As the proposal involves the conversion of an existing building there is no requirement to undertake the sequential or exception tests in terms of flood risk.

The Environment Agency has been consulted on the application and has not raised any objection subject to conditions. The Lead Local Flood Authority (LLFA) and Land Drainage and Project Engineer have removed their objections following receipt of revised information and plans, subject to conditions and informatives.

Subject to an acceptable drainage scheme being designed there will be no increase in flood risk from the development. The proposal accords with policy DP23 (Managing Flood Risk).

## **IMPACT ON RESIDENTIAL AMENITY**

The nearest residential property is at least 100 metres away. However, the application site is adjacent to Wessex Water's Glastonbury sewage treatment works (STW) and therefore there is a risk of loss of amenity due to odour and fly risk.

The impact of odour is a risk which rests with the applicant and not Wessex Water, and the applicant believes the risk to be low. Given that this is not residential development Wessex Water have agreed to withdraw their initial objection and the requirement for an odour test to ratify odour modelling prior to determination. Wessex Water's response is given on the basis that the Council's Environment Health Officer (EHO) will not uphold an odour complaint from users of the building as long as the sewage treatment works is operating in accordance with its odour and fly management plans. The Environmental Health Officer is comfortable with this approach. The applicant has agreed to commission a further odour

assessment (between April – September) and the results will provide interested parties with an indication of the risk involved. This will be secured via a condition.

Given the location of the site and the overall 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, traffic or other disturbance. The proposal accords with Policy DP7 (Design and Amenity to New Development) of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

## **LAND CONTAMINATION**

The previous industrial use of the proposed development site as a tannery presents a high risk of contamination being present that could be mobilised during development and cause pollution of controlled waters. Controlled waters are particularly sensitive at this site because the Glastonbury Mill Stream passes directly through the site and the underlying geology is classified as Secondary A aquifer which means the groundwater within it may support local scale groundwater abstractions and provide important baseflow to rivers.

The application is supported by a Contaminated Land Risk Assessment, dated December 2018, which accompanied the previous planning application for change of use (2018/2837/FUL). The risk assessment does not provide confidence that the risks posed by contamination at the site are adequately understood because a conceptual site model has not been presented and there has been no consideration of risks to controlled waters. An up-to-date assessment in line with the current proposals, and in particular considering the 'garden' area is required. The Environment Agency have commented on the application and have offered the developers advice on relevant guidance and best practice for managing risks from land contamination and obtaining the relevant permits.

Despite concerns raised, the Environment Agency and the Council's Contaminated Land Officer have not raised any objection to the development, subject to conditions.

## **ARCHAEOLOGY**

The site lies on the western edge of Glastonbury in the area around Beckery. The Baily's Buildings are recorded on the Somerset Historic Environment Record (HER; site number 23595).

The applicants have provided an Archaeological Impact Assessment, which identifies that there is some archaeological potential in this area but does not include some earlier building recording which has taken place (see Somerset HER). This earlier work should be incorporated into and form the basis for an up-to-date building recording survey that

should be completed as part of a Written Scheme of Investigation for the site. Archaeological monitoring of the development and a report on any discoveries made should also take place. Both of these matters can be secured via conditions.

## **OTHER MATTERS**

Matters raised by the Designing out Crime Officer have been addressed by the applicant in a letter dated 2 March 2023 and subsequent revisions to the scheme.

## **REFUSE AND RECYCLING**

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

## **CONCLUSION**

The application meets the requirements of the relevant planning policies and is recommended for approval. The proposal will make a significant contribution to the community of Glastonbury. There are clear heritage and public benefits in repairing the listed buildings and bringing them back into use. Furthermore, there are no other issues raised in this report which are not capable of being resolved through the attachment of appropriate conditions and planning obligations for a LEMP and Travel Plan secured in a legal 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**

## 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:

03 Aug 2023 - 1000.1C - EXISTING LOCATION PLAN

16 Aug 2023 - 1000.2C - EXISTING SITE PLAN

30 Sep 2022 - 1000.3 - EXISTING EAST & WEST BUILDING GROUND FLOOR PLANS

30 Sep 2022 - 1000.4 - EXISTING EAST & WEST BUILDINGS FIRST FLOOR PLANS

30 Sep 2022 - 1000.5 - EXISTING EAST & WEST BUILDINGS SECOND FLOOR PLANS

30 Sep 2022 - 1000.7 - EXISTING EAST & WEST BUILDINGS THIRD FLOOR & ROOF PLANS

28 Feb 2023 - 1000.8 - EXISTING EAST BUILDING WEST & SOUTH ELEVATIONS

28 Feb 2023 - 1000.9 - EXISTING EAST BUILDING EAST & NORTH ELEVATION

08 Mar 2023 - 1000.10A - EXISTING WEST BUILDING EAST & WEST ELEVATIONS

08 Mar 2023 - 1000.11A - EXISTING WEST BUILDING COURTYARD ELEVATIONS

30 Sep 2022 - 1000.12 - EXISTING EAST & WEST BUILDING CROSS SECTIONS

16 Aug 2023 - 1000.13 - EXISTING BAILYS BUILDINGS SITE PLAN

16 Aug 2023 - 1000.101E - PROPOSED LOCATION PLAN

13 Apr 2023 - 1000.103B - PROPOSED EAST & WEST GROUND FLOOR PLANS

30 Sep 2022 - 1000.104 - PROPOSED EAST & WEST BUILDINGS FIRST FLOOR PLANS

30 Sep 2022 - 1000.105 - PROPOSED EAST & WEST BUILDINGS SECOND FLOOR PLANS

30 Sep 2022 - 1000.107 - PROPOSED EAST & WEST BUILDINGS THIRD FLOOR AND ROOF PLANS

08 Mar 2023 - 1000.108A - PROPOSED EAST BUILDING WEST & SOUTH

## ELEVATIONS

13 Apr 2023 - 1000.109B - PROPOSED EAST BUILDING EAST & NORTH

## ELEVATIONS

17 May 2023 - 1000.110B - PROPOSED WEST BUILDING EAST & WEST

## ELEVATIONS

30 Sep 2022 - 1000.111 - PROPOSED WEST BUILDING COURTYARD ELEVATIONS

13 Apr 2023 - 1000.112B - PROPOSED EAST & WEST BUILDING CROSS SECTIONS

3 Nov 2023 - 1000.113A - PROPOSED BAILYS BUILDINGS SITE PLAN

21 Jul 2023 - 2023-14-01-A - DRAINAGE STRATEGY PLAN BAILYS BUILDINGS

21 Jul 2023 - 2023/14/02 - POROUS TARMAC CAR PARK CONSTRUCTION

## DETAILS

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

### 3. **Removal of Permitted Development Rights - Use Classes E and B**

The uses hereby approved shall comprise only classes B (General Industrial and Storage), E (Commercial, Business and Service) and F (Local Community and Learning). Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), no more than 600 sqm of the premises shall be used for Class E(a) (Display or retail sale of goods, other than hot food) and Class E(b) (Sale of food and drink for consumption (mostly) on the premises). Furthermore, no more than 300 sqm of the premises shall be used for Class B8 (Storage or Distribution).

Reason: The mix of uses hereby approved have been found to be acceptable in this location but other uses within the same use class may require further detailed consideration by the Local Planning Authority. Any increase in E(a), E(b) or B8 uses would need to be justified through the consideration of a further planning application in accordance with Core Policy 3 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. 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 Policies DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **External Joinery and Rooflight Details - Submission of Details (Bespoke Trigger)**

No piece of external joinery (of any material) or rooflights shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour (the manufacturer, model number and size will suffice for the rooflights). The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

6. **Rainwater Goods, Vents, Flues, External Attachments - Submission of Details (Bespoke Trigger)**

No individual item of rainwater goods, vents, flues, or other external attachments shall be fitted or installed unless in accordance with details of that piece that have first been submitted to and approved in writing by the Local Planning Authority. All such attachments shall be retained in that form thereafter.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

7. **Materials - Baily's East - Building 1; Roof Structure (Bespoke Trigger)**

No construction of the Baily's East; Building 1 new roof structure shall commence until drawn details of construction of the new roof structure, a schedule of materials and finishes, and samples of the materials to be used in the external surfaces of that part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).



8. **Materials - Baily's East - North Gable and Chimney (Bespoke Trigger)**

No reconstruction of any part of the Baily's East north gable and chimney shall commence until a schedule of materials and finishes, and samples of the materials to be used in the external surfaces of that part of the development have been submitted to and approved in writing by the Local Planning Authority. Sample panels of all external walling materials, to be approved in writing by the Local Planning Authority, shall be erected on the site and kept on site for reference until the development is completed. 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 Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Sample Panel - Baily's East; Building 3 - Roofing (Bespoke Trigger)**

No construction of the roof to the Baily's East; Building 3 shall commence until a sample of the aluminium roof covering has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Details and Materials - Baily's West; South Elevation - Stairs (Bespoke Trigger)**

No installation of the steel stair on the Baily's West south elevation shall commence until full details of the stairs have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall 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 Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Solar Equipment - Submission of Details (Bespoke Trigger)**

No part of the solar equipment shall be installed unless details have been first submitted to and approved in writing by the Local Planning Authority. Details should include a specification for the solar panels, details of their fixing to the roof, sufficient information to indicate the internal positions and routing of any cabling or other associated paraphernalia.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

12. **Solar Panels - Removal of Works - Failure to Produce Electricity (Bespoke Trigger)**

If any of the solar equipment hereby permitted fails to produce electricity/hot water for a continuous period of 6 months, a scheme for the repair or removal of the development shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6-month period. Where repairs or replacements are required, the scheme shall include a proposed programme of remedial works. Where removal is required, the scheme shall include a method statement and timetable for the dismantling and removal of the relevant panels and any necessary restoration works following removal. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: Planning permission has been granted on the basis of the development being operated for the production of renewable energy. Its removal is required should the production cease, in the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

13. **Materials - Baily's West; Building E - Louvres and Frames to Courtyard Elevation (Bespoke Trigger)**

Notwithstanding the annotations on the elevation drawing (ref: 1000.111), no existing louvres or their frames shall be replaced unless in accordance with a schedule and drawings identifying the louvres and frames to be replaced which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **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 CEMP will include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, any badger buffer zones etc.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer.
- h) Use of protective fences (including tree protection measures), exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The CEMP shall also provide information on:

- j) Provision of a construction access.
- k) Provision of contractors' parking/compound.
- l) Locations for loading/unloading and storage of plant, waste and construction materials.
- m) Wheel washing facilities.
- n) Measures to control the emission of dust and dirt during construction.
- o) Measures to protect vulnerable road users (cyclists and pedestrians).
- p) Construction hours.
- q) 24-hour emergency contact number.
- r) Routes for construction traffic.
- s) Any necessary temporary traffic management measures.
- t) Arrangements for turning vehicles.
- u) Arrangements to receive abnormal loads or unusually large vehicles.
- v) Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses.

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species, UK priority species

and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy DP5 of the District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). To also ensure that adequate measures are put in place to avoid or manage the risk of pollution during construction and operation of the proposed development, in accordance with Policies DM3 and DM7 of the Somerset Waste Core Strategy (2013). To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Biodiversity Monitoring Strategy (Pre-commencement)**

No site clearance, preparatory work or development shall take place (including ground works and vegetation clearance) until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to ensure the bat roosts and nesting birds as detailed in the Ecological Impact Assessment (Geckoella, 1 September 2022) are protected following post development with the implementation of the proposed mitigation. The content of the strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-

2029 (Adopted 2014).

16. **European Protected Species Mitigation Licence (Pre-commencement)**

No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) A copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) A copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence; or
- c) A statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

17. **Bats (Pre-commencement)**

No development shall commence until:

- a) Construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats.
- b) Seven Schwegler 2FN (or equivalent) bat boxes will be installed on existing Alder trees along the northern extent of the Mill Stream at a minimum height of 4 metres as directed by a licenced bat ecologist. These boxes will be used in the first instance as temporary roosting habitat for moving any bats that may be found during the works.
- c) A loft space for lesser and greater horseshoe bats, serotine and brown long eared has been provided in the design of the buildings.
- d) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Details of the above must be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site. The bat boxes and bat roosts will be implemented in strict accordance with the agreed scheme and maintained

for the exclusive use of bats thereafter.

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

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

No external lighting shall be installed until a "lighting design for bats" following Guidance Note 08/23 - bats and artificial lighting at night UK (ILP and BCT 2023) 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 (including horseshoe bats) using their territory or having access to their resting places. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key and supporting horseshoe bat features and habitats, on the identified bat commuting routes.

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

**19. Nesting Bird Protection (Bespoke Trigger)**

No removal of trees, hedges, or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

As an enhancement measure, and in accordance with National Planning Policy Framework, the following will be integrated into the design of the buildings and site plans:

- a) 15 x Schwegler 1a swift bricks or similar to be built into the wall at least 60cm apart, at least 5m above ground level on the western elevation of Baily's East Building.
- b) 20x Schwegler No. 10 swallow nesting cups, or similar, to be erected within a loft void south of the proposed bat loft voids on Baily's West Building at a height above 3m.
- c) Four bee bricks built into the wall about 1 metre above ground level on the south or southeast elevation of the proposed development. 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.
- e) Two log pile as a resting place for reptiles, hedgehog and/ or amphibians to be constructed within the boundaries of the site.

Plans showing the locations and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the dwelling. The agreed scheme will thereafter be implemented.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

21. **Tree Protection Plan - Implementation (Compliance)**

No development activity shall commence until the tree protective measures as illustrated on the Proposed Site Plan (drawing 1000.113A) are implemented.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Development Policy 1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

22. **Cycle Parking (Pre-occupation)**

The development hereby permitted must not be occupied or utilised until the cycle parking facilities shown on the submitted plans have been constructed. Thereafter, these must be maintained, kept free from obstruction, and kept available for the purpose specified.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of cycling in accordance with the Somerset County Council Parking Strategy and Development Policies 7, 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

23. **Electric Vehicle Charging provision (Pre-occupation)**

The development hereby permitted must not be occupied or utilised until the electric charging points and parking shown on the submitted plans have been constructed. Thereafter, they must be maintained, kept free from obstruction and available for the purposes specified in perpetuity.

Reason: To ensure the development meets the Council's climate change objectives and to support sustainable transport objectives in accordance with the Somerset County Council Parking Strategy and Electric Vehicle Charging Strategy and Development Policies 7, 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The development hereby permitted must not be occupied or utilised until the parking and turning areas shown on the submitted plan have been properly consolidated and surfaced. The parking and turning areas shall thereafter be kept clear of obstructions in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

25. **Floor Levels (Compliance)**

The finished floor levels of the 'Baily East Building' and 'Baily's West Building' of the development hereby approved shall be set no lower than 8.95m and 8.27m above Ordnance Datum (AOD) respectively.

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

26. **Surface Water Drainage (Compliance)**

No infiltration of surface water drainage into the ground is permitted other than



with the written consent of the Local Planning Authority. The development shall be conducted in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line.

27. **Pollution (Compliance)**

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

- a) Site security.
- b) Fuel oil storage, bunding, delivery and use.
- c) How both minor and major spillage will be dealt with.
- d) Containment of silt/soil contaminated run-off.
- e) Disposal of contaminated drainage, including water pumped from excavations.
- f) Site induction for workforce highlighting pollution prevention and awareness.

Reason: To prevent pollution of the water environment.

Note: Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

28. **Surface Water Drainage System (Pre-commencement)**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation, and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

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.

29. **Surface Water Drainage System (Pre-occupation)**

No development approved by this permission shall be occupied or brought into use

until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the National Planning Policy Framework.

**30. Odour Assessment (Pre-occupation)**

The development hereby permitted must not be occupied or utilised until an Odour Assessment and any necessary mitigation (undertaken between April - September) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of the development in accordance with Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**31. Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)'. The assessment and written submission shall include:

- a) A survey of the nature, extent and significance of any contamination.
- b) An assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments.
- c) An appraisal of remedial options, and proposal and justification for the preferred option(s).

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. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore, these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application. This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

32. **Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled waters, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

- a) All works to be undertaken.
- b) Proposed remediation objectives and remediation criteria.
- c) Timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures.
- d) Where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- e) Where required, additional contingency measures designed to safeguard future users and receptors.

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall not commence until the approved remediation scheme has been carried out, excepting those works required to carry out remediation, or in accordance with the approved timetable of works.

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 offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore, these details need to be agreed before work commences.

33. **Contaminated Land - Verification Report (Pre-occupation)**

No development approved by this permission shall be occupied or brought into use 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.

34. **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.

35. **Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work, until

the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

**36. Archaeology - Post Excavation and Publication (Pre-occupation)**

No development approved by this permission shall be occupied or brought into use until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

## **Informatives**

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
2. This decision is for planning permission only and no work shall be commenced until Listed Building Consent has been granted.
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. **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.

#### 5. **Material Samples**

In order to seek approval for details reserved by conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the

approval of materials you must provide photographs of the materials in the context of the site, and state precisely where on site any samples have been made available for viewing.

6. **Amphibians, Reptiles (and Hedgehog)**

Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10½C or above) before clearing to minimise the risk of harming/killing any reptiles or amphibians that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as rubble piles which potentially afford resting places for reptiles and / or amphibians should be dismantled by hand by a competent ecologist in April or August to October and any individuals found translocated to a suitable location.

7. **Legal Protection Afforded to Badgers**

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>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 the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.

8. **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.

9. **Tree Felling and Roosting Bats**

Any trees to be removed which have been identified as having potential for roosting bats will need to be inspected by a suitably qualified ecologist immediately prior to being felled. If it is considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is

confirmed, then felling will need to be delayed and an EPS licence sought from Natural England.

10. **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.

11. **Works Require Legal Agreement with the Highway Authority**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out.

Note: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured, and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

12. **Contamination**

NPPF s.184: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

13. **Land Drainage**

The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).

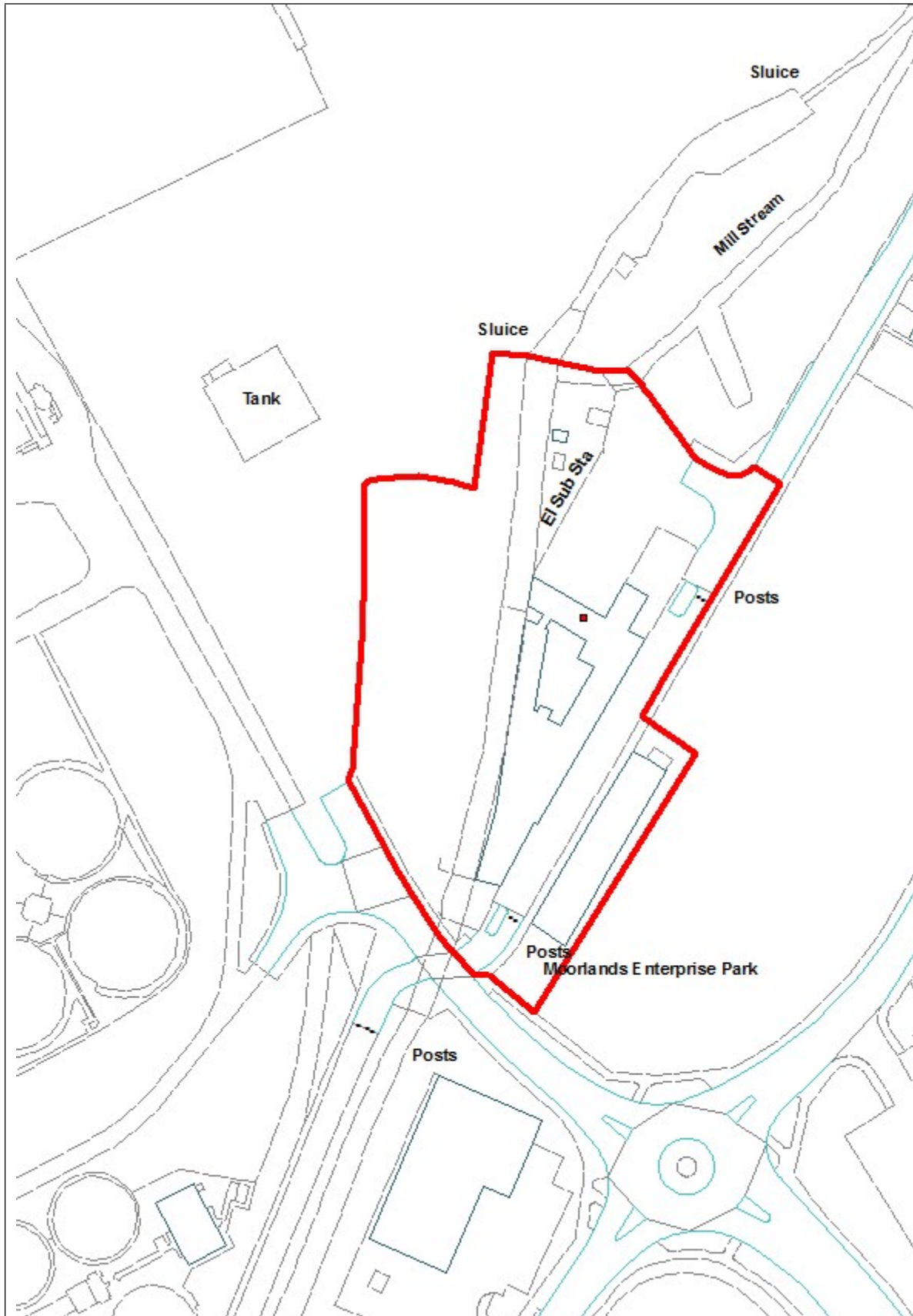
There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

14. **Surface Water Should Not Discharge onto the Highway**



Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. The developer should, therefore, intercept such water and convey it to a suitably sized soakaway on land within their ownership.





Planning Board Report 5th December 2023  
Former Baileys Tanery  
Beckery Road  
Glastonbury  
Somerset

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Application Number	2022/1982/LBC
Case Officer	Anna Jotcham
Site	Former Baileys Tannery Beckery Road Glastonbury Somerset
Date Validated	5 October 2022
Applicant/	I Tucker
Organisation	Beckery Island Regeneration Trust
Application Type	Listed Building Consent
Proposal	Repair and conversion of the former Baily's tannery and leather-working factory into multi-use workspaces.
Division	Glastonbury Division
Parish	Glastonbury Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Nick Cottle Cllr Susannah Hart

## **WHAT 3 WORDS**

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

///streamers.compliant.complain

## **SCHEME OF DELEGATION**

The parallel planning application conflicts with policy GL5 (Development at Morlands) of Local Plan Part II and represents a departure from the existing adopted Development Plan. It therefore seems prudent to refer the associated listed building application to Planning Committee as well.

## **SITE DESCRIPTION AND PROPOSAL**

The application relates to a site containing two derelict building complexes that were once part of the Baily's leather works, a large historic industrial complex that included a number of tanneries. The two sets of buildings, known as Baily's West and Baily's East, are Grade II listed and on the Council's Historic Buildings at Risk Register. This denotes their significance to Glastonbury's local industrial history and the national importance of Baily's Tannery in its production of high-quality specialist leather goods, which held international renown.

The Baily's West Building is the old tannery and rug factory. It is composed of eight, three and four storey masonry buildings on a triangular plot between the mill stream and Beckery Old Road. The buildings were constructed in two main phases between 1868 and 1875; and 1880 and 1900.

The Baily's East Building is the old glove factory and engine house. It is composed of four, three storey buildings that were joined together in a line along the east side of Beckery Old Road. The Glove Factory and engine house (buildings 1 and 2) were built in 1890, and the drying stove was constructed in 1896.

The buildings are constructed in rubble Blue Lias limestone walls with brick outer/inner walls, with double roman tile and slate roofs. Timber/concrete floors and timber roofs span between the various structures creating large floors and high ceilings for industrial production. In 2016, a fire destroyed the interior of the Glove Factory (Building 1). The north gable, timber floors and roof were lost, but the masonry structure and primary steel floor beams are still intact and structurally stable.

Planning and listed building consents to convert the buildings into various uses (including offices, workshops, restaurant/bar, community space, micro-brewery, visitor facility and retail outlet) were granted in 2015 and 2019 but have now lapsed.

The current application, which forms part of the Glastonbury Town Deal, proposes to repair and convert the existing buildings to deliver 2,897m<sup>2</sup> of flexible space covering use classes B (General Industrial and Storage), E (Commercial, Business and Service) and F (Local Community and Learning). The proposed uses will comprise:

- Baily's West Building: Mixed uses, including offices, small workshops, storage, and a café.
- Baily's East Building: Mixed uses, including offices, small workshops, storage, and a media studio for lectures and music performance.

The application site incorporates two car parks to the north and west of the buildings. The area of car parking to the west has been reduced during the course of the planning application process, and the site plan has been subsequently revised.

A parallel planning application (ref: 2022/1981/FUL) is also under consideration.

## **RELEVANT PLANNING HISTORY**

2014/0270/FUL – Mixed use redevelopment to include B1/B2 office and workshop with studio space, restaurant/bar, D2 community space, micro-brewery – APPROVED – 22.12.2015.

2014/0271/LBC – Mixed use redevelopment to include B1/B2 office and workshop with studio space, restaurant/bar, D2 community space, micro-brewery – APPROVED – 22.12.2015.

2018/2837/FUL – Proposed change of use and restoration of part of the derelict factory building to form a brewery, visitor facility and retail outlet – APPROVED – 09.12.2019.

2018/3005/LBC – Works in association with change of use and restoration of part of the derelict factory building to form a brewery, visitor facility and retail outlet – APPROVED – 09.12.2019.

2022/1981/FUL – Repair and conversion of the former Baily's tannery and leather-working factory into multi-use workspaces – PENDING CONSIDERATION.

## **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 2022)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

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

- DP3 – Heritage Conservation

Other possible relevant considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance

- Historic Environment Good Practice Advice in Planning Notes issued by Historic England

## **SUMMARY OF CONSULTATION RESPONSES**

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

**Glastonbury Town Council** – This is part of Glastonbury Town Deal Fund. Therefore, no discussion took place at the Town Council’s Planning Committee.

**Conservation Officer** – No objection, subject to conditions.

*[Officer note: Comments submitted in response to parallel planning application].*

**Historic England** – No comments. Defer to the Council’s specialist conservation and archaeological advisors.

**Archaeologist** – No objection, subject to conditions.

*[Officer note: Comments submitted in response to parallel planning application].*

### **Local Representations –**

1 objection has been received raising the following issues (summarised):

- Inappropriate access and parking.
- Noise and disruption during the construction period.

## **ASSESSMENT OF RELEVANT ISSUES**

### **IMPACT ON LISTED BUILDING**

Policy DP3 (Heritage Conservation) supports proposals which preserve and, where appropriate, enhance the significance and setting of the district’s heritage assets.

There is also a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

It is also one of the core principles of the National Planning Policy Framework (NPPF) that heritage assets should be conserved in a manner appropriate to their significance.

Chapter 16 of the NPPF at paragraph 190 sets out that the local planning authority should



identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraphs 192-197 of the NPPF set out the framework for decision making relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

The former Baily's factory is a landmark building within the area and has architectural, archaeological, and historic interest as part of a late 19th century industrial complex. Details of the proposed repairs, alterations and conversion works to each of the buildings is provided in the Design, Access and Historical Statement (June 2022) and accompanying drawings.

The proposed physical works to the buildings are limited and mainly seek to revive the existing structures and make them fit for purpose with minimal intervention, whilst celebrating the buildings historic past and functions. General repairs include repointing stonework, fixing cracks in masonry, replacing decayed floor beams and roofs, and restoring windows. Other interventions relate to the installation of services (showers, toilets, kitchens, cleaner's stores, plant room etc.), changes to fenestration, insertion of insulation, removing / adding staircases, levelling floors, and remedying fire damage (reconstruction of Building 1 second floor and roof). Historic features, including the louvres, wrought iron steel drying stove and historic heating pipes will be restored and left in situ as a memory of the building's original function. A mild-steel balcony where an external staircase used to be, will be installed on the second-floor level, south elevation of Building H.

Externally, the key visual changes to the buildings are the reconstruction of Building 1 (second floor and roof which were damaged in the fire) and the demolition of the 1970s link building (Building 3) and erection of a highly glazed replacement link building. This is a 1970s blockwork construction which is not historically significant, and therefore the Conservation Officer has not raised any concerns about this element of the proposals.

Other external changes to the buildings relate to insertion of a mild steel balcony on Building H (second floor, south elevation) and reconstructing the chimney on Building I. The application also proposes to insert solar PV panels and hot water tubes on the roofs of Buildings A, C, D and F. However, given that these additions will be placed on tall buildings with largely hidden roof slopes, their placement is considered discrete and not visually intrusive or harmful to the listed building or the wider setting.

External changes beyond the footprint of the buildings relate to resurfacing the car parks and landscaping. Overall, it is considered that these changes, which are appropriate for the

intended commercial use, respect the historic setting and make a positive contribution to the public realm and surrounding streetscape.

The application has been scrutinised by the Conservation Officer during the application process. Responses to queries, along with revised drawings, have been received to satisfy concerns raised. Here it is considered that the proposals would be acceptable alterations which would preserve the special interest and significance of the listed building. There is a clear heritage benefit in the repair of the designated heritage asset which has been on the Council's Heritage at Risk Register since 2016. Allowing it to be brought back into use would be a considerable public benefit.

Subject to conditions which secure further details of various elements, the proposal accords with Policy DP3 (Heritage Conservation), part 16 of the National Planning Policy Framework and the primary legislation.

## **ARCHAEOLOGY**

The site lies on the western edge of Glastonbury in the area around Beckery. The Baily's Buildings are recorded on the Somerset Historic Environment Record (HER; site number 23595).

The applicants have provided an Archaeological Impact Assessment, which identifies that there is some archaeological potential in this area but does not include some earlier building recording which has taken place (see Somerset HER). This earlier work should be incorporated into and form the basis for an up-to-date building recording survey that should be completed as part of a Written Scheme of Investigation for the site. Archaeological monitoring of the development and a report on any discoveries made should also take place. Both of these matters can be secured via conditions.

## **CONCLUSION**

The proposal will make a significant contribution to the community of Glastonbury and would assist in the regeneration of the area generally. There are clear heritage and public benefits in repairing the listed buildings and bringing them back into use. No material harm to the designated heritage asset has been identified. The application meets the requirements of the primary legislation and relevant planning policies and is recommended for approval.

## **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 works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **2. Plans List (Compliance)**

This decision relates to the following drawings:

16 Aug 2023 - 1000.1C - EXISTING LOCATION PLAN

16 Aug 2023 - 1000.2C - EXISTING SITE PLAN

30 Sep 2022 - 1000.3 - EXISTING EAST & WEST BUILDINGS GROUND FLOOR PLANS

30 Sep 2022 - 1000.4 - EXISTING EAST & WEST BUILDINGS FIRST FLOOR PLANS

30 Sep 2022 - 1000.5 - EXISTING EAST & WEST BUILDINGS SECOND FLOOR PLANS

30 Sep 2022 - 1000.7 - EXISTING EAST & WEST BUILDINGS THIRD FLOOR & ROOF PLANS

28 Feb 2023 - 1000.8 - EXISTING EAST BUILDING WEST & SOUTH ELEVATION

30 Sep 2022 - 1000.9 - EXISTING EAST BUILDING EAST & NORTH ELEVATION

06 Mar 2023 - 1000.10A - EXISTING WEST BUILDING EAST & WEST ELEVATIONS

08 Mar 2023 - 1000.11A - COURTYARD ELEVATIONS

30 Sep 2022 - 1000.12 - EXISTING EAST & WEST BUILDING CROSS SECTIONS

16 Aug 2023 - 1000.13 - EXISTING BAILYS BUILDINGS SITE PLAN

16 Aug 2023 - 1000.101E - PROPOSED LOCATION PLAN  
13 Apr 2023 - 1000.103B - PROPOSED EAST AND WEST BUILDINGS  
30 Sep 2022 - 1000.104 - PROPOSED EAST & WEST BUILDINGS FIRST FLOOR PLANS  
30 Sep 2022 - 1000.105 - PROPOSED EAST & WEST BUILDINGS SECOND FLOOR PLANS  
30 Sep 2022 - 1000.107 - PROPOSED EAST & WEST BUILDINGS THIRD FLOOR & ROOF PLANS  
08 Mar 2023 - 1000.108A - PROPOSED EAST BUILDING WEST & SOUTH ELEVATIONS  
13 Apr 2023 - 1000.109B - PROPOSED EAST BUILDINGS EAST & NORTH ELEVATION  
17 May 2023 - 1000.110B - PROPOSED WEST BUILDING EAST & WEST ELEVATIONS  
30 Sep 2022 - 1000.111 - PROPOSED WEST BUILDING COURTYARD ELEVATIONS  
13 Apr 2023 - 1000.112B - PROPOSED EAST & WEST BUILDING - CROSS SECTIONS

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

3. **Internal and External Joinery and Rooflight Details - Submission of Details (Bespoke Trigger)**

No piece of internal or external joinery (of any material) or rooflights, including any glazed or timber panels, shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. (The manufacturer, model number and size will suffice for the rooflights.) The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

4. **Rainwater Goods, Vents, Flues, External Attachments - Submission of Details (Bespoke Trigger)**

No individual item of rainwater goods, vents, flues, or other external attachments shall be fitted or installed unless in accordance with details of that piece that have first been submitted to and approved in writing by the Local Planning Authority. All such attachments shall be retained in that form thereafter.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

5. **Materials - Baily's East - Building 1; Roof Structure (Bespoke Trigger)**

No construction of the Baily's East; Building 1 new roof structure shall commence until drawn details of the construction of the new roof structure, a schedule of materials and finishes, and samples of the materials to be used in the external surfaces of that part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Materials - Baily's East - North Gable and Chimney (Bespoke Trigger)**

No reconstruction of any part of the Baily's East north gable and chimney shall commence until a schedule of materials and finishes, and samples of the materials to be used in the external surfaces of that part of the development have been submitted to and approved in writing by the Local Planning Authority. Sample panels of all external walling materials, to be approved in writing by the Local Planning Authority, shall be erected on the site and kept on site for reference until the development is completed. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Sample Panel - Baily's East; Building 3 - Roofing (Bespoke Trigger)**

No construction of the roof to the Baily's East; Building 3 shall commence until a sample of the aluminium roof covering has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Details and Materials - Baily's West; South Elevation - Stairs (Bespoke Trigger)**

No installation of the steel stair on the Baily's West south elevation shall commence until full details of the stairs have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be carried out only in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Solar Equipment - Submission of Details (Bespoke Trigger)**

No part of the solar equipment shall be installed unless details have been first submitted to and approved in writing by the Local Planning Authority. Details should include a specification for the solar panels, details of their fixing to the roof, sufficient information to indicate the internal positions and routing of any cabling or other associated paraphernalia.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

10. **Solar Panels - Removal of Works - Failure to Produce Electricity (Bespoke Trigger)**

If any of the solar equipment hereby permitted fails to produce electricity/hot water for a continuous period of 6 months, a scheme for the repair or removal of the development shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6-month period. Where repairs or replacements are required, the scheme shall include a proposed programme of remedial works. Where removal is required, the scheme shall include a method statement and timetable for the dismantling and removal of the relevant panels and any necessary restoration works following removal. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: Planning permission has been granted on the basis of the development being operated for the production of renewable energy. Its removal is required should the production cease, in the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

11. **Materials - Baily's West; Building E - Louvres and Frames to Courtyard Elevation (Bespoke Trigger)**

Notwithstanding the annotations on the elevation drawing (ref: 1000.111), no existing louvres or their frames shall be replaced unless in accordance with a schedule and

drawings identifying the louvres and frames to be replaced which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Details - Internal Wall Insulation (Bespoke Trigger)**

Notwithstanding any indication on the application drawings, no internal wall insulation shall be installed unless in accordance with full details of how the insulation shall be installed, including drawn details of the extent of the insulation and in relation to the treatment around openings and decorative bricks and quoins, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Details - Installation of Roof Insulation (Bespoke Trigger)**

No roof insulation shall be installed unless in accordance with full details of how the insulation shall be installed within the roof structure, including a drawn detail of any impact on the existing ridge height, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **Details - Replacement or Repair of Existing Roof Structure Members (Bespoke Trigger)**

No replacement or repair of any members of any existing roof structures shall be undertaken unless in accordance with a suitable roof structure plan to indicate the members to be replaced or repaired, and a report (including photographs) to demonstrate the reasons for replacement and/or details of repair, which have been submitted to and approved in writing by the Local Planning Authority. Thereafter,

the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Materials - Replacement Roof Coverings (Bespoke Trigger)**

No roof coverings shall be replaced, wholesale or in part, unless in accordance with a roof plan to indicate the extent of replacement, and a specification and sample of the replacement material, which have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **Details - Submission of Details for Dormer (Bespoke Trigger)**

The dormer between Buildings C and G shall not be installed unless full details of the dormer have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at a scale of 1:20 (or an appropriate scale to be agreed) and shall include elevations, cross-sections, and materials. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

17. **Repointing - Materials, Method Statements, Specifications and Sample Areas (Bespoke Trigger)**

No re-pointing shall be carried out (other than that to satisfy this condition) until:

- i. Elevation drawings indicating the extent of the proposed repointing have been first submitted to and approved in writing by the Local Planning Authority,
- ii. A method statement for the removal of any mortar has been first submitted to and approved in writing by the Local Planning Authority,
- iii. A sample area/s of mortar removal using the approved method in i. above has been provided in situ for inspection and approved in writing by the Local Planning Authority,
- iv. A method statement for the re-pointing and a specification for the mortar mix/es



have been submitted to and approved in writing by the Local Planning Authority, and

v. A sample area/s of pointing demonstrating colour, texture and finish, has been provided in situ for inspection and approved in writing by the Local Planning Authority.

The sample area/s of pointing shall be retained for reference until the work has been completed and the re-pointing shall be carried out in accordance with the approved areas, method statements, mortar specification and sample area/s.

Reason: to safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

**18. Details - Submission of Details for Bay Window (Bespoke Trigger)**

No works to repair or rebuild the bay window on the north elevation of Building A shall be carried out unless in accordance with a drawing to indicate the extent of stone replacement and repair, and a specification and sample of the replacement material and details of any repair, which have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**19. Details - Structural Repairs to Elevations (Bespoke Trigger)**

No structural repairs to any elevation shall be undertaken unless in accordance with an elevation drawing indicating the location of any such repairs, and a report from a structural engineer and conservation-accredited Architect setting out the reasons for and details of each repair, which have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**20. Details - Repairs to Cast Iron Windows (Bespoke Trigger)**

No repairs to any cast iron windows, including re-glazing, shall be undertaken unless in accordance with an elevation drawing indicating the location of any such repairs, and a report, including photographs, from an appropriate specialist setting out a specification for each repair, which have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

21. **Details - Schedule of Interior Treatments and Finishes (Bespoke Trigger)**

Notwithstanding any indication on the application drawings, no works shall be undertaken to interior walls, ceilings or floors unless a schedule has been first submitted to and approved in writing by the Local Planning Authority. The schedule should describe the proposed treatments and finishes for walls, ceilings and floors, including the floor and ceiling makeup and any proposed treatments to address damp, and make the location of each treatment and/or finish clear in a written schedule and/or annotated drawings as necessary. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

22. **Sample Panel and Method of Attachment - Baily's East, Building 3 - Walling (Bespoke Trigger)**

No construction of the walls to the Baily's East, Building 3 shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces of that part of the development, and details of how Building 3 is to be attached to the existing building, have been submitted to and approved in writing by the Local Planning Authority. Sample panels of all external walling materials, to be approved in writing by the Local Planning Authority, shall be erected on the site and kept on site for reference until the development is completed. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

23. **Details and Method of Attachment - Baily's East, Building 3 - Stair and Lift (Bespoke Trigger)**

No installation of the stair or lift to the Baily's East, Building 3 shall commence until details of the stair and lift, and details of how the stair and lift are to be attached to any historic fabric, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

24. **Details - Baily's East, Building 1 - Internal Structure (Bespoke Trigger)**

No installation of any replacement or new internal structure of the Baily's East, Building 1 shall commence until drawn details of the construction of the internal structure, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

25. **Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

26. **Archaeology - Post Excavation and Publication (Pre-occupation)**

No development approved by this permission shall be occupied or brought into use until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

## **Informatives**

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
2. 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. **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.

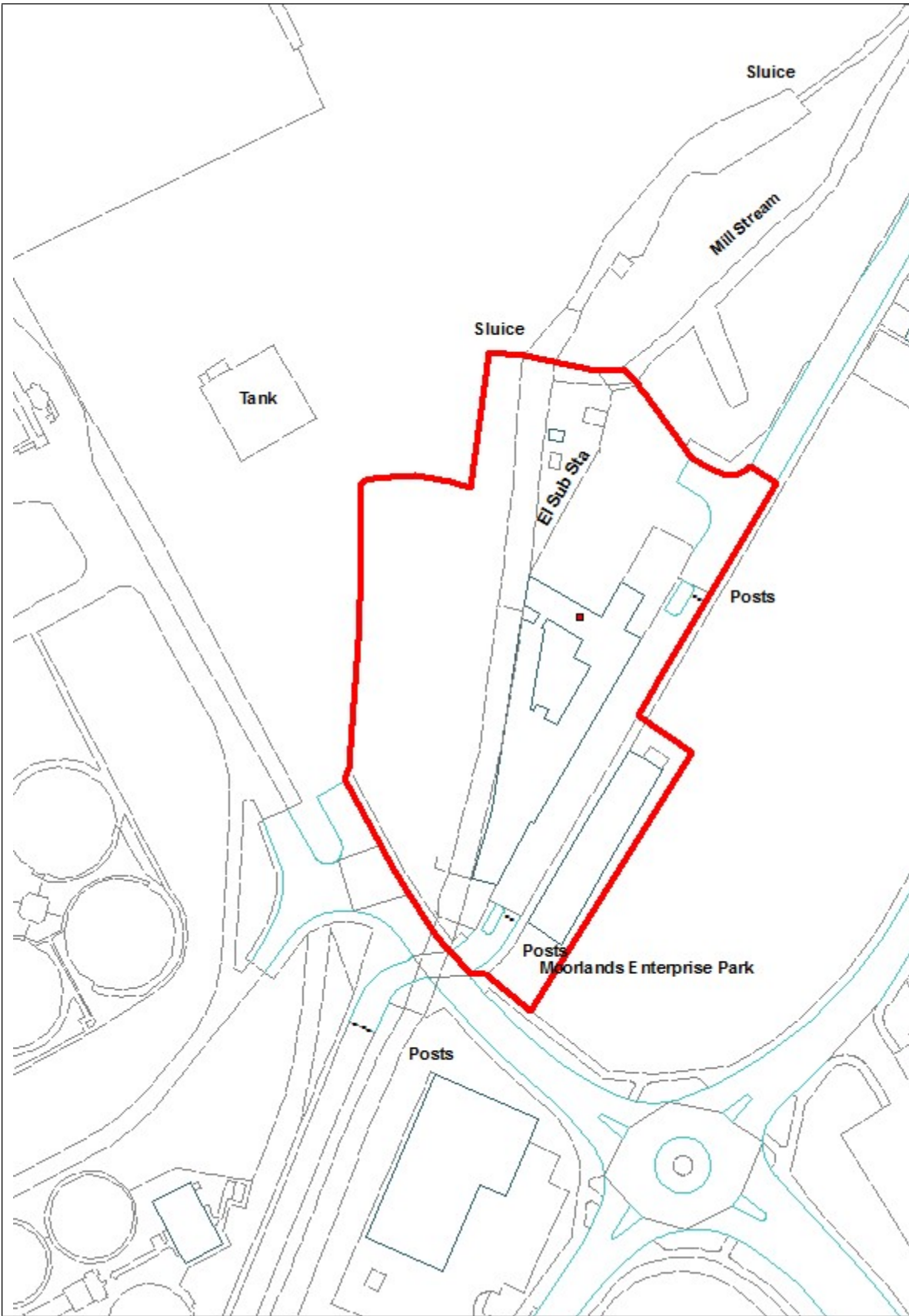
#### 4. **Material Samples**

In order to seek approval for details reserved by conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials you must provide photographs of the materials in the context of the site, and state precisely where on site any samples have been made available for viewing.

#### 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.





Planning Board Report 5th December 2023  
Former Baileys Tanery  
Beckery Road  
Glastonbury  
Somerset

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Application Number	2023/1390/FUL
Case Officer	Jane Thomas
Site	The Wrangles Bristol Road Green Ore Wells Somerset
Date Validated	21 July 2023
Applicant/	Mr A Clothier
Organisation	
Application Type	Full Application
Proposal	Change of use of land to residential (C3 use class) to extend residential garden curtilage, erection of annexe and car port, and alterations to main dwelling (retrospective).
Division	Mendip Hills Division
Parish	Chewton Mendip Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

## **What3Words – nurtures.discount.liner**

### **Scheme of Delegation**

As the application includes the Change of Use of land outside Development limits, and is therefore considered a departure from Planning Policy, under the scheme of delegation the application is referred to the Planning Committee (east) for consideration and determination as the officer recommendation is for approval. It is also noted that the Parish Council raised an objection to the application.

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

The Wrangles is a detached property set within open countryside to the north of the settlement of Green Ore. The site lies outside any development limits. The Wrangles is accessed from the A39 Bristol Road by a shared long private driveway which also serves as access to Long Wrangle Farm. Also within this small cluster of agricultural and residential development lies Rookery Farm, to the west of The Wrangles and with its own, separate, access from the B3135.

This is a retrospective application for the 'Change of use of land to residential (C3 use class) to extend residential garden curtilage, erection of annexe and car port, and alterations to main dwelling'

The site lies within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and within SSSI risk zones.

### **Relevant Planning History**

NB: relates to applications recorded under both UPRN 000250057522 Long Wrangle Farm, and UPRN 000250078850 The Wrangles, but all relating to this site

2023/0558/HSE	Erection of Car port & Annexe. Application withdrawn 27.04.2023
2017/2851/APP	Application for approval of details reserved by conditions 3 (external facing materials), 4 (external facing stonework) and 5 (bat survey) on planning consent 2016/0786/FUL. Approved 28.11.2018
2016/0786/FUL	Proposed conversion and extension of agricultural barn to form 1 dwelling. Approved with conditions
2017/2592/S106	Application to discharge Part II of Schedule 3 in the S106 for planning permission 102173/003 in respect of the selling of the holiday lets separately to the remainder of the property. Application withdrawn 19.12.2017
102173/003	Conversion of barn into three holiday units. Approved with conditions 15.10.2004

### **Summary of Consultation/Representations**

Chewton Mendip Parish Council: Recommend refusal. No material planning reason given.

Divisional Member: No comment received

Neighbours: Two objections received relating to the Principle of the Use and to Residential Amenity

Local Representations: No other letters of local representation in response to site notices or press notices have been received

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

[www.somerset.gov.uk](http://www.somerset.gov.uk)

### **Relevant Planning Policy**

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
- DP1 Local Identity and Distinctiveness
- DP4 Mendip's Landscapes
- DP7 Design and Amenity of New Development
- DP9 Transport Impacts of New Development
- DP10 Parking Standards

Other possible Relevant Considerations (without limitation)

- National Planning Policy Framework (2023)
- Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 Mendip District Council Supplementary Planning Document (2022)
- Dark Skies in the Mendip Hills National Landscape Position Statement (2022)
- Somerset Countywide Parking Strategy (2013)

## Assessment of relevant issues

The considerations within this application are:

### 1. Alterations to the main dwelling

The Wrangles was converted into a dwelling from an agricultural building under application reference 2016/0786/FUL. During the course of that application discussions between the LPA and the applicant led to revised plans being submitted and against which the application was approved. This application seeks retrospective planning permission for alterations made to the approved dwelling. The differences between the plans, as approved and as built, are summarised below:

<b>Application</b>	<b>Dimensions of kitchen extension and roof details (approximate dimensions taken from drawings - NW elevation measured for ridge height)</b>	<b>Configuration, roof ridge height and rooflight details of dwelling/ converted barn (approximate dimensions taken from drawing)</b>
2016/0786/FUL - as approved	Floor plan 12m x 7m Flat roof height 2.7m No solar panels	Single storey Ridge height 4.6m Rooflights: 5 to southwest roof slope, 3 to northwest
2023/1390/FUL - as submitted (as built)	Floor plan 13m x 7m Flat roof 3.1m Solar panels	1.5 storey with bedroom accommodation to first floor Ridge height 5.3m Rooflights: 7 to southwest roof slope, 2 to northwest

### 2. Erection of carport

No previous application has been made for this structure. The carport has a ridge height of 4.6m and an eaves height of 2.27m and is located within 2m of the west boundary of The Wrangles, adjacent to Rookery Farm. The carport is single storey and includes enclosed storage to either side of the open part of the structure

### **3. Change of use of land from agricultural to residential**

This part of the application seeks to regularise the enlargement of the residential curtilage. This primarily concerns a parcel of land to the south-east of the dwelling but also smaller strips of land to the north-west and north-east of the dwelling.

### **4. Erection of annexe on that parcel of land**

An annexe has been erected to the south-west corner of the enlarged domestic curtilage of The Wrangles. This structure has two rooms (one containing a kitchenette) and a bathroom. There is a pathway connecting the annexe to the parking area and hence to the dwelling. There are clear lines of sight between the dwelling and the annexe and no subdivision of the plot with fencing or any other measures. The stated use of the annexe is as ancillary accommodation for the main dwelling. A kitchenette and bathroom within the annexe are not inconsistent with this stated use.

## **Officer Assessment**

### **Principle of the Use**

Planning application reference 2016/0786/FUL approved the conversion of an agricultural barn to a dwellinghouse. The principle of the residential use of this property is therefore sound.

Whilst the decision notice removed Permitted Development Rights from the property this did not prevent any further development of the site but only required that planning consent would be required for any such proposal.

Alterations to the dimension of the dwelling, to the roof, and the erection of the garage contained within any planning application would therefore be considered against the policies listed above.

The application for the Change of Use relates to a small parcel of land that is directly adjacent to, and closely associated with, the existing, previously approved, residential curtilage of the host property. Although the site is outside development limits 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 surrounding land.

Therefore, although the proposal for the change of use element of this application 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.

The erection of the Annexe is therefore considered as the erection of an outbuilding within the residential curtilage of The Wrangles and will also be considered against the policies listed above.

### **Design of the Development and Impact on the Surrounding Area**

The Wrangles is not visible from the public highway therefore the considerations within this application are solely of its impact upon the wider surrounding area.

The alterations to the dimensions of the dwellinghouse, including those to the roof of the converted part of the dwelling, compared to those previously approved, and the addition of the solar panels to the roof of the kitchen extension, do not affect the overall appearance of the property as a detached, barn conversion, dwelling in the countryside.

When viewed from the landscape or from neighbouring properties, and, in the context of the permission as a whole, the similarities outweigh the differences. The building appears broadly as though it was constructed to the approved plans. The materials match those approved, the overall layout pattern is the same, and the dimensions are similar. The main differences are a slight change to the roof pitch and only minor changes to the fenestration.

The larger dimension of The Wrangles as exist now are therefore not considered to have an adverse impact upon its wider setting. The insertion of two additional rooflights over the number previously approved is not considered to have any additional impact upon the dark skies of the AONB. With regard to the solar panels, the maximisation of renewable energy generation on site is supported within the Local Plan.

The erection of the carport structure at The Wrangles reads as part of the established residential use of the site and, again, is not considered unreasonable, in principle, within this context. Materials used match or complement those of the main dwelling.

The change of use of a section of the adjacent agricultural land to provide additional garden space for The Wrangles has served to 'square off' the curtilage of the property. Prior to the erection of the annexe (see below) the only development to affect the character of this section of land as part of the development of the site consisted of new boundary treatments being installed.

The site lies within the Mendip Hills Area of Outstanding Natural Beauty but, given that The Wrangles was already existing on site, it is not considered that a change of use of a small parcel of land results in wider harm to this protected landscape.

The approach to the Wrangles along the access driveway offers a vista of the small cluster of residential and agricultural development that includes The Wrangles and also Long Wrangle Farm and the rear elevations of the built form of Rookery Farm. This reads as a small rural settlement, and boundaries between the properties have been altered in the past. It is not uncommon for properties in rural areas to have larger gardens and as such the wider residential curtilage does not look out of character.

The erection of the annexe increases the range of the built form at the site. However, it is a single storey structure and materials use match or complement those of the main dwelling.

Given the above, it is considered that the development at The Wrangles, including the carport, the change of use of land, and the erection of the annexe, do not collectively have a significant detrimental impact on the character of the area. The proposal therefore complies with DP1, DP4 and DP7 of the Mendip Local Plan Part 1.

### **Impact on Residential Amenity**

The alterations to the dwelling, the garage, the addition to the domestic curtilage and the annexe are all considered to be of amenity benefit to current and future occupants of The Wrangles.

Consideration must also be given to the impact of these developments upon the amenity of the occupants of neighbouring dwellings.

The dwelling associated with Long Wrangle Farm lies to the south of The Wrangles. The amenity of the occupants of that dwelling was considered as a part of planning application 2016/0786/FUL that approved the conversion of an agricultural barn to a dwellinghouse. There is good separation between Long Wrangle Farm farmhouse and The Wrangles and it is not considered that the alterations and additions to the principal dwelling on the site as covered by this application will have had any adverse impact upon the occupants of that dwelling. Similarly, the carport lies at a good separation from Long Wrangle Farm and, as established above, reads as part of the established residential use of the site, and is not considered to cause any adverse amenity impact to the occupants of that dwelling.

Rookery Farm is a substantial property immediately to the west of The Wrangles. Rookery Farm has its own access from the B3135 and the front elevation of the dwelling is to that direction. Rookery Farm does however have a number of one and two storey domestic extensions and ancillary outbuildings to the rear (east) between the dwelling and the boundary with The Wrangles.

A site visit was made to Rookery Farm to view the development at The Wrangles from that perspective.

The additional rooflights within the roof slope of The Wrangles are visible from both within the grounds to the rear of Rookery Farm and from the upper floors of the dwelling. The solar panels on the kitchen extension can be seen in profile from the grounds to the rear of Rookery Farm. However it is not considered that either of these elements have an adverse effect on the amenity of occupants of Rookery Farm. The environmental benefit of the solar panels is a factor in this consideration.

The new roof of the carport at The Wrangles is fairly steeply pitched and is visible from the grounds and extensions to the rear of Rookery Farm. Whilst it is close to the boundary between the properties there remains good separation between the carport and the built form of Rookery Farm. The orientation means that whilst the carport may cast some shade into the grounds of Rookery Farm in the morning at certain times of the year this is not the case as the sun passes to the west during the course of the day.



The annexe that has been erected upon the 'new' parcel of land at The Wrangles is screened by both a tall evergreen hedge to the rear of the garage of Rookery Farm and by the boundary wall between the two properties. It is not visible from the Rookery farm house nor from the buildings to the rear or from the garden itself, though may be visible in glimpsed views from within the Rookery Farm greenhouse which forms part of the boundary between the two properties.

Therefore, on balance, it is considered the overall height, scale, and massing of the developments at The Wrangles do not collectively cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, 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 and Parking Provision**

The development at The Wrangles has not affected access to the property and parking provision remains generous, meeting or exceeding the requirements of the Somerset Countywide Parking Strategy in terms of parking and turning space at this location. As such the development at The Wrangles 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**

The overall development to the principal dwelling as completed and proposed retrospectively by this application have been assessed against the policies of the adopted Local Plan as referred above and are considered acceptable

Whilst the extension to the residential /garden curtilage and the delivery of the ancillary building includes a change of use of land, the existing lawful use of which is an agricultural use, the scope and extent of this is limited.

Assessment of the proposal has concluded that, taken as a whole, the elements contained within this application have no unacceptable adverse impact upon the landscape, adjoining land uses, or the amenity of occupants of neighbouring properties.

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, including for the element of the proposal that represents a departure from the development plan.

Condition: Ancillary Use.

## **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:

2015/CLOTHIERA/01/S01 Existing Site Plan and Elevations

H6278/003 Location and Site Plan as Pre-existing

H6278/100A Outbuilding Floor Plans as Elevations as Proposed (retrospective)

H6728/001A Location and Site Plan as Proposed (retrospective)

H6728/002 Floor Plans and Elevations as Proposed (retrospective)

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

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

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no external alteration, extension or enlargement to the roofs of the dwelling/s or existing outbuilding/s hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Development Policies 1 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Ancillary Use Only (Compliance)**

The carport development hereby approved shall not be used other than for purposes

ancillary to the dwelling known as The Wrangles, Bristol Road, Green Ore, BA5 3ET."

Reason: To safeguard the amenities of nearby occupiers in accordance with Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Ancillary Use (Compliance)**

The Annexe development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Wrangles, Bristol Road, Green Ore, BA5 3ET; and shall not be occupied as an independent dwelling unit.

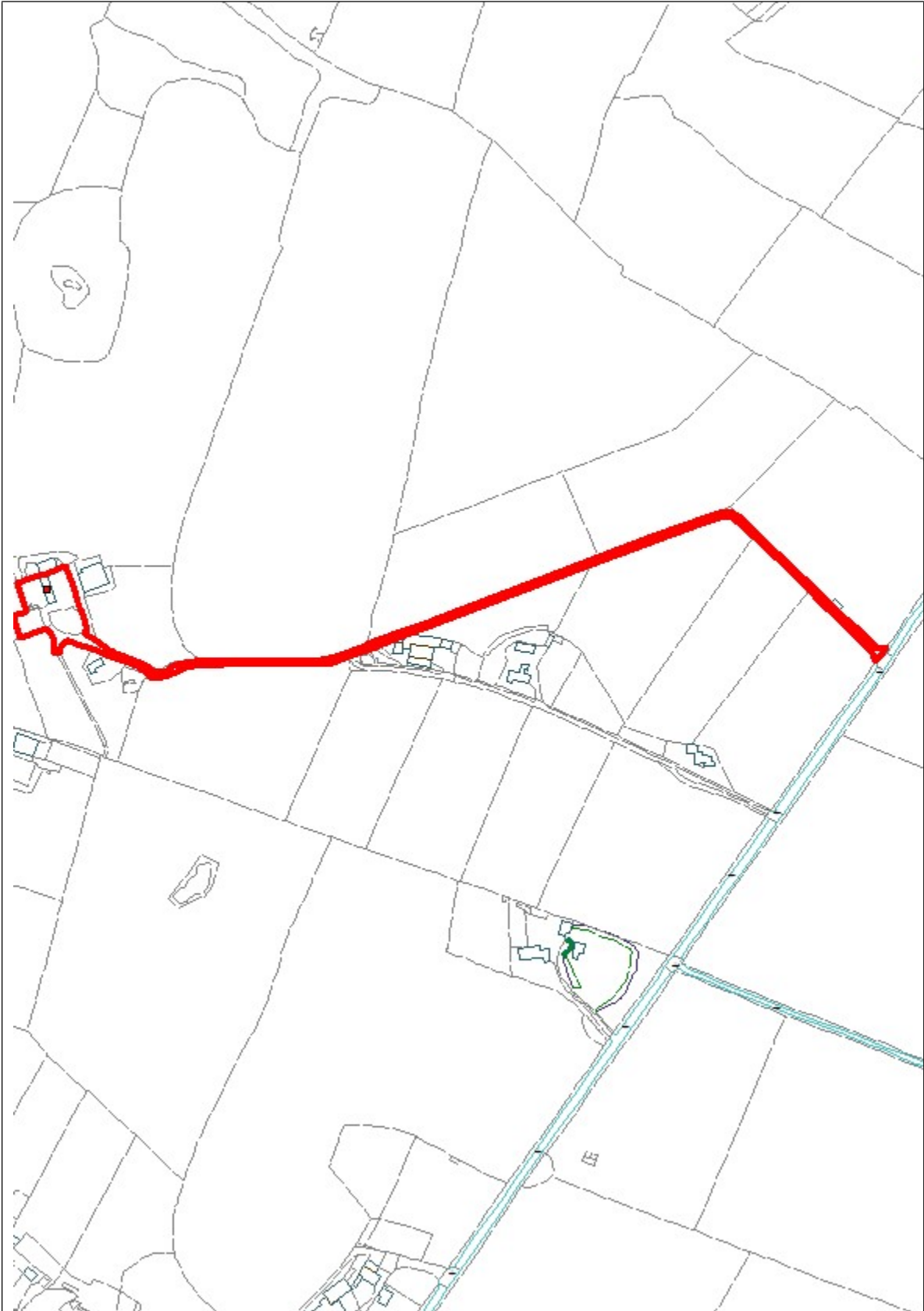
Reason: In accordance with the application scheme details; given that there is no development plan policy support for an independent residential use and furthermore it has not been demonstrated that the additional accommodation hereby approved is capable of independent occupation without adversely impact on the amenities of the locality and in accordance with Development Policies 1, 7 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

## **Informatives**

1. 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.
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. **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/>



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Planning Board Report 5th December 2023  
The Wrangles  
Bristol Road  
Green Ore  
Wells  
Somerset  
BA5 3ET

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Application Number	2022/1618/FUL
Case Officer	Carlton Langford
Site	Duke Of Cumberland Inn Edford Hill Holcombe Shepton Mallet Somerset
Date Validated	10 August 2022
Applicant/	T Brett
Organisation	Banwell House Pub Co. Ltd
Application Type	Full Application
Proposal	Formation of new overflow car park with associated access and landscaping.
Division	Mendip Hills Division
Parish	Holcombe Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

## **Referral to Ward Member/Chair and Vice Chair:**

This application has been referred to the Chair and Vice Chair of the Planning Committee insofar as the case officer's recommendation to refuse differs from that of the Parish Council's.

Whilst both Parish Council's supported the scheme, this was subject to Highways supporting the application which is not the case. The Highway Authority conclude that the proposal does not demonstrate that safe and suitable access to the site can be achieved for all users of the highway specifically pedestrians.

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

This application relates to a large parcel of agricultural land to the south of Holcombe off Edford Hill. The site is within a Bat Consultation Zone, a High and Low risk historic Coal Mining Area, a Minerals Consultation Area, a Sewage Treatment Buffer Area and a Public Right of Way transverses the site.

The land has an existing field access which is shared with pedestrians using the public right of way.

This application seeks full planning permission for the formation of new overflow car park with associated new access and landscaping to serve the Duke Of Cumberland Inn some 100m to the north of the site.

## **Relevant History:**

2020/0242/FUL - The conversion of a free house into a farm shop and kitchen cafe. Attached micropub and side extension for added seating areas. First Floor alterations for 2 separate staff accommodations - Approved Nov 2020.

2023/0167/VRC - Removal of conditions 3 (Delivery Hours) and condition 9 (Parking) on consent 2020/0242/FUL (The conversion of a free house into a farm shop and kitchen cafe. Attached micropub and side extension for added seating areas. First Floor alterations for 2 separate staff accommodations.) – Recommended for refusal –

- 1. The open storage of refuse bins within the car park will introduce an unsightly addition to the car park area having a detrimental impact on the character and appearance of the street scene and wider area contrary to the provision of Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).*
- 2. The removal of condition 3 would allow unrestricted delivery times to and from the premises which would have a detrimental impact on the residents of nearby residential properties and other land users by reason of traffic noise and noise disturbance associated with the loading and unloading of vehicles and manoeuvring of vehicles contrary to the provisions of Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).*
- 3. The removal of condition 9 would allow the unrestricted use of the car parks and the relocation of bins from the main premises to an area within the north car park closer to neighbouring residential properties to the detriment of their amenity by reason refuse odour nuisance and noise disturbance contrary to Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).*
- 4. The proposed development would in the LPA's view prejudice the safe use of the existing and approved car parking arrangement as approved under LPA case ref: 2020/0242/FUL would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic, thereby adding to the hazards of highway users at this point. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF), the Somerset Countywide Parking Strategy and Policies DP9 and DP10 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).*

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

Ward Member: No response.

Holcombe Parish Council: Recommends approval. Councillors requested that Somerset Highways should consider pedestrian safety with the current 30mph zone being extended to help address this concern.

Stoke St. Michael Parish Council: Stoke St Michael Parish Council recommends approval subject to Highways supporting this application.

They would also like to see conditions in place to –

- a) Ensure that the proposed planting of hedgerows and trees takes place to compensate for the loss of hedgerow at the roadside
- b) Ensure secure barriers will be in place to prevent any nuisance to nearby properties when Holcombe Farm shop is closed.
- c) Ensure there will be land allocated for village allotments as this was not shown on the plan

Ecology: No objections subject to imposition of standard conditions to protect wildlife.

Natural England: No objections subject to the Authority determining whether the proposal is likely to have a significant effect on any European Site.

Highways Development Officer: Object, unsafe access for vehicles and unsafe for pedestrians.

Rights of Way: No objections subject to obtaining a diversion order.

Coal Authority: No objections

Somerset Minerals: No response

Environmental Protection: No objections

Local Representations: 48 letters of support have been received and 3 letters of objection raising the following concerns –

- Highway safety
- Pedestrian safety

- Existing parking arrangements are currently acceptable save for busy weekend lunchtimes between 12 and 2pm.
- Loss of hedgrows
- Impact on wildlife
- Visual impact
- Lighting impact
- No evidence to support the need for additional parking
- The current car park is restricted because of the applicant's insistence to use it to locate bins and skips contrary to the current planning permissions on the site.
- The number of parking spaces is excessive to the needs of the business.

**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)
- Holcombe Village Design Statement

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

- CP1 – Mendip Spatial Strategy
- CP3 – Supporting Business Development
- CP4 – Sustainable rural communities.
- DP1 – Local Identity and distinctiveness
- DP4 – Mendip Landscapes
- DP5 - Ecology
- DP6 – Bats
- DP7 – Design and Amenity
- DP9 – Transport
- DP10 – Parking

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

- National Planning Policy Framework

- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

### **Assessment of relevant issues:**

#### **Principle of the Use:**

The application site is situated within the open countryside where development is strictly controlled but exceptions may be permitted in line with the provisions set out in Core Policy CP4: sustainable rural communities.

Paragraph 4(b) of CP4 (supported by Policy CP3 – Supporting Business Development) allows the establishment or expansion of a business in a manner and of a scale which is appropriate to the location and the constraints upon it.

Having regard for the assessment below, the proposed development will be neither of a manner nor scale appropriate within the chosen location due to the constraints of the site to include visual impact and highway/pedestrian safety.

Whilst it is recognised that the development might provide some benefits to the local community these are outweighed by the harms as described below and the development is therefore considered to be unacceptable in principle contrary to the provisions of Policies CP1, CP3 and CP4 of the Local Plan.

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

The site is located around a 100m south of the applicant's business, the Duke of Cumberland Inn and is a large agricultural field laid to pasture. The field has established hedgerow along the road boundary with field access. The boarder to the north comprises a post and rail fence, to the south is a combination of fencing and hedgerow and to the west woodland. The site is clearly visible from numerous vantage points, not only from passersby using the highway and public right of way but also for further away especially when viewed from the rising landscape to the north.

Much of the field will be taken up by the proposal with the proposed carpark area with 29 spaces and turning located at the north end of the site and will be lit. A new vehicle access will be located towards the south of the site with a long drive to accessing the carpark area. The proposed new access will require the relocation of extensive lengths of the existing hedgerow in order to provide the visibility splays to achieve the necessary highway safety. Further hedgerow planting will enclose the carpark along with tree planting along

the north boundary. The existing field access will be gated and used as a pedestrian access only which is also currently used by the Public Right of Way.

The combination of the aforementioned changes will significantly alter the character of this open landscape. Whilst not a designated landscape area outside these areas, Policy DP1 of the Local Plan requires that all development should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district, Policy DP4 of the LP requires that all development clearly demonstrates that their siting and design are compatible with the pattern of natural and man-made features of the area. Policy DP7 requires that development is of a scale, mass, form and layout appropriate to the local context.

The cumulative impact of the proposed development will have a significant harmful impact on the character and appearance of the landscape and attempts to shield the carpark from the surrounding area though planting, will not only not work when viewed from a distance but will completely alter the character and appearance of the surrounding landscape. The carpark will also be lit further impacting on the character of the area. As such, the proposed development fails to contribute positively to the maintenance or enhancement of local identity and distinctiveness nor be compatible the pattern of natural or man-made features of the area, nor be of a scale, form and layout appropriate to the local context.

Whilst it is appreciated that some additional parking would be convenient for the business as some patrons do currently do park on the highway when visiting the establishment, given the level of harm identified the scale of the proposals is not considered justified and/or proportionate to the needs of the business that it would serve.

Whilst it is recognised that the available car parking adjacent to the pub is sometimes not sufficient to accommodate all the parking requirements of customersI and thereby forcing cars to park on the highway, there is no evidence to suggest that patrons won't continue to park on the highway closer to the establishment bearing in mind the distance between the proposed carpark and the premises. Also, the potentially hazardous walk between the carpark and the premises which is discussed further below.

To this end, any benefits associated with the development are at best very modest and are significantly outweighed by the harms as described.

The proposal fails to accord with Policies DP1, DP4 or DP7 of the Local Plan.

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

Whilst the visual amenity of the area will be harmed by the location of the development, there are no immediate neighbours or other land uses which might be adversely impacted

by the proposal especially that it's very unlikely that the carpark will be used other than on weekends.

The proposal is unlikely to have a significant impact on neighbouring land uses and accords with Policy DP7 of the LP.

### **Impact on Ecology:**

Suitable wildlife mitigation will be provided along with biodiversity enhancements which will establish themselves eventually. Subject to the imposition of the conditions requested by the Ecologist, no harm should come to protected wildlife or wildlife habitats and the scheme accords with Policies DP5 and DP6 of the LP.

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

The Holcombe Village Design Statement concludes - "Given that all the roads into Holcombe are unclassified, there is a surprisingly large amount of traffic through the village, as revealed by a traffic survey carried out in 2002. This consists of agricultural vehicles, quarry and cement lorries, delivery vehicles, school and public buses and private cars, many of which travel at speeds exceeding the 30mph limit. There is general concern in the village about any increase in volume and/or speed of this traffic. In some places there is a potentially lethal combination of traffic going too fast and no pavements."

Issues of highway and pedestrian safety were raised by the Highway Authority officer and the applicant has amended the scheme in an attempt to address these concerns.

Road record indicates that the potential encroachment of non-highway land equates to 860mm. It is acknowledged that the difference between the required splay and the achievable splay is relatively marginal and, in this instance, this would be considered acceptable.

Regarding the issue with the proposed pedestrian access, the applicant has stated that customers already park on the highway and walk to the premises due to the existing car park being oversubscribed and the proposal would alleviate this. Whilst it is acknowledged that there may be some existing pedestrian traffic on the highway, the proposal will encourage a significant intensification of this along an unlit highway with no pedestrian provision. It is also considered unlikely to discourage patrons to continue to park on the highway close to the premises.

Based on the information provided it is still considered the proposal does not demonstrate that safe and suitable access to the site can be achieved for all users of the highway in accordance with paragraph 110 of the NPPF. Therefore, the Highway Authority recommendation refusal of The application.

Policy DP9 – Transport impact of new development amongst other things, requires that new development avoid causing traffic or environmental problems within the wider transport network or generate any requirements for transport improvements which would harm the character of the locality.

In this regard the proposal will not only force patrons to navigate almost a 100m of unlit road with no footpath but require the removal of over 90m of established hedgerow. Therefore, creating traffic problems and harming the character of the locality contrary to Policy DP9 of the LP.

Policy DP10 – Parking of the LP, requires that vehicle parking proposed need to be appropriate to the operational needs of the development with the objective of reducing growth in the use of private vehicles and promoting alternative means of travel.

In this regard, planning permission for the premises has already been approved and it was considered that the level of parking approved met with both national and local plan policy.

Overall it is considered that the proposal therefore fails to accord with the sustainable aims of Policy DP10 of the LP.

### **Refuse Collection:**

N/A

### **Environmental Impact Assessment**

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

### **Equalities Act**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability,



gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **Conclusion and Planning Balance:**

Having regard for the above, the application is recommended for refusal as the cumulative impact of the proposal along with its location remote from the business which it seeks to serve, will have a significant impact on the character of the area and fails to demonstrate that safe and suitable access to the site can be achieved for all users of the highway. The development fails to accord with Policies CP1, CP4, DP1, DP4, DP7, DP9 or DP10 of the Local Plan, with any benefits brought by the proposal being outweighed by the harm as described.

### **Recommendation**

Refusal

1. The cumulative impact of all elements of the proposed development to include landscaping, access works and lighting will significantly alter the character and appearance of the open rural landscape in this location. Whilst the proposal will benefit the existing business, its scale is disproportionate to the operational needs of the business and therefore not of a scale appropriate to the location contrary to the provisions of Core Policies CP1 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). The benefits of the proposal are significantly outweighed by the harms as identified which fail to contribute positively to the maintenance or enhancement of local identity and distinctiveness, be compatible with natural or man-made features of the area being of a scale, form and layout inappropriate to the local context contrary to the provision of Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
2. The location of the proposed carpark isolated from the village and the premises it is intended to serve, will encourage a significant intensification of pedestrian use along an unlit highway with no pedestrian provision (footpath). The proposal fails to demonstrate that safe and suitable access to and from the site can be achieved for

all users of the highway in accordance with paragraph 110 of the NPPF and fails to accord with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

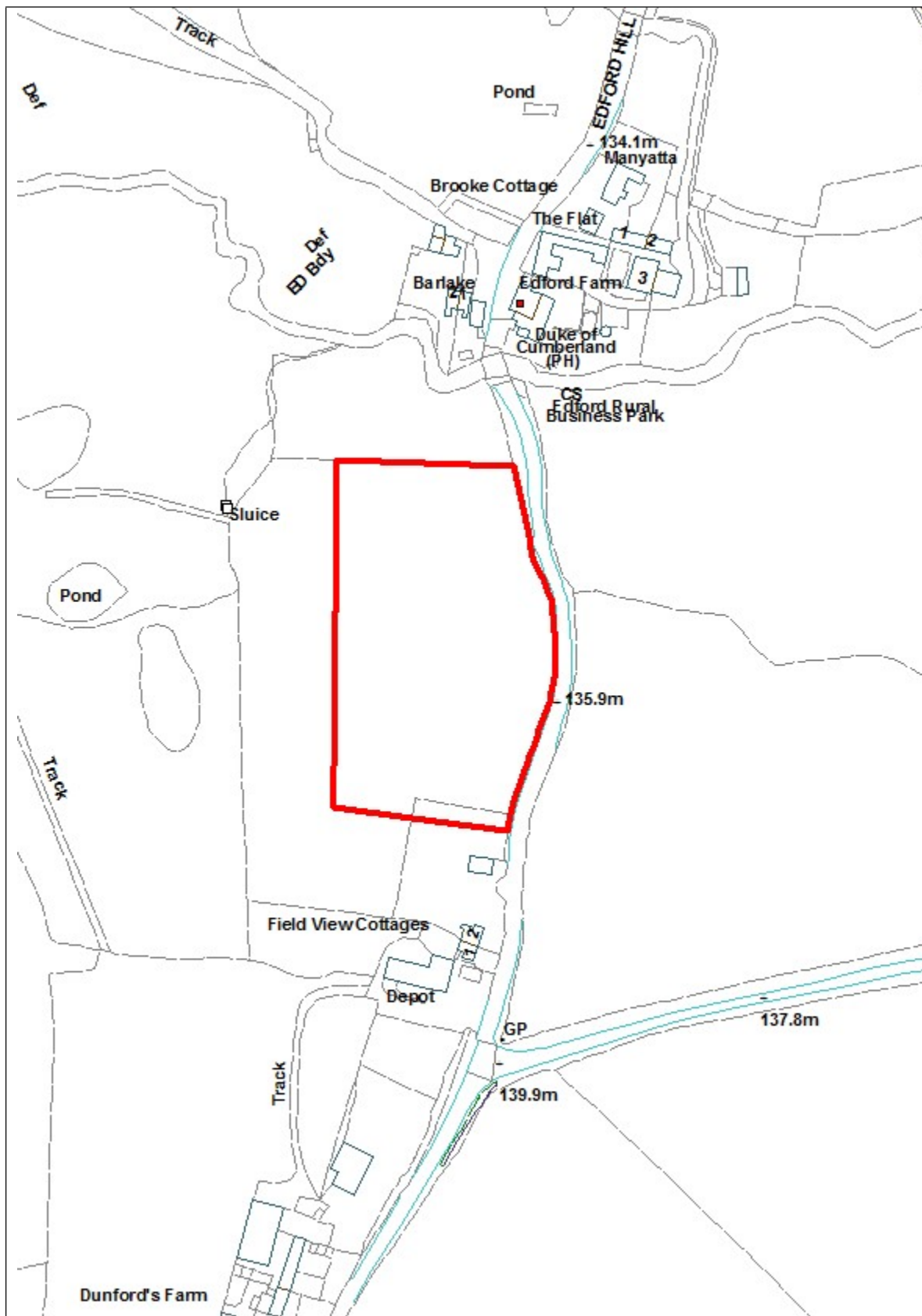
3. The scale of parking proposed (spaces) is demonstrably disproportionate to the operational needs of the premises and would encourage the growth in the use of private vehicles and fail to promote alternative means of travel as is required by Policy DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

## **Informatives**

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning 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 -  
PL4705/1, 2, 3B and 4B.  
SK-01, 02 and 03.



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Planning Board Report 5th December 2023  
Duke Of Cumberland Inn  
Edford Hill  
Holcombe  
Shepton Mallet  
Somerset  
BA3 5HQ

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Application Number	2023/0106/OUT
Case Officer	Carlton Langford
Site	Land At 374917 143839 Foghamshire Lane Trudoxhill Frome Somerset
Date Validated	31 January 2023
Applicant/ Organisation	Mr & Miss Mark & Anita Brass & Glover
Application Type	Outline Application
Proposal	Application for Outline Planning Permission with some matters reserved for Erection of 1no. single storey dwellinghouse with details of access/landscaping/layout/scale.
Division	Mendip Central And East Division
Parish	Trudoxhill Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

### **What 3 Words: spouting.goggle.weep**

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

The application has been referred to the Planning Committee as the recommendation to approve represents a departure from Local Plan Policy.

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

This application relates to land within the curtilage of Holmlea, a semi-detached property situated near the centre of the village of Trudoxhill. The site forms part of the garden to Holmlea and currently supports a double garage building.

The site has boundaries with residential properties to the southeast and southwest and the village hall and children's play area to the north. Access is achieved over a private lane off Froghamshire Lane which also serves Snowdrop Cottage, Village Hall and Play Ground, and access to agricultural land.

The site is within an area of high archaeological potential, a bat consultation area (Mells Valley) and a Public Right of Way which extends along the private access lane.

This application seeks outline planning permission for the erection of 1No. dwellinghouse with details of access, landscaping, layout and scale to be approved with the appearance

of the dwelling to be considered through the submission of an application for reserved matters.

The applicant has amended the scheme with the scale of development being reduced to a single storey dwelling unit which included a slight increase to the ground floor footprint (layout).

**Relevant History:**

No relevant planning history.

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

Ward Member: I find myself in full agreement with the comments of the Parish Council.

Parish Council: Recommend refusal –

The Council has concerns that the new dwelling, neighbouring the village hall has the potential to disrupt a vital community asset from functioning (noise)

Secondly the community worked hard for 25 years to create the village playground which would be bordered and severely overlooked by this new dwelling. Children access the playground by the lane and there are safety concerns from multiple angles.

Lastly, the new parking arrangements have 4 cars reversing out onto a lane where children play and regularly access the playground and there were multiple expressions of concern for their safety should this development continue as planned.

Revised scheme - Without any elevation or sketch details accompanying the updated submission; and with an increased footprint and similar bedroom count, the council could not confirm that the new design did anything to assuage previous concerns - there still exists a large possibility of damaging the operation and use of amenities core to the parish in the playground and the village hall. Similarly the parking arrangements continue to pose a safety hazard directly onto an access road used frequently by pedestrians and children. The council recommendation remains for refusal.

Highways Development Officer: Standing advice.

Rights of Way: No objections subject to the imposition of a standard advice note.

Archaeology: No objections.



Environmental Protection: No objections to this proposal except for the need for acoustic fencing along the boundary with the village hall and play area to be agreed through condition and to limit hours of construction operations through condition due to proximity of other residential properties.

Local Representations: 10 letters of objection have been received raising the following summarised issues:

- Overlooking of playground
- Overshadowing of playground
- Existing activities at the village hall and playground impacting on residents of proposed dwelling (noise)
- Existing use of the village hall and playground being prejudiced by the siting of the proposed dwelling.
- No accessible bus route.
- Limited village facilities (Pub, Village Hall and playground only)
- Highway safety, increased traffic.
- Child safety (cars reversing onto the private lane)
- Impact on heritage assets (Congregational Chapel)
- Construction traffic nuisance
- Loss of trees
- Excessive mass of building
- Flooding
- Greenfield site
- Loss of hedgerow (Ecological Harm)
- General inaccuracies with the plans and on the application forms.

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

### **Policies/Legislation:**

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 (Spatial Strategy)
- CP2 (Housing)
- CP4 (Sustainable Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendips Landscapes)
- DP5 (Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

## **Local Plan Part 2 – Emerging Policies**

None

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

- National Planning Policy Framework
- National Planning Practice Guidance
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- Somerset County Council Highways Development Control Standing Advice (June 2017)

## **Assessment of relevant issues:**

### **Principle of the Use:**

Trudoxhill is a small settlement situated within the open countryside and has no development limits. As such, development within the settlement should be strictly controlled and exceptions only permitted in line with the provisions of Policy CP4 of the Local Plan to meet specifically identified local needs within the community, which the development is not.

However, the spatial policies/ strategy of the Local Plan Part 1 (Policy CP1 and CP2) cannot be afforded weight in the decision-making process with regard to this application, as the

local planning authority cannot currently demonstrate a five-year supply of deliverable housing sites.

Therefore, the development has to be assessed against the criteria of Paragraph 11(d) of the National Planning Policy Framework (NPPF), which sets out a decision-taking framework that states. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, read together with its footnote 6; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 11(d) will be taken into account in determining this outline application, where the LPA will make an assessment as to whether any adverse impacts of the development would be significantly and demonstrably outweighed by the benefits associated with the proposal.

Trudoxhill is not a village identified in the adopted Local Plan as a sustainable location for growth, but there is a pub, a village hall, and a church. Although it cannot be considered that the application site is a truly sustainable location, there are some services and facilities which means that future occupiers along with the existing residents would have access to some services without having to rely on private vehicular travel. This aspect and others of the proposal will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

The application site forms part of the garden of Holmlea which wraps around the neighbouring property Snowdrop Cottage. The site has boundaries with the Village Hall, playground and an agricultural field to the north, Snowdrop Cottage to the southeast and residential properties to the southwest. Access is derived via a private lane off Froghamshire Lane and the site currently supports a double garage and off-street parking. The site is not isolated and represents a logical infill plot.

The proposal is to demolish the double garage and erect a single storey dwelling with a maximum ridge height of 6m. The layout will respect the existing building line along the private road established by Holmlea and Snowdrop Cottage.

Whilst the appearance of the dwelling is reserved, the siting, scale and layout of the dwelling will sit comfortably within the plot allowing a modest garden to the rear and off-street parking for up to 3 vehicles at the front.

Subject to restricting the height of the building and its appearance being considered under reserved matters, the development will be of a scale, mass, form and layout appropriate to the local context in accordance with policy DP7 of the Local Plan.

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

As a single storey development, the proposal raises no adverse amenity issues of overlooking or overshadowing.

Whilst the dwelling will have boundaries with the village hall and a children's playground, the Council's Environmental Protection Team have raised no objections to the proposal. The activities at the hall and playground have raised no noise disturbance complaints to date and the licensed opening hours at the hall do not extend after midnight except on new year (1am). However, it is thought necessary that to ensure existing amenity levels are maintained and not prejudiced between neighbouring uses, it is recommended that a 2m high acoustic fence be erected between the site and the hall.

It is also recommended that a condition be imposed which restrict construction hours on site in the interests of neighbouring amenity.

The proposal subject to the erection of acoustic fencing and limiting construction hours, will ensure the protection of the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants in accordance with Policies DP7 and DP8 of the Local Plan.

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

Access to the site as is the current situation, is derived off a private road leading from Froghamshire Lane and is acceptable in terms of highway safety and 3 off street parking spaces will be provided in accordance with the Countyside Parking Strategy. Holmlea will retain its existing off-street parking off Froghamshire Lane and the Public Right Of Way along the private lane will not be lost or obstructed by the proposal.

Whilst concerns have been raised regarding vehicles backing out onto the private land which might impact on users of the lane including pedestrians using the Right of Way, the access arrangement are existing and the proposed development will have no greater an adverse impact on road safety over or above that which currently exists.

The proposal raises no new highway safety concerns and adequate off-street parking provision has been demonstrated in accordance with Policies DP9 and DP10 of the Local Plan.

### **Waste and Refuse:**

Ample space on site for the storage of refuse and recycling bins.

### **Other Matters not already addressed:**

#### *Impact on heritage assets (Congregational Chapel)*

The application site shares no boundaries with the nearest heritage asset, the site/land has never had a historic association with any nearby heritage assets and there is a clear degree of separation between the site and nearby heritage assets. The views of nearby heritage assets glimpsing or otherwise from the surrounding area will not be compromised by the erection of a single storey building.

#### *Loss of trees*

None of the tree on site are protected or worthy of protection and the site is not within a Conservation Area.

#### *Flooding*

Land within flood zone 1 has a low probability of flooding from rivers and the sea and the council's records show a low risk from surface water flooding on or around the site.

The management of surface water on site will be dealt with under building regulations should planning permission be granted.

Foul drainage will be via an existing mains system.

#### *Greenfield site*

The site forms part of an existing domestic curtilage and therefore not a 'Greenfield' site.

#### *Loss of hedgerow (Ecological Harm)*

None of the site's hedgerow is protected under legislation being domestic hedgerow. However, it will be expected that the ecological protection, mitigation and enhancements within the Ecology Survey are implemented which can be achieved through condition.

## **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:**

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, 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 Framework taken as a whole. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal would include contributing a new dwellings, which would make some contribution to assisting the Council's shortage of housing land within the District as a whole, would have economic benefits for the duration of the construction phase and ongoing in supporting local facilities.

However, the amount of weight given to these benefits is limited by the fact that the proposal would be in an unsustainable location. However as set out in the technical assessment in this report following the revisions to the application scheme no demonstrable harm has been identified. The proposal is located within the heart of the settlement in amongst the existing built extent of the settlement. As such, it would appear as a logical small infill within the village.

As a proposed small bungalow property (appearance to be agreed) the proposal will relate to other similar developments in the immediate vicinity, the proposal raises no adverse amenity nor highway safety concerns and there are no other material considerations which might preclude development.

In the absence of any specific identified and demonstrable harm, and taking into account, the albeit limited benefits, a recommendation for approval is on balance considered justified.

## **Recommendation**

Approval

## **Conditions**

### **1. Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

### **2. Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### **3. Reserved Matters (Pre-commencement)**

Approval of the details of the (a) appearance of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4. **Parking (Pre-occupation)**

No occupation of the development shall commence until the parking spaces as shown on Drawing Number AL(1)02 REV B have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Acoustic Barrier/fence (Pre-occupation)**

No occupation of the dwellings hereby approved shall commence until the 2.0m high acoustic barrier/fence in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, has been constructed along the west boundary with the Village Hall. The barrier/fence shall thereafter be retained as approved.

Reason: To safeguard the amenities of the users of the dwellings hereby approved from noise disturbance and ensure neighbouring uses are not prejudiced in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Design type and maximum height (Compliance)**

The dwelling hereby approved shall be of a single storey design and appearance not exceeding a height of 2.5m to the eaves and 6m at the ridge.

Reason: To safeguard the residential amenities of occupiers of nearby properties in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Construction Hours (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: In the interests of protecting residential amenity in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Implementation of wildlife protection and enhancements (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations set out within the Ecology Appraisal (Nov 2022) to include any further surveys,



precautionary protection measures and biodiversity enhancements, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme 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).

9. **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 design.

No new external lighting, other than that shown on the approved plans, 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).

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

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no external alteration, extension or enlargement to the roofs of the dwelling hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area and to safeguard the residential amenity of neighbouring residents in accordance with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those

granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

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

## 12. **Plans List (Compliance)**

This decision relates to the following drawings:

AL(1)01 REV-B

AL(1)02 REV B

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

## **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.

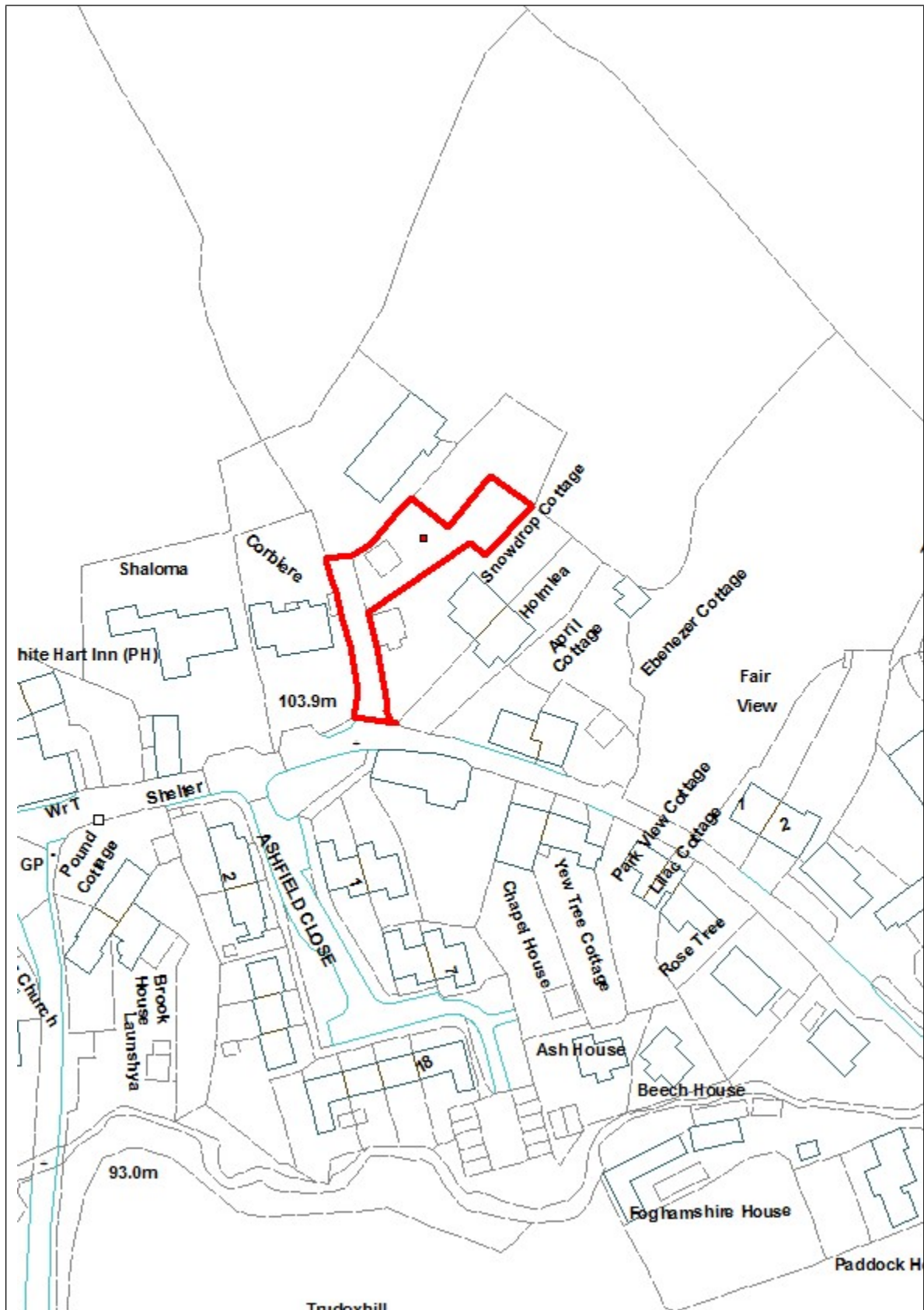
Please note all conditions should be read fully as these headings are intended as a guide only.

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. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
4. 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.
5. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.





Planning Board Report 5th December 2023  
Land At 374917 143839  
Foghamshire Lane  
Trudoxhill  
Frome  
Somerset

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Application Number	2023/1226/FUL
Case Officer	Carlton Langford
Site	Land At Manor Farm Church Street To Lower Lane Wanstrow Shepton Mallet Somerset
Date Validated	6 July 2023
Applicant/ Organisation	Messrs R A & G E Pole
Application Type	Full Application
Proposal	Demolition of existing agricultural buildings, removal of slurry pit, silage clamp, concrete hard standing and erection of 4no. detached dwellinghouses with associated access and agricultural access.
Division	Mendip Central And East Division
Parish	Wanstrow Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

## **Referral to Ward Member/Chair and Vice Chair:**

The application has been referred to the Planning Committee as the recommendation would be a departure from the development plan.

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

This application relates to land and buildings with an agricultural use situated to the west of the settlement of Wanstrow. The site has an existing access off Church Street and supports several modern agricultural buildings, hard standings, a slurry pit and silage clamp. The site is within an area of high archaeological potential and a bat consultation zone.

This application seeks full planning permission for the demolition of existing agricultural buildings, removal of slurry pit, silage clamp, concrete hard standing and erection of 4no. detached dwellinghouses with associated access and agricultural access.

Through the life of the application, there have been slight amendments to the scheme in relation to the access, access road and garaging.

## **Relevant History:**

No relevant applications relating to the application site itself.

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

Ward Member: No response received.

Parish Council: Wanstrow PC notes the Flood risk and Highways comments and seeks that all parties take note that the final approval should ensure that the perennial flooding after rainfall on the highway at the bend adjacent to the site is cured.

For Highways Planning reference, this issue is well known to County Highways maintenance via Mr AC Higgins who can advise in detail, and we request that Highways Planning specifically refer to an appropriate scheme of mitigation on this in the comments for the application.

Highways Development Officer: Following the submission of revised drawings and additional drainage details, the Highway authority raise no objections subject to the imposition of standard highway safety conditions as suggested.

Historic England: No comments have been provided

Conservation Officer: No comments have been provided

Ecology: No comments have been provided

Waste/Recycling: No objections based on the access road being built to an adoptable standard.

Archaeology: No objections.

Environmental Protection: No objections but due to the proximity of neighbouring residential properties a Construction Management Plan Condition will be necessary.

Contaminated Land: No objections other than to remind the applicant that due to the historical farming use of the site, a watching brief for potential hotspots of contamination through the construction process.

Local Representations: 1 letter of support received.

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



Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations strongly indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustainable rural communities
- DP1 – Local Identity and distinctiveness
- DP3 – Heritage Conservation
- DP4 – Mendip Landscapes
- DP6 – Bats
- DP7 – Design and Amenity
- DP8 – Environmental protection
- DP9 – Transport
- DP10 – Parking
- DP23 – Flooding.

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

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- Conservation Area Character Appraisals
- Somerset County Council Highways Development Control Standing Advice (June 2017)

**Assessment of relevant issues:**

**Principle of the Use:**

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.

As the site is located in the countryside, the proposal does not accord with the strategy for the delivery of new housing, as set out in the Local Plan. 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 DP12, 13, and 22), which do not apply in this case.

The Council 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 and CP2) do not carry 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.

Although Wanstrow is not a village identified in the adopted Local Plan as a sustainable location for growth there is a pub, garage, a village hall, and a church. Although it cannot be considered that the application site is a truly sustainable location, the aforementioned services and facilities means that any future occupiers along with the existing residents would have access to some services without having to rely on private vehicular travel. This aspect, the quantum of development as proposed (4 dwellings) and other aspects of the proposal will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

The application site is currently in agricultural use and the proposal is to redevelop the whole site. All buildings and structures will be demolished and removed from the site and 4 detached executive homes with detached garages/carports will be erected to include a new access road from Church Street, and a new agricultural access to serve the adjoining fields that will remain in agricultural use..

The houses will be constructed from natural stone under slate tiled roofs. The general character and appearance of the units will be in keeping with architectural styles found in the village and will relate well to the surrounding area.

The loss of the agricultural building will not adversely impact on the character of the area and the proposed dwellings by reason of their scale, mass, form and layout will be appropriate to the local context resulting in an enhancement to the immediate setting to include the nearby heritage assets as discussed below.

Overall, the proposal will contribute positively to the maintenance and enhancement of local identity within the street scene and wider landscape in accordance with Policies DP1, DP3, DP4 and DP7 of the Local Plan.

### **Impact on the Listed Building and their setting:**

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 195 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 194-204 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The site does not contain any listed buildings, nor is it located within any Conservation Area. In the vicinity of the site are a number of listed buildings which include -

- Manor Farmhouse Grade II\*
- Park House Grade II\*
- Banyards Grade II
- Melbury Grade II
- St Mary's Church Grade II\*

These buildings and the village church contribute significantly to their setting within Church Street. The application site is located very close to the Listed Buildings and it's appearance affects their setting.

The loss of these agricultural buildings together with the redevelopment of the site for 4 number dwellings of the design and appearance proposed will have no detrimental impact of the listed building or their setting. Rather, it is considered that there would be an improvement to significance of the setting of these listed buildings when viewed from near and/or afar.

Having regard to the above, no material harm to the designated heritage assets have been identified and therefore, having due regard to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) consent should be approved.

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

The layout of the scheme raises no adverse amenity issues of overlooking or overshadowing between the 4 new houses that are proposed. The loss of the farming activities on the site which are currently within close proximity to numerous residential properties, will no doubt improve the amenity of the area.

Overall it is considered that the application scheme will deliver a satisfactory environment in accordance with policies DP7 and DP8 of the LP.

### **Impact on Ecology:**

The application is accompanied by an ecological report. The report concludes that the site is predominantly developed, with modern buildings that are being used to rear cattle. The remainder of the site comprises small areas of tall herb/ruderal vegetation and scattered scrub.

There are also boundary hedgerows and a wet ditch.

The buildings have negligible suitability for roosting bats. Surrounding vegetation has suitability for nesting birds.

It is recommended that in the absence of any significant protected wildlife or wildlife habitats on site, a precautionary approach to development in relation to bats and nesting birds is ensured, provision is made for nesting birds, and all new external lighting be bat sensitive.

All the above recommendations can be secured through condition.

On this basis the application scheme accords with the provision of policies DP5 and DP6 of the Local Plan.

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

Access is derived off Church Street, a classified un-numbered highway subject to national speed limit (60mph) into a 20mph speed restriction adjacent to the point of access.

On reviewing the recorded PIC's (Personal Injury Collisions) for the last five years there are no incidents within 500m of the existing access.

The proposal seeks to alter the existing access to serve the new residential development, whilst a new agricultural access will be formed to the west of the site entrance to serve the ongoing agricultural use on neighbouring land (fields).

Additional information was requested regarding additional swept path drawings for the residential element and a swept path drawing for the agricultural access including a revised gate position to 12m within the site. The requested information was submitted demonstrating entry and exit for in both directions for a refuse vehicle and fire truck for the residential element.

A swept path drawing for the agricultural access was also received along with a revised access drawing to move the gate 12m back into the site in accordance with the advice given. The details submitted are considered to be acceptable.

A further issue was raised regarding the parking provision and the ability to turn within two of the plots, the garage opening widths and the boundary wall height adjacent to the boundary. Additional information was received, including drawing numbers 562.12E (Block Plan) and 562.29A (Carports), addressing all of the above issues.

Having regard for the additional information and revised drawings received, the proposed development raises no highway safety concerns and adequate parking in accordance with the Countywide Parking Strategy has been demonstrated (4 + spaces per dwelling).

The proposed development accords with the provisions of Policies DP9 and DP10 of the Local Plan.

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

The application is accompanied by a flood risk assessment with surface and foul water strategies which concludes that the proposed development has been assessed in line with the National Planning Policy Framework, to allow the planning application to be progressed

and to show that the development can be undertaken in an acceptable manner from a flood risk perspective.

The proposed development is located within Flood Zone 1 and is known to be susceptible to flooding from pluvial sources, which are mapped as being partly at low risk. However the site also experiences existing flooding from external sources in front of the entrance on Church Lane.

To ensure the development is safe throughout its lifetime, the surface water strategy accounts for runoff in up to the 1 in 100-year return period. The strategy also safeguards against climate change (45%), providing betterment over existing conditions, where the rate and volume of runoff would continue to increase due to climate change.

Infiltration drainage has been precluded due to the underlying ground conditions. Instead, runoff will be attenuated on site and discharged to the watercourse at the sites equivalent greenfield runoff rates achieving a betterment compared to existing site conditions.

Foul flows generated by the proposed development will be served by a new private network and a pumping station, tying into the existing Wessex Water foul sewer network located at the entrance of the site. The existing manhole will be used, as agreed with Wessex Water.

All on site drainage will remain private and will be designed in accordance with Building Regulations Part H and CIRIA C753 and will become the responsibility of the building operator.

Based in the information received, the development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment in accordance with Policies DP7, DP8 and DP23 of the Local Plan.

The Highway authority have also reviewed the submitted Flood Risk Assessment report and confirm that they raise no objection in principle to the proposed surface water management strategy presented therein as it relates to both the existing public highway fronting the application site or the proposed access road serving the development.

However, they have provided the following observations to assist any subsequent detailed design.

1. Reference is made in item 2.34 of a blocked highway drainage system in Lower Lane and proposals to address this problem. This is of course welcomed, and it is respectfully suggested this matter is best dealt with directly between the applicant and Area Highways Office [countyroads@somerset.gov.uk](mailto:countyroads@somerset.gov.uk).

2. The section of the new access road that falls within the footprint of the existing public highway should be constructed to a concrete asphalt specification and not permeable as is proposed for the remainder of the road.

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

Suitable sustainable building techniques have been built into the scheme.

### **Refuse Collection:**

Ample space within the curtilage of each dwelling to accommodate refuse bin stores accessible by bin lorries over an access road which will be built to an adoptable standard.

### **Environmental Impact Assessment**

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

### **Equalities Act**

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

### **Conclusion and Planning Balance:**

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining applications for new housing and which are out of date, 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 Framework taken as a whole. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal would include contributing 4 new dwellings, which would make some contribution to assisting the Council's shortage of housing land within the District as a whole. Further, the proposal would have economic benefits for the duration of

the construction phase and thereafter for local facilities to include the garage and public house.

The amount of weight given to these benefits has been limited by the fact that the proposal would be in an unsustainable location alongside a small settlement. However as set out in the technical assessment in this report following the revisions to the application scheme no demonstrable harm has been identified. The proposal is adjacent to the existing built extent of the settlement, with dwellings immediately adjacent to the site. As such, it would appear as a logical small extension to the village and would be seen against the backdrop of existing houses from many vantage points. It would not appear as an incongruous 'bolt-on' and/or visually remote from the settlement. Furthermore, the scheme is seen as an enhancement to the immediate setting both visually and in terms of amenity.

In the absence of any specific identified and demonstrable harm, and taking into account the limited benefits, a recommendation for approval is on balance considered justified.

## **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:

WANN\_01 (Site Plan)

WANN\_01 (Demolition Plan)

01-ATR-101 REV C

01-ATR-102 REV A

01-ATR-103 REV A

01-PHL-101 REV C

01-PHL-201 REV B



562.10C, 11, 12E, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29A, 31 and 32.  
FLOOD RISK ASSESSMENT (AWP 06/04/2023)  
Ecological Appraisal (09/03/2023)  
DEMOLITION STATEMENT  
Reason: To define the terms and extent of the permission.

3. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies DP3 and DP7 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 562.12E). 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).

5. **Visibility Splay - Residential access (Pre-occupation)**

No occupation of the development shall commence until the visibility splays shown on drawing number 01-PHL-101 Rev C 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).

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

Prior to the first use of the agricultural field access hereby approved, visibility splays

as shown on drawing number 01-PHL-201 Rev B shall have been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splays. 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. 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 agricultural field access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 12m 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).

**8. Residential Access Surface and drainage (Bespoke Trigger)**

No development of the residential access shall commence until details of the proposed road surface material and a surface water drainage scheme, at the residential access, have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed details prior to first occupation of the dwellings hereby approved and retained as such in perpetuity.

Reason: In the interests of highway safety and to ensure a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policies DP9 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**9. Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation shall commence until the approved vehicular accesses (both field access and residential) have been constructed with a bound and compacted surfacing material (not loose stone or gravel) for the first 6 metres of its length as measured from the edge of the adjoining carriageway, and drainage installed, all in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority. The accesses and drainage shall be retained as such thereafter.

Reason: To prevent loose material and surface water 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).

10. **EV Charging Points (Bespoke Trigger)**

The dwelling shall not be occupied until it is served by an electric vehicle charging point. Each charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

11. **Implementation of Wildlife Protection and Enhancements (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs where appropriate, implementation of the recommendations within the Ecological Appraisal (09/03/2023) for Wildlife Protection and Enhancement has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme 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).

12. **Provision for Swallows (Bespoke Trigger)**

Within 3 months of the commencement of development a scheme for provision for nesting swallows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full details of the provision of, for example, Schwegler 1SP and/or designs by Vivara, which are suitable for surface mounting or can be integrated into walls for a more aesthetic finish. Timber boxes are not suitable. The approved scheme will be implemented in full and retained thereafter.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and in accordance with Government policy for the maintenance of biodiversity as set out in the National Planning Policy Framework (170d).

13. **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 design.

No new external lighting, other than that shown on the approved plans, 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).

14. **Surface Water Drainage System (Pre-commencement)**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

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.

15. **Construction Management Plan (Pre-commencement)**

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) Measures to regulate the on-site routing of construction traffic;
- b) The importation of spoil and soil on site;
- c) The removal /disposal of materials from site, including soil and vegetation;
- d) The location and covering of stockpiles;
- e) Details of measures to prevent mud from vehicles leaving the site and must include wheelwashing facilities;
- f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;
- g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Code of practice for noise

and vibration

control on construction and open sites shall be used to minimise noise or vibration disturbance

from construction works;

h) A waste disposal policy (to include no burning on site);

i) Measures for controlling the use of site lighting whether required for safe working or for security

purposes;

j) Details of any site construction office, compound and ancillary facility buildings;

k) Specified on-site parking for vehicles associated with the construction works and the provision

made for access thereto;

l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how

complaints will be addressed, including an appropriate phone number.

m) Prevention of nuisance caused by radios, alarms, PA systems or raised voices

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.

## **Informatives**

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

2. **Condition Categories**

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

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

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved

development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

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

3. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.

Reference is made in item 2.34 of the Flood Risk Assessment report, ref. 1490 Rev. A dated 6th April 2023 of a blocked highway drainage system in Lower Lane and proposals to address this problem. This matter is to be addressed directly between the applicant and the Somerset Area Highways Office.  
countyroads@somerset.gov.uk.

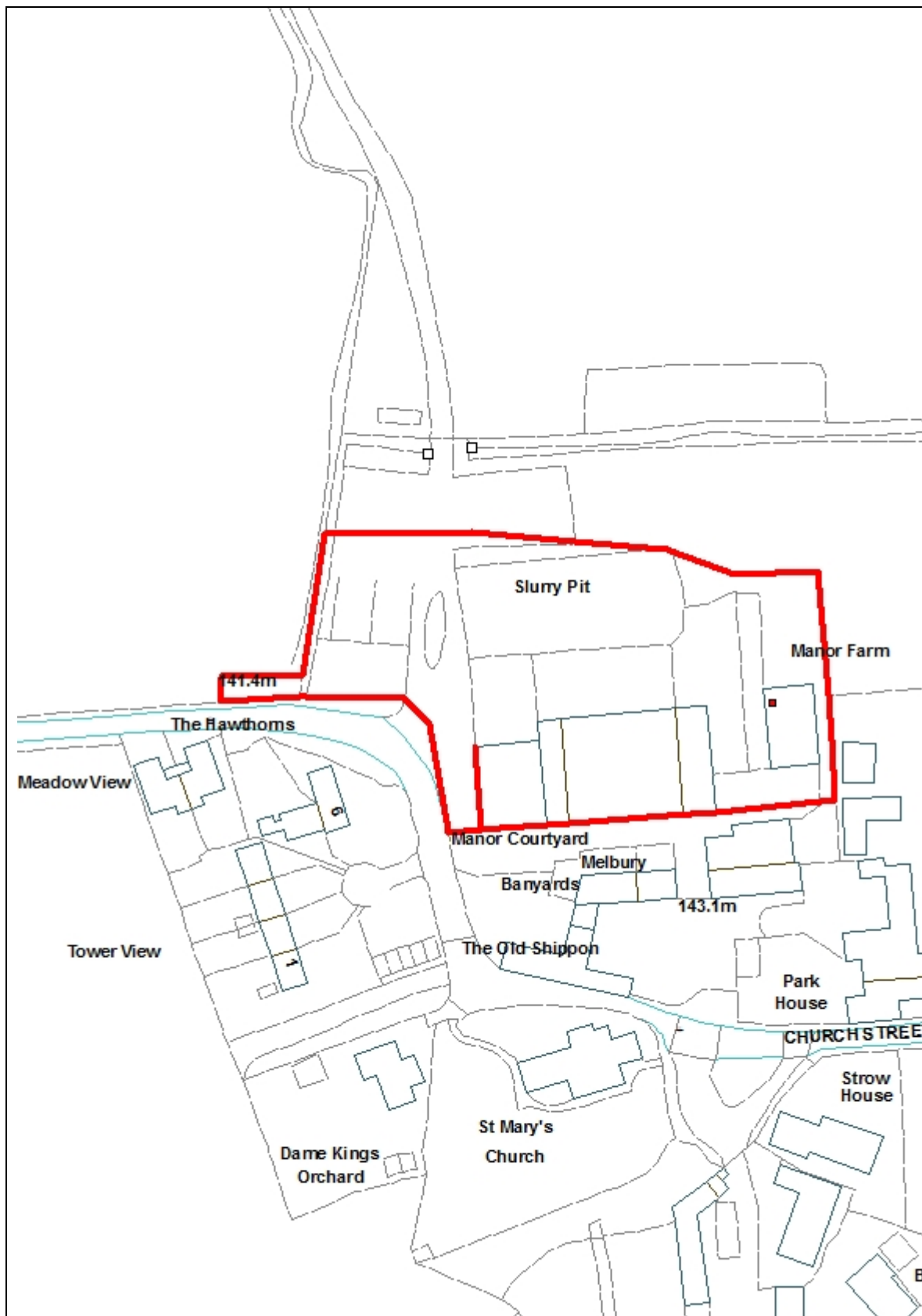
5. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you

must state precisely where on site any samples have been made available for viewing.

6. 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.
7. Due to historic farming activities on site, a watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.  
If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.
8. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.







Planning Board Report 5th December 2023  
Land At Manor Farm  
Church Street To Lower Lane  
Wanstrow  
Shepton Mallet  
Somerset  
BA4 4SU

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